



Area Planning Committee (South and West)

Date Thursday 19 April 2012
Time 2.00 pm
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 22 March 2012 (Pages 1 - 8)
3. Applications to be determined
 - a) 7/2012/0027/DM - Unit 4 George Reynolds Industrial Estate, Shildon (Pages 9 - 22)
Change of use from warehouse to indoor soccer facility with associated facilities
 - b) 7/2012/0054/DM - Land West of Woodlea House, Horse Close Lane, Trimdon Colliery (Pages 23 - 30)
Outline application for the erection of a dormer bungalow (re-submission)
 - c) 3/2012/0101 - Land Off High Queen Street, Witton Park (Pages 31 - 40)
Erection of 2 no. detached bungalows
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
11 April 2012

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chair)

Councillor E Tomlinson (Vice-Chairman)

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins,
A Hoggood, E Paylor, G Richardson, J Shuttleworth, P Taylor,
R Todd, J Wilkinson, M Williams and R Yorke

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in the Council Chamber, Crook on **Thursday 22 March 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), J Blakey (substitute for D Boyes), D Burn, K Davidson, P Gittins, E Paylor, G Richardson, J Shuttleworth, R Todd and J Wilkinson

Apologies:

Apologies for absence were received from Councillor Malcolm Campbell, Councillor Amanda Hopgood, Councillor Paul Taylor and Councillor Mac Williams

Also Present:

J Byers (Development Control Manager), A Caines (Principal Planning Officer), C Cuskin (Solicitor - Planning & Development), A Inch (Principal Planning Officer) and A Glenwright (Highways Officer)

1 Declarations of Interest (if any)

There were no declarations of interest.

2 Minutes of the Meeting held on 16 February 2012

The minutes of the meeting held on 16 February 2012 were confirmed as a correct record and signed by the Chair.

3 Applications to be determined

**3a 3/2011/0178 - Crook Golf Club, Low Job's Hill, Crook
Erection of 1 no. wind turbine on 35m tower with overall height of
60.75m**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

Members having visited the site before the meeting and being familiar with the location and setting, A Caines, Principal Planning Officer gave a detailed presentation which included photographs of the site. He requested that, if Members were minded to approve the application, an additional condition be added to those in the report in relation to controlling the size of vehicles and access routes during construction.

Councillor E Murphy, one of the Divisional Members, addressed the Committee.

He had called the application to Committee because of the impact of the turbine on visual amenity and the view from the town. It was a matter of judgement as to the impact it would have, however it would be seen from the market place and he felt that it should not be.

He said that he had not been notified that the application was to be heard by the Committee, and expressed his concern that he had not received the report in sufficient time to study it in detail.

In his opinion many of the issues covered in the report required further explanation or investigation, as did a number of the recommended conditions. Wind farm operators had been taken to court in other areas of the country due to excessive noise generated and the Renewable Energy Foundation had found that noise from turbines could have a devastating affect on nearby residents. The solution to this problem was to increase separation distances. A noise issue at Barnard Castle was currently being investigated and this application should not be considered until the outcome of that case was known.

The turbine would be 3 times higher than the Angel of the North and nearly the height of Durham Cathedral. The area was riddled with mine workings which could affect the stability of the turbine and, of 400 members of the Golf Club, only one supported the proposal. There were other renewable energy solutions, and in this case there were issues which required further investigation and explanation and the application should be deferred until these matters had been resolved.

Mr Hall then addressed the Committee, objecting to the proposal. He explained that he was a local resident and that the turbine would affect the quality of life of residents. Due to the significance of the application the hundreds of people affected should have been informed.

The proposed turbine would be sited too close to residential properties; a House of Lords Bill to be heard in May 2012 would require a turbine in this location to be 1500m from homes, whereas this one will be only 387m. There had been a number of recorded accidents involving turbines, the main causes being fire and blade failure. Health implications caused by turbines had been proven, noise issues were prevalent at night and there was no bat survey despite there being a registered roost in the area.

Although the Club had made an offer of support to the sporting community of the district, Mr Hall felt that an offer of compensation to those affected would be more reasonable.

Approval of the application would set a precedent and of the 47 letters of support, many came from outside County Durham. Of 400 Club members, only 12% of members had responded to support the application.

The application was not required to meet the requirements of the County Durham Strategic Plan with regard to renewable energy and there was strong objection to

the proposal. The Committee should take these into account and refuse the application.

Mrs Hall then spoke to object to the application. She lived in South Terrace and house prices would be affected; her home was currently up for sale and she had had to declare the proposed turbine, losing potential buyers as a result. In other areas, the presence of a turbine had resulted in council tax discounts being applied which confirmed the devaluation of house prices. She therefore asked the Committee to refuse the application.

Mr Race addressed the Committee supporting the proposal. He had been chairman of the Golf Club for 15 years, and the Club was one of the oldest in the region. The Club had 400 members, and attracted a further 2000 users annually to play golf and 5000 per year to events such as weddings and christenings. Charities were supported by free use of the course and fund raising within the Club.

The Club had not set out to upset neighbours, but as a Community Amateur Sports Club, had a responsibility to ensure continuing success and viability. This was a once in a lifetime opportunity, and the site chosen was a suitable for a turbine. The electricity generated would be fed into the local grid and used by the people of Crook.

The Planners felt that the proposal complied with Policy, 11 jobs would be protected and he hoped the Committee would support the application.

In responding to issues raised by speakers the Principal Planning Officer confirmed that a condition was proposed to control noise, the noise data was based on scientific models, the turbine fell comfortably within the recommended distances from properties, the location was felt to be acceptable in terms of wildlife and ecology and the Coal Authority had offered no objection.

In considering the application some Members questioned the need for a turbine as County Durham's target for renewable energy had been exceeded. A number of Members felt that the turbine would be visually prominent, overbearing, too close to residential properties and built on land riddled with mine workings. There were also concerns over noise issues, with Councillor Shuttleworth citing an example of a turbine near his home which generated noise when wind speeds were high.

Other Members however noted that the application was for a single turbine, not a wind farm, and did not agree that it would have a detrimental impact. A number of other turbines featured around the area and there was a Government presumption in favour of this type of development. It was commented that the report covered all considerations in detail, and that it would be difficult to sustain a refusal of the application on appeal.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report, together with the following additional condition:

15. Prior to the commencement of development, a statement and plans showing the maximum length of loaded delivery vehicles and confirming the proposed access routes to the site including swept vehicle paths shall be submitted to and approved in writing by the Local Planning Authority. Thereafter delivery vehicles shall only access the site by the agreed route and in accordance with the agreed details.

Reason: In the interests of the highway safety to comply with Policies T1 and GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

**3b 6/2010/0208/DM - King's Head Cottage, Royal Oak, Heighington
Use of land and existing building for a mixed use of agriculture, plant hire and contracting business, including erection of new storage building and use of existing building for storage/workshop (part retrospective)**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch, Principal Planning Officer gave a detailed presentation which included photographs of the site. A plan showing the distribution of the Applicant's business contracts across North East England was also shown to the Committee.

Mr Norman addressed the Committee in objection to the application. He lived at Royal Oak and had been to many meetings over the years in relation to applications on this site. He explained that the site was greenbelt and residents were plagued with noise, with the site working 14 hours a day.

There had been many refusals for applications on the site, and now the Applicant wanted another large building, which would leave no room for vehicles to manoeuvre within the site. The Applicant had a number of snow clearing contracts with Durham County Council, who also had a depot a mile away and there was no reason why the Applicant's vehicles could not be kept there.

Mr Ryman then addressed the Committee, also in objection to the application. He felt that the planning history of the site was disgraceful, with a string of applications, refusals, appeals and enforcement, yet the business had carried on operating for over 10 years. There was a danger from slow moving JCBs accessing the A68, which was now the main route for ambulances travelling to Darlington Memorial Hospital and quite simply this was the wrong development in the wrong location and should not be allowed to continue any longer.

Mr Lavender, the Applicant's Agent, spoke in support of the application. He acknowledged that the site had a complex planning history, and the current application had been lodged in May 2010. The main issues in relation to the application were the affect on the appearance of the area and whether the use was sustainable.

The property had been designed to look like a traditional farm building, and the new building would allow obtrusive equipment to be stored under cover. There would be no detrimental impact on the area therefore as a result of the development.

Although staff did not visit the Royal Oak premises on a daily basis, it was centrally located in relation to the homes of the Applicant's employees. It made a contribution to the local economy and detailed analysis of the business showed it to be sustainable. He requested the Committee approve the application, but asked that condition no. 1 in the recommendation be amended to refer to Mr Butterfield *or* his dependents.

