

PLANNING COMMITTEE

Wednesday 26 November 2008

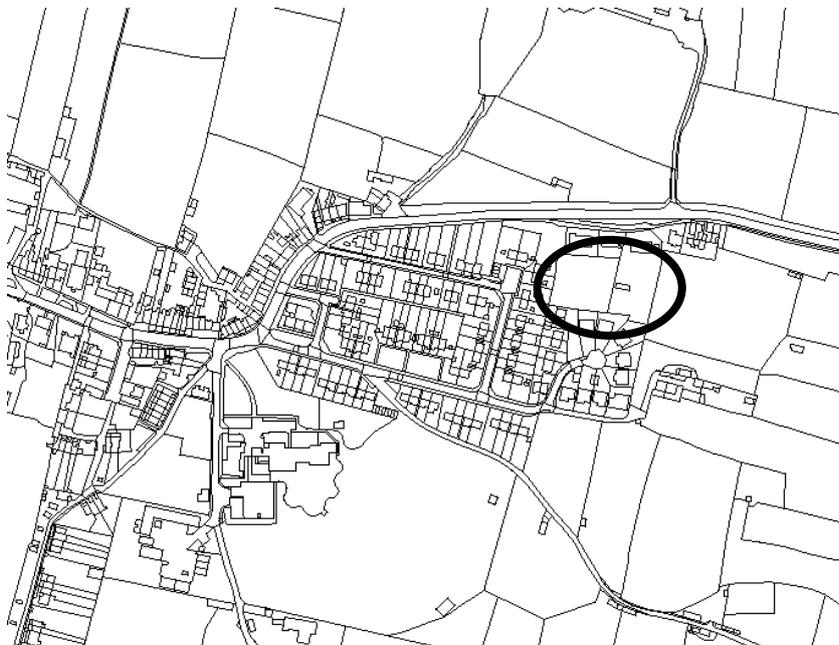
This application is reported to Members because of concerns from Middleton-in-Teesdale Parish Council and Councillor Richard Bell about the nature and scale of the development.

Case Officer - Matthew Gibson

MIDDLETON IN TEESDALE - 6/2008/0373/DM

Residential development consisting of 4no 3 bedroom & 6no 4 bedroom dwellings at Meadow Close, Middleton in Teesdale for Lakepage Ltd (9 September 2008).

THE SITE:



The application site is greenfield for planning purposes, and lies within the development limits of the village, but outside of the Middleton-in-Teesdale Conservation Area. It is bounded on three sides by existing housing of different types. Leekworth Gardens and Jubilee Place, an estate of semi-detached properties and a mixture of Council Housing and ex Council Housing is to the West of the site. To the North are three large bungalows. The land slopes steeply falling away from the bungalows which are adjacent to the B6278 Middleton to Barnard Castle road, down to the bungalows and semi detached houses that currently form Meadow Close.

The site is accessed by turning off the B6278 onto Leekworth Gardens shortly after entering Middleton-in-Teesdale. At the bottom of Leekworth Gardens the road sweeps to the left and becomes Meadow Close which is currently a cul-de-sac comprising of ten bungalows and six semi detached houses. The access to this site will be taken from the top of the existing access road which currently serves the semi-detached houses which have been constructed facing East to West on the slope of the hillside.

THE PROPOSAL:

Planning permission is sought for the erection of 10 no. dwellings on land adjacent to Meadow Close, Middleton in Teesdale. 3 no. units will be affordable housing.

PLANNING HISTORY:

2008/0205 – Previous application withdrawn due to Highway and Design Concerns

2005/0292 – Approval granted for amendment to plot 3 to include an attached private garage

2004/0145 – Permission granted for two dwellings and two private garages

2001/0061 – Permission refused for 2 detached dwellings.

1999/0181 – Permission was granted for one bungalow (amendment to plot 12) with an integral garage

1988/0129 – Approval granted for the erection of six houses and eight bungalows.

PLANNING POLICY:

GD1 General Development Criteria

H4 Small scale housing development on sites less than 0.4 Hectare

H12 High standards of design in new house and housing sites.

