



Area Planning Committee (South and West)

Date Thursday 24 May 2012
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 19 April 2012 (Pages 1 - 6)
3. Applications to be determined
 - a) 3/2012/0051 - Land to the Rear of 2-10 Royal Grove, Crook
(Pages 7 - 16)
Change of use of land to the rear of nos. 2-10 Royal Grove, Crook
 - b) 6/2011/0351/DM/OP - Land South of Evenwood Lane, Evenwood Gate, Bishop Auckland (Pages 17 - 30)
Proposed residential development (outline application)
 - c) 6/2011/0438/DM - Lane Head Farm, Lane Head, Hutton Magna
(Pages 31 - 48)
Erection of farm office, workshop, storage building, seasonal workers accommodation, regrading of landscape bund and provision of additional hardstanding area
 - d) 6/2012/0047/DM - Land at High Riggs, Barnard Castle (Pages 49 - 70)
Residential development comprising 100 no. dwellings (30 affordable) and associated infrastructure
 - e) 7/2012/0103/DM - Land at 14 North Road, Spennymoor (Pages 71 - 86)
Outline application with details of layout, access and scale, for the erection of four dwellings including the demolition of 14 North Road, Spennymoor.

4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
16 May 2012

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

Councillor M Dixon (Chair)
Councillor E Tomlinson (Vice-Chairman)

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

Contact: Jill Errington

Tel: 0191 370 6250

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Council Offices, Spennymoor on **Thursday 19 April 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins, E Paylor, G Richardson, J Shuttleworth, R Todd, J Wilkinson and P Brookes (substitute for E Tomlinson)

Apologies:

Apologies for absence were received from Councillors E Tomlinson and A Hopgood

Also Present:

J Byers – Planning Team Leader (South and West Area)
A Inch – Principal Planning Officer
A Caines – Principal Planning Officer
N Carter – Legal Officer
D Stewart – Highways Officer

1 Declarations of Interest (if any)

Councillor P Brookes declared a personal and prejudicial interest in planning application 7/2012/0054/DM - land west of Woodlea House, Horse Close, Trimdon Colliery. As a local Member he wished to speak in support of the application. Councillor Brookes left the meeting during determination of the application.

2 The Minutes of the Meeting held on 22 March 2012

The Minutes of the meeting held on 22 March 2012 were confirmed as a correct record and were signed by the Chair.

3 Applications to be determined

**3a 7/2012/0027/DM - Unit 4 George Reynolds Industrial Estate, Shildon
Change of Use from Warehouse to Indoor Soccer Facility with
Associated Facilities**

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

A Inch gave a detailed presentation on the main issues outlined in the report which included photographs of the site. He advised Members that since the report had been circulated the objection received from the Director of Shildon AFC Development Centre had been withdrawn and the Centre was now fully in support of the application.

J Lavender, the applicant's agent addressed the Committee. He stated that if approved the development would provide a much needed facility in the South West Durham area. At present the nearest alternative facility of a similar standard was Soccerena in Durham.

The applicant had received support from a wide range of organisations and clubs, and J Lavender read extracts from 2 letters of support from Durham County Football Association and Wear Valley and Teesdale Schools Sports Partnership. In offering its support the Football Association had made reference to a Community Use Agreement. J Lavender confirmed that the applicant would be willing to enter into an Agreement if deemed necessary.

In discussing the application Members noted the objections received from the Chairman of Shildon AFC Supporters Club in relation to the Scouts Memorial Field and the impact the proposals may have on its use. The applicant's agent advised that the new centre would be complimentary and additional to existing facilities and would not adversely affect the usage of the Scouts Memorial Field.

In response to a query about the use of the premises the Principal Planning Officer explained that restricting it to an indoor football facility would prevent the building being used for any other purposes which could have a detrimental impact on the vitality and viability of Shildon Town Centre. However this would not preclude planning applications for change of use in the future.

Members considered that the proposals would be of benefit to the area and would bring a disused building back into use. The Committee also felt that a condition should be included which would require the submission of a Community Use Agreement by the applicant.

RESOLVED

That the application be approved subject to the conditions outlined in the report and to an additional condition requiring the applicant to submit a Community Use Agreement; the wording of such condition to be delegated to the Principal Planning Officer.

**3b 7/2012/0054/DM - Land West of Woodlea House, Horse Close Lane, Trimdon Colliery
Outline Application for the Erection of a Dormer Bungalow (re-submission)**

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

A Inch, Principal Planning Officer gave a detailed presentation on the main issues outlined in the report which included photographs of the site.

Councillor Brookes addressed the Committee in support of the application and circulated a plan of the village dated 1939. The site was currently occupied by a range of agricultural buildings and a brick built joinery workshop. All the buildings were in a state of disrepair and unused. A fire recently destroyed a timber barn and whilst permission could be granted to erect an agricultural building it would be out of character with this residential area.

Although the proposed development was outside the residential framework of Trimdon Colliery there were other properties immediately to the north and east of the site. A new dwelling would consolidate an area which was already considered by local people to be residential. The site was sustainable, close to existing amenities and the proposed development would improve an untidy piece of land.

He referred to Regional Planning Policy and Policy 4 of the RSS stating that whilst the site was classed as greenfield and not previously developed land, a dwelling within a residential location should be preferable to an agricultural building.

The draft NPPF noted that planning authorities should avoid, but not necessarily refuse applications for isolated homes in the countryside unless there were special circumstances. This site was not isolated or in the open countryside. He referred to the 1939 map which showed that in previous years this site was at the bottom of a terraced row of colliery houses known as 'the coffee pot' by local people.

Councillor L Hovvels, local Member, reiterated the views of Councillor Brookes and added that local people believed that the site was in the heart of the community and that it was within the settlement framework of Trimdon Colliery. The site was sustainable, being close to existing amenities including a bus stop. The area was already saturated with agricultural buildings and the proposed bungalow would contribute to the continuing environmental improvements in a village that had experienced decline following colliery closures. The Member also referred to the Localism Act 2011 which placed emphasis on the views of local people when making decisions about development in their community.

Mr K Ryder, the applicant's agent addressed the Committee and circulated 3 photographs of the site. The applicant had owned the land since 1977 and had worked on it until his retirement 5 years ago. He was a long-term resident of Trimdon Colliery and the bungalow would be specially adapted to meet his health needs.

The site was occupied by unused agricultural buildings and if refused a further agricultural building could be erected directly opposite local residents. The building was close to other dwellinghouses and to local amenities. The applicant had taken on board the comments of Highways and would locate the access to the north of the site.

The Principal Planning Officer acknowledged the comments made in respect of the NPPF but advised that in terms of implementation it did not change the statutory status of the development plan as the starting point for determining planning applications. He also clarified that planning permission would be required for the erection of an agricultural building on the site. Members were advised that until the abolition of the RSS the Localism Act 2011 was not a consideration in planning terms.

In discussing the application a Member commented that Trimdon Colliery, as a former mining village was in need of investment. The Committee also felt that the site was close to other dwellinghouses within the settlement framework and had been an intrinsic part of the village in the past. The proposal would tidy an area of land that was an important gateway to Trimdon Colliery.

RESOLVED

That the application be approved and the Principal Planning Officer be granted delegated authority to formulate appropriate conditions.

Reason:

The proposal represents an acceptable housing development in terms of its location based on its proximity to the settlement framework, and in terms of access, parking, privacy and amenity. The development will improve the appearance of the site which is an important gateway into Trimdon Colliery.

3c 3/2012/0101 - Land Off High Queen Street, Witton Park Erection of 2 no. Detached Bungalows

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

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

The Officer advised that since the report had been circulated 2 additional letters of objection had been received which raised no new issues to those already submitted. Members were also advised that the reference in the report to Section 38 of the Commons Act 2006 related to works on common land and should therefore be disregarded. Village greens were afforded protection in accordance with the Commons Act 1876 and the Inclosure Act 1857, as detailed in the report.

K Ryder the applicant's agent provided a plan of the area before it was registered village green which showed terraced housing and the road over which the applicants had a right of access. He had been informed by a former resident of Witton Park that the road, although not adopted, had been used and repaired in the 1980s to allow vehicles to gain access to the site. The road still existed and was of a suitable standard to serve 2 dwellings.

He made reference to planning policy and the NPPF which set out a presumption in favour of sustainable development. He also referred to the Localism Act 2011 which provided local people with powers to make decisions on development in their local community.

The applicants had lived in Witton Park all their lives and needed a specially adapted bungalow to meet Mr Robson's health needs. This site was not isolated in open countryside and an application had been approved for houses to the south west of the site which included a retail unit. The development would consolidate the area and was close to amenities.

Members were advised that whilst the NPPF set out a presumption in favour of sustainable development, in terms of implementation it did not change the statutory status of the development plan as the starting point for determining planning applications. The Committee was also advised that until the RSS was abolished the provisions of the Localism Act 2011 could not be a consideration in planning terms.

The Principal Planning Officer advised that Members had viewed the condition of the existing access and any works to bring it to the required standard would contravene village green legislation and cause a safety risk to users of the green. He confirmed that Members had been minded to approve an application in 2010 for a scheme for the development of 31 dwellings and a retail unit to the south west of the site. This development offered affordable housing, was of community benefit and access would be to the north of the site. The application originally included the site for 2 bungalows but this had now been excluded.

The Highways Officer confirmed that in its current state the access road was not adequate to serve 2 dwellings. There was no evidence to confirm what surface was beneath the grass and as part of the village green it would not be possible to undertake any improvements to bring the route up to a suitable standard. The proposals were therefore unacceptable in highway terms.

In discussing the application the Committee considered that a key issue was the need to cross the village green to access the properties. Whilst the applicant had a right of access, the road was unsuitable to serve 2 dwellings and any works would be in contravention of village green legislation.

Whilst the plan circulated by the applicant's agent showed rows of terraces and the access road, this was many years ago, and although the area had only been registered recently, the land had been used for recreational purposes for at least 20 years. Members also noted that the application was outside the settlement limits of Witton Park.

RESOLVED

That the application be refused for the reasons outlined in the report.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2012/0051
FULL APPLICATION DESCRIPTION:	Change of use of land to the rear of nos. 2 – 10 Royal Grove, Crook
NAME OF APPLICANT:	Mr John Winter
ADDRESS:	Land to the rear of 2 -10 Royal Grove, Crook
ELECTORAL DIVISION:	Crook South
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site relates to a narrow area of grassland to the rear (west) of nos 2-10 Royal Grove, Crook. The land is in the ownership of Durham County Council.
2. The local topography is such that Royal Grove sits at a higher level than the adjacent B6298 road that runs to the west. Inbetween the houses and road is a grassed bank with the application site being situated at the top of the bank. This flat area forms part of Footpath no.57 Crook, which runs behind nos 1-9 Royal Grove. Footpath 57 does not itself run north past no.10 Royal Grove, but it is possible to travel north past no.10 to Peases West. There is a separate tarmac footway along the B6298 at the bottom of the bank.

The proposal

3. The application seeks to change the use of this land, which is part public footpath and open space, to residential garden for the use of occupiers of properties 2 – 10 Royal Grove, including moving the fenceline to the top of the grassed bank.
4. The development has been proposed in order to address antisocial behaviour issues associated with the path, which it is claimed have been ongoing since 1994.
5. It should be noted that the proposal would also require a Stopping Up Order to extinguish the Public Right of Way, however this would be subject to a separate process.
6. The application is being reported to Members due to the level of public interest that it has generated and because of local Member involvement.

PLANNING HISTORY

7. There is no specific planning history for the application site.

PLANNING POLICY

NATIONAL POLICY:

8. *The National Planning Policy Framework (NPPF)* outlines the government's approach to planning policies and decisions. With regards to this proposal the NPPF states at para. 69 that LPAs should promote safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion, whilst highlighting the importance of creating opportunities for meetings between members of the community. At para.75 it states that planning policies should seek to protect and enhance existing public rights of way and access.

REGIONAL PLANNING POLICY

9. None relevant.

LOCAL PLAN POLICY:

10. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:

11. *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. Development should be designed to deter crime and increase personal safety.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

12. The *County Highway Authority* raise no objections to the proposal and note that the recently installed tarmac footway adjacent to the road is of a safe design and that no injury related accidents had occurred in the vicinity as of December 2011.
13. *Crook Neighbourhood Policing Team* support the application and have confirmed that the area has been subject to periods of anti-social behaviour on a number of occasions. Although quiet at present, if the physical structure of the area is not changed to address the situation, it is likely that at some time further anti-social behaviour may result.