In responding to issues raised by speakers, the Principal Planning Officer confirmed that although there was a long planning history to the site, this application had taken into account previous reasons for refusal and looked to address them. The application was not for an intensification of use of the site, and although previous applications had been refused on highways grounds, on appeal an Inspector had found there to be no highway safety issue. The site was greenfield rather than green belt and the application turned on how the business operated and this was a personal permission for the Applicant and his family.

The Highways Officer (A Glenwright) confirmed that there was no objection on highway safety grounds, there having been only one accident nearby since 2002. There was however an objection due to the lack of public transport to the site, with only one bus service in early morning and one in the evening. The site was therefore not sustainable in transport terms.

In considering the application, Members referred to the suggested condition no. 1 which restricted use of the site to the Applicant and his family and dependents. It was commented that the business was a limited company and Members questioned whether the condition reflected this. Some felt that this aspect required further investigation, and it was suggested that approval of the application be delegated to Officers in consultation with the Chair and Vice-Chair if the Committee was minded to approve.

Other Members however felt that the application should be refused. There was a long planning history on the site, a lack of clarity in relation to the individual permission issue, and the site was unsustainable in highways terms.

It was noted however that the business supported 23 jobs in Teesdale, Evenwood and Barony Parish Council supported the proposal and the business had been sustainable for 25 years. Some Members therefore felt that the application should be approved.

In relation to condition 1, Members were advised that the application could be granted with it as written, or that the application could be delegated to Officers for determination once the matter had been resolved. Councillor Shuttleworth felt that wording the condition to allow use by the Applicant and his family, but not dependants, would resolve the matter appropriately.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report, except that condition no. 1 be amended to read:

‘The use hereby permitted shall be carried on only by Mr John Butterfield or his family and who are employed...’

3c 6/2011/0464/DM - West Gates Farm, Gilmonby, Barnard Castle Proposed shooting lodge with associated access and parking

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch, Principal Planning Officer, gave a detailed presentation which included photographs of the site.

Maria Ferguson, the Applicant’s agent, was in attendance, indicating that she would be pleased to answer any questions the Committee may have. In response to an enquiry in relation to employment, she confirmed that there would be jobs in the construction stage, and also for staff to cater for guests in the shooting lodge.

Members noted that the proposal would support rural tourism which would benefit the area.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.

3d 7/2012/0054/DM - Land West of Woodlea House, Horse Close Lane, Trimdon Colliery Outline application for the erection of a dormer bungalow (re- submission)

The Chair advised the Committee that this application had been withdrawn from the agenda.

3e 3/2012/0014 - The Surtees Hotel, Valley Terrace, Howden-Le-Wear Variation of condition 2 of planning permission 3/2010/0053 to relocate the property 2m to the rear

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

Members noted that the application was to allow the relocation of the property by 2 metres, due to an error in the original location plans, but the property was otherwise as had previously been approved.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report.

**3f 3/2012/0017 - 18 North Bondgate, Bishop Auckland
Change of Use of Ground and first Floor Flat from A1 to A2
(Accountants)**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

Members noted that no changes were proposed to the property, either internal or external, as part of the application.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.

**3g 3/2011/0506 - Land to the West of Crawleyside, Stanhope, Bishop Auckland
Erection of a timber chalet for holiday use**

Consideration was given to the report which had been submitted in relation to the above application, a copy of which had been circulated.

A Caines, Principal Planning Officer, gave a detailed presentation which included photographs of the site, and advised Members that there was an existing permission for touring caravans on an adjacent site.

In response to a question, Members were advised that a proposed condition would prevent use of the property as a permanent dwelling.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.

**3h 3/2011/0517 - Unit 18 Longfield Road, South Church Enterprise Park, Bishop Auckland
Outline application for second floor office extension to front of existing industrial unit, additional portal framed extension to rear of the existing building**

Consideration was given to the report submitted in relation to the above application, copies of which had been circulated and A Caines, Principal Planning Officer, gave a detailed presentation.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	7/2012/0027/DM
FULL APPLICATION DESCRIPTION:	Change of use from warehouse to indoor soccer facility with associated facilities
NAME OF APPLICANT:	Mr Alun Armstrong
ADDRESS:	Unit 4 George Reynolds Industrial Estate
ELECTORAL DIVISION:	Shildon
CASE OFFICER:	David Gibson, Planning Officer 03000 261057, david.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site is located within the George Reynolds Industrial Estate, which is situated on the southern edge of Shildon adjacent to the All Saints Industrial Estate to the north, and immediately to the east of the A6072 Bishop Auckland, Shildon, Darlington main road from which the estate is accessed. To the east and south of the estate boundaries, the surrounding land is in agricultural use. The industrial estate comprises some 9.4 hectares of land, of which around 5.1 hectares is developed, including the single warehouse building with associated car parking which is the subject of this application. The building is currently vacant and has been for a number of years.

Proposals

2. Planning permission is sought for the change of use the existing 3235sqm industrial warehouse building to an indoor soccer centre including some six individual pitches together with associated facilities of male and female changing areas, cafeteria, office and meeting space. The cafeteria, changing facilities and meeting rooms would utilise around 10% of the floorspace of the building. Minor external alterations are proposed to form a public entrance together with the insertion of windows.
3. The application is reported to committee as the proposal constitutes major development and represents a departure from the development plan.

PLANNING HISTORY

4. There is no relevant planning history for the application site.

PLANNING POLICY

NATIONAL POLICY

5. The Government has now published its *National Planning Policy Framework (NPPF)*, which replaces all *Planning Policy Statements and Guidance notes*. The Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. The Framework sets out the presumption in favour of sustainable development. In terms of implementation, the Framework sets out that for the 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases following this 12 months period due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. In particular it is of note that at paragraph 12, it is highlighted that the NPPF does not change the statutory status of the development plan as the starting point for decision making.
6. Of relevant to this particular proposal, is that, whilst PPS4: Planning for Sustainable Economic Growth, has been replaced by the NPPF, the Planning for Town Centres: Practice guidance on need, impact and the sequential approach has not been replaced. The guide explains an approach that LPAs could take to develop town centre strategies and identify appropriate sites; the role and scope of need and impact assessments and the methodologies that may be employed in carrying out such assessments and the key data inputs, and how to use these to help guide and inform policy and decision making.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

7. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
8. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste

treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:

9. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
10. *Policy 24 (Delivering Sustainable Communities)* sets out criteria for the assessment of land suitability of development having regard to locational factors and sustainability.
11. *Policy 27 (Out-of-Centre Leisure Developments)* states that new out-of-centre leisure developments need to be considered and justified through the sequential approach and locational strategy to ensure developments are of an appropriate scale in relation to nearby settlements, and should not make provision for new out-of-centre leisure developments unless there are demonstrable benefits that would contribute to the sustainable growth of the local economy.

LOCAL PLAN POLICY:

12. *Policy IB1 (Type of Industry and Business Areas)* states that the Council will normally approved development that maintain in appropriate locations a range of land available for industry and business.
13. *Policy IB2 (Designation of Type of Industrial Estate)* designates existing industrial estates as prestige business parks, general industrial areas or local industrial areas.
14. *Policy IB6 (Acceptable Uses in General Industrial Areas)* sets out that business, general industry and warehousing uses will normally be permitted in designated industrial areas, and that large food retail units will normally be refused, having regard to the purpose of the industrial area as set out under Policy IB1.
15. *Policy S1 (Promotion and Protection of the Role of Town Centres)* states that the role of the boroughs main town centres in Newton Aycliffe, Spennymoor, Ferryhill and Shildon as district shopping centres will be promoted and protected and will provide the aim locations for major retail developments.
16. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out several key principles for the layout and design of new developments.
17. *Policy D2 (Design for People)* requires developments to take account of personal safety and security of property, access needs of users and provision of appropriate facilities such as toilets, baby changing facilities, public seating etc.
18. *Policy D3 (Designed with pedestrians, cyclists, public transport)* aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
19. A number of other documents at a local level are considered relevant to the consideration of the proposals, and these include: County Durham Plan, Core

Strategy Issues and Options (2010); Core Strategy Policy Direction (2011); and, Durham Employment Land Review (2011).

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (<http://www2.sedgefield.gov.uk/planning/SBCindex.htm>)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Shildon Town Council* has no objections to the proposal.
21. *The Highway Authority* advises that the 53 car parking spaces proposed would be an acceptable level of on-site car parking provision to support the six proposed pitches and the full time equivalent staff that would be employed at the facility. In addition, it is noted that the site is relatively well served by public transport with bus stops on the C189 Redworth Road, some 250m from the site. No objection is raised to the proposals.

