



Area Planning Committee (South and West)

Date Thursday 21 June 2018
Time 1.00 pm
Venue Council Chamber, Spennymoor - Council Offices,
Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 April 2018 (Pages 5 - 12)
5. Applications to be determined;
 - a) DM/18/00966/OUT - Land To The Rear Of West Terrace, Billy Row (Pages 13 - 24)
5 no. dwellings all matters reserved except access
 - b) DM/18/00999/FPA - Land To The East Of Hauxwell Grange, Marwood, Barnard Castle (Pages 25 - 34)
Erection of agricultural storage building
 - c) DM/17/02818/FPA - Land At Redworth Road, Shildon (Pages 35 - 54)
Erection of 40 dwellings
 - d) DM/18/00827/FPA - Wear Referrals Veterinary Hospital, Bradbury (Pages 55 - 70)
Extension of existing veterinary hospital to provide additional consulting, treatment & educational space and provision of additional visitor and staff car parking with associated landscaping
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
13 June 2018

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

Councillor H Nicholson (Chairman)
Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,
K Liddell, J Maitland, M McGaun, G Richardson, J Shuttleworth,
L Taylor, K Thompson, F Tinsley and S Zair

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 19 April 2018 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Chaplow, J Clare (Vice-Chairman), E Huntington, C Martin, A Patterson, G Richardson, L Taylor, F Tinsley and S Zair

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 22 March 2018 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 5(h) – Smiddy Burn Bridge – first line of the third paragraph from the end to read ‘Councillor Clare considered there was little impact on visual amenity’ rather than ‘Councillor Clare considered there was impact on visual amenity’

5 Applications to be determined

a DM/18/00040/FPA - The Aclet Hotel, Watling Road, Bishop Auckland

The Committee considered a report of the Planning Officer regarding an application for the demolition of an existing public house and erection of 1 no. retail unit (class A1) and 1 no hot food takeaway unit (class A5) at The Aclet Hotel, Watling Road, Bishop Auckland (for copy see file of Minutes).

A Williamson, Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs of the public

house, indicative location of the proposed pedestrian crossing and proposed site layout.

The Planning Officer informed the Committee that since the publication of the report a further letter of comment had been received from a resident of Watling Road expressing concern about restricted vehicular access to their property following the installation of the proposed pedestrian refuge. The Planning Officer informed the Committee that the site of the pedestrian refuge was indicative and highways officers would ensure that it was sited in an optimal location for vehicular access to properties on Watling Road.

Councillor L Chappell of Bishop Auckland Town Council addressed the Committee to object to the application. Paragraph 71 of the Committee report stated that the proposed development was likely to generate additional traffic movements beyond the former public house which was ultimately proven to be unviable. Paragraph 99 of the report referred to Paragraph 32 of the NPPF which stated that development should only be refused on transport grounds where the residential cumulative impact was severe. Developments were only acceptable if they could be accommodated within the road network. Councillor Chappell asked whether, when the highways response to the development was made, consideration was made to the period between July and September when there was an extra 3,000 cars using the road for three days of the week as a result of Kynren taking place.

D Stewart, Principal DM Engineer replied that the traffic flow information for Watling Road was a 14,000 two way flow of vehicles. Kynren, which had been taking place for three years, would be included in these figures.

Councillor Chappell informed the Committee that traffic on Watling Road was often bumper to bumper and it would be suicide for pedestrians to try use the proposed pedestrian refuge. Additionally, the proposed refuge would impair access to the driveways of two properties on Watling Road.

Councillor Chappell informed the Committee that Woodhouse Close was one of the most deprived council estates in County Durham and there would be no demand for this proposed retail unit, indeed there were already four discount stores within the location.

NPPF Part 8 referred to the promotion of healthy communities. Everyone in the community of the proposed development objected to it and this was not the resident's vision of how this facility should be used. Local residents had the right to input into planning decisions and local residents did not want this development. Councillor Chappell asked the Committee to refuse the application.

Councillor T Tucker, local Member, addressed the Committee to object to the application. Councillor Tucker agreed with the views presented by Councillor Chappell on behalf of Bishop Auckland Town Council regarding the increase in traffic on Watling Road and the inadequacy of the proposed pedestrian crossing point. Watling Road was currently a very difficult road for pedestrians to cross and local residents would seek a crossing which was more in keeping with elevated traffic levels from a development.

Part 11 of the NPPF referred to developments conserving and enhancing the natural environment and a development of this scale did not enhance the natural environment.

Saved Local Plan Policy S11 of the Wear Valley District Local Plan stated that proposals for hot food takeaways would be allowed within existing shopping areas and Policy H20 set out the uses likely to be acceptable within existing residential areas, including shops up to 100 m², however the shop proposed by this application was three times this size with the proposed hot food takeaway also being over this size. In the Wear Valley District Local Plan the former District Council sought to maintain and protect the Bishop Auckland town centre and any proposals for retail development which might undermine the town centre were resisted. There was currently ample retail provision in the town centre and within walking distance of this proposed development. There was a convenience store nearby which was open for long hours and offered a similar provision to this application and Councillor Tucker asked why this had not been taken into consideration when this application was considered by planning officers and what impact this development may have on existing provision.

Under Policy S11 of the Wear Valley Local Plan a hot food takeaway proposal would only be allowed within an existing retail development. The Aclet building was formerly a public house and there was a vast difference between a fast food takeaway and a public house. The proposed development could lead to an increase in not only traffic but also noise levels. The Aclet pub was open from 4 p.m. but did not generate increases in traffic because people walked to the premises. The pub did not generate noise because local people respected their neighbours. The proposed retail development would be open all day, would have an increased footfall, increased traffic, potential to attract anti-social behaviour and would lead to a significant increase in noise for seven days a week. Councillor Tucker asked the Committee to consider refusal of the application.

Councillor Lethbridge, local Member informed the Committee that he did not wish for a large, derelict building which The Aclet currently was, which had been subject to arson attacks. However, local people did not want the site to be developed to become another convenience store and hot food takeaway. While competition between shops could not be stopped, this development would be next to large retailers and would not be competitive. The proposed hot food takeaway would be vying with hot food takeaways already in Bishop Auckland. The proposed development would lead to an increase in traffic, late night noise, food smells, and potential incidents of anti-social behaviour which would be a problem for local residents. Additionally, there was a covenant on the land which would need to be lifted to allow this application to progress.

Ms C Taylor, local resident, addressed the Committee to object to the application. Ms Taylor informed the Committee that she had never experienced any disturbance from The Aclet pub, which had been relatively quiet and safe. Customers of The Aclet would visit on foot and were mindful of surrounding neighbours. It had a mid-day delivery once a week and was the heart of community. The proposed development would lead to an increase in noise and litter and had the potential to

attract anti-social behaviour which would have a significant impact on local residents and their quality of life. The shop and hot food takeaway would have regular deliveries and would be a new place to target for vandalism and anti-social behaviour.

There was already a high number of large shops in the area and this proposed shop would not be competitive on price. Only 1% of local residents had been consulted on the proposed development and canvassing of the area had shown residents to oppose the development which would change the nature of the area.

Mr J Wallace of Lichfields addressed the Committee on behalf of the applicant, who had worked closely with Council officers to address issues which had arisen.

The Aclet pub was a disused, fire-damaged former public house which the police had said needed to be redeveloped. The hours of operation of both the retail premises and hot food takeaway had been restricted as required and deliveries would take place between 7 a.m. and 6 p.m. Refuse bins would be stored in a secure area to the rear of the development and a 3 metre high weldmesh fence was proposed around the perimeter of the plant and service areas to the rear of the site. CCTV was proposed outside of the buildings and vehicle impact resistant bollards would be installed to the front of the buildings.

The applicant was an experienced store operator with 32 shops in the region and no problems experienced. Although many would visit the outlet by foot, 29 car parking spaces were being proposed, and all highway proposals, including the pedestrian crossing, had been agreed with Council highways officers.

The Wear Valley District Local Plan was some 20 years old and since it was produced the face of retail had changed. Demand for the retail premises was not a relevant planning consideration. The potential impact upon healthy eating could be a material consideration for planning applications, there needed to be a measurable link between this and a proposed development. In this case, there were no secondary schools within 400m walking distance of the site and, whilst Aclet nursery school was situated approximately 140m to the south west of the site, this was attended by children aged between 2 and 4 years old. On this basis, it was unlikely that the new hot food takeaway would lead to any material increase in unhealthy eating amongst young people.

In summary, the application would regenerate a currently vacant site, would provide a new pedestrian crossing point on Watling Road, would reduce the need to travel out of the area, would provide 29 parking spaces and produce 12 jobs.

Councillor Nicholson sought clarification on the distance from the site to the nearest shops and whether there would be a general increase in the volume of traffic. Councillor Nicholson also sought comment on the impact on the social fabric of the area the development may have.

The Planning Officer replied that shops on Proudfoot Drive were some 250 metres away, Cockton Hill some 800 metres away and Tindale Crescent some 1 km away.

The NPPF referred to the planning system creating inclusive and mixed communities with shops interspersed in a wider area.

The Principal DM Engineer replied that the application would lead to an increase in traffic because the public house was closed. However, the planning use that the pub currently had included Class A1 use which was now being applied for. The floor area of the public house was greater than that which was being applied for by this proposal. Although Watling Road was busy at peak times the increase in traffic from this development was not sufficient to base a refusal on highways grounds. The floor area of the development did not trigger a point at which a highways assessment was necessary. A pedestrian refuge was proposed on Watling Road, not a zebra or pelican crossing, as these were subject to criteria which this application did not meet.

Councillor Nicholson reminded the Committee that this was a brownfield site.

Councillor Brown informed the Committee it was sad that such a building was in decline, however in her Electoral Division a former public house had been brought back into use as a local convenience store. However, Councillor Brown was not happy about the proposed hot food takeaway element of the application and could not find anything within the NPPF which would override Policy S11 of the Wear Valley District Local Plan.

The Planning Officer replied that the Local Plan was 20 years old and that Policy S11 was very prescriptive. The NPPF had a more permissive approach and encouraged sustainable development. Policy S11 carried limited weight.

Councillor Patterson referred to the proposed pedestrian refuge on Watling Road and to the objection from a resident who had expressed concern about accessing their driveway with a caravan when the refuge was in place. The Principal DM Engineer replied that the site of the refuge was only indicative and that further analysis, including sweep paths, would be carried out before final installation.

Councillor Patterson thanked the residents, Town Council and two local Members for their representations made. Councillor Patterson had concern at the abundance of hot food takeaways in the area, traffic and proposed opening times. Although retail trends had changed since the production of the Wear Valley District Local Plan this could be a greater argument to protect what was already in place. Councillor Patterson expressed concern that the development could have an adverse impact on Bishop Auckland town centre. The proposed hot food takeaway would produce litter, mess and could lead to incidents of anti-social behaviour which would have an adverse impact to the amenity of neighbouring residents which was contrary to Policy S11 of the Local Plan.

In reply to a question from Councillor Tinsley the Planning Officer confirmed that Policy S11 of the Local Plan was a saved policy. Councillor Tinsley responded that the Policy did carry some weight. The building was currently a closed former public house which would decay if left. While having sympathy with the local Members, Town Council and residents, some measures had been introduced to the application to address anti-social behaviour concerns. Although the former public

house had a key use of drawing a community together, there was a need to accept that habits change. The site had a long standing use for as a public house and could re-open for this purpose or be converted to a shop or restaurant without requiring planning permission, the premises could change to Class A1 use using permitted development rights.

Councillor Atkinson, while agreeing with the points raised by Councillor Tinsley considered that local concerns about potential anti-social behaviour were very real. Councillor Atkinson expressed concern that if the retail unit experienced problems with anti-social behaviour and a low level of turnover it could itself start to become derelict and the shop close.

Councillor Zair considered that the application was a very difficult one to determine. He asked whether the applicant had consulted residents of Woodhouse Close and Henknowle about the development. Mr Wallace replied that the application fell below the threshold for consultation and no request had been received to do so. The application was for a relatively small store.