INTERNAL CONSULTEE RESPONSES:

14. The *Rights of Way Section* offer no objection to the section of path behind nos. 1 – 9 Royal Grove being lost, but have concerns over the loss of path between nos. 9 and 10 Royal Grove as the loss of this section would inconvenience local walkers and the alternative route is circuitous and would change the character of a local promoted circular walk
15. The *Safe Durham Partnership* have confirmed that the problem of anti-social behaviour and criminal damage has been ongoing in this location for many years and that during this time partners have tried to resolve the issue by cutting trees and bushes back to increase visibility, targeted patrols by police and neighbourhood wardens and the installation of posts to stop off-road bikes along with the provision of an alternative footpath. They have clarified that it has previously been recommended by police crime prevention offices that the path running directly to the rear of the properties and through the estate be closed and adopted by residents. It is believed that this would be the most effective way of resolving ongoing problems. It is also noted that residents have become disengaged with services and have stopped reporting incidents to police and partners due to the problem being so prolonged.

PUBLIC RESPONSES:

16. The application has been publicised in the press, by site notices and letters were sent to neighbours.
17. The *Open Spaces Society* have objected to the application on the grounds that the footpath is well used and that its closure would not solve the problem of anti-social behaviour. They consider that the footpath is in a useable condition and are concerned that the alternative footpath adjacent to the road is potentially dangerous.
18. *Crook and Weardale Ramblers* have no objection to the closure of the footpath but do object to the fencing off of the land.
19. 25no. letters of objection and 3no. letters of support application have been received from local residents.
20. The concerns of local residents include the loss of a well used footpath which forms an important community facility; that the alternative footpath adjacent to the road is unsafe and prone to flooding; that the proposal is not the solution to the anti-social behaviour problem and would simply move it elsewhere. Concerns are also raised by the residents of no.11 Royal Grove who fear that the proposal would lead to people trespassing on their land as an alternative route. Other residents feel that there are other incidences of anti-social behaviour in the local area which haven't warranted such action and there are suggestions that the proposal simply forms a means of gaining extra garden space, with little consideration to the inconvenience it would pose to the wider community. Concerns are also raised that the approval of the application would lead to a subsequent proposal to close Footpath no.57 between nos. 11 and 12 Royal Grove.
21. Those local residents who support the application cite incidents where stones have been thrown at cars from the path and that the proposals are a common sense means of solving an anti-social behaviour problem.

22. It should be noted that although there is only one applicant, Mr Winter of no.7 Royal Grove, that residents of nos. 2, 3, 4, 6, 8, 9 and 10 Royal Grove have all previously indicated in writing that they are involved with the proposal.

APPLICANTS STATEMENT:

23. For clarification, although this application is in my name it is made on behalf of the residents of No's 2 -10 Royal Grove.
24. Anti-Social behaviour has been a long outstanding, well documented problem since 1994 and efforts have been made since that time to have something done about it. It was only in 2008 that ownership of the land was admitted by Durham County Council (DCC).
25. Under section 17 of the Crime & Disorder Act 1998 DCC have a Statutory Duty
26. "Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area"
27. In addition, the residents of Royal Grove are entitled to the Right to Liberty and Security, the right to Respect for a Private and Family Life and the Right to Protection of Property under The Human Rights Act.
28. The footpath closure was first suggested by PC Don Luke (Now Retired), Crime Prevention Officer for Durham Constabulary. Working with the support of two Chairs of Durham County Council (Cllr Myers and Cllr Williams), Durham County Council Senior Officers, Local Councillor, Durham Constabulary and the Safe Durham Partnership, the residents have promulgated the provision of a new footpath construction to ensure that everything 'reasonable' had been done to facilitate the closure of the said footpath in compliance with the various legislation including the Crime & Disorder Act.
29. Many of the objectors are probably not aware of the ASB problems or even care but they are not the ones having to live with it, all we are asking for is a peaceful and quiet private life without damage to our property.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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 the principle of the development and visual impact of the extended fenceline .

Principle of the development.

31. Members should be aware that if this application is approved, the applicants will still be required to apply for a Stopping Up Order under s.247 of the Town and Country Planning Act. That is a separate process and will fully consider whether the Public Right of Way should be retained or not. For the purposes of this planning application

the key issue is considered to be whether there is a suitable alternative route and whether the land itself is of such public amenity value so as to warrant the refusal of the application, in accordance with Policy GD1 of the Wear Valley District Local Plan.

32. Policy GD1 of the Wear Valley District Local Plan makes no direct reference to the retention of Public Rights of Way, although it does discuss in more general terms the loss of public open space, needs of pedestrians, safe access and the deterrent of crime. Similarly, although the NPPF highlights the importance of retaining Public Rights of Way, it also highlights the importance of safe communities free from fear of crime.
33. As discussed below, the key issue with regards to the consideration of this application is the balance between the deterrent of crime, the loss of open space and the needs of pedestrians. In this regards, neither the NPPF nor Policy GD1 provides indication as to which issue should be apportioned more weight and accordingly, it ultimately falls upon the decision maker to consider this.
34. In order to fully consider these issues, it is helpful to appreciate the history of the site.
35. Residents of Royal Grove have apparently suffered from instances of anti-social behaviour (ASB) associated with the application site for a number of years and have been working with Durham County Council and others partners since at least 1994 in order to address the issue.
36. The land in question is Council owned and regard must be given to Section 17 of the Crime and Disorder Act 1998, under which the Council has a duty to do all that it reasonably can to prevent, crime and disorder in its area. To date instances of ASB have included damage to property, trespass, theft and damage of motor vehicles, riding of dirt bikes on the footpath and the throwing of stones and snowballs from the top of the grassed bank towards traffic on the B6298.
37. Whilst the Council, Police and other partners have worked to address ASB in the area through the removal of shrubs and installation of bollards, the closure of part of Footpath 57 at the top of the bank between nos 2-9 Royal Grove and the inclusion of the land within residents' gardens has been acknowledged as potentially being an effective way of addressing the problem in the long term. There is support from the Crook Neighbourhood Policing Team and Safe Durham Partnership in this respect. The Council's Rights of Way Section also have no objection to the section of Footpath 57 behind nos. 1 – 9 Royal Grove being lost.
38. However, at the same time it is also acknowledged that the footpath and land to the rear of no.10 Royal Grove is a well used facility and provides a walking route for many Crook residents, linking footpath no.57 to the Peases West Railway Walk, and the Council is a promoter of the route. While the Council's Rights of Way Section offer no objection to the section of path behind nos. 1 – 9 Royal Grove being lost, they do have concerns over the loss of the route between nos. 9 and 10 Royal Grove and the link north
39. Crucially, works for the realignment of the B6298 carriageway and the provision of a tarmac footway alongside the road. have now been completed and the footway traces the route of Footpath 57 in a parallel manner, running along the base of the bank to join the Peases West Railway Path to the north.
40. This newly installed footway provides a suitable alternative route to link to the Peases West Railway Path from the B6298 and is better surfaced. Some objectors have questioned the safety of this route, however the County Highways Authority

have confirmed that their latest figures show that until December 2011, no accidents resulting in injury have occurred and that furthermore, if highways officers had considered the location too dangerous to have a footway installed, then the work would not have been carried out. Whilst it is possible that the footpath will flood from time to time, it is considered that its use would not be prevented for such lengths of time that it would cease to be a viable route in the wider sense.

41. With regards to access to Footpath no.57, where it emerges between nos. 11 and 12 Royal Grove from the north or vice versa, it is accepted that a less convenient route would now have to be followed through Royal Grove itself to rejoin the original route. Instead of being able to cut between nos 9 and 10, users would have a detour of approximately 225m through Royal Grove and along the B6298. This route is therefore slightly longer, but at just 225m not overly so and it is better surfaced. It is therefore considered to be a perfectly viable alternative route.
42. Accordingly, it is considered that the loss of the land in question to private residential garden would not unreasonably compromise the ability of local residents to permeate the estate or connect to the existing footpath network. Ultimately, the consideration of this application, in accordance with Policy GD1 of the Wear Valley District Local Plan hinges on the minor inconvenience posed to footpath users, balanced against the ongoing antisocial behaviour problems which are being experienced by nos. 1 – 10 Royal Grove.
43. Given the presence of existing viable alternative routes for pedestrians it is considered that the inconvenience posed would not outweigh the duty of the Council to address the ASB problems being faced by residents.
44. Furthermore, it is considered that the land in itself, notwithstanding its Public Right of Way status, forms only a small part of a much larger area of public open space which is present on both sides of the road. In this respect, it is not considered that the appearance of the land alone warrants its retention as public open space as sufficient usable and aesthetically pleasing open space would remain.
45. The enclosure of the land by 1.8m high timber fencing would not have a detrimental impact on the character or appearance of the area, in accordance with Policy GD1 of the Wear Valley District Local Plan. The style and height of fencing would be in keeping with the existing fencing and would be set back a sufficient distance from the highway below. Colour treatment can be controlled by condition.

Other matters

46. Addressing the concerns of objectors which haven't been addressed above, it is considered that instances of antisocial behaviour in other locations in Crook should not justify the refusal of this proposal. Each problem has its own solution and this proposal has been specifically tailored to address this specific problem. To expect the Police to solve the problem in retroactive manner is not reasonable, with the Council and other parties having a duty to prevent crime and disorder. It is further considered that there is a reasoned process which has led to this proposal and the application does not form speculative "land grabbing" as has been suggested by some objectors.
47. It is considered unlikely that the approval of this application would lead to trespassing on the land of no.11 Royal Grove. If this were to occur, this would be a private civil matter.

48. Any proposal to close Footpath 57 between nos. 11 and 12 Royal Grove would be a separate matter which would require separate consideration. There is no suggestion that such a proposal is likely to come forward in the immediate future.

CONCLUSION

49. The loss of the affected section of public footpath is largely a matter for separate consideration under s.247 of the Town and Country Planning Act, however its loss is a consideration as part of this application.

50. Whilst the loss of a section of public footpath is always regrettable, it is considered that in this instance there is a viable alternative route available which would not inconvenience users to an unreasonable degree. The land itself is considered to not be of great amenity in its own right, other than the footpath function which it performs and moving the fenceline to enclose this section of land would not have a harmful visual impact on the surrounding area.

51. It is therefore considered that the application is in accordance with the provisions of relevant national and local plan policy.

RECOMMENDATION

That the application be **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 and Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

Plan Reference Number:	Date received:
Site Location Plan	6 th February 2012
Plan no.2	6 th February 2012
Plan no.3	6 th February 2012
Proposed Fence Detail	6 th February 2012

Reason: In order to secure a satisfactory form of development in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. Prior to the commencement of development details of the colour treatment of the proposed fencing shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: In order to secure a satisfactory form of development in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

REASONS FOR THE RECOMMENDATION

- I. The proposed development is considered acceptable having regard to the provisions of the NPPF and Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
- II. More specifically, this proposal would address a longstanding antisocial behaviour problem without causing visual harm to the surrounding area, and there is an alternative convenient pedestrian route which would not inconvenience users to an unreasonable degree .
- III. The concerns of objectors have been considered but are not considered to carry sufficient weight so as to justify the refusal of the application.

BACKGROUND PAPERS

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



Planning Services

Change of Use of land to the rear of nos.2 – 10 Royal Grove to private residential gardens.

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
Durham County Council Licence No. 100022202 2005

Comments 3/2012/0051

Date 11th May 2012

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0351/DM/OP
FULL APPLICATION DESCRIPTION:	Proposed residential development (outline application)
NAME OF APPLICANT:	Mr & Mrs M Fenwick
SITE ADDRESS:	Land south of Evenwood Lane, Evenwood Gate, Bishop Auckland, County Durham, DL14 9ND
ELECTORAL DIVISION:	Evenwood ED
CASE OFFICER:	Steve Teasdale 03000 260834/ 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site comprises almost 1 hectare of predominantly agricultural pasture land immediately to the south-west of Evenwood Lane and north-west of the classified road A688 at Evenwood Gate. The site is roughly rectangular and presently contains a range of unused and derelict stone built agricultural buildings and a more recently constructed bungalow. It adjoins the site of the former Brown Jug public house, which is in a derelict condition following a major fire a few years ago.

The Proposals

2. The proposal is an outline planning application for the erection of 37 dwellinghouses, with vehicular access from Evenwood Lane. The application is in outline form, and all matters other than access would be reserved for future consideration if planning permission was to be granted. However, all buildings, including the recently constructed bungalow, would be demolished and an indicative layout plan which forms part of the application suggests that the development would comprise a mixture of detached, semi-detached and terraced houses. A draft Section 106 agreement has recently been submitted in respect of the provision of affordable housing.