REPRESENTATIONS:

Statutory and Internal Consultees:

Middleton-in-Teesdale & Newbiggin Parish Council – Have the following concerns that were raised at the Parish meeting:

- Only justification for building on existing agricultural land would be to provide affordable starter homes for local young people.
- Concerns about the design of the larger houses. Look more like seaside villas than housing designed for a traditional dales village
- Concerns about parking and access along Leekworth Gardens which is already congested. Main access is dangerous next to the village school.
- Residents of Meadow Close believe there is an issue about adoption of the roads due to the steep nature of the site. Drainage could also be a problem and could lead to flooding of existing properties.
- There is no mention of linking the site to the bio-mass heating scheme which may be a missed opportunity.
- Given the downturn in the property market the developer may build houses they can't sell. It is therefore possible that existing residents in adjacent properties may have to suffer more years of disruption on top of the years already endured.

Environment Agency – Confirm no objections to the proposals. “There appears to be a number of small watercourses entering the site at the northern boundary, which strongly indicates that a culverted watercourse is present within the site itself”. Under the Land Drainage Act 1991, it is the responsibility of the landowner to maintain any culverted watercourse at the site. For maintenance the Agency suggest an informative relating to a buffer zone and the requirement to seek prior written consent of the EA should works be proposed to any culvert under the Land Drainage Act 1991.

County Highways – The included engineering details of the proposed road layout and cross sections through the proposed road now conforms to Durham County Council standards and has overcome the highway design issues from previous applications.

Concerns from residents have been received regarding potential access difficulties. Current highway guidance recommends that for any development over 100 dwellings (and up to 300) a second access should be provided. Leekworth Gardens currently serves approx 100 dwellings and from 43 Leekworth Gardens a second access exists, Jubilee Place. For this reason it would not be possible to object to the proposal on access grounds.

Suggestion of requirements which have been included for specific highways conditions.

Design and Conservation Officer – He states that it is “a potentially difficult site to develop both physically and visually”. The location and surrounding developments create an opportunity to develop either a landmark site or a re-enforcement of the rather mediocre and uncharacteristic surrounding modern housing. There is potential that a little artistry applied to the designs could result in a passable scheme. A number of amendments are suggested which have been discussed and incorporated into the revised scheme. These include the removal of the balconies and simplification of the elevations in the direction of a more traditional fabric. It is suggested that “a concentration on the detailing of the most important elements on a spacious backdrop could result in a scheme of buildings with a real focus and the possibility of an enhancement of the built environment of the immediate area”.

Public Responses:

A total of eight individual objectors submitted objections to this application. Some objectors submitted more than one objection and a summary of their specific points is included below. These are also addressed in the body of the report.

- Concerns about parking, access safety and for emergency services and the disruption to local residents.
- Possibility of 2 cars per household and service vehicles would lead to traffic issues.
- Further road safety concerns raised due to the number of families with young children on Leekworth Gardens.
- The length of time previous construction has taken is worrying and will lead to disruption, erosion and possible damage to nearby walls.
- Due to the levels the properties will overlook existing properties and privacy will be compromised. Completion of the site will be extremely intrusive and could considerably devalue properties.
- Possible culverts and a stream within the site could lead to further flooding of existing properties on Meadow Close.
- Also an existing field drain that runs through the site would be compromised by the development leading to flooding.
- Concern about sewage system's capacity to cope with development. School had issues with backup which were never solved.
- Questions about the details of the covenant and the wording in relation to past occurrences on the site.
- A number of possible omissions from the Design and Access Statement and application form were pointed out by an objector. (These have been explained individually).

- There are a number of existing sites with planning permission that have laid untouched possibly due to the lack of demand for this type of housing.
- The construction of properties on this site could cause subsidence to nearby properties.
- Severe congestion will be caused at the junction next to the nearby school if development is approved.
- The development goes against the Parish Council's view that the land should only be developed for properties at prices suitable for "first time buyers".
- How will the financial crisis affect the development with property prices plummeting monthly? Could lead to more disruption if development is lengthy.
- Insufficient ground exploration has been carried out and any that has been undertaken has not been disclosed. This is particularly relevant given the topography of the site.
- Neighbouring residents have not been consulted under the Party Wall Act about development happening adjacent to boundary walls.

The restriction of views is not a material planning consideration and distances for privacy and amenity have been discussed in the report. The site is not within the Middleton-in-Teesdale Conservation Area as has been suggested.