INTERNAL CONSULTEE RESPONSES:

22. *The Planning Policy Section* did not object to the principle of the development at the pre-application stage or the approval of a similar scheme recently, in Newton Aycliffe. It is noted that a sequential test that has been carried out identifying that no other alternative buildings / sites are currently available to meet the functional requirements of this particular proposal. Regarding local economy and health benefits the proposal would provide a service which appears to be poorly represented elsewhere across the town therefore potential benefits from the scheme are significant and similar town centre enterprises would not be impacted.

PUBLIC RESPONSES:

23. The application has been advertised by way of both press and site notices and by letter to surrounding industrial units. Three letters of objection have been received.
24. Paul Mulley, Chairman to Shildon AFC Supporters Club advises that the Scouts Memorial Field provides a playing field for the children of Shildon. A second similar scheme could impact on the one already in use. This could lead to a loss of tenants and loss of income.
25. Mrs L M Rowley, Hon. Secretary to the Trustees of the Shildon Scout Memorial Field advise that children already have the option of joining a number of local football clubs, and 5 a side facilities are already provided at numerous other sites in the area. The lack of footpaths in the area is highlighted and that accessing the development would be unsafe for pedestrians.
26. David Dent, Director of Shildon AFC Development Centre states that the development is a town centre use, and would be contrary to PPS4. The development will undermine

Shildon AFC Development Facility which currently has 80 children and is a cornerstone of the community. The development will impact on the vitality and viability of Shildon Town Centre. Access will be by car, and the choice of location is purely based on cost grounds.

APPLICANTS STATEMENT:

27. The planning application for the Soccer Centre at the George Reynolds Industrial Estate, Shildon, is the culmination of a 5 year project seeking to establish a quality facility in south-west Durham, promoted by well-established local businessmen who have a direct interest in and a commitment to the area, demonstrated by the substantial financial commitments they have already made. Prior to this application, they had identified suitable sites at Crook and Bishop Auckland but were not able to secure the premises, despite having already received planning permission for the Crook site. Thus they have already shown their commitment over a period of time, and importantly they have shown, from the locations identified, that they are not simply focusing on indoor football provision in one town, in this case Shildon, but provision for south-west Durham, and even a little beyond. At present, there is no facility in the south-west Durham area to the standard being proposed at Shildon, the nearest alternative being Soccerena at Durham, to which players and teams currently travel from places such as Stanhope and Barnard Castle, as well as Teesside.
28. It has been disappointing, therefore, to have learned of objections to the application made on what are felt to be parochial and protectionist grounds from organisations within Shildon itself, which see the proposal being in some way in competition with them rather than, as the applicant intends, complementary to these organisations. Indeed it is the hope of the applicant that football organisations in Shildon, including Shildon AFC, would make use of the high quality indoor football facilities, particularly during the winter months. The objections made strongly suggest that the proposed indoor facility, which will be surfaced with 3G (third generation) artificial grass, will undermine the good work carried out in Shildon in football development, but on the contrary, the proposal is intended to bring a high quality facility which is not threatened by inclement weather to various age groups of either gender, and it is to a standard which is above anything else on offer in the south-west Durham area. As an example of the variety of users, one club, Bishop Auckland St Marys, wish to use the proposed centre. This club has 18 boys teams, but also it has St Marys Angels, which has gone from one girls' team to now 4 teams, and increasing to 5 next season. These girls need a proper facility to cater for their needs in being able to play and train in high quality surroundings.
29. The applicant and his partners in this project have received a substantial number of letters and statements of support from players, clubs and organisations who believe in this project and the need for a high quality facility, and this support can be readily identified to Members of the Committee should they wish, and the geographical area they cover can be appreciated. At the other end of the spectrum, perhaps, are the initiatives coming from the Football Association, the Premier League and Football League to improve the standard of coaching and facilities nationwide, with, at the top end, the Elite Player Performance Plan starting in season 2012-13, which will seek to produce more home-grown players in the professional game. Such initiatives have a trickle down effect to all levels of the game, in that higher standards are promoted

down to grassroots level. This project is considered as a distinct asset towards promoting the high quality being sought by the football organisations. However, as a further linkage into the local communities, it is also intended that the soccer centre will develop links with schools and that the facility will be used by schools free of charge during the day when demand will be lower.

30. It is recognised that in the objections made to the application, there are issues raised which are of a genuine planning nature. Some of these suggest that a site which was intended for employment use should not accommodate a leisure facility, whilst it is also suggested that a sequential assessment should have been prepared regarding impact on the town centre of Shildon. In the latter case, that assessment was prepared and submitted, whilst it has also been recognised in the Council's own evidence gathering that given the overprovision of employment floorspace in the area, there would be no justification for denying permission on this basis. Indeed, since the submission of the application, new planning guidance has been issued by the Government in the form of the National Planning Policy Framework (NPPF), and this would support the comments made above on the reuse of employment floorspace, as this is a contributory factor to what is to be regarded as sustainable development. NPPF has also abolished PPS4 under which sequential assessments were required, but nevertheless the assessment undertaken concludes that the proposed site is appropriate. The new policy guidance explains that planning has economic, social and environmental roles, all of which are mutually dependent, and pursuing sustainable development includes improving conditions for leisure, which in turn reflects the goal in the document of promoting healthy communities. Overall, the aims and objectives of NPPF are seen as supportive of this application.
31. One practical point raised in objections to the application concerns the existing footpath links to the application site and how these could be improved. The applicant acknowledges this point, as it is part of the connectivity/ sustainability issues relating to the development. Although this matter has not been raised by the highways officer in his consultation response, should provision of a further footpath link be something which is felt to be desirable, the applicant would confirm to the Committee that a suitably worded condition could be appropriately attached to the permission should the Committee be inclined to grant permission. A similar requirement for the provision of bike racks at the application site would also be regarded as acceptable and appropriate.
32. This is a facility which is intended for the wider community of south-west Durham. It is intended to start in providing 3 full time and 6 part time jobs, but as it becomes more successful the numbers would rise to 10-12 jobs. It is a development which seeks to complement the current structure of soccer in the south-west Durham community and it is a soccer centre aimed at bringing better health, business and prosperity to the area, and getting children and adults into exercise, and out from in front of computers, play stations and televisions to enjoy exercise in a safe, friendly and high quality sports environment.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the schemes compliance with the national planning policy framework in terms of sequential site assessment and wider town centre impacts and the loss of employment land that would result, the sites sustainability, and whether there would be detriment to highway safety or neighbouring land uses.

Principle of development

34. As previously mentioned this planning application needs to be assessed against the provisions of the Development Plan and other 'material considerations'. In this instance, the Development Plan constitutes the Sedgefield Borough Council Local Plan and for the time being, the Regional Spatial Strategy for the North East. Other material planning considerations include the recently published National Planning Policy Framework (NPPF) and the practice guide accompanying the now replaced PPS4, Planning for Town Centres: Practice guidance on need, impact and the sequential approach.
35. Policy IB2(B) of the Local Plan identifies George Reynolds Industrial Estate as a general industrial estate. Local Plan Policy IB6 seeks to ensure that new development within George Reynolds Industrial Estate is within use classes B1, B2 and B8. The objective of general industrial estates is to support a wide range of industrial activities (B1, B2 and B8) and other activities are only generally permitted where they are clearly complementary to the main uses in terms of their size and functional relationship in providing a service to existing businesses and employees already on the estate. This proposal would result in the creation of a non Class B use within George Reynolds Industrial Estate, which has been designated in the Local Plan as a key employment area. The proposed leisure use is therefore a departure from the Local Plan.
36. However, more up-to-date development plan policy is contained within RSS, and Policy 27 in particular, which provides detailed criteria for the assessment of economic development proposals. It states that new out-of-centre leisure developments need to be considered and justified through the sequential approach and locational strategy to ensure developments are of an appropriate scale in relation to nearby settlements, and should not make provision for new out-of-centre leisure developments unless there are demonstrable benefits that would contribute to the sustainable growth of the local economy.
37. Such advice is reflected in the NPPFs approach to development in terms of the presumption in favour of sustainable development, and moreover, that at a policy level in particular, the long-term protection of sites allocated for employment uses should be avoided where there is no reasonable prospect of a site being used for that purpose.

Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The draft Employment Land Review recognised that there was an oversupply of industrial land in the area, and advises that the undeveloped part of the George Reynolds Industrial Estate be de-allocated. This comprises around 45% of the industrial estate.