PLANNING HISTORY

3. The following planning applications are relevant to the application site and its surroundings:

6/2010/0425/DM – Erection of detached bungalow – APPROVED

6/2010/0050/DM – Erection of two static caravans for 18 months – APPROVED

6/2008/0318/DM – Erection of bungalow and garage – APPROVED
6/2008/0174/DM – Erection of bungalow – REFUSED
6/2007/0587/DM – Erection of 13 dwellings on site of the Brown Jug (outline) - APPROVED
6/2006/0192/DM – Conversion of barns to two dwellings - APPROVED

PLANNING POLICY

NATIONAL POLICY

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

The NPPF can be accessed at:

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

REGIONAL PLANNING POLICY

5. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
6. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
7. *Policy 4* Sets out a sequential preference for development of sites with an emphasis on redevelopment of previously developed land.
8. *Policy 24* Places an emphasis on sustainability of development in terms of its design, location and accessibility

LOCAL PLAN POLICY:

H6 – New Housing in the Open Countryside

ENV1 – Protection of the Countryside

ENV8 – Safeguarding Plant and Animal Species Protected by Law

ENV10 – Development Affecting Trees of Hedgerows

H12 – Design

GD1 – General Development Criteria

H14 – Provision of Affordable Housing within Residential Areas

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/Pages/Service.aspx?ServiceId=6619>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

9. *Evenwood Parish Council:* Objects on the grounds that the development would be too large for Evenwood Gate, access would be unsatisfactory, there is a lack of proposed facilities within the scheme, and there is no support from the residents of Evenwood Gate.
10. *The Highways Authority:* Has no objections subject to imposition of conditions relating to the agreement of visibility splays, public footway details, and junction radii.

INTERNAL CONSULTEE RESPONSES:

11. *Planning Policy Section:* Considers that the application should be refused on the grounds that it is not a sustainable location and that there are more appropriate sites located within the village of Evenwood where there is a greater level of services. It is considered that those sites should be explored first. It is also thought that the scale of the development is inappropriate as it would increase the housing in Evenwood Gate by 84% contrary to Saved Policy GD1, and that in spatial terms the village extension proposed would not consolidate the existing building line of the settlement. The relationship between the proposed housing and the derelict public house is also considered to be poor in amenity terms.
12. *Landscape Section:* Objects to the proposal on the grounds that it is contrary to Policies GD1 and ENV10 of the Local Plan, and does not accord with the aims of the County Durham Landscape Character Assessment in terms of maintaining and strengthening the rural character of the landscape between towns and villages. Concern is also expressed about loss of trees and hedgerows.

13. *Pollution Control Section:* Has no objections subject to conditions to minimise environmental pollution during construction.
14. *Archaeology Section:* Considered that there may be potential for archaeological features and requested further survey work as a result. Following examination of this updated report and it considers that emphasis should be placed on retention of the stone outbuildings rather than demolition. If the proposal were to be approved in its current form however, then a condition ought to be imposed to require appropriate recording prior to demolition.
15. *Ecology Section:* No objections subject to imposition of a condition requiring specified mitigation measures to be carried out. The application site and buildings thereon are considered low risk for protected species and the mitigation therefore is centred on precautionary working methods, timing of works to remove vegetation and demolish buildings, gapping up of hedgerows, and installation of bat tubes.
16. *Legal Section:* The submitted draft S106 agreement in relation to affordable housing is not considered satisfactory, but would be capable of amendment should planning permission be granted.

PUBLIC RESPONSES:

17. The proposal was advertised by site and press notices and neighbour letters to 34 households. This has resulted in 14 letters of objection and 8 letters of support. The reasons for the objections can be summarised as follows:
 - The proposal does not include the derelict Brown Jug site
 - There are no existing or proposed community facilities in Evenwood Gate
 - Too many houses are proposed
 - There are existing houses for sale in Evenwood Gate
 - Access to the site would be near a crest in the road with poor visibility
 - It is not a sustainable location for new housing
 - The proposal has little support from the local community
18. The letters of support are from local businesses, the primary school and medical practice in the village of Evenwood. The comments can be summarised as follows:
 - The development would bring trade to local shops, pubs, schools and other businesses
 - The site is presently an eyesore
 - The development would create jobs
 - The proposal would bring much needed housing to Evenwood and allow local people to stay in the area in better accommodation

APPLICANTS STATEMENT:

19. This planning application was submitted on 29th September 2011 for an area of land which is partly occupied by derelict farm buildings; partly by a relatively new dwelling; with the remainder being an area of scrubland not in any beneficial use. Attempts have also been made to bring the land occupied by the derelict, former Brown Jug public house into the proposal, but the owners of this property have failed to respond. The outline application has indicated the potential for 37 dwellings at this site, but it must be borne in mind that the proposal is only at outline stage, and the design and layout remain for future consideration.
20. The proposals recognise the need to make provision for a wide choice of high quality homes, as the new National Planning Policy Framework requires. As a result, the proposed site is one of a mixture of market housing and affordable homes, although there has been an element of conflicting advice on the requirement for affordable homes in the settlement of Evenwood. Notwithstanding this, a mixed housing development is proposed which can be regarded as sustainable, and as the new planning policy guidance makes clear, there is to be a presumption in favour of sustainable development. This Council has responded to this presumption in recent times with regard to other modestly sized residential schemes which have come forward, whilst this scheme, which is some 700 metres from the centre of Evenwood, benefits from a range of shops, a primary school, doctor's surgery, sports facilities, social and communal facilities as well as good, regular public transport links.
21. It is actually the case that some of these services and facilities have shown support for new development taking place which will, for example, enable the school and village generally to grow and flourish; or for other businesses to be supported. These organisations have put their support in writing, and a further 66 households in Evenwood and Evenwood Gate have expressed their support for the injection of new investment and new homes to provide vitality and prosperity.
22. The new National Planning Policy Framework advises that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council has weighed this issue in the balance previously and determined that the positives to be gained from new investment in a mix of high quality homes in areas where such an injection of positive-thinking was required was of fundamental importance. It is believed that such a positive decision should also be made in respect of Evenwood Gate.

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://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=20736>

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is

considered that the main planning issues in this instance relate to the principle of development of the site, design and layout, landscape impact, access, open space and affordable housing.

The principle of development

24. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Furthermore, the NPPF does not change the statutory status of the development plan as a starting point for decision making, and paragraph 12 makes it clear that proposed development that conflicts with an up to date Local Plan should be refused unless material conditions indicate otherwise. The Teesdale District Local Plan was adopted in 2002, and is only 10 years old. Paragraph 211 of the NPPF states that local plan policies should not be considered out of date simply because they pre-date this new national planning policy.
25. The application site comprises two areas of distinctly different character. The south-eastern area extends to approximately 0.15 hectare, and contains the recently erected bungalow and the old disused stone built barns previously approved for residential conversion. This area lies within the development limits of Evenwood Gate as defined in Inset Map 13 of the Teesdale District Local Plan.
26. The remainder of the site lying to the north-west extends to approximately 0.77 hectare, and lies entirely outside the development limits. Accordingly, over 70% of the application site lies within open countryside.
27. Policy H4 of the Teesdale District Local Plan permits, in principle, the residential development of previously developed sites up to 0.4 hectares which lie within the development limits of settlements, including Evenwood Gate. It is arguable that the smaller area of the site would be acceptable in principle for redevelopment, although it already contains a recently constructed dwelling and buildings previously approved for conversion.
28. Policy H3 permits, in principle, housing development of previously developed sites over 0.4 hectares, within the development limits of settlements, but Evenwood Gate is not an identified settlement for this policy, presumably because there are no sites over 0.4 hectares within the development limits.
29. The majority of the application site lies in open countryside, where Policy H6 only permits housing development which is justified as being essential to the needs of agriculture or forestry, and where such accommodation could not reasonably be met within an existing settlement.
30. Policy ENV1 seeks to protect the countryside from inappropriate development. Subject to meeting other policy requirements, developments relating to agriculture and forestry, rural diversification projects, nature conservation, tourism and recreation may be permitted. Housing development is not permitted under Policy ENV1. Accordingly, the proposal is contrary to Policies H6 and ENV1 of the Local Plan.

31. Policy 4 of the RSS prescribes a sequential test to be applied to selecting sites for development. In order of preference, these are; suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes; other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes; suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.
32. As previously stated, over 70% of the application site comprises agricultural land in the countryside which has not previously been developed and the proposal therefore does not meet the objectives of Policy 4.
33. It is also noted that Evenwood itself has 5 sites identified in the SHLAA as suitable for residential development. These are much more sustainably located within or adjacent to the settlement boundary. For this reason they are coloured green under the SHLAA 'traffic light' classification system and should be developed in preference to the current, less sustainable proposal, which would be on a site coloured amber, which means it is considered unsuitable for development at the present time. The adjacent Brown Jug site has a 'green' classification in the SHLAA, because it is previously developed land which lies predominantly within the development limits. Its estimated yield of 13 dwellings is also very much less than the current proposal, and it has had outline planning permission which has now expired.
34. Policy 24 relates to delivering sustainable communities. It requires the Local Planning Authority to have regard to the nature of the development and its locational requirements; and recognises the sustainability benefits of concentrating the majority of the Region's development within the defined urban areas, utilising previously developed land wherever possible, locating development to reduce the need to travel, the accessibility of development sites to jobs and services, and ability to access all modes of transport, particularly walking, cycling and public transport.
35. The application site would essentially be an extension to the small hamlet of Evenwood Gate which has no community infrastructure of its own. The only social facility was the Brown Jug public house, but that has been lost through fire damage and is unlikely to be replaced, particularly at a time when public houses are closing in significant numbers.
36. The nearest range of community facilities are in Evenwood, the centre of which lies 1 kilometre away. The local primary school is even further away at 1.5 kilometres. The Tesco and Sainsbury supermarkets in West Auckland are 4.5 kilometres away, and the Bishop Auckland town centre is almost 7 kilometres distant. Visiting the towns of Barnard Castle and Darlington would also involve travelling at least 15 kilometres.
37. The proposed development would therefore be relatively isolated from the infrastructure needed to meet everyday requirements for employment, education, shopping, leisure and social and community activity.

38. Paragraph 55 of the NPPF states that to promote sustainable development, housing in rural areas should not be located in places distant from local services. Evenwood Gate has no local services. For all these reasons, it is concluded that the proposal fails to comply with Policies 4 and 24 of the RSS, and does not constitute sustainable development for which the NPPF would have any favourable presumption.

Design and Layout

39. Although the application is submitted in outline form it does include a design and access statement and an indicative housing layout plan. These details are not fixed but are intended to demonstrate that an acceptable form of development could be achieved for this site.

40. The layout is considered to be poor in terms of its relationship with the main roads which bound the site's north-eastern and south-eastern boundaries. The development would essentially be inward facing, turning its back upon the main highway thoroughfares and indeed upon the existing terraced housing of Evenwood Gate. Some gables would be presented to the street scene, very close to the site boundary. Whilst it is accepted that design and detailing of the rear elevations could improve this to some extent, the private amenity spaces would need to be defined by enclosures of sufficient height to give security and privacy, and this would not be acceptable in the main street scene.

41. The indicative design and layout described in the application is therefore considered to fall well short of that required to comply with Policy GD1 of the Local Plan.

42. It is considered that the indicative design and layout could have been considerably improved if the application site had included the adjacent Brown Jug site. Furthermore, redevelopment of this previously developed land and a significant reduction in the extent of the application site beyond the northern development limits of Evenwood Gate might have gone some way towards satisfying policy conflicts referred to above. Regrettably, efforts to bring together different landowners to explore this alternative approach failed.

Landscape Impact

43. Most of the application site is in agricultural use as rough pasture and scrub land. This land is defined by hedgerows and contains individual, and groups of trees, many of which would be removed to facilitate development. Whilst the indicative layout plan shows that some replanting would take place, this would primarily be in the centre of the site, within a small area of landscaped amenity space. Landscaping would be a matter for future consideration if planning permission was granted but it is clear from the indicative layout that a dozen trees would be lost along the north eastern boundary along Evenwood Lane, with little in the way of replanting. No tree planting is also shown along the south western boundary which borders open countryside. As a result, any housing development would be prominent not only from the western approach to Evenwood Gate along the A688, but also from public footpath no.6 which runs parallel some 90 metres to the south west.

44. Having regard to the constraints of the site and the indicative layout it is therefore considered that there would be insufficient space in which to provide an acceptable level of tree planting to adequately screen or visually soften the edges of the housing development, particularly when viewed from the north west and south west. It is considered as a result that the proposal fails to provide adequate structural landscaping and it therefore contrary to Policy GD1 of the Teesdale District Local Plan.

Access

45. The indicative access arrangements are considered acceptable by the Highways Section, subject to the submission of further details relating to junction design.