PLANNING CONSIDERATIONS:

Principle of development

Density

Affordable housing

Visual amenity/design

Residential amenity

Highways/access

Drainage and flood risk

Other issues raised by objectors

Principle of development

The application site lies within the development limits of Middleton-in-Teesdale and there is existing housing to three sides. It is therefore a location where new residential development would normally be deemed acceptable in principle, subject to compliance with other relevant planning policies.

The site is identified as being greenfield. New housing is normally directed towards previously developed land, which is the approach supported by policy. Policy H3 is a policy aimed at encouraging the redevelopment of previously developed land for housing in key settlements of which Middleton-in-Teesdale is one. Policy H3, however, does not discuss the incidents where the land is predominately greenfield and is within the development limits. In fact there is no policy which dictates the approach to such sites as this at Meadow Close. It is therefore important to assess the principle related to wider material considerations when considering justification for this particular site.

The Regional Spatial Strategy (RSS) should also be utilised in the formation of a recommendation, as this forms part of the development plan for the area in the absence of a Local Development Framework (LDF). Therefore, its provisions and policies are relevant to these proposals and shall be used as material planning considerations. Policy 1 of the RSS discusses the importance of sustainable development in the Region. This site is classed as greenfield, but the location of the site in relation to

schools, shops, services and public transport, within the settlement limits means that, on balance and giving due consideration to these issues, the site is sequentially preferable. RSS Policy 3 sets out the criteria for a sequential approach to development. For the purpose of this policy the proposed site falls within category 2 – Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes. The policy supports the development of these sites and enforces that sites should be “in locations that are, or will be, well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling”.

Policy 2 expands further on the requirement for development to be sustainable in terms of construction and location. Again, this site being within the settlement limits of Middleton-in-Teesdale and in close proximity to all services associated with a “Rural Service Centre” means that the objectives of the policy will be met. There will be a reduced need to travel by private car as access to services and public transport links are within walking distance.

In terms of the viability of the site when compared to other potential sites as identified within the Council’s Urban Capacity Study (UCS) and the Council’s draft 2008 Strategic Housing Land Availability Assessment, Meadow Close is identified as ‘suitable’. The SHLAA identifies 7 possible sites within Middleton-in-Teesdale all of which are greenfield. Four of these sites are considered suitable for housing, although this process is ongoing and only three of the suggested sites are within the settlement limits.

Density

It should be noted that application 6/2001/0061 for two dwellings on the site was refused in part for the reason that the proposed density was well below the 30 dwellings per hectare figure that was used at that time. This figure is now more flexible to allow for localised needs but the proposed 10 dwellings at a density of 25.6 dwellings per hectare would appear to be acceptable and the most viable yield for this site in this location, given its topography.

Affordable Housing

In response to the realised need for affordable housing within Teesdale and the lack of a robust policy framework to determine need and an approach to delivery, the Council produced a Draft Affordable Housing Supplementary Planning Document (SPD). This recognises a specific need in the more rural parts of the Dale. This site within Middleton-in-Teesdale falls within the threshold for a 30% requirement for affordable housing. Therefore, the developer proposes 3 of the 10 dwellings to be secured for affordable uses. The provision of these units in response to a recognised need adds further justification in the balance of suitability of the site. This approach is considered to comply with advice contained within Planning Policy Statement 3 – Housing (PPS3) and for this reason the proposals appear to be acceptable in principle.

Visual Amenity/design

The land to which the application relates occupies a position that is enclosed between a number of existing housing sites of different types and eras. It is presently used as a paddock to graze horses, but due to the steep topography the potential of the site for other uses is limited. Former local authority housing is located to the West of the site, bungalows and semi detached houses are to the South and South West and the site is

bounded by the gardens of a number of larger bungalows to the North of the site which is the top of the bank, above the site in terms of levels.

As the Council's Conservation and Design Officer has highlighted this site in terms of its position and topography is "a potentially difficult site to develop satisfactorily both physically and visually". The site is surrounded by what is described as "mediocre and uncharacteristically Middleton-in-Teesdale....modern housing". However, this is no justification to allow development which cannot make a positive contribution to the surrounding area in line with the provisions of Policy H12.

The layout of the site comprises of 8 detached dwellings and a pair of semi-detached dwellings. It is considered that this balance and layout provides the most efficient use of the site, whilst maintaining adequate levels of circulation space and distances between properties taking into account the site's topography.