Sequential assessment of other potential sites

38. The NPPF states that leisure facilities, as proposed in this case, are town centre uses, and that local planning authorities should apply a sequential test to planning application for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan .
39. A sequential test has been carried out by the applicant in support of this application with the catchment area being focused on sites near to Bishop Auckland, and where the applicants have previously sought to implement proposals for a soccer centre, but despite planning permission having been granted, have not come to fruition for reasons beyond the applicants control. In identifying the availability of the application site, the applicants have, in addition, given consideration to the availability of sites within Shildon town centre, however, in noting the tightly developed core of the town centre which is located very much to the north of the settlement, there are no opportunities for the development of a soccer centre as there are no vacant buildings of the scale required to accommodate the proposed use. In addition, it is highlighted that the town's main leisure attraction, Locomotion, is, like the application site, located towards the southern end of the settlement. The main focus of the sequential assessment has therefore been on in the town's industrial estates including Lambton Street Industrial Estate, Furnace Industrial Estate, Dabble Duck Industrial Estate, Hackworth Industrial Estate, Dale Road Industrial Estate, All Saints Industrial Estate, and George Reynolds Industrial Estate. In demonstrating flexibility in terms of scale and format, it is considered that with the exception of two sites within the George Reynolds Industrial Estate, there are no other large industrial units available that could accommodate the use proposed.
40. The NPPF also requires that in considering out of centre locations such as the application site, preference ought to be given to accessible sites that are well connected to the town centre. As highlighted above, the tightly developed town centre and its location on the northern edge of the settlement is such that good town centre connections are not easily achieved.
41. In these circumstances, it is considered that the sequential test undertaken has identified that there are no town centre or edge of town centre locations that could accommodate the proposed use, and similarly no other out of centre locations that would be more sequentially preferable, and accordingly the sequential test has been satisfied.

The effect of this proposal on the viability and vitality of surrounding Town Centres

42. Notwithstanding the conclusions reached above in respect of the sequential test, it is nonetheless considered that the preferred location for a development of this nature would be in a town centre where this would help support the range of existing retail and other town centre uses. Policy S1 of the Local Plan states that the role of the former boroughs main town centres, including Shildon, will be promoted and protected and that major retail and other town centre uses, such as the proposal, should be directed towards main town centres.
43. The NPPF requires that applications for main town centre uses that are not located within a centre and are not in accordance with an up-to-date development plan are accompanied by an impact assessment. Whilst no such assessment is provided with the application, it is considered that an assessment of the impacts can be made in line with NPPF criteria such that the scheme would not adversely impact investment in the town or its vitality and viability. In particular, it is of note that unlike out of town retailing which can undermine in centre trading, for example, the surrounding town centres do not currently offer a similar facility that this development would compete with. The closest facilities to this development are the Shildon Development Centre and the Sunnysdale Leisure Centre. The Shildon Development Centre focuses mainly on children's 5 a side and coaching whilst the Sunnysdale Leisure Centre does not provide the number of pitches that this application proposes.
44. It is therefore considered that the proposed development would be unlikely to have a demonstrable harmful effect on the vitality and viability of surrounding town centres that would justify refusal of the permission on these grounds. It is considered that the development would not pull trade from these town centres as the proposed users for this development would generally have to travel outside of the area to use a service such as this. It is therefore considered that in assessing the impacts of the development on surrounding town centre, that the scheme would not undermine their vitality and viability.
45. Across the county and further afield across the north east, these types of facilities are prevalent within industrial estates. Most recently a large 8,000sqm 5 a side development was approved on Newton Aycliffe Industrial Estate, "Soccarena" is located within the Dragonville Industrial Estate on the outskirts of Durham City, whilst "Soccer Sensations" is located within Bowesfield Industrial Estate outside of Stockton Town Centre and "Goals" is located on former railway sidings outside of Middlesbrough Town Centre.
46. Although this particular use is considered acceptable due to its specific circumstances, other uses within the D2 use class would not be considered acceptable. For this reason, a condition removing the permitted development rights for changes within the D2 use class is proposed in the event the application is approved. This will help to protect the vitality and viability of the town centre and will help with the broader regeneration aims of Durham County Council by removing the site owners ability to open such uses as a cinema, a bingo hall or skating rink outside of the town centre without specific justification.

Sustainability

47. Compared to a town centre location this site is considered to perform poorly in sustainability terms, however, it is noted that the site is relatively close to bus services which could offer sustainable transport options to staff or visitors travelling to and from the premises, however, it is acknowledged that the users are likely to be heavily reliant on the private car, particularly on evenings and weekends when the facilities are likely to be most heavily used, and when such bus services are less frequent.
48. The Government is seeking to reduce the need to travel, reduce the number of car journeys and to encourage the use of public transport and reduce the reliance on private car use. It is also a key aim of the Government to facilitate multipurpose journeys and to ensure that everyone has access to a range of facilities.
49. George Reynolds Industrial Estate employs a large number of people and it is envisaged that the proposed use could provide a valuable service for the people employed in the area or living within walking distance or a short car journey from the site who would otherwise have to go into the town centre on a lunch time or after work to play 5 a side football. This development would therefore reduce the number of car journeys.

Access and car parking

50. The application currently benefits from 20 car parking spaces and will provide an additional 33. The Highway Authority is satisfied that the existing road system can accommodate the anticipated traffic flows arising from a proposal of this type and that the proposed level of car parking provision is acceptable and as such, they raise no objection to the proposed use. The proposed development is therefore considered to fully accord with Policies D1 and D3 of the Local Plan.

Impact on neighbouring properties

51. Given the commercial nature of the surrounding sites and the activities proposed as part of the development it is not considered that the proposed scheme would result in any significant impacts on the amenity of the neighbouring occupants so as to justify a refusal of the application.

Objections

52. Three objections have been received from the local community. These objections mainly relate to the suitability of the development away from the town centre, the impact on the vitality and viability of the town centre and the impact the development would have on existing sporting facilities in the town, namely, the Shildon FC Development Centre and the Scouts Field football pitch.
53. The objections state that the opening up of the indoor 5 a side arena will take business away from their facilities which in the main provide football coaching for local children. The primary focus of the business will be groups of people organising weekly 5 a side games between themselves and weekly adult leagues. Children's football coaching will also be offered but this will mainly be in school holidays so will not be a

major part of the business model. In addition, the indoor nature of the facility will ensure its availability during winter months when outdoor pitches can't be used.

54. It is therefore considered that this development will bring something new to the area and will not directly compete with the existing uses within Shildon.

CONCLUSION

55. Whilst a town centre or edge of centre site would have been the preferred location for this leisure development the applicant's sequential assessment has not identified any suitable, available or viable alternative sites that would be capable of meeting the applicant's requirements. It is, therefore, considered that this proposal accords with guidance provided in the NPPF in terms of seeking alternative uses for employment allocated sites that are vacant. It is however, recognised that the scheme would depart from Policies IB2 and IB6 of the Local Plan.

56. The proposal would provide a range of leisure facilities which are not currently available to residents within this area, whilst creating 3 full time and 6 part time jobs. The potential employment opportunities would, of course, be welcome in order to assist with the economic regeneration of the area. As such, and noting the NPPFs presumption in favour of sustainable development, approval of the application is recommended subject to the imposition of appropriate planning conditions.

57. Although the scheme departs from the development plan, the level of floorspace involved is such that having regard to the requirements of the Town and Country Planning (Consultation) (Direction) England 2009, the application need not be referred to the Secretary of State.

RECOMMENDATION

That the application be **APPROVED** subject to the following planning conditions:

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

Reason: 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 permitted shall be carried out in accordance with the following approved plans:

1745 03A

1745 04

1745 05

Reason: For the avoidance of doubt and in the interests of good planning.

3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for an indoor football facility only and for no

other purpose, including any other activity within the same class of the schedule to that Order.