Open Space

46. The indicative layout shows that the only open space area within the development would be a landscaped central area extending to about 270m². Using the criteria set out in Policy H1A of the Local Plan, this proposal would need to provide a minimum of 370m² of informal play space and 740m² of amenity space. Such on-site provision is made more important because of the lack of open spaces and play areas in Evenwood Gate and the nearest facilities being in Evenwood itself, almost 1km walk from the application site.

47. It is considered that the proposal fails to provide an adequate amount of informal play space and amenity space and there is no indication that this could be satisfactorily provided given the number of intended dwellings contrary to Policy H1A of the Teesdale District Local Plan.

Affordable housing

48. The application as submitted did not include the provision of affordable housing, which would be required at a rate of 30%, an equivalent of 11 dwellings on this proposed development of 37 houses. Following negotiations however, a draft S106 agreement has been submitted, but this is not considered acceptable by the Legal Section and would need further amendment before any planning permission could be issued.

CONCLUSION

49. It is considered that the substantial increase if the size of Evenwood Gate, using land which is in open countryside, beyond the recognised development limits, is unacceptable in terms of the significant encroachment into open countryside and the unsustainable location of the application site in terms of its remoteness from infrastructure needed to meet everyday requirements for employment, education, shopping, leisure and social and community activity.

50. The applicant, in his supporting statement, asserts that similar developments have previously been considered by the Council to be sustainable, but no examples have been provided. It is noted however that outline planning permission was granted in 2008 for redevelopment of the adjacent Brown Jug

site for housing This proposal involved land which was considered to be previously developed, and whilst partly outside the development limits, this was considered acceptable because of its previously developed status. This consent has now expired and it is unfortunate given the current state of this site that it has not been possible to consider this as part of any redevelopment. As proposed therefore, the erection of 37 dwellings in a small hamlet of only 42 houses represents a disproportionate and unsustainable enlargement of the settlement.

51. Whilst this is an outline proposal, the indicative details of layout, design, landscaping and open space and informal play provision are not considered acceptable. It cannot be established therefore that a satisfactory form of development could be achieved on the site through this proposal.

52. The proposal is therefore considered to conflict with Policies H6, ENV1, H1A and GD1 of the Teesdale District Local Plan, Policies 4 and 24 of the RSS, and paragraph 55 of the NPPF.

RECOMMENDATION

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

1. The proposed development would predominantly lie beyond the development limits of Evenwood Gate, on land which has not previously been developed and in the open countryside. The lack of existing community infrastructure and the travelling distances to essential facilities such as employment, education, shopping, leisure and social and community activity mean that the proposed development has poor sustainability credentials. Accordingly, the proposal is considered to be contrary to Policies H6 and ENV1 of the Teesdale District Local Plan 2002, policies 4 and 24 of the RSS, and paragraph 55 of the NPPF.
2. The indicative details of layout and design are considered unacceptable in terms of the poor interface of housing with the site boundaries, the inadequate structural landscaping along the north east, north west and south west boundaries of the site, and the substandard provision of amenity open space and informal play space within the development. As such the proposal is considered to be contrary to policies H1A and GD1 of the Teesdale District Local Plan.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
The National Planning Policy Framework (NPPF)
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Teesdale District Local Plan 2002
Response from Planning Policy Section
Response from Highways Section
Response from Landscape Section
Response from Pollution Control Section
Response from Archaeology Section

Response from Ecology Section

Durham County Council GIS



Scale 1: 1700



Planning Services

6/2011/0351/DM/OP
LAND AT EVENWOOD LANE
EVENWOOD GATE

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
Durham County Council Licence No. 100022202 2005

Comments

Date 15th May 2012

Scale NTS

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0438/DM
FULL APPLICATION DESCRIPTION:	Erection of farm office, workshop, storage building, seasonal workers accommodation and regrading of landscape bund and provision of additional hardstanding area
NAME OF APPLICANT:	AWSM Farms
SITE ADDRESS:	Lane Head Farm, Lane Head, Hutton Magna, Richmond, DL11 7HF
ELECTORAL DIVISION:	Barnard Castle West ED
CASE OFFICER:	Steve Teasdale 03000 260834/ 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. Lane Head Farm comprises 180 hectares of land approximately 700 metres to the south of Hutton Magna. The hamlet of Lane Head lies immediately to the east of the main farmstead, which comprises a range of buildings on a site which extends to approximately 3.2 hectares. The classified road C169 separates the farmstead and the housing in this location, although Lane Head is effectively surrounded by land farmed by the applicant. The applicant, AWSM Farms, is a large scale agricultural business which farms other land in the locality, extending to a total in excess of 1600 hectares.

The Proposals

2. The proposal involves the erection of a building to provide a farm office, workshop and storage facilities, and temporary residential accommodation for seasonal workers during the annual harvest period. It also includes the enlargement of the hardstanding area of the farm, and the regrading of the landscaped bund which surrounds the site and additional native tree and shrub planting.
3. The proposed building would be situated close to the existing weighbridge and main access track from Lane Head Lane on the western side of the site. It would be constructed in olive green profiled steel sheeting and facing brickwork with a pitched roof and would have a footprint of approximately 37 metres(length) by 22 metres(width) and an overall height of approximately 8.5 metres.

4. The building would be sub divided internally to provide offices and workshop on the ground floor and offices and seasonal workers' accommodation on the upper floor. The latter would comprise three single rooms of accommodation for seasonal workers during the harvest period in the months of August, September and October each year.
5. This application is being reported to Committee at the request of Councillor Bell because of concerns about over intensive development and industrialisation of farm activities and the previous planning history of the site.

PLANNING HISTORY

6. The farm has been the subject of a range of developments in recent years which are summarised below. Some of these approved developments have at various times raised issues with regard to compliance with planning requirements and conditions although there are currently no unresolved matters that are of planning significance.

6/2011/0192/DM	Retention of temporary offices	APPROVED
6/2010/0364/DM	Replacement grain drier	APPROVED
6/2010/0010/AF	Slurry store	APPROVED
6/2009/0308/DM/E	Three tipping bays (deemed application – enforcement appeal)	REFUSED
6/2009/0196/DM	Agricultural building	APPROVED
6/2009/0195/DM	Agricultural building	APPROVED
6/2009/0015/DM	Two office portakabins	APPROVED
6/2009/0011/AF	Slurry store	APPROVED
6/2008/0223/DM	Three tipping bays	REFUSED
6/2008/0222/DM	Agricultural building	APPROVED
6/2008/0221/DM	Agricultural building	APPROVED

7. CMA/6/54 A planning application is currently under consideration for the erection of 3 buildings, 1 storage lagoon, provision of weighbridge & change of use to blending plant & lab/office to create fertiliser for agricultural use & assoc works. This waste related matter will be reported to the County planning committee for a decision in due course.
8. The site and the way that the planning authority has handled new developments been the subject of a number of complaints from local residents over the years and more recently. The latter complaints from residents are being investigated and include a current appeal to the High Court to proceed with a Judicial Review of the Council's decision to grant planning permission for the replacement grain dryer. That application is yet to be considered by the Court and is being contested by the Council.

PLANNING POLICY

NATIONAL POLICY

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

The NPPF can be accessed at:

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

REGIONAL PLANNING POLICY

10. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
11. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
12. *Policy 11 (Rural Areas)* states that strategies, plans and programmes, and planning proposals, should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development.

LOCAL PLAN POLICY:

13. Policy GD1 (General Development Criteria), sets out the general design principles for development.
14. Policy ENV1 (Protection of the Countryside) is a general policy to limit development in the countryside.
15. Policy ENV3 (Area of High Landscape Value) sets out policy to protect area designated as AHLV and ensure development is suitable.

16. Policy H6 (New Housing in the Open Countryside) permits residential development in rural areas only where it is essential to the needs of agriculture or forestry.

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/Pages/Service.aspx?ServiceId=6619>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *The Environment Agency* initially objected to the proposal because there were no details of the proposed non-mains foul drainage system. Following clarification of technical issues by the applicant's agent, the objection has been withdrawn subject to appropriate conditions.
18. *The Highways Authority* has no objections provided previously imposed restrictions on access are repeated if planning permission is granted. A similarly worded condition can be imposed to this effect.
19. *The Water Authorities* were consulted on the proposal. Northumbrian Water Ltd. confirmed that their records show that their water mains network reaches as far south as Hutton Magna, 400 metres north of the application site. Yorkshire Water has not responded in writing, although extensive dialogue has taken place in an attempt to clarify water supply issues. No objection is made to the proposal, and their comments are expanded upon in the planning considerations below.
20. *Hutton Magna Parish Council* strongly objects to the proposal on the following summarised grounds:
- This is not a farm, it is an industrial complex
 - Large vehicles travel through the village despite prohibition in the operator's licence
 - Conditions relating to the use of a grain drier are not adhered to
 - Transportation and spreading of slurry causes environmental nuisances
 - The development would remove a landscaped bund that was required by earlier consents
 - Seasonal accommodation could be new housing
 - Local water supply is poor

INTERNAL CONSULTEE RESPONSES:

21. *Planning Policy Section* has no objections subject to the imposition of conditions relating to seasonal occupancy and removal of existing portakabins upon completion of the development.

22. *Landscape Section* initially raised concerns about landscape impact and inadequacy of existing bunds and landscaping to screen the proposed development. However, following receipt of revised drawings showing further tree planting to the west of the site, and further comments, it is considered that the proposals go a long way to addressing the landscape impact of the development. Whilst it would be preferable for the landscaping scheme to be implemented before commencement of development it is accepted that there is no practical way to achieve this.

23. *Tree Officer* has no comments.

24. *Pollution Control Section* has no objections subject to controls over burning of waste on site, wind blown dust, and hours of construction work.

PUBLIC RESPONSES:

25. Four letters of objection have been received from owners and occupiers of properties in Lane Head and Hutton Magna. The points raised can be summarised as follows:

The proposal does not comply with Policy GD1 of the Teesdale Local Plan as it would unreasonably harm the amenity of our neighbouring property.

There is no mention of the waste recycling business based on this site, registered there for the past seven years.

It seems likely the workshop will be used to service the additional vehicles used in this business. VOSA's operators licence does not allow for vehicles to be serviced on site.

The garage workshop will face directly toward a residential property resulting in noise and light pollution.

With a garage facility it seems likely other farmers will make use of those services resulting in even more traffic in this area, impacting upon residents and Hutton Magna Village.

The accommodation requested would result in local water supply being completely cut off.

There should be no requirement for accommodation, as the farm already owns two farm workers cottages at Lane Head.

The request for accommodation and workshops would have an undesirable impact on other local businesses.

Given the request for accommodation it seems likely employees will not be local thus not creating jobs in Teesdale. Economic migrants from Ireland and

elsewhere in Europe have been used previously including the 2011 harvest season.

Despite conditions imposed on the previous barn applications, earth mounds have not been planted.

26. A further objection has been received on behalf of the Grove House Estate which includes land west of Lane Head Lane, on the grounds of visual impact, damage to the water environment, smell, traffic, noise, failure to comply with previous planning conditions, and reduction in property value.

APPLICANTS STATEMENT:

27. The current planning application proposals relate to the erection of a farm office / workshop and storage building including seasonal workers' accommodation, re-grading of landscape bund and provision of additional hardstanding at Lane Head Farm, Lane Head, Hutton Magna.
28. The application proposals will result in the provision of permanent office accommodation for AWSM Farms, which is a large-scale, agricultural enterprise farming approximately 4114 acres of arable land in the locality of Lane Head Farm. The company's current office facilities are contained within temporary buildings to the southern edge of the site, which are clearly not suitable to meet AWSM Farms' long term requirements and the current proposals will therefore provide clear operational benefits for the company, as well as improving the general appearance of the site through the removal of the existing temporary buildings.
29. In addition, it is proposed to provide additional workshop facilities which will be utilised for the maintenance and servicing of the large fleet of farm vehicles associated with the AWSM Farms operation. It has been clearly demonstrated that the proposed development will be well-related in terms of design and siting to the existing buildings at Lane Head Farm and will not therefore have an adverse impact on the character and appearance of the surrounding countryside. It is therefore evident that the application proposals will fully accord with Policy ENV1 of the adopted Teesdale Local Plan, as well as current and emerging national planning guidance in the form of PPS1, PPS4, PPS7 and the draft NPPF, which broadly seek to promote the development agricultural businesses.
30. It is also apparent that the application proposals will not have a detrimental impact on the amenities of any neighbouring properties by virtue of noise and general disturbance, overshadowing, odour, loss of outlook or any other general amenity concerns and would therefore accord with Policy GD1 of the adopted Teesdale Local Plan in this regard.
31. It is therefore evident that the application proposals would accord with the provisions of the Development Plan in force for the area and there are no material considerations that would warrant the refusal of planning permission in this instance. We would therefore respectfully request that the LPA supports the current planning application through the grant of planning permission.