Councillor Zair considered that the lack of consultation could have resulted in the amount of objection to the proposal. The proposed pedestrian refuge could present problems for access to the driveway for a resident with a caravan and Watling Road was very busy, especially during performances of Kynren. Councillor Zair asked whether the s106 contribution of £10,000 towards the pedestrian refuge would be sufficient to cover the full cost of it. The Principal DM Engineer confirmed that the contribution would cover the full cost of the pedestrian refuge.

Councillor Zair considered the proposed s106 contribution to be very disappointing in that it provided nothing for the local community. He considered that the application failed to safeguard residential amenity and failed to satisfy Policies H20 and T1 of the saved Local Plan and could not support approval of it.

Councillor Richardson informed the Committee that he had experienced pedestrians having difficulty using pedestrian refuges and that Watling Road was a very busy road. He referred to the covenant on the land which prohibited such a development as was proposed and sought advice on this.

C Cuskin, Planning and Development Solicitor informed the Committee that restrictive covenants were private matters and not a planning consideration. It would be for the applicant to work with whoever the beneficiary of the covenant was, however, planning permission would not allow the applicant to override the covenant.

Councillor Clare informed the Committee this was a very difficult application to determine. If the Committee was minded to refuse the application it would need valid planning grounds to do so, should the applicant go to appeal. Although reference had been made about protection of the town centre, a retail impact report had suggested the application site was far enough from the town centre to have no impact. Whether there was demand for the shop and hot food takeaway was a commercial decision to be made, not a planning issue. Given the degree of

opposition to the application consultation with the local community would have been wise, with only the minimum level of consultation having been met.

The acceptability of the proposed development on highways grounds was made on the basis of indisputable facts and figures and local people saying that they 'knew the road' would not be defensible against a Planning Inspector should the application be taken to appeal.

While the appropriateness of the scale of the development had been questioned, and it had been suggested that the shop was too large for the area and circumstances, Councillor Clare advised that very limited weight be given to this. While the application for the hot food takeaway did not accord with Policy S11 in that it was not within an existing shopping area, it should be remembered that the public house already had Class A1 use.

Councillor Clare referred to the representations made regarding the impact of the development on residential amenity. This was a two-edged sword in that the current public house building was derelict, had been vandalised and subject to an arson attack. While it had been argued that convenience stores were gathering places for young people and associated problems, it was speculation that the development would result in increased levels of anti-social behaviour. Councillor Clare considered that the balance was to consider whether the impact of the hot food takeaway on residential amenity was sufficiently detrimental to refuse the application.

Councillor Zair moved that the application be refused on the grounds that it did not accord with Policy T1 of the local plan because it would lead to an increase in traffic, Policy GD1 because it would not contribute to the quality and built environment of the surrounding area and Policy H20 because of the impact of the development on the amenity of residents.

The Planning and Development Solicitor advised the Committee that refusal on the grounds of Policy T1 would not be sustainable because of the advice of highways officers on the application. The Solicitor indicated that Councillor Zair had previously referred to unacceptable impacts upon the residential amenity of surrounding occupiers. Councillor Zair confirmed that he wished to refuse the application as it was contrary to Policy S11 in conjunction with Policy H20.

This was moved by Councillor Zair and seconded by Councillor Richardson;

Upon a vote being taken it was

Resolved:

That the application be refused on the grounds that it would attract anti-social behaviour and generate noise and odours with significant adverse impacts upon the amenity of neighbouring residents, contrary to saved Policies S11 and H20 of the Wear Valley District Local Plan. These adverse impacts upon residential amenity would significantly and demonstrably outweigh the benefits and would not meet the criteria of paragraph 14 of the NPPF.

Councillor Tinsley left the meeting.

b DM/18/00589/LB - 28 Market Place, Barnard Castle

The Committee considered a report of the Planning Officer regarding a listed building application to make good an ATM recess and fixings from signage at 28 Market Place, Barnard Castle (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation of the application which included a site location plan and photographs of the listed building.

Councillor Martin informed the Committee he could see no problem with the application and moved approval of it. Seconded by Councillor Brown.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/18/00966/OUT
FULL APPLICATION DESCRIPTION: 5 no. dwellings all matters reserved except access
NAME OF APPLICANT: Mr G Mawson

ADDRESS: Land To The Rear Of West Terrace
Billy Row
DL15 9SS

ELECTORAL DIVISION: Crook

CASE OFFICER: Tim Burnham Senior Planning Officer 03000 263963
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to the southern section of paddock land situated to the rear of West Terrace, Billy Row. The land is currently relatively open and grassed, hosting redundant brick and block built outbuildings which would be demolished; and mature trees to the eastern boundary. The site is accessed from a private track from Billy Row Green running between 18 Billy Row Green and The Old Chapel. Site levels fall slightly from north to south.
2. The application is in outline with just access for consideration and proposes 5no. dwellings.
3. The application is reported to the Planning Committee at the request of Cllr Manchester, due to concerns over highways access issues.

PLANNING HISTORY

4. There is no recent relevant planning history relating to the site.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6. *NPPF Part 4 – Promoting sustainable Transport* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *NPPF Part 7 – Requiring Good Design* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
10. *NPPF Part 11 – Conserving and Enhancing the Natural Environment* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of those policies considered most relevant in the Development Plan

LOCAL PLAN POLICY:

11. The following policies of the Wear Valley Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
12. *Policy GD1 General Development Criteria* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

13. *Policy H3 Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
14. *Policy T1 General Policy - Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan

RELEVANT EMERGING POLICY:

The County Durham Plan –

15. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *Highway Authority:* No objections. The site is linked to the public highway by a private access track of approximately 37m length and between 3.5m and 4.0m width. The area of land is capable of accommodating more than five dwellings but an adoptable highway meeting modern standards cannot physically be accommodated to access it.

Estimated peak hour vehicular movements related to 5 dwellings is relatively low (between 3 and 4 two-way movements) this will naturally be an increase over that which can be expected under its current agricultural use. At, say, 15mph, the time taken for a vehicle to travel the full access track length is in the order of 6 seconds. Including movements associated with the rear yard parking area of 18 Billy Row Green this is, collectively, likely to equate to a total of 30 to 40 seconds in the peak traffic hour when a vehicle is using the single track access. This is just over 1% of the total peak hour duration. The access track is straight and it will be possible to place an area within the site, close to the access track northern end, to afford inter-visibility for and to a driver about to emerge from the site onto the single track access. The indicative layout depicts an area for this, notwithstanding details of layout are not for determination at this time. Overall, while vehicle conflict cannot be completely eradicated the issue of vehicular movements utilising the track would not be at a level where I could object to the application.

There is a requirement to metal the surface of the access track and this should be conditioned. DCC refuse services have confirmed that waste collections could take place from within the development itself so that no bins would need to be left of the village green. Residents would be required to utilise 2 x 1100 litre commercial styled wheeled bins which could be stored within a bin store at the site. These matters should be conditioned.

17. *Coal Authority*: No objections subject to further coal mining investigation.

18. *Northumbrian Water*: No objection subject to the submission of details relating to foul and surface water details.

INTERNAL CONSULTEE RESPONSES:

19. *Landscape Section*: No objections, the site is not within any locally or nationally designated landscape. The site is primarily visible from the back lane to West Terrace and forms a link to the farmland beyond.

20. *Landscape (Trees)*: No objections, providing measures within the tree protection plan are followed in full.

21. *Environmental Health (Noise)*: No objections.

22. *Ecology*: The Ecology Report has been reviewed. Note that whilst risk of maternity use of the buildings by bats has been ruled out, it does not appear that incidental use by low numbers has been adequately addressed. Mitigation within report and 15mtr Ecology buffer should be included and conditioned.

23. *Contaminated Land* – No objections, contaminated land condition required.

PUBLIC RESPONSES:

24. The application has been publicised by way of site notice and neighbour notification letters. Letters of objection have been received from 7 addresses.

25. The main common point of objection from local residents is the access to the site. Concern is expressed that the use of the access will cause significant disturbance to the properties on either side and that an unacceptable amount of traffic would use the access causing a danger. There is also concern in relation to additional parking pressure in the local area, bin collection arrangements and emergency service access.

26. Other concerns expressed are in relation to loss of privacy, light and property value; construction noise; drainage; wildlife impact; and the ground stability from old mine workings.

The above is not intended to repeat every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

27. Following the appraisal of the site and its proximity within the village of Billy Row, we feel that all measures have been undertaken to provide a modest development of five new dwellings. When viewed in the overall context, the site is considered suitable and available for development.

28. The proposed location will not result in the loss of valuable agricultural land and is well screened by housing to the west and south.
29. The site is considered sustainable given the location and easy transport links to nearby Crook and beyond. The site offers the opportunity for five new dwellings in an attractive, thriving community where families can enjoy this semi-rural location.

PLANNING CONSIDERATIONS AND ASSESSMENT

30. 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 matters of the principle of development, impact on character and appearance of the area, residential amenity and highways impacts.

Planning Policy Context

31. The application site is unallocated land within the development limits of Billy Row where Policy H3 of the Wear Valley Local Plan is permissive of new development. However, given the age of the Wear Valley Local Plan, its housing policies cannot be considered up to date. Accordingly, only limited weight can be afforded to this policy.
32. The emerging County Durham Plan is still at an early stage following its previous withdrawal from examination. Consultation was carried out on the new Issues and Options in June 2016. It is therefore not at a stage where it can be given any weight.
33. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 - decision issued 10th May 2018), with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force. This is expected to be later this summer. In the meantime the Inspector concluded that the most appropriate measure for assessing the housing requirement is the 1,629dpa (1 of 3 scenarios within the County Durham Plan 'Issues and Options' (June 2016)) as it provides the best evidence of the objectively assessed housing need for County Durham. Against this figure, the Inspector concluded that the Council has a housing land supply of 4.75 years.
34. In these circumstances, paragraph 14 of the NPPF is engaged, which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. This means granting planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. The proposal is therefore subject to the planning balance test.

Location

35. Billy Row is classed as a Tier 4 larger village in the Council's Settlement Study, reflective of the limited availability of services within the village, although the village does contain a primary school and corner shop. Billy Row links closely to Crook,

which is identified as a main town with a wide range of services, which can be reached at short distance via a regular bus service and lit pedestrian footway.

36. The location of the site is therefore in accordance with NPPF paragraph 55, which advises that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby".

Impact on Character and Appearance of the Area

37. The application site is mostly rough unmanaged grassland, enclosed by housing to the north, west and south. A line of mature trees and hedging forms the eastern boundary along the beck. It is therefore well contained, and in very limited views from outside the site, it has a close visual association with the built up area rather than open countryside. Apart from the trees and hedges along the eastern boundary, the site does not make any significant contribution to the local landscape character.
38. As the application is in outline, the submitted layout plan is being treated as indicative, but it demonstrates that the proposed development could be comfortably accommodated on the site, retaining the vegetation along the eastern boundary in combination with a 15mtr wildlife buffer zone along the beck.
39. Taking all the above into account it is considered that the development could be achieved without detriment to the character and appearance of the surrounding area. There is no conflict with Wear Valley Local Plan Policy GD1.

Highways Impacts

40. The site would be accessed from Billy Row Green via a private access track between 18 Billy Row Green and The Chapel. The track is approximately 37m long and between 3.5m and 4.0m width. It is bounded by a stone wall to the east and a stone wall and an extension on 18 Billy Row Green to the west. Access to the rear of 18 Billy Row Green can also be gained from the track, although at the time of the initial site visit this access appeared little used at present.
41. It is accepted that vehicular movement would increase on the track above the existing very limited levels of use. The Highways Authority estimate peak hour vehicular movements as between 3 and 4 two-way movements. They also note that the access track is straight and it will be possible to place an area within the site, close to the access track northern end, to afford inter-visibility for and to a driver about to emerge from the site onto the single track access. Some planting has taken place within the lane, associated with adjoining property. It is accepted that this may need to be removed to accommodate a metalled surface as required by the Highways Authority and the DCC refuse service (the metalled surface is conditioned). Whilst objectors have questioned the ownership of the lane, no available evidence indicates that the access is not within the ownership of the applicant and in any case, these issues are largely to be dealt with outside of the planning process.
42. The refuse service have confirmed that large communal bins could be used at the site for both waste and recycling, which would be collected from within and returned to the site by refuse staff. Details of a bin store area can be secured by condition and at the detailed application stage.