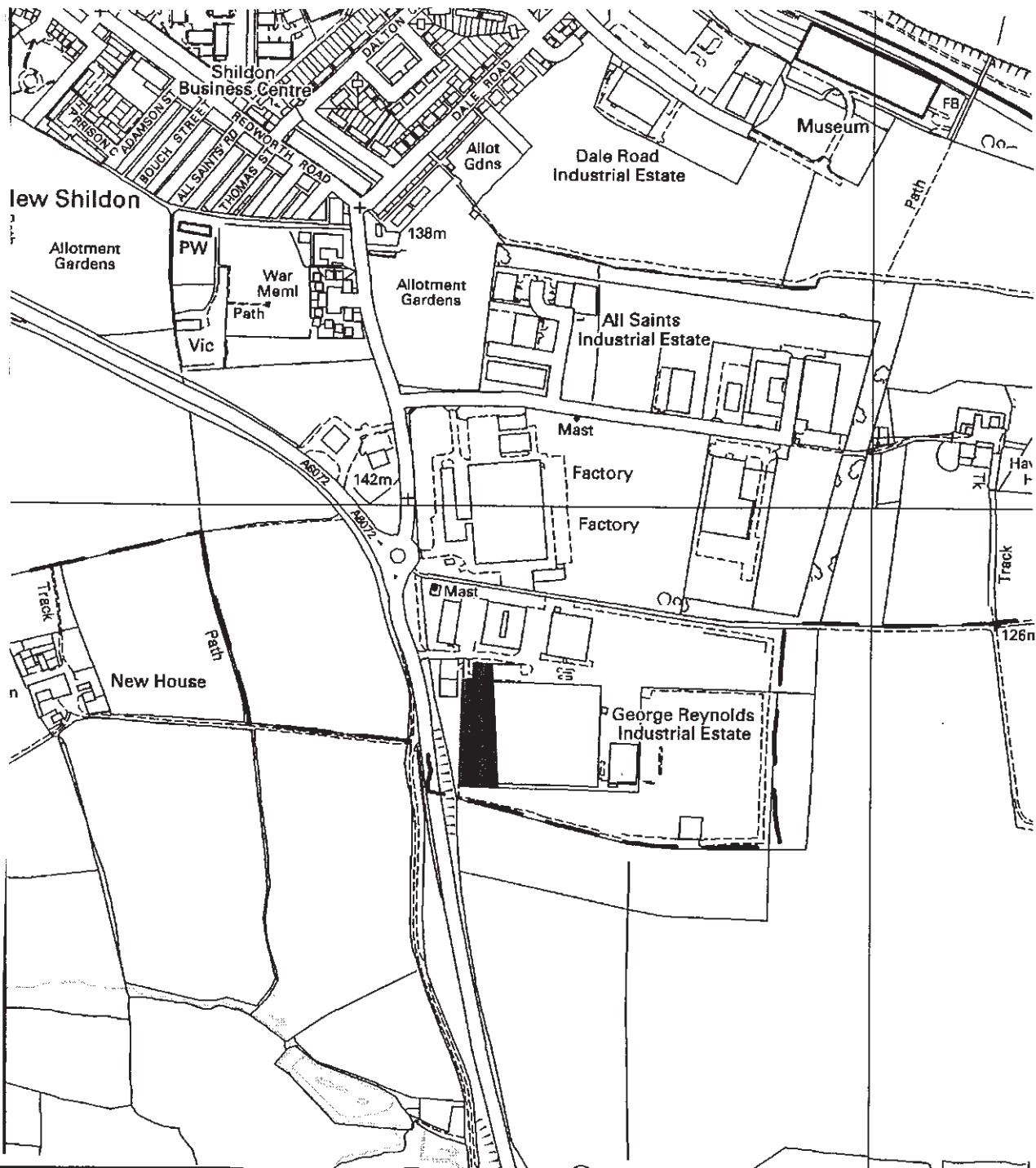
Reason: In order to preserve the vitality and viability of Shildon town centre in accordance with the National Planning Policy Framework and Policy S1 of the Sedgefield Borough Local Plan.


REASONS FOR THE RECOMMENDATION

1. The proposed change of use to a five-a-side football facility is considered to be acceptable having regard to the sequentially preferable location of the site, the limited overall impact on other centres that would arise and the employment opportunities created by the development. As such the proposals are considered to comply with of Policies S1, D1, D2 and D3 of the Sedgefield Borough Local Plan 1996 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), Policies 2, 24 and 27 of the North East of England Plan - Regional Spatial Strategy to 2021, and with the guidance contained in the National Planning Policy Framework.
2. In particular the development was considered acceptable having regard to the availability, suitability and viability of other alternative development opportunities within the identified catchment areas. Although a departure from Policies IB1, IB2 and IB6 of the Sedgefield Borough Local Plan on balance it is considered that the proposal represents an acceptable form of development due to the proven need to be situated in this location and to the employment benefits arising from this scheme which would involve the bringing back into use a vacant unit and would assist in the economic regeneration of the area.
3. Whilst it is noted that there are objections to the scheme on the basis of the introduction of a competing use to existing ones, this is not considered to be a reason for withholding planning permission for a development that is considered acceptable and where in any event, the specific nature of the proposed scheme is that it would not directly compete with existing sporting facilities.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and sequential test
- Sedgefield Borough Local Plan 1996
- Regional Spatial Strategy
- National Planning Policy Framework
- Responses from Shildon Town Council and Highway Authority
- Public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Change of use from warehouse to indoor soccer facility with associated facilities</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council Licence No. 100022202 2005</p>	<p>Unit 4 Reynolds George Reynolds Industrial Estate</p>	
	<p>Comments</p>	
	<p>Unit 4 Reynolds George Reynolds Industrial Estate</p>	<p>Scale 1:7000</p>
	<p>Sildon</p>	

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0054/DM
FULL APPLICATION DESCRIPTION:	Outline application for the erection of a dormer bungalow (resubmission)
NAME OF APPLICANT:	Mr Aitkin
ADDRESS:	Land west of Woodlea House, Horse Close Lane, Trimdon Colliery
ELECTORAL DIVISION:	Trimdon
CASE OFFICER:	David Gibson, Planning Officer 03000 261057, david.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site is located off Horse Close Lane and east of Woodlea House, Trimdon Colliery, and contains a range of dilapidated agricultural buildings and associated workshop. The site has two vehicular accesses of Horse Close Lane.
2. The site is located outside of the residential settlement framework for Trimdon Colliery, being 170 metres to the south of the southern boundary. The site overlooks undeveloped open countryside to the south and west of the site. To the east, across Horse Close Lane, is an area of residential development of some five dwellings and which is clearly physically separated from the remainder of Trimdon Colliery.

Proposals

3. Outline planning permission is sought to erect a detached dormer bungalow. Whilst all matters have been reserved, an indicative layout plan has been submitted showing the scale, height, length and width of the proposed dwelling.
4. The site plan shows a dwelling measure 15 metres in length, 9 metres wide and 6 metres high. It will be located approximately 30 metres away from the nearest dwelling to the west.
5. The application is referred to committee at the request of the Elected Ward Member, Councillor Brookes, who considers that the site is suitable for residential development, being in a sustainable location and where its redevelopment would enhance the appearance of the area.

PLANNING HISTORY

6. An outline application (7/2011/0513/DM) for the erection of a dormer bungalow was withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

7. The Government has now published its *National Planning Policy Framework (NPPF)*, which replaces all *Planning Policy Statements and Guidance notes*. The Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. The Framework sets out the presumption in favour of sustainable development. In terms of implementation, the Framework sets out that for the 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases following this 12 months period due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. In particular it is of note that at paragraph 12, it is highlighted that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

8. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
9. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
 10. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
 11. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
 12. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance the sustainable internal and external connectivity and accessibility of the North East.

13. *Policy 24 (Delivering sustainable communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

LOCAL PLAN POLICY:

14. *Policy H8 (Residential frameworks for larger villages)* states that housing development within the residential frameworks of larger villages will normally be approved providing that there is no conflict between other policies within the plan.
15. *Policy D1 (Principles for the Layout and Design of New Developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities, that where necessary satisfactory landscaping be incorporated in the design and layout of the site, that this accommodates the needs and users of the development and provides satisfactory and safe provision for pedestrians and the private car.
16. *Policy D3 (Design for access)* states that careful consideration should be given in the design of the development to the access requirements of pedestrians, cyclists, public transport, cars and other vehicles.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Trimdon Parish Council* has not commented on the application as the time of writing the report
18. Cllr Peter Brookes has provided a letter of support for the application on the grounds that all the buildings on the site are in a state of disrepair and unused, that the development would also re-generate and improve an untidy area of land and although the proposed development lies outside the residential framework of Trimdon Colliery by some 200 metres, there are other properties immediately North and East of the site. A new dwelling will consolidate an area which is already considered by local people to be residential in nature. The proposed site is also close to existing amenities, and Policy 4 of the RSS indicates that suitable sites adjoining areas, particularly those that involve the use of previously located land and buildings could be considered for development. Finally, this application can not be considered to be isolated or in the open countryside as houses are located immediately east and north of the site. In years gone by, this site was at the bottom of a terraced row of colliery houses known as 'coffee pot' by local people, with no gap in development as there is now.
19. *The Highway Authority* has objected to the development on the grounds of highway safety. This objection would be removed subject to a plan showing the access to the north being used.