PLANNING CONSIDERATIONS AND ASSESSMENT

32. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle, siting, design and visual impact, use of the facilities, access, residential amenity.

Principle

33. The proposal constitutes agricultural development in the countryside and therefore accords in principle with Policy ENV1 of the Local Plan, which seeks to protect the countryside from unnecessary development.

Siting, design and visual impact:

34. Lane Head Farm has a well documented planning history of modernisation and redevelopment, particularly during the past four years. Planning permissions were granted in 2009 for two new agricultural buildings which have since been constructed. Office accommodation on the site comprises temporary portable structures which have the benefit of recently extended temporary planning consent.

35. The proposed building would be located approximately 65 metres to the west of the most recently erected buildings approved under references 6/2008/0221/DM and 6/2008/0222/DM and would involve excavation of an existing embankment to enlarge the developable site area in a westerly direction. The building would have a footprint of approximately 800 square metres, and would be sited at the southern end of the enlarged hardstanding so that the offices would be close to the weighbridge, allowing surveillance of vehicles entering the site. The remaining site area would be levelled hardcore to match the existing area to the east. The distance from the proposed building to the nearest residential property is in excess of 150 metres, with intervening buildings and a landscaped bund along the eastern boundary of the site.

36. The building would be approximately 5.5 metres high to eaves level, and 8.5 metres to the ridge and would be smaller and lower than the previously constructed buildings to the east. The external finishes would be predominantly profiled steel sheeting in Olive Green to match the existing buildings, with the frontage having brickwork at ground floor level. The majority of windows and the main entrance door would be in the front elevation. The eastern elevation would contain three large roller shutter access doors, with three windows and a personnel door, whilst the western elevation would contain only two windows. The northern end of the building would have an open bay for storage purposes.

37. The proposal involves increasing the width of the hardstanding area in a westerly direction, removing some of the raised arable land which provides partial screening of the site. It was originally proposed to dispose of the resulting spoil

off-site, but it has now been decided to use this to raise the level of the arable land to the west, increasing the potential of the landform to screen the proposed development. This would compensate for the removal of existing raised arable land to enable the development to be carried out.

38. The principles for additional tree and shrub planting are set out in accompanying drawings and involve the planting of a group of 6 Ash trees on the raised land to the west of the building, 3 Ash trees on land to the south adjacent to the weighbridge, and additional trees planted at 10 metre centres along the western edge of the previously constructed access to the site from Lane Head Lane.
39. Policy ENV1 of the local plan presumes in favour of agricultural development in the countryside, along with other acceptable rural developments and activities, where other relevant policies are satisfied and there is no unreasonable harm to the landscape or wildlife. Policy ENV3 similarly requires that the development should not detract from the area's special character and should respect the landscape qualities by virtue of siting and design and any landscaping proposals. Policy GD1 also requires development to be in keeping with the character and appearance of the area.
40. The proposed building is intended to match previously approved and constructed buildings on the farmstead, and would be sited on an enlarged service yard with enhanced earth mounding and landscaping, including significant tree planting. It is considered that by virtue of the proposed building's siting and design, grouping with other existing buildings, and the earth mounding and landscaping details submitted, the proposal complies with Policies ENV3, ENV1 and GD1 of the local plan.

Use:

41. The proposed building would provide workshop and storage facilities, together with more fit for purpose offices to replace the temporary facilities. The new building would also provide three bedrooms, allowing self contained accommodation for seasonal workers. This would only be in use during August, September and October of each year, when crops are harvested. Previously, such workers have been accommodated within temporary units brought onto the site for the duration of their stay. It would be prudent to restrict the proposed occupation period by way of condition to prevent permanent residential occupation of the building.
42. Policy H6 presumes against residential accommodation in the countryside other than that essentially required for agriculture or forestry. The seasonal accommodation proposed would be in association with farm related activities during a specific time of the year and does not represent full time residential use. This part of the proposal is considered acceptable because it would be preferable to bringing caravans or portable living units onto the site each year. It is therefore not considered that there would be any conflict with Policy H6 of the local plan.
43. Paragraph 28 of the NPPF states that 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. In particular, local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, and promote the development and diversification of agricultural and other land based rural businesses. The business already employs 15 full time workers, and it is noted that the proposed development would result in additional employment, with 1 full time job and 1 part time job being created. The proposal would accord with the aims and objectives of the NPPF in this regard.

Traffic and Access:

44. There would be no change in the access arrangements from those approved under previous development proposals. A new access road to the Farm was constructed from Lane Head Lane following the receipt of planning permission in 2008, and subsequent approvals have required vehicles to use the new access to the site rather than the original access from the C169 in Lane Head itself. An appropriate condition could be imposed in this regard.
45. The applicant has provided a schedule of vehicles, plant and machinery that are normally present at Lane Head Farm, and which are serviced in the existing buildings to the east of the site. This includes 15 tractors, 3 combine harvesters, 3 self propelled muck spreaders, 1 rape swather, 5 fork lifts, 2 diggers and associated equipment. Non-agricultural vehicles such as vans and wagons are serviced off site. The current application does not propose any change to this schedule and vehicle movements on the local highway network would not increase as a direct result of the proposed development. The proposal essentially rationalises the farmstead by bringing office, workshop and seasonal workers' accommodation under one roof rather than being spread about the site in existing inadequate buildings, or temporary office and accommodation buildings. It is considered prudent however to restrict the use of the workshop to ensure that it is not used for maintenance, servicing or repair of vehicles, machinery or equipment other than that used by AWSM Farms in their agricultural business.
46. Presently, on-site vehicle parking is not well defined but internal parking arrangements would be rationalised by the provision of 8 parking spaces adjacent to the office. Only 3 seasonal workers would be present at the site during the harvest period, with little impact upon levels of traffic entering and leaving the site. It is therefore considered that the proposal would accord with Policy GD1 in respect of traffic generation and parking provision

Residential Amenity:

47. Lane Head is a hamlet of six residential properties, one being the original Lane Head Farmhouse. The nearest independent dwelling to the application site is Quarry Hill Cottage which lies on the east side of the Road C169, opposite one of the access points to the farm. The proposed development would take place over 150 metres to the west of the cottage, and several agricultural buildings already exist much closer to these properties. Two of these buildings have been present for over 30 years, and two have more recently been erected with the benefit of planning permission granted in 2009. There is also landscaped earth mounding along the eastern perimeter of the farmstead, opposite the cottages.

48. The improved workshop facilities provided by the development would effectively mean that vehicle maintenance would take place further away from the residents of Lane Head than under present arrangements. By virtue of distance, intervening buildings and landscaping, it is not considered that there would be any harm to residential amenities arising from the development, and that Policy GD1 would be satisfied in this regard.
49. Other residential properties in Lane Head lie further away from the application site; Lane Head Cottage (250 metres), Charles Cottage (275 metres) and 1 & 2 Lane Head Cottages (325 metres). The nearest residential property in Hutton Magna lies some 650 metres to the north-east, much further away from Lane Head Farm and it is considered that these would be unlikely to be affected in terms of adverse impacts upon residential amenity.
50. It is noted that a principal ground of objection relates to the impact upon residential amenity. It is considered that the proposed use for administration purposes, workshop and storage would not give rise to significant noise issues. Indeed, workshop facilities would be moved further away from the nearest residential property. Separation distance, intervening buildings and landscaped earth bund would all play a part in the attenuation of any noise, and it is noted that despite light pollution being raised by one objector, no additional lighting is proposed in the application. It is considered prudent to impose a condition to allow the LPA control in the event that lighting of the site becomes a future issue. There is no objection from the Environmental health officer

Other matters:

51. The application has generated a number of objections including those that relate to wider concerns about on site operations on the farm. Those matters that have not been covered in the main body of the report are discussed below following dialogue with the applicant
52. Waste operations: There is no plastic recycling business at the site as alleged by objectors. AWSM collect discarded plastics (bags, wrappings) from other surrounding farms and bale these at Lane Head Farm. When sufficient material is collected it is taken to a specialist recycling facility for processing. The nature and frequency of the use of part of the site for this purpose from a planning perspective is currently being discussed with the applicant as there is potentially a change of use. In terms of slurry spreading on the farm, AWSM deny that the spreading of human waste takes place on land in their control, although it is claimed that other farms in the area do so. AWSM currently use a blend of imported animal slurry and food waste as a liquid fertiliser and this is stored in a purpose built storage tank located approximately 1km to the west of the farm buildings.
53. The existing slurry storage tank was built under agricultural permitted development rights (following the submission of a prior notification application). The use of the slurry tank is therefore restricted to accepting waste originating from within the same planning unit that is Lane Head Farm. However, the slurry tank is being used for storage of imported waste. A planning application has been submitted to regularise the use of the existing slurry tank in addition to

proposed construction of 3 buildings and provision of a weighbridge to form a blending plant and laboratory/office to create a nutrient rich fertiliser for agricultural use with associated access arrangements and hardstanding. That application remains under consideration at the time this report was prepared.

54. Operators licensing: The terms of an operator's licence are not necessarily material to the consideration of a planning application. However, AWSM have a service arrangement for VOSA licensed vehicles with a company in Newsham, because there is a requirement for frequent servicing. Whilst agricultural machinery is maintained on site, servicing of licensed vehicles does not take place on site. There would not be any repair services offered to third parties, the facilities are solely for use by AWSM Farms. The operators' licence restricts licensed vehicles to access from the A66 to the south, but agricultural vehicles such as tractors are not prohibited in such a manner.
55. Water pressure: The applicant has liaised with Yorkshire Water on this issue, and leaks have been found in the supply from nearby Smallways. These have been repaired, and it is claimed that water pressure to Lane Head is now improved. Yorkshire Water has not objected to the proposal, but has pointed out that water pressure to the nearest meter at Smallways is acceptable. The connection to Lane Head appears to be a private shared system over which Yorkshire Water has no responsibility. It is considered however that the proposal would not place significant extra demand on the mains water network.
56. Attempts have been made to clarify this issue with Yorkshire Water, but despite email correspondence and several telephone discussions, the allegation of low mains water pressure has still not been proven. Given that significant extra demand on the mains water supply is unlikely because the proposed development would essentially replace existing accommodation on the site, it is considered that as much as reasonably possible has been done to address this concern of the objectors.
57. Seasonal workers' accommodation: The requirement for new seasonal workers' accommodation is questioned. Existing nearby cottages are however not owned by AWSM Farms. In any event, seasonal workers are only required for the 6 week harvest period, so any dedicated accommodation would stand empty for 46 weeks each year which is impractical and unviable. The current proposal would remove the need to accommodate workers in temporary buildings/caravans on site AWSM have never used local businesses to accommodate seasonal workers because it is not viable. and the proposal would not have any negative impact upon local businesses that provide accommodation.
58. Job creation: The seasonal workers employed by AWSM are specialist contractors who are itinerant and move around the world on a contract basis. For example, highly skilled operators of high-tech combine harvesters are contracted in for the harvest period in the interests of efficiency. In any event, only 3 seasonal workers are employed during this period. As far as local employment is concerned, the farm already employs 15 full time workers from the surrounding area, and additional permanent employment would be created in the form of 1 full time and 1 part time job. The additional employment is a material planning consideration in this instance.

59. Compliance with previous conditions: There was a delay in implementing previous landscaping conditions but the current situation is that all planting required by previous consents has now been implemented to the satisfaction of both the Landscape Section and the Enforcement Officer. The grain drier only operates during the harvest period, so conditions relating to that equipment can only be monitored at that time. Issues over the use of the dryer during the first year of operation have been taken up with the applicant following complaints and the applicant has been made aware of the need to comply with planning requirements for any ongoing use. The issue of compliance or non-compliance with previous planning conditions is not a material issue to the consideration of the current proposal which must be considered on its own merits.
60. Devaluation of existing property: This is not recognised as a material planning consideration

CONCLUSION

61. Lane Head Farm is a successful agricultural business which contributes to the local economy and the proposal would generally accord with the aims of the RSS and new NPPF which seeks to promote the development and diversification of agricultural enterprises
62. The proposal would provide office accommodation to replace existing temporary office units which are sited adjacent to existing farm buildings. Whilst these still have temporary planning consent, these would be removed if the current application is approved and the building is erected. The seasonal workers' accommodation would provide sleeping accommodation during the harvest period (August – October), allowing such workers to be close to their workplace. The period of occupancy can be conditioned to ensure that there is no permanent occupancy of these facilities. The provision of more fit for purpose workshop facilities further away from residential properties would raise no new noise and disturbance issues from these mechanical repair activities.
63. The landscaping scheme would involve alteration to the landform to the west of the site, and further tree planting using native species would be carried out to supplement the significant planting that has already taken place in recent years.
64. The proposal is considered to accord with Policies ENV1, ENV3, H6 and GD1 of the Teesdale District Local Plan 2002.