The applicant has made numerous alterations since the site was first brought forward to achieve the latest design that is the subject of this application. The notable amendments include the removal of the front facing balconies, the reduction of rather bulky barge boards and the overall rebalancing of the features on each elevation. The proposed materials to be used to construct the dwellings will be similar to those used to construct the new dwellings that will lead up to this site for which permission has previously been granted. The use of stone, slate coloured concrete tiles and brown UPVC windows and doors are a sufficient quality of materials to meet the expectations within the attractive village setting. Subject to conditions, the design, materials and position of the dwellings are now considered acceptable in this setting and in accordance with policies GD1 and H12 of the Local Plan.

Residential Amenity

The proposed development has been designed to respect the privacy, outlook and amenity of existing neighbouring dwellings. Adequate separation is retained, taking into account the steep drop in levels. Between principal elevations of existing dwellings and proposed dwellings a minimum distance of approximately 21 metres (although this is in excess of 24 metres in respect of the majority of the dwellings) and between principal elevations and gables of new dwellings a minimum distance of approximately 14 metres has been achieved.

As pointed out in a number of the objections and because of the steep sloping nature and the potential for further impact this may cause on privacy and amenity for neighbouring residents, the properties that run from West to East have been incorporated into the slope of the hillside. The first floor at the front elevation is the ground floor to the rear, meaning the roof level is much lower. The significant drop in levels across the site combined with the positioning of the plots will prevent any significant loss of amenity afforded to the residents of surrounding properties.

For the above reasons, the development complies with Policy GD1 of the TDLP.

Highways/Access

Again, due to the complex topography of the site, the access has been the subject of lengthy discussions and a number of amended drawings in collaboration with the County Highways Authority. The previous application, 2008/0205 was partly withdrawn for this very reason pending required revisions to the design of the access. A number of objections were received also concentrating on this issue which can be broken down

into two parts. Firstly, there is the access issue in terms of the constraints of Leekworth Gardens and secondly, the detail of the access road designs within the site to comply with regulations and to be suitable for adoption. The County Highways Officer has been at the centre of a number of discussions with concerned residents regarding this issue and has clarified the position of the Highways department in relation to both of the points of contention as described.

Leekworth Gardens currently serves approximately 100 dwellings. The stretch of road from number 43 Leekworth Gardens to Meadow Close is a cul-de-sac. From this point an alternative access, via Jubilee Place, is available. Current highway guidance recommends that for any development over 100 dwellings (and up to 300) a second access should be provided. As a second access exists, the addition of 10 dwellings using the existing access roads is acceptable.

The applicant has extensively revised the road layout to the site in consultation with the County Highways Engineers and these plans have been submitted as part of this application. From the outset the nature of this site meant that a unique and complex road layout would be required to both make the site viable and to comply with relevant Highways requirements. This has now been achieved with the insertion of a number of retaining walls and the subsequent removal and re-grading of the site to make way for suitable roads. Therefore, the layout and gradients shown on the submitted engineering drawings for the new access roads will be acceptable. Due to specific concerns from residents about the structural impacts of road construction on the site it was suggested that a Method Statement be submitted to accompany the application. This Method Statement will be the subject of a specific condition to ensure the retaining walls and road are constructed with the minimum of impact on nearby properties.

The retaining walls will be constructed in accordance with recommended specifications and to reduce the impact will be faced in random stone in keeping with the construction materials of nearby properties and the proposed houses on the application site. To prevent further issues for nearby residents, the construction of the road system will also be conditioned to be completed prior to the habitation of any of the dwellings.

The Highways Officer has also suggested a number of further Highways conditions which reflect both the site specific issues and concerns of residents. These conditions have been included.

Drainage and flood risk

Concerns were received from nearby residents about the possibility of culverted watercourses within the site and the possibility of flooding. The Environment Agency was consulted and responded stating that “there appears to be a number of small watercourses entering the site at the northern boundary, which strongly indicates that a culverted watercourse is present within the site itself.” Under the Land Drainage Act 1991, it is the responsibility of the landowner to maintain any culverted watercourse at the site. For maintenance the Agency suggested an informative relating to a buffer zone and the requirement to seek prior written consent of the EA should works be proposed to any culvert under the Land Drainage Act 1991. These have been included in the schedule of conditions and informatives.

Northumbrian Water were also consulted on the application and responded with no objections to the proposal.