INTERNAL CONSULTEE RESPONSES:

20. *The Ecology Section* has recommended that a condition be placed on any approval restricting when demolition can take place to avoid harm to nesting birds.

PUBLIC RESPONSES:

21. The application has been publicised by way of site notices and letters to individual surrounding occupiers, however, no objections have been received.

APPLICANTS STATEMENT:

22. A supporting statement has not been submitted by the applicant.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development and the impact new residential development would have on the character of the area, the impact on residential amenity, highway safety and ecological implications.

Principle of development

24. Adopted Sedgefield Borough Local Plan Policy H8 supports housing development within the residential framework of Trimdon Colliery providing there is no conflict with the provisions of the plans environmental, open space or design policies. Frameworks are defined on the proposals map, with residential development outside of this settlement boundary considered contrary to this adopted policy. The proposal is located approximately 200 metres to the south of the defined residential framework.
25. At a regional level, RSS Policy 4 outlines a sequential approach to the identification of land for residential development, with sites located within settlement boundaries favoured over Greenfield sites located outside of the settlement boundary.
26. At a national level, the recently published NPPF provides guidance on decision-taking and in particular, introduces a presumption in favour of sustainable development, but at its heart contains a number of core planning principles that should be adhered to. In particular this includes encouraging the effective use of land by reusing land that has been previously-developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
27. It has been suggested by a Local Elected Member that the development should be allowed as it is adjacent to existing houses. Whilst it is accepted that the proposed development is relatively close to other existing residential properties, these dwellings are located to the east of Horse Close Lane, while the proposed development would be the first of its kind to the west of Horse Close Lane, notwithstanding the site of the former Old Locomotive to the north. It is considered that if this development is accepted then it could lead to future ribbon development

along Horse Close Lane up towards the settlement boundary to the north significantly altering the character and appearance of the areas.

28. The application site is located outside of the residential settlement of Trimdon Grange, on what is considered to be a Greenfield site. The site consists of an area of former allotments and now demolished or former agricultural buildings. In accordance with the definition of previously-developed land, as set out at Annex 2 to the NPPF, land that is or has been occupied by agricultural buildings is excluded from the definition, and is therefore Greenfield, and the sites development for housing would therefore conflict with a key planning principle set out in the NPPF. The proposal if approved would therefore represent uncontrolled sporadic growth beyond an established settlement limit and on land that has not been previously-developed.
29. Local Plan Policy H8 aims to restrict all new housing to the defined residential framework of Trimdon. The purpose of this is to encourage the development of sustainable Brownfield sites surrounded by housing. The application site constitutes land that is not located within the residential framework of Trimdon Grange. The application site is therefore considered contrary to the provisions of adopted local plan policy H8, the sequential approach set out at RSS Policy 4 and guidance in the NPPF, which together seek to promote residential development in suitable locations which achieve sustainable development objectives whilst protecting against the erosion of rural areas caused by new development. The application site, being located outside of the defined residential framework and not in close proximity to shops and services is not considered to be in a sustainable location.
30. In these circumstances, the applicant has failed to demonstrate any robust need for an additional dwelling in this location, and as such, the principle of additional residential development in this location is not supported.
31. The site contains a number of dilapidated buildings and looks quite unsightly when driving from the south along Horse Close Lane towards Trimdon Colliery. It is accepted that a new well designed dwelling would result in the loss of the old dilapidated buildings and could improve the visual appearance of the area. However this does not justify new residential development in the open countryside. The upkeep of a site is the responsibility of the owner of the site and the lack of care for a site does not justify the building of a dwelling that otherwise would be contrary to policy. The Local Planning Authority has other powers to deal with untidy land under Section 215 of the Town and County Planning Act 1990, and if it was considered necessary in the interests of the amenity of the area, the appearance of the site could be improved using these powers.
32. It is felt that if a dwelling was approved on site using the justification that it would improve the appearance of an untidy area of land then it could lead to a precedent being set whereby owners of sites in the open countryside could leave their sites unmanaged and unsightly in the knowledge that they could build a house that would normally be contrary to policy.

Residential Amenity

33. Local Plan Policy D1 aims to protect the amenity of neighbouring properties. The proposed dwellings are situated over 25 metres away from the properties to the east. The indicative site plan shows a rear garden of over 10 metres in length and ample side and front gardens which will provide sufficient amenity space. Based on these separation distances it is considered that residential development on this site would

not have an adverse impact on the residential amenity of the neighbouring properties and it is considered that the scheme accords with Local Plan Policy D1 in this regard.

Highway Safety

34. Local Plan Policy D1 aims to ensure that a proposed development does not have an adverse impact on the highway network. Highway concerns have been raised with regards to the access to the south. Providing this is closed up and the access to the north is used then it would be considered to be acceptable from a highways perspective.
35. Subject to the modifications being made and satisfactory sight visibility splays being achieved it is considered that the scheme accords with Policy D1 of the Adopted Local Plan.

Ecology

36. The proposed development involves the demolition of a number of buildings within the site. The Ecology Section has assessed the scheme and has confirmed that the demolition of these buildings could pose a risk to nesting birds, and it is therefore considered that the demolition should not take place between March and August.

CONCLUSION

37. In conclusion, the application site is located outside of the residential settlement of Trimdon, on Greenfield land. Any approved development would therefore represent uncontrolled sporadic growth beyond an established settlement limit with the potential for creating ribbon development along the western side of Horse Close Lane.
38. The applicant has failed to demonstrate any justified need for a new dwelling in this location, which although is not entirely unsustainable in nature owing to its close proximity to the settlement, does constitute uncontrolled residential development in the countryside. It is argued that there are more suitable sites within the settlement which could support infill development rather than rely on new Greenfield sites beyond the settlement limits.
39. This application is therefore considered contrary to the presumption in favour of sustainable development provisions set out in the Government's recently published National Planning Policy Framework, RSS Policy 4 and Policy H8 of the local plan which together seek to promote residential development in suitable locations that achieve sustainable development objectives whilst preventing the erosion of rural areas by new development.

RECOMMENDATION

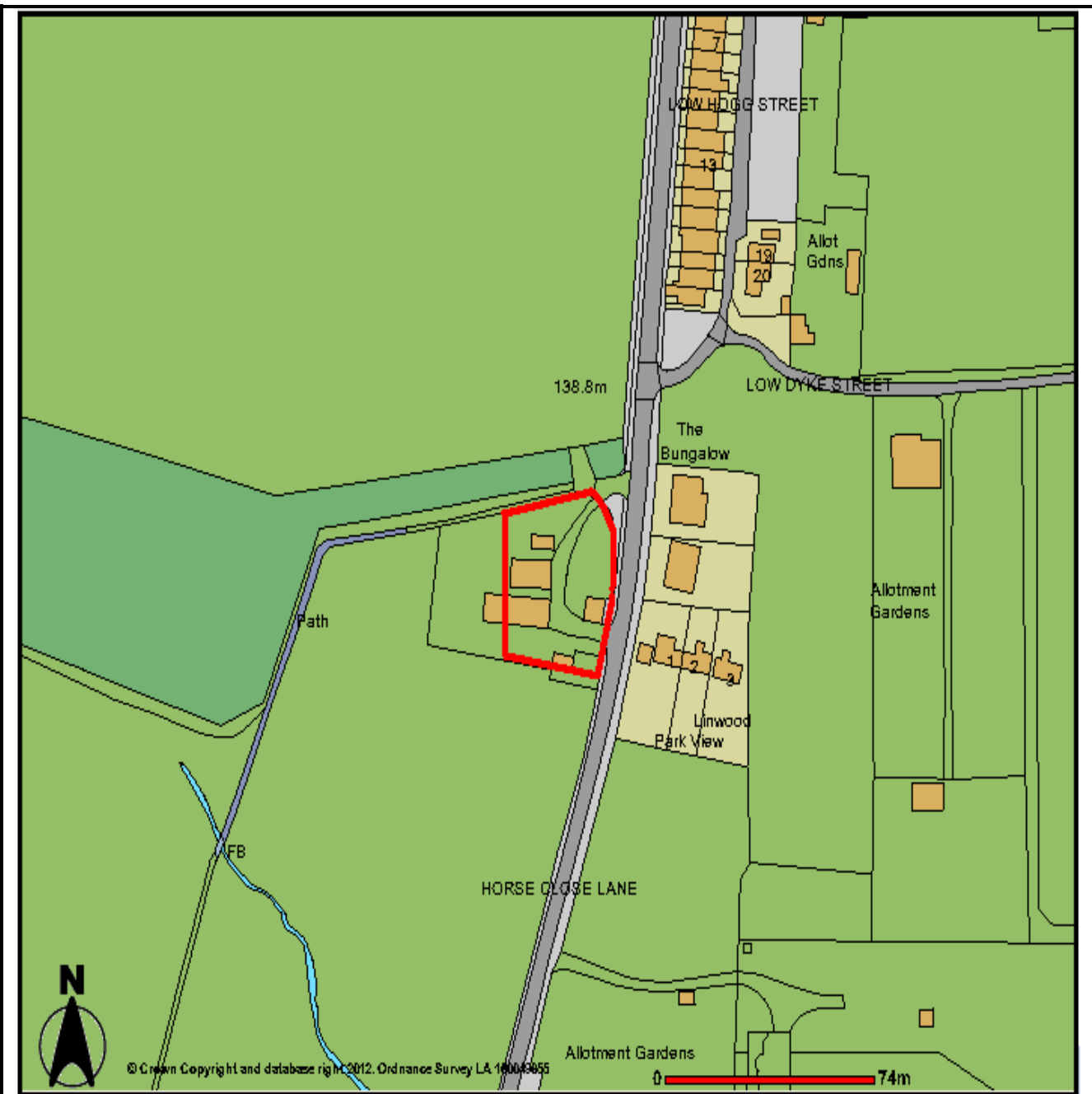
That the application be **REFUSED** for the following reason:

1. In the opinion of the Local Planning Authority, the proposed dwelling would constitute uncontrolled residential development on a Greenfield site in the open countryside, outside of any identified residential settlement boundary. The site location is considered to not therefore be in a sustainable location and the development of the site would lead to a loss of the rural character of the area and result in the sprawl of residential development to the western side of Horse Close Lane. The proposal is

therefore contrary to the provisions of adopted Policy H8 (*Residential frameworks for larger villages*) of the Sedgefield Borough Local Plan, RSS Policy 4 and guidance in the NPPF.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Design and Access Statement
- Sedgefield Borough Local Plan 1996
- Regional Spatial Strategy
- National Planning Policy Framework
- Responses from Elected Ward Member, Highway Authority and Ecology Section




Durham
County Council

Planning Services

Outline application for the erection of a dormer bungalow (resubmission) on land west of Woodlea House, Horse Close Lane, Trimdon Grange

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Comments

Date 22 March 2012

Scale 1:2000

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2012/0101
FULL APPLICATION DESCRIPTION:	Erection of 2no. detached bungalows
NAME OF APPLICANT:	Mrs L Robson
ADDRESS:	Land Off High Queen Street, Witton Park, Co. Durham
ELECTORAL DIVISION:	West Auckland
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000 263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site relates to an area of grassed land to the south of Witton Park Village Green. The 0.14 hectare plot appears to have had previous use as an allotment garden but it is currently undeveloped and unused. The site is essentially landlocked, although there is an unmade informal access over the village green.
2. To the north of the site, beyond the village green lie houses on High Queen Street, and to the west lie properties on Albion Terrace. To the south lies a further undeveloped area of land.

The proposal

1. The application seeks outline planning permission for the erection of 2no. detached bungalows on the site with approval of access and scale being sought at this stage Indicative plans indicate that the properties would be face north and feature a hipped design with bay windows.
2. The application is being reported to committee at the request of Councillor Turner to consider issues raised by recent changes to planning policy.

PLANNING HISTORY

3. Application 3/2012/0005 for an identical development on the site was submitted in January 2012, but was subsequently withdrawn.
4. To the south west of the application site lies an area of land which was the subject of an application in 2010 (3/2010/0548) for the erection of 31no. dwellings and a retail unit. Members were minded to approve the application, but no decision has been issued due to complications over land ownership and a related s.106 agreement, which are directly linked to this current application. The two application sites were

overlapping each other, but application 3/2010/0548 has recently been amended to exclude this application site and the amendments will need to be reconsidered.

PLANNING POLICY

National Policy:

5. *National Planning Policy Framework (NPPF)* – The recently published NPPF replaced the previous scheme of Planning Policy Guidance (PPG) Notes and Planning Policy Statements (PPS). The NPPF states that there is a presumption in favour of sustainable development, although proposals should accord with the relevant development plan unless material considerations indicate otherwise.

REGIONAL PLANNING POLICY

6. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
7. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are considered relevant;
8. *Policy 2 – Sustainable Development*
Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
9. *Policy 4 – The Sequential Approach to Development:*
A sequential approach should be adopted to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations. Locations should be selected in priority order. All 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.
10. *Policy 33 – Biodiversity and Geodiversity:*
Proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
11. *Policy 38 – Sustainable Construction:*
Planning proposals should:
 - a) ensure that the layout and design of new buildings and developments minimise energy consumption;

- b) encourage and promote opportunities for new developments to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes.
- c) encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption; and
- d) promote and secure greater use of local renewable energy in new development.

LOCAL PLAN POLICY:

12. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
13. *Policy GD1 General Development Criteria* – New development should be well designed, appropriate to the setting, not conflict with adjoining uses, have adequate drainage, be energy efficient, deter crime, protect and enhance the environment and biodiversity, not be within the floodplain, have safe vehicular access and adequate parking, not create levels of traffic that exceed the local road network, and be well linked to public transport, pedestrian and cycle networks.
14. *Policy H24 Residential Design Criteria* - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
15. *Policy H3 Distribution of Development* – Identifies the settlement limits of the towns and villages within which new development should be directed.
16. *Policy ENV1 Protection of the Countryside* – Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
17. *Policy T1 Highways General Policy* – Developments which generate additional traffic must provide adequate access, be accessible to public transport networks and not exceed the existing highway capacity.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgfield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Northumbrian Water* offers no objection to the scheme subject to a condition requiring the diversion of its equipment being attached to any permission.
19. The *County Highway Authority* object to the application stating that the land upon which the access is proposed to be taken is registered as Village Green. Therefore it would not be possible to upgrade the surface of the access route shown in the red line boundary, where it crosses Village Green land. In the absence of an upgrade to the

grass surface and an ability to do so by condition, the proposals would not provide an access of an acceptable standard to serve two new dwellings.

20. It is also pointed out that the 15m length of the highway adjacent to no.1 High Queen St linking the C93 public highway with the village green is unmade and unadopted and also unsuitable to serve additional dwellings without improvement.

INTERNAL CONSULTEE RESPONSES:

21. The *Spatial Policy* section have yet to formally comment on this particular application, but previously objected to the identical withdrawn scheme as the site is outside of the settlement limit, does not consolidate the existing built form of the settlement and has a tenuous access that crosses over land designated as informal open space.
22. The *County Ecologist* originally objected to the application as it was considered that an extended phase 1 botanical survey needed to be undertaken for the site, including an assessment of the likely risk of presence of any protected or priority species which may be impacted on by the proposals. However, since assessing the site further themselves, the County Ecologist is now satisfied that the likely risk of the presence of BAP or species is low and that there is no requirement to provide additional information. It is noted however that the mature tree in close proximity to the site be retained.

PUBLIC RESPONSES:

23. *Witton Park Village Green Committee* object to the proposal as it is their understanding that under law, no construction of any kind can take place on a Village Green.
24. At the time of writing 3no. letters of objection have been received from local residents raising concerns over the use of the Village Green for access, the potential that the creation of a more permanent access could lead to the Village Green being used by Travellers, the suitability of the access from High Queen Street onto the Village Green and that the settlement does not have the facilities for further residential properties.

APPLICANTS STATEMENT:

25. We understand that the Draft Planning Policy Framework notes that planning authorities should avoid, but not necessarily refuse applications for isolated sites unless there are special circumstances. The current application can not be considered to be isolated or in the open countryside as further houses have been approved immediately north of the site within the settlement of Witton Park
26. Applicants land deeds confirm they enjoy the right to use an existing road which crosses the current village green to terminate at the application site. We understand highways have not objected to the sites access.
27. We have been informed the proposed dwelling lies outside residential framework of Witton Park although part of the site recently received planning approval for residential development.
28. The erection of two additional bungalows will consolidate and round off an area of land already granted planning permission for 31 new dwellings.

29. We consider the proposal is sufficiently close to houses in High Queen Street and Albion Terrace to be considered suitable for development. The site is also close to existing amenities and is therefore sustainable in terms of day to day services.
30. On balance we feel the erection of two new single storey dwellings should be encouraged in what is considered by residents to be affordable dwellings needed in Witton Park.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Crook Civic Centre.