RECOMMENDATION

That the application be **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.

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 Reference Number	Date received
Site location plan	7th December 2011
Proposed site plan P3062/04 Rev D	2nd April 2012
Proposed floor plans P3062/03	7th December 2011
Proposed elevations P3062/02	7th December 2011
Existing and proposed sections P3062/06	3rd January 2012

To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

3. Within 2 months of the first occupation of the development hereby approved, the temporary office accommodation previously approved under planning permission 6/2011/0192/DM shall be removed from the site.

To ensure that redundant development does not unnecessarily remain on site in the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

4. The occupation of the seasonal workers' accommodation shall be limited to persons employed by AWSM Farms and there shall be no residential occupancy outside the harvest period 1st August to 31st October in any year.

In order to prevent permanent residential occupancy in accordance with Policy H6 of the Teesdale District Local Plan 2002.

5. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

6. All soft landscaping works shall be carried out in accordance with the details hereby approved. The works shall be carried out before the end of the current or first planting season (November to March) following commencement of the development hereby approved.

In the interests of the visual amenity of the area and to comply with Policies GD1 and ENV3 of the Teesdale District Local Plan 2002.

7. The landscaping scheme hereby approved shall be permanently retained and maintained. Any trees or other planting which dies within a period of five years from the completion of development, are removed or become seriously damaged

or diseased shall be replaced in the next planting season with others of similar size and species in accordance with the details approved by the Local Planning Authority.

To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality in accordance with Policies GD1 and ENV3 of the Teesdale District Local Plan 2002.

8. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local planning authority and the lighting shall be erected and maintained thereafter in accordance with the approved details.

In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

9. The development hereby approved shall be drained using separate foul sewer and surface water drainage systems.

To prevent pollution of the water environment in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

10. The workshop hereby approved shall not be used for the maintenance, servicing or repair of vehicles, machinery or equipment other than that used by the applicant in the operation of the agricultural business on the site.

To ensure that there is no unacceptable intensification of the use of the building in the interests of the amenities of the area in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

11. Means of vehicular access to the permitted building shall be from the C171 Road (Lane Head Lane) only.

In the interests of highway safety and residential amenity, and to comply with Policy GD1 of the Teesdale District Local Plan 2002

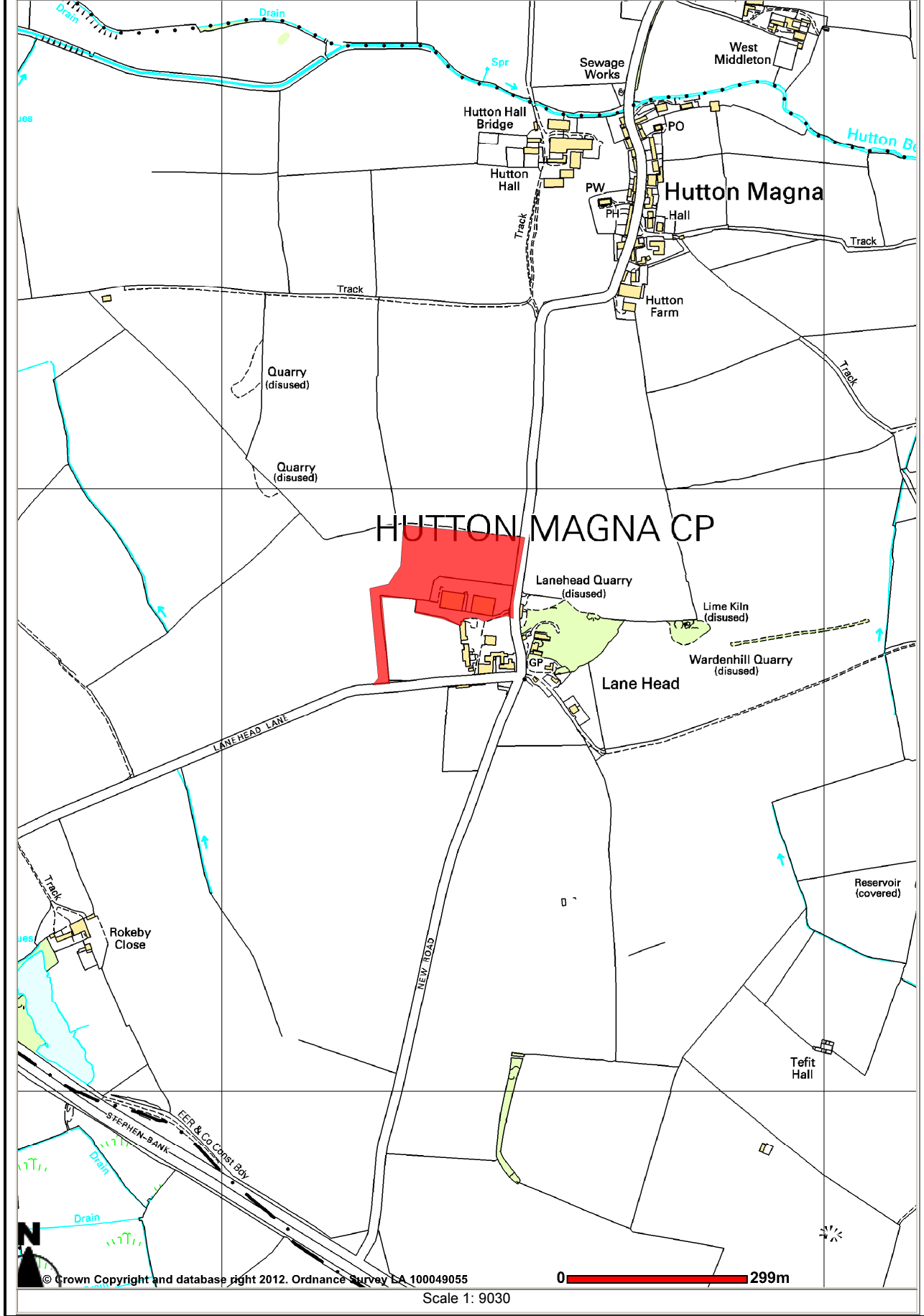
REASONS FOR THE RECOMMENDATION

65. The proposed development is considered acceptable in terms of principle, its siting, scale, design, use and external appearance, and its impact upon the surrounding landscape and the amenities of nearby residents and would accord with policies GD1, ENV1, ENV3 and H6 of the Teesdale District Local Plan 2002.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
Teesdale District Local Plan 2002
Response from DCC Highways Section
Response from DCC Landscape Section
Response from DCC Environmental Health Section
Response from DCC Tree Officer
Response from DCC Policy Section
Response from Environment Agency

Durham County Council GIS



 <p>Durham County Council</p> <p>Planning Services</p>	<p>6/2011/0438/DM LANE HEAD FARM HUTTON MAGNA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 15th May 2012</p>	<p>Scale NTS</p>

This page is intentionally left blank

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2012/0047/DM
FULL APPLICATION DESCRIPTION:	Residential development comprising 100no. dwellings (30 affordable) and associated infrastructure
NAME OF APPLICANT:	Taylor Wimpey NE Ltd
ADDRESS:	Land at High Riggs, Barnard Castle, DL12 8TA
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site relates to a roughly rectangular area of agricultural land of 5.9ha located on the eastern edge of Barnard Castle and lies between the A67 Darlington Road and the A688 Bishop Auckland Road. The site lies wholly outside, but adjacent to the settlement boundary of Barnard Castle as defined in the Teesdale Local Plan.
2. The site is bounded to the south by the A67 and 6no. houses which front this road. To the south west lies the housing estate of High Riggs and to the west are Lawson's Farm, Addison's Sale Rooms and agricultural land. To the east lies further agricultural land, and to the north is a haulage/aggregates depot.
3. The site itself is currently an arable field, its boundaries defined by a mixture of hedging, fences, walls and trees. The topography of the site is such that it drops around 20m from the southern part of the site. Access to the site is from an existing gated access to the A67.

The proposal

4. The application seeks planning permission for the erection of 100no. dwellings, 30no. of which would be affordable. The affordable element would consist of 15no. dwellings available for affordable rent and 15no. dwellings available at a discounted rate of 70% market value.
5. The housing mix of the proposal is focussed towards family homes, but comprises 2, 3 and 4 bedroom properties offered in a variety of styles, including 17no. Bungalows. The overall density of development on the site would be around 20 dwellings per hectare.
6. The layout includes a substantial amount of public open space, 0.9ha in total, with the main focus being a landscaped footpath running through the site, culminating in a landscaped hollow, which would also serve as a soakaway in

association with the SUDS drainage system. The proposal also features informal play areas and a small community allotment garden.

7. The application is accompanied by a Statement of Community involvement which details how the applicant undertook early community engagement, and how the feedback from the engagement has influenced the design of the proposal, particularly in relation to the neighbouring dwellings along the southern perimeter of the site adjacent to the A67.

PLANNING HISTORY

8. There is no planning history for this site.

PLANNING POLICY

NATIONAL POLICY:

9. On March 27th 2012 the Government published the *National Planning Policy Framework* (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are not up-to date, or not a clear basis for decisions, development should be allowed. 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. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

REGIONAL PLANNING POLICY

10. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021.
11. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are nevertheless considered relevant;
12. *Policy 1 North East Renaissance* states that strategies, plans and programmes should support a renaissance throughout the North East
13. *Policy 2 Sustainable Development* seeks to embed sustainable criteria throughout the development process and influence the way in which people take

about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

14. *Policy 3 Climate Change* states that the RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change
15. *Policy 4 The Sequential Approach to Development* advocates a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations
16. *Policy 6 Locational Strategies* states that plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.
17. *Policy 7 Connectivity and Accessibility* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
18. *Policy 8 Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
19. *Policy 24 Delivering Sustainable Communities* refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
20. *Policy 29 Delivering and Managing Housing Supply* requires local authorities to phase the release of housing land and take into account the impact on housing trajectories.
21. *Policy 33 Biodiversity and Geodiversity* seeks to enhance and protect internationally and nationally important sites and species, developing habitat creation whilst seeking to reduce the spread of, and eliminate, invasive species
22. *Policy 38 Sustainable Construction* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

LOCAL PLAN POLICY:

23. The following policies of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
24. *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.

25. *Policy ENV1 (Protection of the Countryside):*

Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use 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 and wildlife resources of the area.

26. *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value):*

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.

27. *Policy ENV8 (Protecting Animal and Plant Species Protected By Law):*

Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.

28. *Policy ENV10 (Development Affecting Trees and Hedgerows)*

Development will only be permitted where it avoids unreasonable harm or loss to protected or mature trees and hedgerows which contribute to local amenity.

29. *Policy ENV12 (Protection of Agricultural Land):*

Development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.

30. *Policy ENV15 (Development Affecting Flood Risk):*

Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.

31. *Policy ENV17 (Sewerage Infrastructure and Sewage Disposal):*

Proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment.

32. *Policy BENV11 (Sites of Archaeological Interest):*

Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.

33. *Policy H1A (Open Spaces Within Developments):*

In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with the following minimum standard:

- i) Formal play space: 0.4 ha per 1,000 population (i.e. 100 sq m per 10 dwellings)
- ii) Amenity space: 0.8 ha per 1,000 population (i.e. 200 sq m per 10 dwellings)

34. Where there is an identified deficiency and it is considered appropriate, the council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreation/leisure facilities to serve the development in accordance with housing design policies in the plan.

35. *Policy H6 (New Housing in the Countryside)*

A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.

36. *Policy H12 (Design)*

The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

37. *Policy H14 (Provision of Affordable Housing within Developments)*

The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

38. *Policy T2 (Traffic Management and Parking)*

Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site, in accordance with the standards set out in appendix 2, except in areas where the provisions of policy T3 apply.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. The *County Highway Authority* raise no objections to the proposal following the submission of amendments to some elements of the internal layout of the estate. They consider that the A67 is capable of accommodating the additional traffic which would be generated by the development and that the proposed junction would represent a safe means of joining and leaving the A67.

40. *Northumbrian Water* raise no objections to the proposals.
41. The *Environment Agency* raise no objections to the proposals subject to a condition with regards to surface water drainage being attached to any planning permission.
42. *Marwood Parish Council* object in principle to the application as they favour the development of brownfield sites over Greenfield. Besides from these concerns, they have indicated that the proposed mix of properties is the least objectionable and that the development needs to be of the highest calibre if it is not to detract from the value of nearby properties. They also wish careful consideration to be given to landscaping. They feel that Teesdale residents should have preference for affordable housing and that any s106 money be first offered to Marwood Parish Council.
43. *Barnard Castle Town Council* raise no objections to the application, subject to a number of conditions, including that Officers should be satisfied that the release of the land is justified, that more 3no. bedroom properties be provided, that high regard is given to design quality, that it is noted that the Town Council would express an interest in becoming owners of the proposed allotments and play areas and that consideration be given to securing a sum via a s106 agreement for the renovation of the green areas along Galgate in the town centre, and that the planning committee meeting be held in Barnard Castle.