43. Parking is a detailed matter to be dealt with at reserved matters stage, but the indicative details demonstrate that it should be possible to provide appropriate parking provision within the site to ensure the development would not put parking pressure on surrounding streets.
44. On the basis of all the above, and in the absence of any objection from the Highway Authority, it is considered that the proposed development would not be prejudicial to highway safety. There is no conflict with Wear Valley Local Plan Policies GD1 and T1.

Impact on residential amenity

45. Further to the highway safety issues addressed above, it is noted that the neighbours on each side of the access track have also raised concerns about disturbance from vehicular movements along the access track.
46. As identified in the section above, the peak hour vehicular movements would be between 3 and 4 two-way movements. Whilst this would be an increase over existing traffic movements, it would still be an extremely low level of vehicle movements long the track. Such a low level of use would not warrant refusal on disturbance grounds and there is no objection from the Environmental Health Noise Action Team in this respect.
47. The development would change the outlook of the adjacent properties, but that does not necessarily mean the impact on their living conditions would be unacceptable, as to consider otherwise would prevent building on many undeveloped sites. Matters of layout and scale have been reserved and therefore the relationship with neighbouring properties will be considered in detail at the reserved matters stage. On the basis of the indicative details, there are no concerns that development could not be located a sufficient distance from neighbouring properties to safeguard residential amenity in respect of privacy and loss of light. Effects on property value is not a material planning consideration.
48. There will inevitably be some construction related impacts, but that is not a matter the planning system can reasonably prevent or control on such a small scale development. The construction related conditions recommended by the Environmental Health (Noise) Section are more appropriate to larger scale developments where the noise and dust impacts would be greater and over a prolonged period. In this case it would be unnecessary duplication of Environmental Health controls and therefore such conditions would not meet the tests of necessity set out in the NPPF and Planning practice Guidance.
49. It is therefore considered that the proposal would not have an unreasonable effect on the residential amenity of neighbours. Accordingly there is no conflict with Wear Valley Local Plan Policy GD1 in this respect.

Other issues

50. Regard has been given to the concerns raised by residents on matters such as drainage, ecology and land stability, but there are no objections from the specialist consultees on these matters.
51. The site is not in an area identified as being at risk of flooding. Drainage is a detailed matter, which can be adequately addressed by condition and at reserved matters, as suggested by Northumbrian Water.

52. The submitted ecology survey indicates the development site itself has low ecological value and the proposals seek to retain a 15m buffer zone along the beck, along with enhancement measures like bat and bird boxes, which can be incorporated into the detailed scheme and secured by conditions. There was no evidence found of bat use within the buildings and trees on the site and therefore it is accepted that no further survey work is required. On this basis there is no requirement to obtain a licence from Natural England and therefore the local planning authority can discharge its duty under the Habitats Directive and The Conservation of Habitats and Species Regulations 2017.
53. The site is situated within the Coal Authority high risk area and the submitted coal mining report identifies past coal mining activity in the area, which should be subject to intrusive site investigations. However, The Coal Authority is satisfied this could be dealt with by conditions and have raised no objections to the application.

CONCLUSION

54. This application should be considered in the context of the presumption in favour of sustainable development contained in paragraph 14 of the NPPF. Accordingly, as there are no restrictive policies in play, then planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
55. The proposal would provide social and economic benefits by adding 5 dwellings to the mix and supply of housing at a time when 5 year housing land supply cannot be demonstrated. There would also be support for local services in the area and temporary employment benefits during the construction period. These are factors which are attributed substantial weight.
56. In environmental terms the site is a suitable location for housing where occupants would not be wholly reliant on private car travel to access local services and facilities.
57. The proposal is also acceptable in terms of visual amenity, highway safety and ecology terms, although these are neutral effects. Residential amenity, drainage and land stability issues can be adequately dealt with by conditions and detailed consideration at reserved matters stage.
58. Having considered all matters, including representations received, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole. Planning permission should therefore be granted.

RECOMMENDATION

That the application be **APPROVED** subject to following conditions;

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans, but only in respect of those matters not reserved for later approval:

Site Location Plan rec. rec. 29th March 2018

Proposed Site Plan CM023 02 (excluding detailed site layout) rec. 29th March 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Wear Valley Local Plan Policies GD1, H3 and T1 and NPPF Parts 4, 6, 7, 10 & 11.

4. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

5. Development shall take place in accordance with the Ecology enhancement and mitigation measures detailed within section 7 of the Ecological Appraisal by all about Trees Ltd February 2018 including but not limited to the provision of 15 metre ecology buffer zone along the beck and new bat and bird roosting opportunities within the development, the details of which, including timing of provision, shall first have been submitted to and approved in writing by the local planning authority. The approved details shall subsequently be implemented in accordance with the approved details and timing and shall thereafter be retained for the lifetime of development.

Reason: To conserve protected species and provide ecological enhancement in accordance with policy GD1 of the Wear Valley Local Plan and part 11 of the NPPF.

6. No development shall commence until an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site has been undertaken and the results of this survey together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use has been submitted to, and approved in writing by the local planning authority. Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report to the local planning authority prior to first occupation of any part of the development. Should any unforeseen contamination be encountered in that phase or part of the development the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination shall be carried out to the written satisfaction of the local planning authority.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with policy GD1 of the Wear Valley Local Plan and NPPF Part 11.

7. No development shall commence until the intrusive investigative works recommended within the mining report by Dunelm Geotechnical rec 29th March 2018 have been carried out and the results of said investigation together with a strategy for any remedial action deemed necessary to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, have been submitted to and approved in writing by the Local Planning Authority. Any remedial works shall be carried out in accordance with the approved strategy.

Reason: In the interests of the stability of the land sought for development having regards to Part 11 of the NPPF.

8. Except for any remediation works, no other part of the development shall commence until the means of access has been constructed and surfaced in accordance with details to be first submitted to and approved in writing by the local planning authority. The access shall be maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of highway safety having regards to Policy GD1 of the Wear Valley Local Plan.

9. No dwelling shall be occupied until details of a refuse strategy and bin storage area for the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved refuse strategy for the lifetime of the development.

Reason: In the interests of highway safety and amenity having regards to Policy GD1 of the Wear Valley Local Plan.

10. No development shall take place until the tree protection measures detailed drawing TPP-A rec. 29th March 2018 have been installed. The protective barriers shall remain in place for the duration of construction works on the site. There shall be no storage of materials, machinery, tools, or parking of vehicles within the Root Protection Areas of any trees on the site.

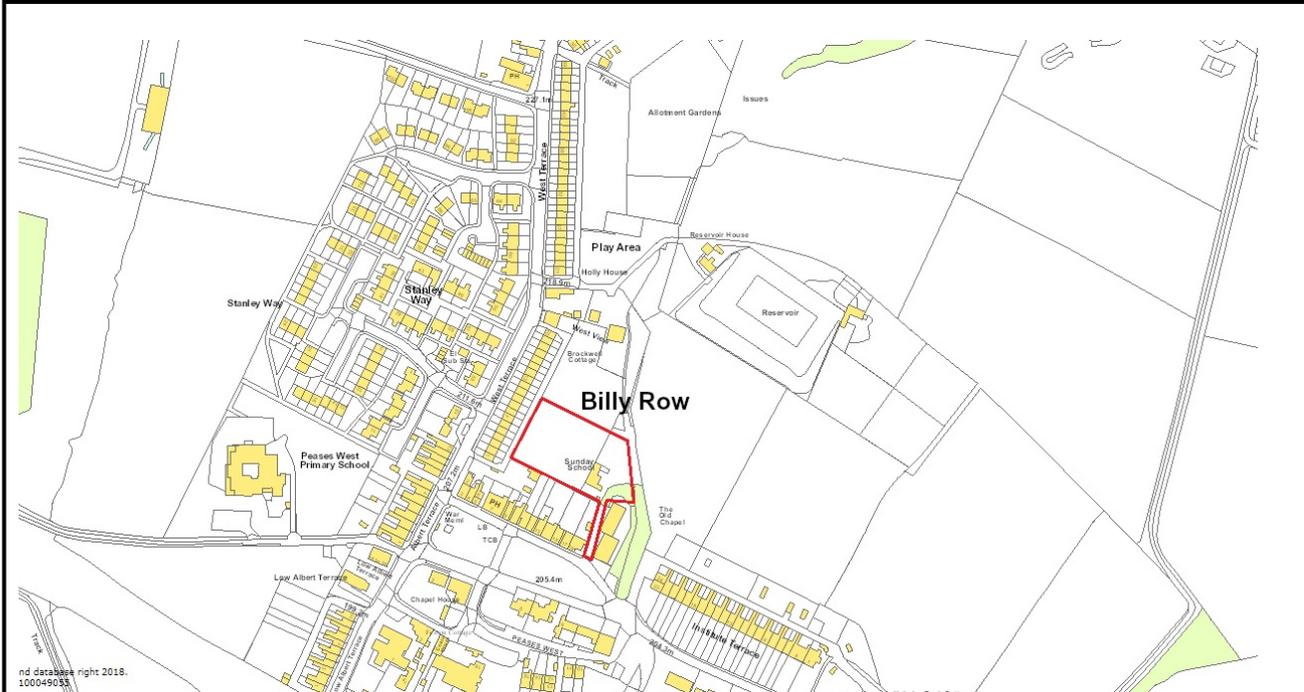
Reason: To minimise the impact of the development upon existing mature trees in accordance with Policy GD1 of the Wear Valley Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

BACKGROUND PAPERS

Submitted application form, plans supporting documents
 The National Planning Policy Framework (2012)
 National Planning Practice Guidance Notes
 Wear Valley Local Plan
 The County Durham Plan (Submission Draft)
 County Durham Settlement Study 2012
 All consultation responses received



Planning Services

5 no. dwellings all matters reserved except access

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21st June 2018

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00999/FPA
FULL APPLICATION DESCRIPTION:	Erection of agricultural storage building
NAME OF APPLICANT:	Mr Peter Wilson
ADDRESS:	Land To The East Of Hauxwell Grange, Marwood, Barnard Castle, DL12 8QU
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is an agricultural field of 13.1 ha. To the west of the C41 highway in Marwood, approximately 3.7km to the north of Barnard Castle. Immediately to the north of the site is a small roadside stone livestock building in separate ownership. The nearest residential property is Hauxwell Grange and its 2 holiday cottages, approximately 28m to the south west on the opposite side of the road.
2. The site is within the Area of High Landscape Value (AHLV) designation.
3. Planning permission is sought for the erection of an agricultural building to be located just south of the existing stone building. The proposed building is required for the storage of animal feed and farm machinery on land farmed in association with an established sheep farming business, which is run from High House Farm, approximately 1.8km (as the crow flies) west from the application site.
4. The building will measure 12.0m x 20.0m and will contain a shallow pitch roof with an approximate height of 6.0m. The building is to be clad externally with Yorkshire boarding above a 1.0m high stone plinth. The northern elevation would have 5no steel gates. The roof is to be clad in cement sheets.
5. The application is being reported to the Planning Committee at the request of Cllr Richard Bell to consider the effects on the landscape and residential amenity.

PLANNING HISTORY

6. The application was originally submitted as an agricultural prior notification (DM/17/03817/PNA), but this was subsequently withdrawn when the building was relocated closer to the road as it no longer met the provisions of Permitted Development (Part 6, Class A of the General Permitted Development Order).

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The following elements of the NPPF are considered relevant to this proposal;
8. Part 3 – Supporting a Prosperous Rural Economy. Planning Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
9. Part 7 – Requiring good design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. Part 11 – Conserving and Enhancing the Natural Environment. The planning system should contribute to and enhance the natural and local environment by among other things protecting and enhancing valued landscapes; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

LOCAL PLAN POLICY:

11. The development plan is the Teesdale District Local Plan 2002 saved policies:
12. GD1 – General Development Criteria – Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.
13. ENV1 - Protection of the Countryside - Within the countryside development will be permitted for the purposes of agriculture where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape.
14. Policy ENV3 - Development Within an Area of High Landscape Value - The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.