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the suitability and sustainability of site for housing, the access and its impact upon the Village Green, and design and amenity issues.

Suitability and Sustainability of the site for housing

32. Witton Park is a small former mining settlement located west of Bishop Auckland. In the 19th Century served Witton Park Colliery and Old Etherley Colliery. Consequently, the built form of the village was centred towards the north, closest to the Collieries and took the form of terraced housing. Later, residential properties developed in a linear form on Park Road and Main Street on the periphery of the settlement.
33. In the mid/late 1960s much of the terraced housing was demolished, leaving only High and Low Queen Streets remaining. The location of the previous terraced housing is now designated as Village Green.
34. Witton Park is therefore characterised by linear development along the three main streets, that form three sides of a rough square, with the southern side remaining largely undeveloped. This development pattern is reflected in the settlement boundary as defined in the Wear Valley District Local Plan that follows the current built area closely and purposefully excludes the centre of the "square" to prevent its infill, which would alter the character of the settlement significantly.
35. The application site is situated to the south of the High Queen Street and the Village Green and it lies outside of the defined settlement boundary. Although the site has, in the past been used as an allotment, this use appears to have ceased or at least become less intensive in recent years. With agricultural land to the south and east and the Village Green to the north, the site is currently surrounded by greenfield land, although regard is given to application 3/2010/0548 which proposes housing to the south.
36. Policy H3 of the Wear Valley District Local Plans states that residential development will be directed to those settlements best able to support it. It also states that the development limit distinguishes between land where development is acceptable in principle, and land which would be subject to countryside protection policies. Policy H3

does make provision for limited infill development, although it is considered that the current proposal would not represent such a form of development.

37. Policy H3 also seeks to prevent the extension of development into the open countryside and states that careful consideration should be given to the protection of the character and general environment of settlement groups and the countryside as a whole.
38. The application has been called to committee because of changes to national planning policy in the NPPF and the applicant has suggested that the changes to policy support this proposal. The National Planning Policy Framework in fact states that local planning authorities should avoid new isolated homes within the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside, or the exceptional quality or innovative nature of the design. It also states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. One of the core principles of the NPPF is also that local planning authorities should take account of the different roles and character of different areas, recognising the intrinsic beauty of the countryside. Specifically, in the case of housing in rural areas, development should enhance or maintain the vitality of rural communities.
39. Whilst it can be argued that the site is not isolated in the wider context, in terms of the policy the site is outside the development limits defined in Local Plan Policy H3. It is considered that Policy H3 demonstrates a relatively high level of consistency with the NPPF in this instance, in directing residential development wherever possible into existing, sustainable settlements and therefore significant weight should still be attached to it. In addition the application does not propose that the dwellings would be for rural workers and also does not put the proposal forward on the grounds of outstanding design. The proposal is therefore in conflict with the NPPF.
40. The applicant also contends that weight should be given to the decision of Members to support the scheme, immediately to the south of the application site which was also outside the settlement limits. However it is considered that there are significant material differences between that scheme and the one now proposed. The 2010 application for which planning permission has not yet been issued included affordable housing and also a retail unit, which would improve community facilities in the village. The current application is merely speculative and offers none of these benefits. The applicant's statement says the houses would be affordable however the dwellings would be open market housing, not delivered by a social landlord, and not secured by S106 agreement. Detached open market houses are unlikely to be affordable. The larger 2010 scheme would also be seen as a coherent development, whereas this proposal would not and would rather appear as two properties unrelated to the character of surrounding development.

Access across village green

41. At present the site is only accessible via an existing unmade track across the recently designated Village Green, that is currently spanned by a football goalpost, apparently installed to prevent access to Village Green by larger vehicles.
42. Policy T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that all proposals which generate additional traffic will need to provide adequate access to the development.

43. The applicant has stated that they have a right of access over this track and this is not disputed. However, the County Highways Authority have advised that in its current unmade state that the existing track is unsuitable to serve 2no. dwellings and would require upgrading in order to be considered acceptable.
44. In this context the provisions of the Commons Act 2006 should be noted. Section 38 of the Act states that “restricted works” shall not be carried out on designated Village Greens unless with the consent of the Secretary of State and that such works would include resurfacing using tarmac, coated roadstone or similar materials.
45. At the present time there is no consent from the Secretary of State for such works to be carried out and it is the position of the County Highways Authority that the development would only be acceptable in highway safety terms if an upgraded access were provided. Whilst this could usually be addressed by means of a suitable planning condition, it is considered that without the necessary consent from the Secretary of State, the applicant would not be in a position to carry out works that would otherwise be unlawful under separate legislation.
46. Furthermore, a number of statutes offer further protection to village greens. Section 29 of the Commons Act 1876 provides that “an encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green..... shall be deemed to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under s12 of the Inclosure Act 1857, he may be summarily convicted....”
47. Section 12 of the Inclosure Act 1857 provides that “if any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation” such person shall be liable to conviction.
48. It is considered that even if consent from the Secretary of State pursuant to section 38 of the Commons Act 2006 were forthcoming, the works to upgrade the access and the subsequent intensification in the use of the access would not be compatible with the use of the Village Green and the provisions of the Inclosure Act 1857 and the Commons Act 1876. Currently the track is informal and only occasionally used. As a result of the proposed development, the use of the track would become more intensive with more regular daily journeys taking place. The access dissects the Village Green, which by its very nature is a well used, high quality recreational public open space. The works to upgrade the access track would not be done with a view to facilitating the better enjoyment of the village green. The prospect of vehicular traffic regularly moving across the Village Green would pose a potential threat to the safety of those using the Village Green and would prejudice the use of the Green for its intended purposes. This is also considered to be contrary to para.74 of the NPPF which highlights the important contribution to the health and well-being of communities that high quality public open space can provide.
49. It is therefore considered that without the prospect of a suitable access being provided, the proposal would be contrary to Policies GD1 and T1 of Wear Valley District Local Plan as well as para.74 of the NPPF.

Impact upon nearby occupiers and design

50. It is considered that the development would be of an appropriate scale and layout and whilst the application is currently in outline form with approval only being sought for access and scale, the indicative elevations indicate that suitable form of development could be achieved on the site, concerns over the principle of development notwithstanding.
51. Equally, it appears that adequate separation distances from nearby adjacent dwellings would be achieved, in accordance with Policies GD1

Conservation of Biodiversity

52. Issues of biodiversity are a material consideration, in accordance with Circular 06/05. All public bodies must have regard to the requirements of the Habitats Directive in the exercise of their functions where there is likely to be a disturbance (etc) to priority or protected species. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 and now the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
53. The site has taken on a naturalised state and appears to have been recently used for grazing. The County Ecologist has viewed the site and considers there is a low risk of any Biodiversity Action Plan or Protected Species being present at the site, and that further assessment work should not be required.
54. The presence of a mature tree in close proximity to the site is noted and should Members be minded to approve the application, that a condition be attached with regards to securing the retention of this tree and appropriate construction methods.
55. It is considered therefore that the Local Planning Authority can discharge its responsibilities with regards to the Habitat Directive as the development is considered to be of a low risk to biodiversity.

CONCLUSION

56. The proposed development would be located outside of the identified settlement boundary of Witton Park and would represent sporadic form of development with little regard to the current grain and character of the settlement, contrary to Policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
57. Although the publishing of the National Planning Policy Framework has resulted in a change to national planning policy, it is considered that the Policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 should still carry significant weight.
58. It is further considered that the indication of Members to support a previous scheme to the west of the application site and including part of it, should not be afforded a significant level of weight as there are material differences between the schemes.
59. Furthermore, there is no suitable access currently available to the site and there is no mechanism to secure the necessary improvements to the existing access without

requiring the applicant to carry out works which would be unlawful. Without a suitable access, the development is considered to be contrary to Policy T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDATION


That the application be **REFUSED** for the following reasons;

1. The Local Planning Authority considers that the application site, being located outside of settlement limits of Witton Park would harm the character of the settlement and are without any special justification, contrary to Policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and provisions of the National Planning Policy Framework
2. The Local Planning Authority considers that the vehicular access to the site is not adequate to serve 2no. dwellings and it is not currently possible to upgrade the access to a suitable standard. This is contrary to the requirements of Policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007
3. The Local Planning Authority considers that as result of the intensification of the use of the access track across the Village Green that the use of the Village Green as a high quality recreational public open space would be compromised due to an increased safety risk to users contrary to para.73 of the National Planning Policy Framework.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- National Planning Policy Framework
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East



 <p>Planning Services</p>	<p>Proposed 2no. detached bungalows, Land to South of High Queen St, Witton Park</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
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