INTERNAL CONSULTEE RESPONSES:

44. The *Housing Development and Delivery Section* raise no objection to the proposal. They note that the Strategic Housing Market Assessment identifies Barnard Castle as an area requiring affordable housing provision. They note that it would usually be expected that affordable housing be provided at an 80/20 ratio in favour of social rent, however a 50/50 ratio is considered to be acceptable in this instance.
45. The *Landscape Section* raise no objections to the proposals, now that revised internal landscaping plans have been received. The landscape and visual impact assessment has been carried out in accordance with the recognised guidance, and therefore they have no reason to disagree with the assessment of the impacts. The proposed planting will have a mitigating effect, though this will take some years to have a significant effect. The extension of the apparent built area of Barnard Castle, in views from the north east, is not of major significance.
46. The *Pollution Control Section* are satisfied with the submitted noise assessments and that the proposed mitigation measures appear acceptable in principle. They recommend that the applicants consider BS5228-1: 2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites - Part 1: Noise during the construction phase and that the potential impacts of dust be considered. A restriction on working hours is also recommended.
47. The *County Archaeologist* has assessed the submitted archaeological information and geophysical survey and concluded that no further investigation work is required.
48. The *Sustainability Officer* is satisfied that the scheme is acceptable.

49. The *Spatial Policy Team* whilst recognising that the proposal represents a departure from current planning policy, have no objections, having regards to the current economic and policy climate.
50. The *County Ecologist* is satisfied with the submitted ecological survey and recommends that the mitigation measures outlined are secured by condition.

PUBLIC RESPONSES:

51. The application has been publicised in the press, site notices have been displayed at the site and letters were sent to neighbours.
52. The *Campaign for the Protection of Rural England* consider that the proposal represents a significant extension to Barnard Castle and would appear as island development. Other properties on the skyline are isolated. Because of the lie of the land, the site may well be fairly prominent from the A688. CPRE also highlight the allocation of the site in the SHLAA and endorse the Environment Agency's requirement for a drainage condition.
53. *Bishop Auckland Cycling Club* note that the development has the potential to generate cycle use and are concerned that the only access to the site will be via the A67 and that the gradient of the site at this access will discourage cycle travel. They suggest that an access on to the A688 be considered as an alternative.
54. *Teesdale School* support the application. They highlight that there is capacity at the school and that the development, including affordable homes will prevent migration away from Barnard Castle, reversing a trend of potential Teesdale School pupils instead attending schools in Bishop Auckland.
55. Letters of objection have been received from 8no. nearby properties, with 1no. letter of support being received.
56. The concerns of local residents relate to the greenfield nature of the site and that there are other more suitable brownfield sites available; that the site lies outside the settlement boundary and that there is no urgent need for the proposed dwellings. Land ownership is queried at the southern boundary of the site and there is concern that the fence would not be stock proof.
57. Further concerns are raised with regards to the level of traffic that exists on the A67 at present and that the development would increase this further, in addition to the proposed road layout being unsafe. Residents also point out that there is no direct bus service to Bishop Auckland. Some residents raise issues with the building materials proposed and also that dormer windows could be installed in the southern elevations of the proposed bungalows, which would compromise the residential amenity of neighbouring properties on Darlington Road. The scale of these bungalows is also questioned with concerns raised with regards to potential overlooking.
58. Other concerns are expressed about the rerouted electricity cable within the site and its impact upon existing trees, as well the landscape impact that would occur as a result of the development, with particular concern being raised to the content of the landscape impact appraisal and with regards to light pollution.

59. Some residents are concerned that the development would lead to a decrease in property values and are furthered concerned that the density of the estate is too high and out of keeping with the surrounding area. Exception is also taken to the applicant's contention that there is wide-scale acceptance and support for the proposal.

APPLICANT'S STATEMENT:

60. This application is seeking planning permission for 100no. dwellings on approx 5ha of land. The site is not currently allocated for housing development and currently lies outside the development limits of Barnard Castle. However the local plan and the development limits are now out of date and need to be reviewed to allow for future housing and employment needs. This review process is ongoing and there is acceptance in the emerging County Durham Plan and by the Town Council that more housing needs to be built in Barnard Castle if it is to maintain its role as a Main Town in the settlement hierarchy and protect the vitality and viability of existing services.

61. The Development Plan review will take at least another 2 years. There is however already a shortfall in housing land supply in the town and the urgent need for a more immediate 'release of land' for housing development to secure future supply. Failure to address this hiatus immediately will impact adversely on the future vitality and viability of the town and its ability to retain population, especially young families. There is wide scale acceptance and support for the need to grant planning permission for new housing development in and around the town including the fact that it will be necessary to build on Greenfield sites to achieve this objective.

62. The application site North of Darlington Road represents the best and most sustainable potential housing site on the edge of town. It is well located for shops, services, community facilities and existing and proposed employment opportunities. It is also accessible by car, bus, cycling and walking. It will undoubtedly have some impact on views on the eastern edge of town from the north, but these will be less adverse than for most other potential sites around the town identified in the SHLAA. Indeed development in this location will compliment the current pattern and character of development in this part of town.

63. Granting planning permission for housing development on the site complies with planning policy as there is not a five year supply of housing land available in the former Teesdale District area. Overall, there is no reason why planning permission should not be granted for this sustainable development and the County Council should therefore consider this application favourably in accordance with national guidance and its own emerging planning policy.

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 Spennymoor Council Offices..

PLANNING CONSIDERATIONS AND ASSESSMENT

64. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this

instance relate to the principle of the development, affordable housing, design and layout of development, residential amenity, sustainability, landscape impact, highway safety and other issues.

Principle of development.

65. The site lies outside of the settlement boundary of Barnard Castle as defined in the Teesdale District Local Plan and as a result, the proposal is for residential development in the countryside, contrary to Policies ENV1 and H6 of the Local Plan. The proposal is therefore a departure to the Teesdale District Local Plan and consequently, for this application to be considered favourably, there will need to be other material considerations which override the normal presumption against development outside of the settlement envelope.
66. The NPPF at paras.14 and 49 highlights that there is a presumption in favour of sustainable development. With regards to housing delivery, Para.47 states that Local Planning Authorities should maintain a five year housing land supply, as well as a 5% buffer to ensure choice and competition. It further recommends that a buffer of 20% should be maintained where there is a record of persistent underdelivery. Furthermore, the NPPF states that local housing supply policies cannot be considered as being up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites and in those cases consideration should be given to the context of presumption in favour of sustainable development.
67. In considering the local housing figures and land supply context, the RSS still sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
68. The locational strategy for the north east region is set out in RSS Policy 6 and aims to concentrate the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities. Of most relevance, RSS Policy 6 seeks to strengthen Rural Service Centres by allowing development of an appropriate scale in order to meet local needs. The RSS identifies Barnard Castle as a Rural Service Centre where development of an appropriate scale may be allowed.
69. Furthermore, the RSS acknowledges that in the period 2004–2011, 490no. dwellings were required and that in the period 2011–2016 a total of 400 additional dwellings will be required in the Teesdale area. This figure replaces the projections included within the Teesdale District Local Plan itself, which are now out of date. Performance to date suggests there was an undersupply of 75no. dwellings in Teesdale in the period 2004–2011. When the undersupply is combined with projected figures for 2011–2016, this means that 475no. new dwellings should be completed in the Teesdale area before 2016.
70. The Council's SHLAA identifies potential housing sites across the county to meet the identified need and rates them dependant on suitability and deliverability. Within the Teesdale area, 6no. sites are identified as being "green" and potentially suitable for housing development. These sites, are estimated to be

able to provide 309no. dwellings. This is clearly short of the 475no. dwellings required. It is clear therefore that these “green” sites are unable to deliver the required 5 year supply on their own. Other sites, including the application site, are classified as “amber” within the SHLAA, which is to say that they are currently classified as unsuitable for housing, although this may be revisited if sufficient housing supply cannot be demonstrated and if it can be shown that the sites conform to the sequential approach to development set out in RSS Policy 4. The sequential approach requires the applicant to demonstrate why other, more suitable sites cannot be utilised at this time.

71. Only 4no. of the sites identified in the SHLAA lie within the existing settlement limits and are therefore sequentially preferable to the application site. Of these, 1no. (Thorngate) has already been granted planning permission and development is underway. Of the others, the Auction Mart is dependent on relocation, as is the Smiths Grove site. They cannot therefore be expected to come forward in the immediate future. There is a site at Startforth which would appear to be immediately deliverable, however whether this is preferential with regards to sustainability, given its village location in comparison to the proximity of the application site to services and facilities in Barnard Castle, is debatable. A balanced view has been taken that neither site is overwhelmingly preferable over the other and weight must be given to the benefits delivered by the proposed scheme at this time.
72. Regard should also be given to the emerging County Durham Plan and crucially, the issue of prematurity. However, given the limited number of available sites and because the scale of the proposal would amount to less than 25% of the plan total for Barnard Castle, as set out in the County Durham Plan Policy Direction Paper, the Council’s Spatial Policy Team consider that bringing the application site forward now would not undermine the emerging County Durham Plan housing strategy. The issue of prematurity is therefore not a concern. Accordingly, approval of this site now would be unlikely to compromise the ability of other landowners to have their sites considered through the Plan preparation route.
73. Having regards to the above and the evident shortfall in housing land supply, it would appear that there is a strong case in this instance to consider the application site as being suitable for residential development, despite it’s ‘amber’ status in the SHLAA and location outside of the settlement boundary of Barnard Castle. The fact that the site lies immediately adjacent to the development limits of Barnard Castle and the role of Barnard Castle as a major Rural Service Centre, certainly supports the case. However, the issue turns on the wider benefits that the proposal would deliver, the quality of the scheme, the impact on the character of the surrounding area and other material considerations.

Affordable Housing and Market Needs

74. The NPPF seeks to secure a wide choice of housing options through new development, whilst the Council’s Strategic Housing Market Assessment (SHMA) has identified that there is a under provision of larger properties in the West of the County.
75. The proposed development provides a mix of 2, 3 and 4 bedroom housing, which has been informed to some extent by the Council’s SHMA. There would be 20no. 2 bed, 17no. 3 bed and 63no. 4 bed dwellings. In keeping with the character of the area, the majority of larger detached properties would be located towards the

south of the site, with a mix of semi-detached and terraced dwellings located further into the site. Importantly, 17 bungalows are included within the development and 30% of the development (30 dwellings) would be offered as affordable housing in a 50/50 split of social rent and discounted sale (secured in perpetuity).

76. Having regards to this, it is considered that the proposed development offers a suitable mix of housing and in particular the provision of bungalows, 10 of which would be affordable. The comments of Barnard Castle Town Council with regards to the number of 3no. bedroom properties proposed is noted, but it is considered that the proposed housing mix would deliver a good range of housing, suitable for the needs of the local market. The need for larger 4+ bed family housing is identified in the SHMA and the amount of this size of housing proposed has been an important factor in the viability of the proposal and to achieving a high quality of proposed development.
77. Policy H14 of the Teesdale District Local Plan seeks a provision of 30% affordable housing on large housing sites and the application accordingly proposes 30no. affordable dwellings in a variety of forms with a split of 50:50 between social rented and intermediate (discounted sale) housing. Whilst this tenure split represents a deviation from the recommendations within the SHMA (which advocates 80% social rented and 20% intermediate housing), Housing Strategy Officers have confirmed that they are satisfied with this tenure split in light of the wider benefits brought about through the delivery of affordable housing and current market needs in the local area. The social rent and discounted sale properties would each comprise of 5no. 2 bedroom bungalows, 5no. 2 bedroom houses and 5no. 3 bedroom houses. The discounted sale housing would be discounted by 30% of open market value and this discount would be secured in perpetuity through a Section 106 Legal Agreement. This particular type of affordable housing would be appealing to young professionals needing assistance in getting on the property ladder and therefore relates well with wider objectives of addressing outward migration of young professionals from the Barnard Castle area. In view of this, it is considered that the contribution this scheme would make toward meeting the housing needs of all sectors of the community should be afforded significant weight in the favourable consideration of this application.