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.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

15. The County Durham Plan

16. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Highways Authority* – No objections

INTERNAL CONSULTEE RESPONSES:

18. *Landscape* – Raises concern that the development would have some adverse landscape and visual effects.

19. *Environmental Health (Noise)* – Raises concern in terms of noise and odour impact on the nearest residential property Hauxwell Grange.

PUBLIC RESPONSES:

20. The application has been publicised by way of site notice and letter to the neighbouring property Hauxwell Grange. This neighbour has raised a number of concerns, the main points of which are summarised below:-

- The proposed building would be overbearing, out of scale and totally out of character for the area.
- The positioning of the building will result in a loss of outlook which is detrimental to both residential and visual amenity.
- DCC's Environmental Health Officer acknowledges that the building will be 25.0m from a residential property and likely to have a detrimental impact on odour and amenity which could not be mitigated against.
- A tourism business operates from Hauxwell Grange which will be impacted upon.
- The storage of machinery may give rise to an increase in rural crime close to Hauxwell Grange.

The above is not intended to repeat every point made and 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:

<https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

21. My family have farmed at High House Farm, Marwood for 3 generations building the farm up over that period. For the business to continue to grow and improve efficiency we require further space for the storage of feed and machinery. In the case of the latter, farm machinery is becoming ever more costly and to protect these assets, dry storage is necessary. Our business currently has livestock amounting to some 850 sheep for which there is a heavy demand for feed, particularly over the winter months. The farm is rented, we have approached the landlord regarding the siting of an agricultural building adjacent to the farm but this has been refused, hence this application for the building to be sited on the land adjacent to Hauxwell Grange, which is in our ownership.

PLANNING CONSIDERATIONS AND ASSESSMENT

22. 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 relate to the principle of development, visual impact, and residential amenity.

The principle of the development:

23. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the statutory development plan for the area, unless other material considerations indicate otherwise. This requirement is reaffirmed in paragraphs 11 and 12 of NPPF. The statutory development plan currently comprises of the saved policies of the Teesdale District Local Plan. Paragraph 215 of NPPF confirms that the level of weight that should be attributed to each of these saved policies is affected by the degree of their consistency with NPPF.
24. NPPF part 3 supports economic growth in rural areas, taking a positive approach to allow the expansion of agricultural businesses. Teesdale District Local Plan policy ENV1 is permissive of development in the countryside for the purpose of agriculture, providing it does not unreasonably harm the landscape qualities of the area, and is therefore consistent with the NPPF.
25. The land is part of an established agricultural business with around 850 sheep on a large holding of 152Ha, of which the application site is a part. The fields at the application site total around 19.7Ha and are owned outright by the applicant, whereas the remaining land and buildings at High House Farm, where the main farming activity takes place, is rented.
26. The applicant has stated that additional storage space is required for agricultural machinery and animal feed in order to grow and improve efficiency and it has been explained why it is not possible to locate the building at High House Farm.
27. The proposed building would appear agricultural in its design, and the total floor space of 240sqm, which is not large for agricultural buildings generally, would be proportionate in its scale to the size of the totality of the agricultural land it is intended to serve, and not out of scale with the use proposed for the building.

28. It is therefore concluded that the proposed building would be reasonably necessary for the purposes of agriculture on the unit, and as such there is no conflict with policy ENV1 of the Teesdale Local Plan, subject to consideration of detailed impacts below.

Visual impact:

29. The site is open countryside, designated in the Teesdale Local Plan as an Area of High Landscape Value. It is described in the Landscape Character Assessment as the Dales Fringe character area, which in this location comprises mostly flat or gently undulating pastoral fields, separated by hedgerows, with roadside stone walls. Isolated farms are scattered across this landscape.
30. There are a number of dwellings and agricultural buildings located along the C41 highway in this area. Most are located close to the roadside. Traditional building materials are stone, while the more modern agricultural buildings have timber or metal cladding.
31. The proposed building would be located immediately to the south of the existing small stone barn, close (2m) to the road. There is an existing access from the C41 which serves the stone barn and will be shared with this development.
32. The Landscape Section concerns and those received from the neighbouring property are noted, however, it is not agreed that the building would appear isolated or out of scale and character with the area. While it would be prominent in views from the road, it would be seen in association with the existing barn and Hauxwell Grange, which is a substantial sized property close to the road. The proposed building would be smaller in scale than typical agricultural buildings in the area and much lower in height than Hauxwell Grange, which will remain the dominant building in this location. The proposed materials are wholly appropriate to the area and the introduction of a stone plinth below the timber boarding would further assist in reducing perceived bulk in line with the Landscape Section recommendations. The building has also been orientated so that all servicing and hardstanding is focused into the least visible area between the buildings. There is an opportunity for a small area of native planting immediately to the south of the building to further soften the appearance of the building, which can be secured by conditions.
33. On this basis, it is concluded that the proposed development would be in keeping with the character of development along the C41 in this area, and would not have a significant visual impact on the landscape. Accordingly, the proposal would generally accord with Teesdale Local Plan Policy GD1, which sets out design requirements for development proposals. It would also generally accord with Policy ENV3, which aims to ensure that development does not detract from the landscape qualities of the AHLV.

Impacts on Amenity:

34. Hauxwell Grange is a non-agricultural residential property with holiday accommodation, which lies approximately 28m from the proposed building on the opposite side of the C41. The occupiers have raised a number of concerns about the proximity of the proposed building and potential impacts from noise, odour and also on their outlook. The Council's Environmental Health Section has also raised similar concerns.
35. It is accepted that the building is in relatively close proximity to Hauxwell Grange, however its scale and siting is not such that would appear overbearing on the outlook of Hauxwell Grange, and as considered in the section above, its design and

appearance would be typical of agricultural buildings that are a common feature in the countryside and appropriate to this location. Its physical presence and appearance would not therefore be harmful to the outlook of Hauxwell Grange, and because such buildings are a feature of the countryside, it should not detract from the operation the rural holiday business.

36. In respect of noise and odour, the presence of the existing building, which is used to house livestock is an important material consideration. Whilst it is not a large building, there are no restrictions over its use, which is just 46m from Hauxwell Grange. As such, there is already potential for noise and odour from livestock and disturbance from general farming activity associated with that building, in close proximity of Hauxwell Grange and its holiday cottages.
37. The proposed building would sit alongside the existing building, but would not house any livestock and this can be secured by conditions. As such there would not be any livestock-related noise and odour impacts from the proposed development, which was the initial concern from the Council's Environmental Health Section.
38. There would still be some activity associated with the building, which remains a concern for Environmental Health in respect of noise. However, this is not the centre of the farming operation and the proposed building is not large enough to become a significant focus of activity for the farm. Its use would be for the storage of feed, equipment/machinery in association with sheep farming and hay production at the site. The degree of use is more likely to be intermittent than frequent and the types of equipment/machinery to be kept in the building would be things like grass cutters, hay turner, baler, seed drill, power harrow and trailers used mainly at harvest time. This equipment, as well as animal feed would be brought to the site in any case, regardless of whether there was a building on the site, as the activities already take place on the land. The proposed building would simply allow that equipment to be stored at the site, rather than brought to it. The access is slightly further to the north and is already used to serve the existing building. Consideration has been given to conditions to control hours of use, however, the nature of the use described above is not such that would justify such an approach as farm vehicles and machinery could be brought and operated on the land at any time and there is an unrestricted farm building already on the land immediately adjacent to the site. Any fears that the building would attract crime to the area is not a matter which can be given any significant weight in the consideration of the application.
39. Having regard to all of the above, it is considered that the presence of the proposed building and the nature of its use, particularly in the context of the potential impacts from the existing building it would sit very close to, is not likely to have a detrimental impact on the residential amenity of Hauxwell Grange and its holiday cottages with regards to noise, odour and outlook. Accordingly, the proposal accords with Teesdale Local Plan policy GD1, which includes aims to ensure that development does not unreasonably harm the amenity of adjoining occupants, or conflict with adjoining uses.

CONCLUSION

40. The proposed development is considered reasonably necessary for the purposes of agriculture on the unit and is of a size reasonably proportionate for its intended purpose.

41. The siting, scale and appearance of the building is considered to be in keeping with the character of development along the C41, where it would be seen within the context of existing buildings, rather than as an isolated feature in the landscape, and as such it has been judged that the development would not cause harm to the landscape qualities of the AHLV.
42. The concerns of the occupants of Hauxwell Grange and Environmental Health with regards to noise, odour and general outlook have been taken into account, however, the proposed building would be for storage purposes only in association with agricultural activities already taking place on the site, as opposed to livestock which can be housed in the existing building on the adjacent field. Therefore, having regard to the type and scale of use associated with the proposed building, and the ability to restrict housing of livestock by condition, is not likely that the development would cause undue noise or odour disturbance to the neighbouring residential property and its holiday cottages. Nor would it have an overbearing or unacceptable visual impact by reason of its size, location and appearance.
43. Taking all matters into account, the proposal is generally in accordance with Teesdale Local Plan policies ENV1, ENV3 and GD1, as well as the relevant provisions of the NPPF in respect of supporting agricultural business, landscape protection and amenity. The proposal is therefore acceptable in planning terms subject to the suggested conditions.

RECOMMENDATION

Recommendation that the application is **APPROVED** subject to the following 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 approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date received
01 of 4 OS Site Plan	18.05.18
03 of 4 A Roof and Elevations	10.05.18

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the provisions of the Town and Country Planning General permitted Development Order (or any re-enactment of that order) the building hereby approved shall be used only for agricultural purposes as defined in section 336 of the Town and Country Planning Act 1990 and for no other purpose.

Reason: To ensure the development is appropriate for the countryside to comply with policy ENV1 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

4. Notwithstanding condition 3, there shall be no pigs, poultry or livestock kept within the building hereby approved.

Reason: In the interests of residential amenity to comply with policy GD1 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

5. No development shall commence until a sample panel of stone to be used in the construction of plinth of the building hereby approved has been erected on the site and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved sample panel.

Reason: In the interests of visual amenity to comply with policy GD1, ENV1 and ENV3 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

6. No development shall commence until details for a landscaping scheme to the south of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with saved policies GD1, ENV1 and ENV3 of the Teesdale District Local Plan.

7. The approved landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any plants which die, are removed, or fail to establish shall be replaced in the next available planting season. Replacements shall be subject to the same.

Reason: In the interests of the visual amenity of the area and to comply with saved policies GD1, ENV1 and ENV3 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

44. In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
All consultations responses



Planning Services

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Erection of agricultural storage building

Comments

Date June 2018

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/02818/FPA
FULL APPLICATION DESCRIPTION:	Erection of 40 dwellings
NAME OF APPLICANT:	Kenworth Ltd
ADDRESS:	Land At Redworth Road, Shildon
ELECTORAL DIVISION:	Shildon and Dene Valley
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of 1.44ha of land located towards the southern end of Shildon. The land forms part of a proposed business area site allocation within the Sedgefield Borough Local Plan. The southern portion of the allocation has been developed as a service station and office accommodation.
2. The site is generally flat and consists of overgrown scrubland. It is bounded to the southwest by the A6072 being set back from the road by a grass verge and post and rail fence. To the east the site adjoins the C189 Redworth Road and trees and hedging provides a screen along the northern boundary. Access to the site can currently be gained from both the C189 and the A6072 through the service station.
3. The surrounding area is mixed in character. Residential development lies further to the north, with open countryside beyond the A6072 to the south/southwest. Allotment gardens lie to the northeast and northwest and All Saints general industrial estate to the west.