Other issues raised by objectors

A number of further issues were included in letters of objection submitted by members of the public, which do not represent material planning considerations. The restriction or loss of a view and the possible devaluation of a property are not objections that can be afforded any weight in the decision making process. Also, objections relating to the current state of financial and housing markets are not considered material to the planning process.

PLAN Nos AND DATE RECEIVED:

183/00 – Site location plan (11/9/08)
183/01/G – Proposed site layout (11/9/08)
183/03/E – Site sections (13/11/08)
183/05/C – House type A (13/11/08)
183/06 – House type B (11/9/08)
183/07/B – House type C (13/11/08)
3715M/01 – Engineering layout (11/9/08)
3715M/02 – Longitudinal sections (11/9/08)
3715M/03 – Retaining Wall (11/9/08)
3715M/101 – Road and drainage construction (11/9/08)
Letter DS/LS/3715m – Method Statement dated 7 November 2008

RECOMMENDED: That planning permission be granted subject to conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority.

To ensure the development is carried out in complete accordance with the approved plans.

3. The development shall not commence until the Local Planning Authority has approved in writing the details of arrangements for the provision of affordable housing by the developer as part of the development and such arrangements shall address and contain the following matters:

- a) the delineation of the area or those areas of land upon which 3 units of affordable housing will be provided;
- b) the type and nature of the affordable housing provision to be made as part of the development;
- c) the arrangements the developer shall make to ensure such provision is affordable for both initial and subsequent occupiers; and

d) the occupancy criteria the developer shall adopt for determining the identity of prospective and subsequent occupiers of such affordable housing and the means by which such occupancy criteria shall be enforced.

To ensure the provision of affordable housing in accordance with National Policy, and Policy H14 of the Teesdale District Local Plan 2002.

4. Prior to the commencement of development a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include schedule of works with expected timescales for commencement and completion of each dwelling on the site. The schedule shall also include that no dwellings approved by this permission shall be occupied until the 3 no. affordable dwellings referred to in condition 3 have been constructed and are available for occupation in accordance with the details provided in respect of that condition. The access shall be constructed in accordance with the information as submitted in accordance with Conditions 5, 6, 7 and 8.

To ensure the delivery of the affordable housing units within a reasonable timescale in accordance with Policy H14 of the Teesdale District Local Plan 2002.

5. No new dwellings shall be constructed until the estate roads have been constructed to base course level and the retaining wall has been constructed in accordance with the submitted Method Statement dated 7 November 2008.

In the interests of highway safety

6. The proposed estate road must be designed and constructed to meet current highway design standards. No development shall commence until plans showing full engineering details of the proposed estate roads have been submitted to and approved by the Local Planning Authority.

In the interests of highway safety.

7. Details of the proposed site levels adjacent to the existing properties, particularly around 7 Meadow Close; together with full engineering details of any retaining walls adjacent to the highway must be submitted for technical approval prior to the commencement of any work on site.

In the interests of highway safety.

8. Prior to the commencement of development details must be submitted indicating the likely volumes of material to be removed from the site. This information, together with details of routeing, and any alternative temporary access, shall be submitted to and approved by the Local Planning Authority.

In the interests of highway safety.

9. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, & F of Part 1 and Classes A & C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended or any re-enactment thereof) none of the categories of development described therein shall be carried

out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.

In view of the location of the properties, and the desire to maintain the quality of design the Local Planning Authority wish to retain control over future developments, in accordance with Policies GD1 and H4 of the Local Plan 2002.

10. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved samples.

To protect the visual amenity of the surroundings and the character of the development in accordance with Policies GD1 and H12 of the Teesdale District Local Plan 2002.

11. Notwithstanding the information shown on the submitted application, no development shall commence until full details of the height, siting, appearance and construction of all means of enclosure to be erected on site have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details.

To protect the visual amenity of the surroundings and the character of the development in accordance with Policies GD1 and H12 of the Teesdale District Local Plan 2002.

12. Before the development hereby approved is commenced a scheme of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Soft landscape works shall include planting plans; written specifications (including where appropriate topsoil depths, cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate; implementation and establishment programme).

To enable the Local Planning Authority to retain control over the landscaping of the site and to secure a satisfactory form of development in the interests of visual amenity in accordance with Policies GD1 and H12 of the Teesdale District Local Plan 2002.