The Proposal

4. The proposal seeks full planning permission for the erection of 40 2 and 4 bedroomed dwellings which would be 2 and 2.5 storeys high and predominantly semi-detached. The materials palette includes facing brickwork, tiled roofs and stained timber cladding. The scheme includes 10% affordable housing provision comprising of 4 no. 2 bedroom homes. All properties feature off-street parking and rear enclosed gardens.
5. The existing access to the site off Redworth Road would be improved to include the required sight visibility splays and the secondary access through the service station

would be closed off. A continuous pavement will also be provided to extend the existing pavement at

6. The layout provides 0.347 ha of open space in the form of a green open area at the site's north eastern boundary which would also accommodate a sustainable drainage system (SuDS) and landscaping and bunding to the south and south western development edge.
7. This application is being reported to Planning Committee as it falls within the definition of major development.

PLANNING HISTORY

8. The site has been the subject of a previous unimplemented outline consents to erect a mixed use development comprising of 28 dwellings and 10 commercial units (B1, B2 and B8) and 38 dwellings with all matters reserved except access (7/2012/0273/DM).

PLANNING POLICY

NATIONAL POLICY:

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The following elements are considered relevant to this proposal;
10. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

13. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities*. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 10 – Climate Change*. Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

17. *Policy IB3 - Proposals For The Development Of New Industrial And Business Areas* - Outlines the areas within the Borough that will be developed as prestige business areas, general industrial areas and business areas. This includes 2ha of land which will developed as a business area at All Saints' Shildon.
18. *Policy IB8 - Acceptable Uses in Business Areas* - Sets out that such areas are suitable for business and office use (Use Class B1) and that development for general industry (Use Class B2) and warehousing (Use Class B8) will normally be refused.
19. *Policy H19 – Provision of a Range of House Types and Sizes including Affordable Housing* - Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
20. *Policy L1 - Provision of sufficient open space to meet the needs for sports facilities, outdoor sports, play space and amenity space* - Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
21. *Policy L2 - Open Space in New Housing Development* - Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.

22. *Policy T1 – Footways and Cycleways in Towns and Villages* - States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
23. *Policy D1 - General Principles for the layout and design of new developments* - Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
24. *Policy D2 – Design for People*. This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
25. *Policy D3 -Designed with pedestrians, cyclists, public transport* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
26. *Policy D5 - Layout of housing development* - Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
27. *Policy D8 - Planning for Community Benefit* - Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements
28. *Policy D9 - Art in the Environment* - Encourages the provision of artistic elements in development.
29. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows*. Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.

RELEVANT EMERGING POLICY

The County Durham Plan

30. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Sildon Town Council* – Has expressed concern with regard to access and egress arrangements as well as junction visibility onto Redworth Road, a busy a highway. It is requested that these concerns are addressed prior to approval being granted.
32. *Highways Authority* – No objection to the scheme following the latest revisions subject to the imposition of conditions and informatives
33. *Coal Authority* – No objection subject to the imposition of a condition
34. *Northumbrian Water* – No objection subject to the imposition of a condition

INTERNAL CONSULTEE RESPONSES:

35. *Planning Policy* – Consider that this application should be subject to the planning balance exercise outlined in Paragraph 14 of the NPPF.
36. *Archaeology Officer* – No objection to the scheme.
37. *Design and Conservation* – Concerns expressed with regards to layout of the site and the development's relationship with the surrounding area.
38. *Drainage and Coastal Protection Section* – No objection subject to a condition to secure the drainage scheme
39. *Ecology* – No objection subject to a S106 agreement to secure contributions of £26,000 to secure off-site biodiversity works to mitigate the impact of the development and conditions to secure the mitigation measures outlined within the ecology report and details of the creation and future management of on-site biodiversity improvements.
40. *Environmental Health (Contaminated Land)* – No objection subject to the imposition of a condition.
41. *Environmental Health (noise)* – No objection subject to the imposition of conditions
42. *Landscape Section* – No objection subject to conditions to secure a detailed scheme and future maintenance
43. *Arboricultural Officer* – No objection subject to the imposition of conditions
44. *Housing Delivery* - Confirm affordable housing requirement of 10% would be expected across the site
45. *School Organisational Manager* – There are sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development.

PUBLIC RESPONSES:

46. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. No public representations have been received.

APPLICANT'S STATEMENT:

47. Outline planning consent for the erection of 38 dwellings was granted on this site for a period of 5 years in June 2013. It was decided to submit a new full planning application rather than a reserved matters application as the number of dwellings rose by two as the detailed layout was progressed by the scheme's architect.
48. Outline planning consent for the erection of 38 dwellings was granted on this site for a period of 5 years in June 2013. It was decided to submit a new full planning application rather than a reserved matters application as the number of dwellings rose by two as the detailed layout was progressed by the scheme's architect.
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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:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the surrounding area, access and highways, amenity of adjacent occupiers, ecology, affordable housing and housing mix, infrastructure and open space, and other issues.

Principle of development

The Development Plan

53. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that the weight to be afforded to existing Local Plan policy should depend upon consistency with policies of the NPPF.

54. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be

considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

55. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:

- approving development proposals that accord with the development plan without delay; and,
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

56. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

57. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the CDLP are considered, at least in part, out-of-date as outlined above.

Five Year Housing Land Supply

58. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018), with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force. This is expected to be later this summer. In the meantime the Inspector concluded that the most appropriate measure for assessing the housing requirement is the 1,629dpa (1 of 3 scenarios within the County Durham Plan 'Issues and Options' (June 2016)) as it provides the best evidence of the objectively assessed housing need for County Durham. Against this figure, the Inspector concluded that the Council has a housing land supply of 4.75 years. In accordance with paragraph 49 of the NPPF relevant policies for the supply of housing should not be considered up-to-date in the absence of being able to demonstrate a five-year supply of deliverable housing sites. Accordingly, the benefit of boosting housing land supply will need to be factored into the planning balance, whilst recognising that the benefits of delivering new housing will be less than if a more significant shortfall in supply existed.

Assessment having regards to Development Plan Policies

59. The application site is identified under SBLP Policy IB3 as land to be developed as a business area. The Plan clarifies (Policy IB8 – Acceptable Uses in Business Areas) that business areas complement general industrial areas by providing small, high quality sites suitable for business and office uses (Use Class B1). The application, which proposes the development of 40 residential units, is not therefore in conformity with policy IB8. However, it is important to recognise the SBLP was adopted in 1996 and is dated in some respects, taking account of more recent evidence.
60. In accordance with Government advice, the appropriateness of retaining the site for employment use has been tested through an Employment Land Review (ELR) (2012). As a result of changes in the business market and that other sites are available it is not considered the application site represents an attractive prospect to the market. This is reinforced by the fact it took the existing offices on site a considerable length of time to let out. The findings of the Council's ELR recommend that this site is not taken forward as an employment allocation.
61. Paragraph 22 of the NPPF cautions against the long term protection of sites allocated for employment use 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 should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
62. The findings of the ELR would suggest that there is limited demand for office space in this locality and this was the justification for approving both 7/2011/0543/DM (28 dwellings and 10 commercial units) and 7/2012/0273/DM (38 dwellings) respectively. The latter of these two schemes was approved in June 2013 with a 5-year consent and remains a valid implementable consent. In light of the more up to date evidence contained within the ELR reduced weight should be afforded to policies IB3/IB8 and the fact that the development would be in conflict with these. Consistent with the NPPF paragraph 22, it is therefore appropriate to consider applications for alternative uses on their merits.
63. The application site is located within the settlement limits of Shildon. The policy that was relevant to this area, policy H1, has not been saved. With regards to the principle of the new housing development in Shildon the local plan is considered to be silent and as such paragraph 14 of the NPPF is engaged. The acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

Locational Sustainability of the Site

64. Within the Durham County Council Settlement Study (2012) Shildon is classified as a Tier 1 Settlement – Main Towns. Such settlements have primary and secondary schools, several GPs and health centres, community facilities and industrial estates. They act as a public transport hub for a wider hinterland. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.

65. In assessing the sustainability of the site, it is considered that it performs well and future residents would have the opportunity to access a range of facilities and services without the need to utilise the private motor car. Sustainable transport links are considered to be good with bus stops located outside the development on the C189. Walking and cycling to local amenities is also a viable option.
66. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

Impact on the character and appearance of the surrounding area

67. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. SBLP Policy D9 seeks to encourage the incorporation of public art within developments wherever possible. Policy E15 seeks to avoid the loss of trees and hedgerows on site. This is reflected in Parts 7 of the NPPF which also seek to promote good design. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are partially consistent with the NPPF and can be attributed weight in the decision making process.
68. The site layout has evolved over the course of the application process most notably to take account of drainage and highway requirements. The design officer has expressed some concerns relating to the revised layout and its relationship with the surrounding area partially in views from the A6072. Whilst there was previously a more open aspect, the site arrangements as now proposed along the southern western edge would not be too dissimilar to an estate which lies further to the north west where rear gardens typically back onto the road. There is considered to be little scope for amendment given the site constraints and the boundaries would be softened with landscaping. Overall the proposed dwellings are considered commensurate in scale and design with surrounding developments.
69. The proposed materials include facing brickwork, tiled roofs and stained timber cladding. Whilst the general approach to materials is acceptable a condition would be appropriate to agree the exact details. Overall it is not considered that this design approach would be out of keeping with the surrounding area.
70. The site is located in an area of mixed character and relates to an area of overgrown scrubland. Existing hedgerows and trees line the northern and eastern boundaries although there are more open views across the site from the west. As such a 3m high bund is proposed to run along the boundary with the A6072 which would incorporate hedge planting. To the east, adjacent to Redworth Road, some vegetation would need to be removed to achieve sight visibility splays at the site entrance. As there are no mature specimens trees it is not considered that this would have a significant impact on amenity and a detailed landscaping scheme is to be agreed in due course to secure replacement planting.
71. Existing trees and hedgerows would be protected during construction. The principle of developing this site is therefore considered acceptable in landscape terms. No objection has been received from either the landscape or tree officer subject to

conditions being imposed to secure a detailed landscape scheme, future management and maintenance arrangements and tree protection measures.

72. The applicant has agreed to the provision of art on the site, which can be secured by condition.

73. There is no conflict with the above mentioned policies of the SBLP and NPPF.

Access and Highway Safety

74. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These policies are considered compliant with the NPPF.

75. An appropriate means of access and layout arrangements have been secured in consultation with the Highways Authority. Car parking provision would comply with the minimum requirements outlined in DCC Residential Car Parking Standards. Subject to the imposition of conditions to secure the closing up of the access from the service station via the A6072, the required sight visibility splays and the new footpath construction to link the development to the existing network, the Highways Authority offer no objections to the scheme. Other minor highways matters relating to internal speed limits and highway adoption procedures would be brought to the developer's attention by means of informatives.

76. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network. There is no conflict with the above mentioned policies and NPPF.

Amenity of Adjacent Occupiers

77. One of the twelve core planning principles of the NPPF is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. SBLP policies D3 and H17 require that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines of 21m between facing principal elevations and 14m between principal and gable elevations. The policies are considered to be in accordance with the intentions of the NPPF.

78. The internal layout falls short in some cases, but not to an unacceptable extent. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise. The new dwellings would all benefit from private amenity space.

79. The site lies in close proximity to noise generating sources such as the 24 hour service station and traffic associated with both the A6072 and Redworth Road. The application is supported by a noise assessment which demonstrates that noise attenuation measures are required to mitigate the aforementioned impacts. The noise assessment is based on a specific site layout which has been amended during the application process therefore the outcomes of the assessment are not entirely up to date. Notwithstanding this, Environmental Health Officers consider that the assessment broadly demonstrates that noise levels on site can be suitably controlled by mitigation measures. A condition is required to be imposed to secure the submission of a specific mitigation scheme to be developed, supported by an up to

date noise assessment, outlining what plots require which measures. On this basis no objection is raised to the development.

80. There is the potential for some disturbance during the construction period. However this would be a relatively small scale development with short lived impacts. It is therefore recommended that a condition to control construction hours would be sufficient mitigation in this case.

81. There is no conflict with the above mentioned policies and NPPF.

Ecology

82. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report notes the presence of species rich grassland within the site that could support badgers, good quality foraging and commuting opportunities across the site for bats and that the site is considered suitable to support a wide variety of birds. In order to minimise the ecological impacts of the proposal, including the risk of protected species being adversely affected, a series of recommendations are outlined. These including checking there are no active badger setts on site prior to development commencing, the timing of construction works to avoid disturbing nocturnal species and the installation of a house sparrow terrace in one of the new buildings. The recommendations outlined in the ecology report would be secured by condition.

83. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £26,000 for grassland (£16,500) and woodland (£9,500) creation which would be secured by means of planning obligation. On-site improvement works and the future maintenance of these areas would be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 109 of the NPPF.

Affordable Housing and Housing Mix

84. SBLP Policy H19 outlines that where a local need has been established the Council will seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on allocated sites. This site is not allocated, however it is considered that the principle can be applied to windfall sites as well. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in Southern delivery area, amounting to 4 dwellings in this case, which would be delivered as a mix of affordable rent (3no.) and discounted sale (1no.). The applicant has indicated that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure this requirement.

Infrastructure and open space

85. Paragraph 72 of NPPF confirms that the Government places great importance on the availability of sufficient choice of school places to meet the needs of existing and new communities. The Local Education Authority has highlighted that there are

sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development and therefore no contributions are required in this respect.

86. In respect of open space/recreation facilities, SBLP Policies L1 and L2 set out that for every 10 dwellings developed 100sqm of informal play space and 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010, which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide for six typologies, either within the site, or through a financial contribution towards offsite provision.
87. A development of 40 dwelling is of a scale whereby only play space would be expected to be provided on site. Notwithstanding this, as the Council would not be prepared to adopt any further play areas within the area a financial contribution would be sought to upgrade existing facilities. The developer intends to install a SUDs basin and there would be screen planting around the site boundaries. Amenity open space and semi natural green space would therefore be provided on site. On this basis the development would generate a required contribution of £82,280 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.

Other Issues

88. The Contaminated Land officer agrees with the recommendations within the submitted Phase 1 Desk Top Study. Whilst the report is 6 years old there appears to have been no site changes which would alter the risk assessment, conclusions and recommendations of the report. A further Phase 2 Site Investigation is required which can be secured by condition.
89. The site lies within the coal mining high risk area. The Coal Authority advises that the site has been subject to historic recorded underground coal mining activity at shallow depth and is likely to have been affected by unrecorded underground coal mining. Records also indicate that the site has been subject to past surface mining operations. The submitted Phase 1: Desk Top Study Report has been informed by appropriate and up to date coal mining information and confirms that further intrusive works should be undertaken to aid in assessing the extent of any potential issues, including those relating to past surface mining features, of which the layout has been designed around. The Coal Authority has recommended that such works are conditioned to establish the exact situation regarding ground conditions and to enable appropriate remediation measures to be identified if necessary. Subject to the condition being imposed the proposal would meet the requirements of the NPPF in demonstrating that the application site can be made safe and stable and as such the Coal Authority raise no objection to the scheme on this basis.
90. The site has been opencast in the past and with that in mind any archaeological remains would have been destroyed. On this basis the Council's archaeological officer has confirmed that no archaeological work is required to be undertaken and they raise no objections to the scheme.

91. The site is not in an area at risk from flooding. The Council's Drainage Section and Northumbrian Water have both confirmed that the drainage strategy is acceptable. The implementation of the scheme will be secured by condition.
92. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.
93. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed contributions towards offsite biodiversity improvement, open space and play provision are all considered to be in accordance with these tests as they are considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development, as is securing 10% on-site affordable housing.

CONCLUSION

94. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.
95. The direct benefits of the proposal would be the contribution to housing supply including affordable homes, which would assist in improving the range and choice within the local housing market.
96. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.
97. Whilst the proposal would result in the loss of some land designated for economic purposes, the findings of the ELR suggest that there is limited demand for office space in this locality and more recently alternative uses have been granted for the site. The existing noise climate is unlikely to cause a statutory nuisance and a condition can be imposed to secure appropriate noise mitigation measures.
98. Overall, the proposal is considered to represent a sustainable form of development which offers significant socio-economic benefits in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in all other respects.
99. There have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no conflict with the relevant policies of the SBLP.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- Provision of 10% affordable housing equating to 4 units;
- £82,280 for improving offsite open space and recreational provision
- £26,000 for biodiversity enhancements

And subject to the following 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 approved shall be carried out in strict accordance with the following approved plans:

Plan	Drawing No.	Date Received
On site drainage	3	5 Mar 2018
Off site drainage	4	5 Mar 2018
House type A variant 1	P-76/05/A	5 Mar 2018
House type A variant 2	P-76/06/A	5 Mar 2018
House type B variant 1	P-76/08/A	5 Mar 2018
House type B variant 2	P-76/09/A	5 Mar 2018
House type C	P-76/10/A	5 Mar 2018
House type D	P-76/11/A	5 Mar 2018
AIA Tree protection Plan	AIA TPP REV A	29 Mar 2018
AMS Tree protection plan	AMS TPP REV A	29 Mar 2018
SITE LOCATION PLAN		22 Aug 2017
SITE PLAN	P-76/01/H	8 May 2018
House Type A Variant 3	P-76/07/A	18 May 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies, E15, H19, T1, D1, D2, D3, D5, D8 and D9 of the Sedgefield Borough Local Plan.

3. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

4. Prior to the commencement of development a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:-
 - The undertaking of an appropriate scheme of intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken;
 - The submission of a scheme of remedial works for the shallow coal workings for approval;
 - A timetable for the implementation of the approved works
 - The scheme thereafter shall be completed in accordance with the approved details and timeframes.

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the National Planning Policy Framework.

5. No development shall commence until all trees and hedges agreed for retention, are protected in accordance with the details contained within the tree protection plan drg. ref. AIA TPP rev. A dated 27/03/2018. Protection measures shall remain in place

until the cessation of the development works unless the local planning authority have agreed in writing to any variation.

Reason: To protect trees from construction damage and in the interests of the visual amenity of the area having regards to Policies E15 and D1 of the Sedgefield Borough Local Plan and Parts 7 and 11 of the NPPF.

6. No development, other than site remediation works, shall take place until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from road traffic/commercial noise and should ensure the following noise levels are achieved.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.

7. No development, other than site remediation works, shall commence until the 2.4m x 120m junction sight visibility splays as shown on drg. no. P-76/01/H must be constructed in both directions on the improved vehicular access onto the C189. The sight visibility splays shall be maintained to ensure adequate junction sight visibility is maintained.

Reason: In the interests of highway safety and to comply with policy D1, D3 and D5 of the Sedgefield Borough Local Plan.

8. As soon as the new vehicular access has been construction in accordance with the approved plans the existing vehicular access to the site from the rear of the Service Station via the A6072 shall be closed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with policy D1, D3, D5 and T1 of the Sedgefield Borough Local Plan.

9. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy D1 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.

10. Prior to the occupation of the first dwelling the proposed off-site 1.8 metre wide continuous pavement to extend the existing pavement at Royal George Close as detailed on drg. no. p-76/01/H must be constructed and completed up to and including wearing course level.

Reason: In the interests of highway safety and to comply with policy D1, D3 and D5 of the Sedgefield Borough Local Plan.

11. Prior to the occupation of the first dwelling, a scheme for the provision of public art on site, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be completed in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgfield Borough Local Plan and Part 7 of the NPPF.

12. Notwithstanding the submitted information, prior to the occupation of the first dwelling a detailed landscaping scheme including biodiversity mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.

- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development. Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 of the Sedgfield Borough Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

13. Prior to the occupation of the first dwelling a scheme for the ongoing maintenance of the areas of public open space including any on-site biodiversity mitigation within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policies D1 and D4 of the Sedgfield Borough Local Plan.

14. Prior to the occupation of the first dwelling details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 of the Sedgfield Borough Local Plan and Part 7 of the NPPF.

15. The development shall be carried out in line with the drainage scheme detailed in the FRDA – Addendum ref S0228 rev dated 21-03-18.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

16. The development shall be carried out in accordance with the recommendations outlined within Section 7 of the Extended Phase 1 Habitat Survey by Eco North Ecology dated 22/08/2017.

Reason: In the interests of ensuring no protected species are affected by the development in accordance with Paragraph 109 of the National Planning Policy Framework.

17. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

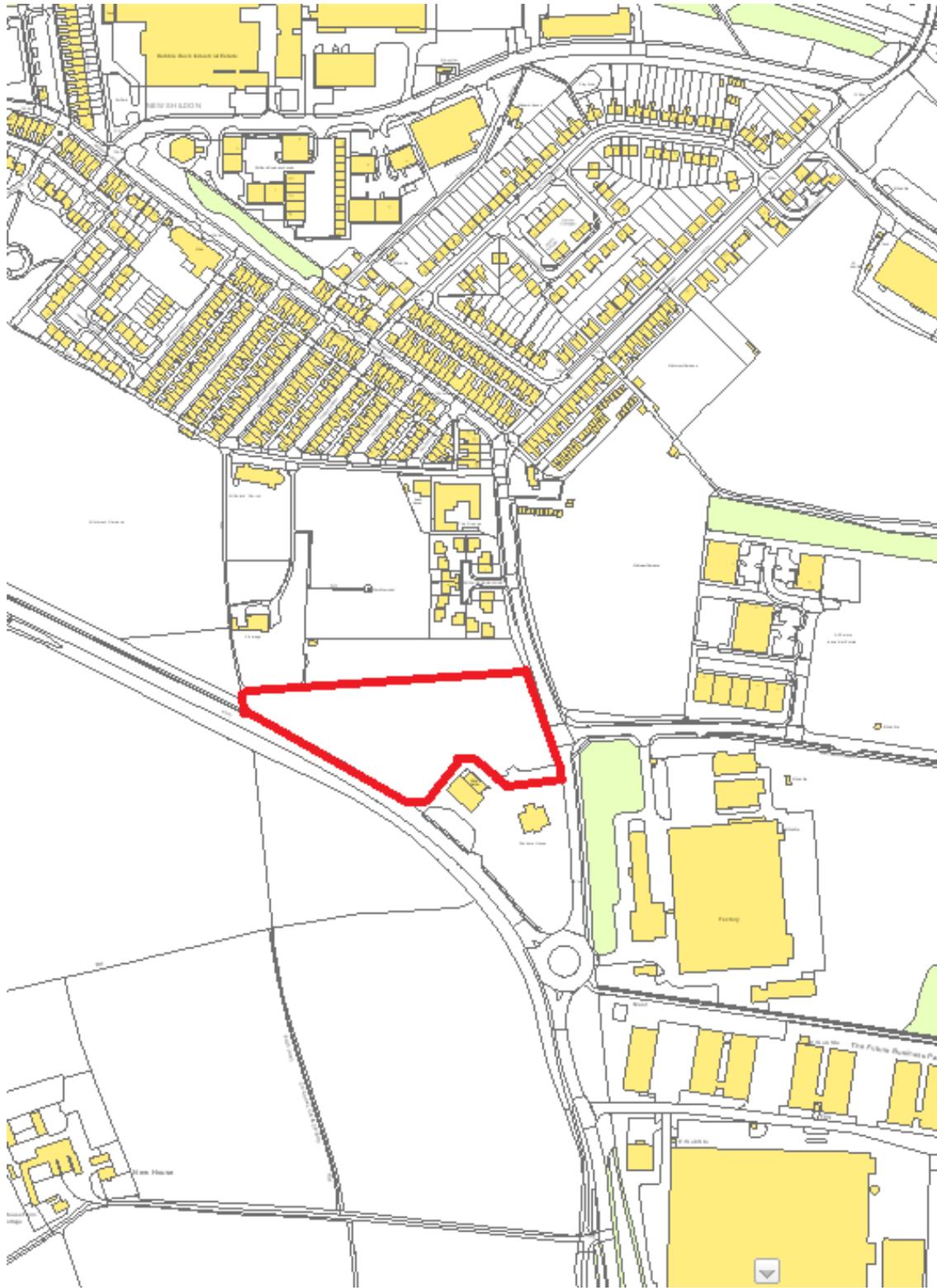
Reason: In order to prevent noise disturbance in accordance with paragraphs 110 and 123 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

**Erection of 40 dwellings
Kenworth Ltd
Land At Redworth Road,
Shildon
Ref: DM/17/02818/FPA**

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Date
21st June 2018

Scale
Not to scale

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00827/FPA
FULL APPLICATION DESCRIPTION:	Extension of existing veterinary hospital to provide additional consulting, treatment & educational space and provision of additional visitor and staff car parking with associated landscaping
NAME OF APPLICANT:	Wear Referrals
ADDRESS:	Wear Referrals Veterinary Hospital, Bradbury
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The 1.35ha application site lies to the east of Bradbury Services on the eastern outskirts of Bradbury village. It is bound to the north by the A689, to the east by a railway embankment serving the East Coast mainline and to the south by agricultural fields. The nearest residential property, Maplewood, is approximately 70 metres to the west of the proposed building site whilst the roundabout serving the A689 and the A1(M) lies approximately 400 metres to the west.
2. The land is linear in nature and the eastern portion is in use as a veterinary hospital with associated car parking. As part of that development biodiversity mitigation was secured in the form of a wildflower meadow as well as other measures on the western portion of the site.
3. Wear Referrals Veterinary Hospital has occupied the site since June 2015 and currently employs 94 members of staff. The business offers specialised services for small animal specialist diagnostics, treatment and surgery by other veterinary practitioners from the north of England and Scotland.

The Proposal

4. Full planning consent is sought for the expansion of the existing premises to provide more clinical, administrative and staff space.
5. A new building is proposed to the west of the existing building that would incorporate a link corridor between the two blocks. The building would be broadly rectangular, proving an additional 1900sqm of floor space across two storeys. The additional building would be similar to the original in scale, massing, form, materials and

detailing. The roof would be broken down into three sections of different designs and heights and with a curved roof form that replicates the original building.

6. The materials palette would include a stone base course, untreated timber, through colour render, buff brick slips and stone filled wire gabion boxes. The roof would be a mixture of aluminium and living sedum. Windows and doors would have aluminium frames.
7. The proposed building would be set back from the site boundary by approximately 6m and would lie between 15m and 18m from the A689. A detailed hard and soft landscaping scheme has been submitted which includes new screen planting along the northern boundary.
8. The proposed veterinary hospital would be accessed via the existing road which serves the existing Petrol Filling Station and also provides access to the agricultural fields to the south and the East Coast railway line. A total of 147 parking spaces would be provided across the site including two new car parks, to the west of the new building and east of the original to complement the existing 42 spaces that lies to the south of the site.
9. This application is being reported to Planning Committee as it falls within the definition of major development.

PLANNING HISTORY

10. The application site has a lengthy planning history. The most relevant and recent is summarised below;
11. Consent was granted (7/2009/0068) for the demolition of the existing forecourt shop and replacement by a larger shop with parking provision; new cafe in a separate freestanding building associated parking to the east of the forecourt area; a secured park and share parking facility; closure of the existing and formation of a new entrance to the site from the A689.
12. A proposal (7/2009/0424) for the erection of 90 bed hotel with associated parking and landscaping was withdrawn to allow a sequential test to be carried out to assess the suitability of the site for hotel development and in order to allow the scale, height and siting of the hotel to be re-assessed. An application (7/2010/0344) was later approved for the erection of 80 bed hotel with associated parking and landscaping and relocation of previously approved park and share facility.
13. More recently consent was granted (7/2012/0397/DM) for the erection of a veterinary hospital and associated works including access and landscaping. A later, slightly varied scheme (DM/14/01360/FPA) was also approved and subsequently implemented.

PLANNING POLICY

NATIONAL POLICY:

14. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The following elements are considered relevant to this proposal;

15. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

21. *Policy T3 – Safeguarding Railway Lines* – States that existing railway lines will be safeguarded from development that might prevent their use for passenger or freight use.
22. *Policy T13 - Roadside Facilities at Motorway Interchanges* - States that the provision of a full range of roadside facilities, including hotel development, at the Bradbury interchange will normally be approved, as the site is considered an appropriate location for such development to serve motorists on the A1(M) and adjacent routes.

23. *Policy IB13- Extensions to Industrial and Business Premises* – States that permission will normally be granted provided there are no adverse impacts to adjacent premises, the site is not over intensely developed, and there are no significant detrimental environmental effects.
24. *Policy D1 - General Principles for the layout and design of new developments* - Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
25. *Policy D2 – Design for People*. This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
26. *Policy D3 -Designed with pedestrians, cyclists, public transport* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
27. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows*. Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.

RELEVANT EMERGING POLICY

The County Durham Plan

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Bradbury and the Isle Parish Council* – No comments received
30. *Sedgefield Town Council* – No objection
31. *Highways Authority* – No objection to the scheme following the latest revisions subject to the imposition of conditions and informatives
32. *Environment Agency* – No objection, offer some advice regarding pollution prevention
33. *Northumbrian Water* – No objection subject to the imposition of a condition

INTERNAL CONSULTEE RESPONSES:

34. *Planning Policy* – The principle of developing a veterinary hospital at this location is well established therefore no objection to the proposed expansion subject to the acceptability of detailed matters.
35. *Design and Conservation* – Offer support to the proposal
36. *Drainage and Coastal Protection Section* – No objection
37. *Ecology* – No objection subject to a financial contribution to secure off-site ecology mitigation and conditions to secure the mitigation measures outlined within the ecology report and details of the creation and future management of on-site biodiversity improvements.
38. *Environmental Health (Air Quality)* – No objection subject to the imposition of a condition relating to Dust Action Management Plan
39. *Environmental Health (Contaminated Land)* – No objection
40. *Environmental Health (Nuisance Action Team)* – No objection
41. *Landscape Section* – No objection subject to imposition of conditions
42. *Arboricultural Officer* – No objection subject to the imposition of conditions
43. *Police Architectural Liaison Officer* – No comments to make

PUBLIC RESPONSES:

44. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring properties. No letters of public representation have been received.

APPLICANT'S STATEMENT:

45. Application DM/18/00827/FPA is for a third phase of development at the Wear Referrals Veterinary Hospital site at Bradbury which will facilitate necessary future growth of an already highly successful business. The development has been designed to be of the same high quality as the existing development on the site, which in 2015 was awarded three Durham County Environment Awards in 2015, including Outstanding Award: for the outstanding contribution to the built environment of County Durham.
46. The Wear Referrals Veterinary Hospital offers a highly specialised and skilled service for small animal specialist diagnostics, treatment and surgery, by referral from other veterinary practitioners elsewhere between the Liverpool / Leeds / Hull and Glasgow/Edinburgh conurbations and runs a full emergency and out-of-hours services for primary care practices.
47. The proposal for a third phase of development at Wear Referrals is as a direct result of current and projected business growth by the veterinary hospital. Wear Referrals' business activities have grown exponentially since moving into the current hospital on the site in June 2015. This rapid growth is leading to capacity issues in terms of available clinical, administrative and staff space, inside and outside the building.

48. The business is already a major employer in the area, the total number of Wear Referrals employees currently stands at 102 equivalent full time. Further business growth is strongly anticipated and the business is therefore wishing to invest in the development of a 3rd phase of development of the site, which will enable Wear Referrals to become one of the leading veterinary specialist centres in the UK. With this 3rd phase in place it is anticipated that staffing levels will increase to around 156 equivalent fulltime.
49. The existing building on the site has added positively to the overall quality of the area, being a contemporary building having been designed in response to its setting. The design of this proposed third phase has taken the existing award winning building as its design influence, responding similarly to its setting and creating a high quality addition to the built and natural environment. High quality landscaping will enhance the development with proposals included for protection and enhancement of existing ecology on and off site. The proposed development will enhance the strong sense of place that the first two phases have created—both for those passing the building and those visiting and working in it.
50. The proposals for the veterinary hospital's 3rd phase have been developed on the basis of sustainable design principles aimed at minimising the consumption of energy and therefore the emission of greenhouse gases. 11% of the proposed development energy requirement will be provided by low and zero carbon technologies. This results in a significant reduction in CO2 emissions when compared to a Part L compliant building.

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:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the surrounding area, highway safety and access, impact on the amenity of adjacent land users, ecology and other considerations.

Principle of development

52. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that the weight to be afforded to existing Local Plan policy should depend upon consistency with policies of the NPPF.
53. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is

based upon evidence which is not up-to-date/is time expired depending on the circumstances.

54. The application site is identified under SBLP Policy T13 as land to be developed for roadside facilities, including hotel development to serve motorists on the A1(M) and adjacent primary routes. The application, which proposes the expansion of a veterinary hospital is not in conformity with that policy.
55. Whilst the site had long been identified as a site for roadside facilities and a number of applications for such uses were granted between 1987 and 2010 none of these proposals were implemented because of the lack of viability of this type of use in this location. Paragraph 22 of the NPPF cautions against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. In these circumstances applications for alternative uses of land 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 principle of developing the site for this use has already been established through earlier consents and Wear Referrals have been operating from the site since 2015.
56. The expansion of the veterinary hospital would help to safeguard the long term future of the business which is fast outgrowing its current premises. It would allow the business to expand seeing employment numbers increase from 94 to around 156 full time positions. As such, the proposal would comply with Paragraphs 18 and 21 of the NPPF which seek to secure economic growth in order to create jobs and prosperity and support existing businesses.
57. SBLP Policy IB13 promotes extensions to industrial and business premises provided that adjacent industrial or business premises are not adversely affected and the site is not over intensively developed. Additionally, the environmental effect in terms of residential amenity or traffic movement must not be significantly detrimental to the general character of the area. Proposals that would result in the extension of an existing activity in the countryside should not have an adverse effect on the character of the local area. The policy is therefore supportive of the expansion of existing business premises provided there are no significant adverse impacts which will be considered in more detail later in this report.
58. With regards to the principle of development SBLP Policy T13 is considered to be out of date given alternative uses are operating from the site therefore paragraph 14 of the NPPF is engaged. Accordingly, only very limited weight can be afforded to policy T13 and the acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

Impact on the character and appearance of the surrounding area

59. Local Plan Policies D1 and D4 require that developments includes a co-ordinated approach which takes into account of the site's natural and built features and its relationship to adjacent land uses and activities, that attention to the design of buildings and their spatial relationships to open spaces and includes suitable landscaping and boundary treatment to help create a sense of space. The importance of good design is also a key element of the NPPF and Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible

from good planning, and should contribute positively to making places better for people.

60. The approved veterinary hospital was sensitively designed to provide a modern land mark building that, although prominent within the landscape, is seen in the context of its countryside setting. The extension has followed similar design principles so that it incorporates a variety of low profile curved roof forms and includes a graduated height with a single storey element located along the site frontage with the central two storey element located behind this. The curved nature of the roofs and the use of a sedum living roof on the northernmost section facing onto the A689 play an important role in ensuring that the building would appear to be set within the wider landscape of the site. Whilst the general approach to materials is considered acceptable and would complement the existing building a condition would be appropriate to agree the exact details.
61. The proposed expansion of the veterinary hospital would be a well-considered design response to the site and existing building which is of exemplary quality. As such the design officer raises no objection to the scheme and offer their full support to the scheme.
62. In support of the application a detailed hard and soft landscaping scheme has been submitted. Screen planting would be undertaken along the northern edge with additional tree and shrub planting within the site. Existing planting would be retained where possible, made good upon the completion of works and infilling undertaken where necessary. Existing trees and hedgerows would be protected during construction. As such no objection is raised by either the Council's landscape or arboriculture officer subject to conditions being imposed to secure the implementation of the scheme, future management and maintenance arrangements and the installation of tree protection measures.
63. The design and layout of the building and associated car parking areas is therefore considered to be in accordance with Local Plan Policies D1 and D4 and the NPPF.

Access and Highway Safety

64. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These policies are considered compliant with the NPPF.
65. The existing access and level of on-site car parking has been deemed to be sufficient to cater for a development of this nature and size. It is acknowledged that most animal owners visiting the hospital would travel by private car because of practical concerns relating to the transport of sick or injured animals (often over long distances). Many of staff (up to 156 in total) would also access the site in this way. Nevertheless there are opportunities to encourage employees to travel via a range of transport modes rather than relying solely on the private car. Accordingly, a planning condition is recommended to promote sustainable travel via the implementation of a travel plan. Pedestrian linkages from the site to the A689 public footpath are shown on the plans and would be secured by condition. A condition would also be imposed to secure the implementation of the car parking arrangement prior to the occupation of the building. Other minor highways matters relating to vehicle charging points and high adoption procedures will be brought to the developer's attention by means of a condition and informative.

66. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network. There is no conflict with the above mentioned policies and NPPF.

Impact on the amenity of adjacent land users

67. One of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy IB13 of the SBLP seeks to ensure that proposals would not adversely impact on adjacent business premises or residential amenity and is considered to be consistent with the NPPF.

68. The site stands on the outskirts of Bradbury and there are a number of noise generating sources in the vicinity including the Petrol Filling Station to the west with the A1(M) lying approximately 400 metres beyond. The A689 is situated to the north and the railway embankment of the East Coast mainline lies to the east. The nearest residential property is approximately 70m to the west of the proposed veterinary hospital.

69. Environmental Health Officers have considered the proposal having particular regard to the installation of new plant and outdoor exercising areas. Taking into account the existing noise climate, the times of operation, the noise levels of the equipment, the management arrangements for the use of the patient exercise areas and the distances between the site and neighbouring residents it is not considered that any significant impact will arise in terms of noise. Whilst the further development of the site would inevitably lead to additional traffic generation it is not considered that this would have a significant detrimental impact on the amenity of adjacent land users in terms of noise and disturbance.

70. The site lies in close proximity to a rail line and Network Rail have confirmed that they have no objection to the scheme on the basis of the information submitted. However they have advised a condition should be imposed to ensure external lighting does not cause an impact to driver visibility in addition to offering some general advice which will be brought to the applicant's attention by means of an informative. The development would therefore accord with policy T3 which seeks to safeguard existing railway lines and which is also considered to be consistent with the NPPF.

71. There is the potential for noise and disturbance during the construction period however it is accepted that this would be a relatively small scale development with short lived impacts. It is therefore recommended that conditions to control construction hours would be sufficient mitigation in this case.

72. There is no conflict with the above mentioned policies and NPPF.

Ecology

73. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted a Preliminary Ecological Appraisal highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. There are no priority habitats within the development area, however the report recommends appropriate timing of clearance works, working methods and best practice which can be secured by condition.

74. The original application for the site included biodiversity mitigation, in the form of a wildflower meadow, as well as other measures. These do not appear to have been achieved, and the proposed extension will cover the proposed mitigation area, as well as the remaining open areas on site with hardstanding. Ecology officers initially raised concerns that the development would result in a loss of biodiversity with little on-site mitigation to offset this. An assessment of these biodiversity losses was subsequently undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £8,300 for grassland creation at and around Hardwick Country Park and future maintenance costs which would be secured by means of planning obligation. On-site improvement works comprise of a landscaping scheme including wildflower planting and the installation of bat and bird boxes. The future maintenance of these landscaped areas would be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 109 of the NPPF and saved policy E11 of the SBLP.

Other Issues

75. The Contaminated Land officer has assessed the submitted information and liaised with the applicant's appointed consultant. There are no adverse comments to make following this assessment and no requirement for a contaminated land condition to be imposed.
76. The Environment Agency has confirmed that it has no objection to the scheme but offer some recommendations which would be brought to the applicant's attention by means of an informative.
77. The site is not in an area at risk from flooding. The Council's Drainage Section and Northumbrian Water has confirmed that the drainage strategy is acceptable and its implementation will be secured by condition.
78. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.
79. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed contribution towards offsite biodiversity improvements is considered to be in accordance with these tests as it is considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development.

CONCLUSION

80. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and as there are no restrictive policies in play, then in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.

81. The expansion of the veterinary hospital would help to safeguard and support the long term future of the business which is fast outgrowing its current premises. It would allow the business to expand seeing employment numbers increase from 94 to around 156 full time positions. There would be some economic benefits from construction. Furthermore the scheme would provide net gains in biodiversity through a balance of a financial contribution to secure off-site mitigation as well as some on-site provision which will provide the net gains.
82. Overall, the proposal is considered to represent a sustainable form of development. The scheme would relate well to the character and appearance of the area and is acceptable in all other respect subject to the imposition of conditions.
83. There have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no conflict with the relevant policies of the SBLP. Accordingly, planning permission should be granted.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- £8,300 for biodiversity enhancements to be used towards offsite grassland creation and its future maintenance at Hardwick Country Park and associated land.

And subject to the following 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 approved shall be carried out in strict accordance with the following approved plans:

Plan	Drawing No.	Date Received
Wear referrals outdoor condensing unit plans		29/03/18
Substation details	3720-JDK-A-20200 (Rev A)	29/03/18
Landscape Strategy and Planting Plan	1556-1-50 (Rev F)	07/06/18
Proposed Site Plan	3720-JDK-A-1010 (Rev 9)	07/06/18
Ground and First Floor Plans	3720-JDK-A-2010 (Rev 5)	07/06/18
Roof Plans	3720-JDK-A-2011 (Rev 5)	07/06/18
Proposed Elevations Sheet 1	3720-JDK-A-3001 (Rev 7)	07/06/18
Site Elevations, Sections and 3D Views	3720-JDK-A-30100 (Rev 2)	07/06/18
Retained trees shown on proposed layout with protective measures indicated (TPP)	AIA TPP	08/05/18
Arb Method Statement & Retained trees shown on proposed layout with protective measures indicated	AMS TPP	08/05/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. No development shall commence until all trees and hedges agreed for retention, are protected in accordance with the details contained within the tree protection plan drg. ref. AIA TPP dated 27/04/2018. Protection measures shall remain in place until the cessation of the development works.

Reason: To protect trees from construction damage and in the interests of the visual amenity of the area having regards to Policies E15 and D1 of the Sedgefield Borough Local Plan and Parts 7 and 11 of the NPPF.

4. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy D1 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.

5. Prior to the first occupation of the building hereby approved a scheme for the ongoing maintenance of the areas of public open space including any on-site biodiversity mitigation within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policies D1 and D4 of the Sedgefield Borough Local Plan.

6. Prior to the first occupation of the building hereby approved the car parking arrangements as detailed on drg. no. 3720-JDK-A-1010 Rev. 9 shall be constructed and marked out and made available for use. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability for the parking of private vehicles.

Reason: In the interests of highway safety and to comply with policies D1 and D4 of the Sedgefield Borough Local Plan.

7. Prior to the first occupation of the building hereby approved, 2 no. electrical vehicle charging points shall be installed and operational within the site. The charging points shall be retained thereafter in perpetuity.

Reason: In the interests of reducing carbon emissions, in compliance with Part 10 of the NPPF.

8. Prior to the first occupation of the building hereby approved the footpath link from the site to the A689 illustrated on Drg. No. 3720-JDK-A-1010 Rev.9 shall be constructed and ready for use.

Reason: In the interests of highway safety and to comply with policies D1 and D4 of the Sedgefield Borough Local Plan.

9. The development shall be carried out in line with the drainage scheme detailed in the Flood Risk and Drainage Impact Assessment ref 16N669 Rev. B rev dated August 2017.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

10. The development shall be carried out in accordance with the recommendations outlined within Section H of the Preliminary Ecology Appraisal Version R04 by E3 Ecology Ltd dated 08/06/2018.

Reason: In the interests of ensuring no protected species are affected by the development in accordance with Paragraph 109 of the National Planning Policy Framework.

11. If following the installation and operation of the new external lighting there is found that there is a problem with train driver visibility a scheme to alleviate the issue shall be submitted to and approved by the Local Planning Authority in consultation with Network Rail and the train operating companies. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interests of railway safety and to comply with policy T3 of the Sedgefield Borough Local Plan.

12. Within 6 months of occupation a Final Travel Plan, conforming to the National Specification for Workplace Travel Plans PAS 500:2008 Bronze Level, shall be submitted to and approved in writing by the Local Planning Authority

Reason: In order to encourage sustainable modes of transport and to comply with Paragraphs 35 and 36 of the NPPF.

13. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme detailed on drg. no. 1556-1-50 Rev. F shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of appearance of the area in accordance with Policies D1 and D4 of the Sedgefield Borough Local Plan.

14. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

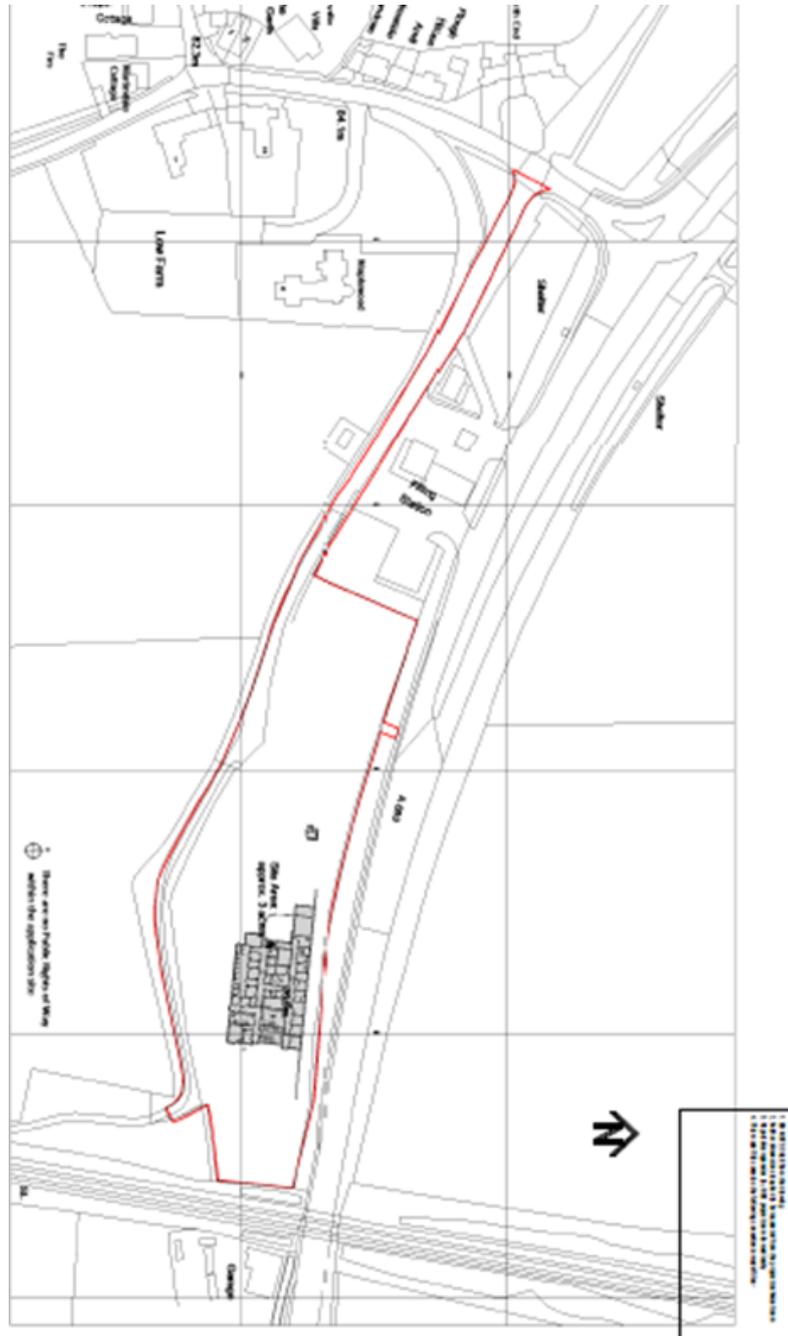
Reason: In order to prevent noise disturbance in accordance with paragraphs 110 and 123 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

Extension of existing veterinary hospital to provide additional consulting, treatment & educational space and provision of additional visitor and staff car parking with associated landscaping
Wear Referrals
Wear Referrals Veterinary Hospital, Bradbury
Ref: DM/18/00827/FPA

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Date
21st June 2018

Scale
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