Landscape Impact

78. The landscape impact of the development is a key consideration given the location of the site on the edge of Barnard Castle and within an Area of High Landscape Value, where the site is highly visible on the hillside from the A688.
79. The application is supported by a comprehensive landscape impact assessment, which considers the impact of the development from key visual receptors and proposes measures to reduce the impact through the use of appropriate landscaping within and around the site. Photomontages submitted provide an indication of the likely appearance of the development over a period of time after its completion.
80. The Council's Landscape Section are satisfied with both the methodology and findings of the landscape impact assessment. Some elements of the landscaping proposals have been amended at the request of the Landscape Section with regards to specific species to be utilised.

81. It is accepted that the development would be visible within the landscape and it is not the purpose of the landscaping scheme to screen the development in its entirety, as to do so would result in an element of the landscape which is clearly alien. Instead the landscaping proposed would enable the development to be absorbed as far as is reasonably possible into the landscape and reduce its prominence.
82. The comments of the local residents with regards to landscape impact are noted, however, it is considered that the landscape impact assessment and landscaping proposals demonstrate that the development would be able to assimilate into the local environment to an acceptable degree.
83. The application is therefore considered to accord with Policies GD1 and ENV3 of the Teesdale Local Plan, as well as Policy 8 of the RSS.

Design and Layout of Development

84. The proposed design and layout is considered to be of a high quality. The proposed layout includes substantial levels of public open space and incorporates a high level of structural landscaping. The entrance to the site would be characterised by a small "orchard", giving way to some of the larger properties on the estate, which would be stone built. The existing large trees in this part of the site would be retained. As a result, it is considered that this part of the estate would assimilate well with the existing character and built form of properties along this section of Darlington Road. Some neighbouring residents have raised concerns that the density of the development is too high, however it is considered that the mix of properties, which includes a large number of detached dwellings and good provision of open space, is appropriate and the proposal represents an efficient use of land. It should be noted that the 100no. Dwellings proposed is significantly less than the 175no. suggested in the SHLAA and also that the density would be lower than that of the existing, neighbouring High Riggs estate.
85. The house types proposed have been chosen to complement the existing surrounding context and would reflect the local vernacular, whilst providing variety across the development. Accordingly, some features, such as window and door styling, head and cill details have been standardised, whilst other features such as roof pitch, door canopies and materials would be varied. The main variation for materials is the roof covering, which would be a mix of reconstituted grey slate, a grey tile and a brown tile. Originally, a terracotta pan tile was proposed, however this has been changed in order to reduce the landscape impact and prominence of the development.
86. Bungalows are proposed directly to the rear of the existing properties on Darlington Road to retain to a certain extent the open outlook of those properties, which due to the topography of the site, would be largely looking over the top of the bungalows. This has been a deliberate and well-considered approach to the site layout and relationship with neighbouring properties.
87. On the whole, a good level of parking provision would either be provided by detached or integral garages, usually located to the side of properties, resulting in a layout that would not be visually dominated by parking.
88. A landscaped footpath would run through the site leading to a grassed swale. The footpath would incorporate seating and outdoor children's activity equipment. This element of public open space would also function as the sustainable drainage system of the estate, providing a holding/soakaway area for surface

water. The swale would be the visual focal point of the development and its dual use as a natural amphitheatre, as well as its drainage function, is an interesting design feature that would contribute to the quality of the environment within the site, as well as to the sustainability credentials of the development. Other public amenity facilities would include 'willow tunnels', 'village green spaces', allotments, a sensory garden, feature mounds, outdoor gym equipment and outdoor barbeques to provide a variety and high quality of open space within the site. It is proposed that all open space, including the community allotment, will be maintained by a management company, therefore the offer from Barnard Castle Town Council to adopt these areas is noted but not required. Because of the amount of high quality open space to be provided within the site and that the Council will not be expected to maintain it, it is considered that there is no requirement in this instance to provide a financial contribution for offsite recreation, public amenity facilities, or maintenance.

89. The proposal is therefore considered to represent a high quality example of a housing proposal of this size and is considered to accord with the good design principles contained within the NPPF, as well as Teesdale Local Plan Policies GD1 and H12. The quality of the proposed development also carries weight in the favourable consideration of this application.

Residential amenity

90. The proposed layout exhibits adequate separation between properties in all instances with a minimum of 21m between facing habitable elevations and 13m between facing elevations and blank gables. With regards to existing properties, it is noted that the distance between the rear elevation of the proposed bungalows and the rear elevations of properties on Darlington Road varies between 43m and 47m, far in excess of the normal expectation of 21m. Furthermore, the local topography means that properties on Darlington Road would have views largely over the roofs of these bungalows.
91. The points raised by residents with regards to the removal of permitted development rights to install dormer windows in the rear roof slopes of the bungalows to be located behind the properties along Darlington Road are noted, however, given the separation distances involved, it would be unreasonable to remove permitted development rights in this respect.
92. To the north of the site are 2 no. existing industrial uses which are a haulage/skip hire business and a haulage/salvage yard. At least one of the businesses is known to use a crushing machine and it is not uncommon for vehicles to leave the site at an early hour.
93. The applicant has submitted a noise impact assessment to assess the potential noise impact on the proposed dwellings in close proximity to these businesses. The impact assessment concludes that the levels of noise likely to be experienced would not be so high so that they could not be successfully mitigated against. Mitigation is proposed in the form of an acoustic bund to the north of the site and the properties at this part of the site have been orientated with gables facing to the north. Where necessary, enhanced double glazing will also be utilised.
94. The Council's Pollution Control Team have considered the information supplied and have no objection to the application on an amenity basis.

Sustainability

95. The applicant has sought to achieve a Code for Sustainable Homes Level 3 standard; however issues with the adoption of the sustainable drainage system would prevent the issuing of a Code Level 3 certificate. Nevertheless, the sustainability credentials of the scheme would still be high and at a Code Level 3 standard, apart from the drainage. Measures proposed to achieve this include energy conservation, water conservation including the provision of water butts, appropriate materials which have responsibly sourced, including the use of local stone, waste management, including the provision of composting facilities and management of waste generated during construction.
96. Therefore, although a Code Level 3 certificate could not be issued, the Council's Sustainability Officer is otherwise satisfied with the sustainability measures proposed and it is recommended that a suitably worded condition be attached in order to secure a minimum number of Code Level 3 points in lieu of a Code Level 3 Certificate being issued. The application is therefore considered to be acceptable and in accordance with Policy 38 of the RSS in this regards. Again, this carries some weight in favour of the principle of development on the site.

Highways Issues

97. The site, although located on the edge of Barnard Castle, is considered to be in a sustainable location with access to two main roads and local bus services. As a Rural Service Centre, Barnard Castle has a good range of local services and shops, which are within reasonable walking and cycling distance.
98. The capacity of local roads and the safety of the site access have been questioned by several objectors. The County Highway Authority have considered these issues along with the supporting transport statement and have concluded that the A67 and A688 roads have sufficient capacity to accommodate the additional traffic that would be generated by the proposal. Furthermore, they consider that the proposed site access would be in a safe location and of an appropriate specification, in accordance with the County Council's requirements.
99. The issues raised by Bishop Auckland Cycling Club are noted; however it is considered that the topography of the site would always lead to a certain amount of climbing in order to facilitate an exit from the site. Whilst an alternative cycle access to the A688 would perhaps be desirable, it is difficult to see how this could be accommodated without interference to the proposed landscaping or acoustic bund, and is also unlikely to be achievable because of land ownership. Sufficient visibility would exist at the site access to allow cyclists to consider any potential danger before crossing without the need for a more substantial traffic island.
100. Consideration should be given to NPPF para.32 which states that development should only be prevented on transport grounds where the residual cumulative impacts of the development are severe. It is considered that in this instance any impacts would not be severe and it would therefore be unreasonable to resist the application on this basis. It is further considered that the application is in accordance with Policy 7 of the RSS and Policy T1 of the Teesdale District Local Plan.

Other Issues

101. Policy ENV12 of the Teesdale District Local Plan seeks to protect the best and most versatile agricultural land. Although the site is currently subject to arable farming, it has been confirmed by the applicant that the site is currently

considered to be Grade 3b agricultural land and therefore cannot be considered to be amongst the best or most versatile land.

102. With regards to the protection of existing trees and hedgerows, it is considered that the highest value of these can be largely incorporated within the development. The arable nature of the field means that there are only a small number of mature trees on the site at present and these are shown to be retained. The existing hedgerows to the rear of properties on Darlington would be retained and the rear garden fences of the proposed bungalows would be set wholly within the development site, acknowledging that the existing hedgerows do not necessarily mark the extent of land ownership.
103. The proposed power cable would be accommodated underground, replacing the existing overhead arrangement. The cable would take a route around the edge of the site and as a result, in some areas, would pass close to existing trees and hedges. Where this would occur, the applicant has indicated that appropriate hand-digging excavation measures would be utilised in order to prevent damage to the trees.
104. With regards to water quality and flood risk, a sustainable drainage system is proposed and a flood risk assessment has been carried out. No concerns are raised with regards to these matters by the Environment Agency or Northumbrian Water.
105. Turning to potential archaeological interest, the applicant has provided an archaeological desk based assessment and full geophysical survey of the site. Although the site lies potentially close to the route of a former Roman road, the geophysical survey suggests that there are no insitu remains of interest within the site. The County Archaeologist has appraised this information and considers that no further archaeological investigation work is necessary.
106. Ecology Officers have confirmed that the submitted ecology survey adequately assesses the area in respect of protected species and habitats. However, conditions have been requested which would mitigate the loss of any ecological habitats. This would include retention of hedgerows and landscape planting and further checking for protected species prior to development commencing.
107. Issues concerning impact upon property values are considered not to be material planning considerations. Furthermore the relevance of the reference by an objector to the hedgerow to the rear of properties on Darlington Road not being stockproof is unclear in the context of the residential development proposed.

Conclusions

108. The NPPF at paras.14 and 49 highlights that there is a presumption in favour of sustainable development, although an up-to-date development plan still forms the starting point for the consideration of applications.
109. Due to the inability of the County Council to demonstrate a five year housing land supply for the Teesdale area, as well as a lack of suitable, sequentially available sites, it is considered that the approval of this application would not prejudice the housing strategy in the emerging County Durham Plan. The presumption in favour of sustainable development should therefore be given weight in this instance.

110. In this respect it is considered that the application site is appropriately located in relation to shops and services in Barnard Castle and has good road links to Bishop Auckland, Darlington and further afield. The development would be of a high quality, incorporating large elements of public open space, and would deliver a good range of housing, including much need affordable housing and bungalows. It would also be built to an equivalent of Code for Sustainable Homes Level 3.
111. The proposal would therefore represent a sustainable form of development and although strictly a departure from the Development Plan, it is considered that in this instance there is a clear and demonstrable case for allowing the development of this site at this time. The benefit to the community in terms of affordable housing in particular carries significant favourable weight.
112. It is therefore considered, that on balance, the proposal accords with the objectives in the NPPF and RSS policies 4, 6, 10 and 29 to locate an appropriate amount of housing, which meets the needs of all sectors of the community, in suitable locations which offer a good range of community facilities and with good access to jobs, services and infrastructure. The high quality of the design and layout, relationship with the surroundings, and sustainability credentials of the proposal would also be in accordance with Teesdale Local Plan Policies GD1, ENV3, ENV15, H12 and RSS policies 8 and 38.

RECOMMENDATION

That the application be **APPROVED** subject to the applicant first signing a Section 106 Legal Agreement to secure a scheme for the provision of 30. affordable dwellings and subject to the following conditions and reasons;

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 and Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

Plan Reference Number:	Date received:
Site Location Plan	6 th February 2012
Preliminary Engineering Plan 001/3	13 th February 2012
Estate Layout 1N/HRIGG/SK-01 Rev A	23 rd April 2012
Landscape Proposals no.2553.10	13 th February 2012
Detailed Landscape Plan 1 of 7 no.2552.03 Rev A	2 nd May 2012
Detailed Landscape Plan 2 of 7 no.2552.04 Rev A	2 nd May 2012
Detailed Landscape Plan 3 of 7 no.2552.05 Rev A	2 nd May 2012
Detailed Landscape Plan 4 of 7 no.2552.06 Rev A	2 nd May 2012
Detailed Landscape Plan 5 of 7 no.2552.07 Rev A	2 nd May 2012
Detailed Landscape Plan 6 of 7 no.2552.08 Rev A	2 nd May 2012
Detailed Landscape Plan 7 of 7 no.2552.09 Rev A	2 nd May 2012
Streetscene Elevations BARN/PL/20:01	13 th February 2012
Downham Elevations PD/49/3/PL2	13 th February 2012
Downham Plans PD/49/3/PL1	13 th February 201

AA31 3 Bed House AA31/3/PL2	13 th February 2012
AA31 3 Bed House AA31/3/PL1-A	13 th February 2012
AA21 2 Bed House AA21/PL1-A	13 th February 2012
AA21 2 Bed House AA21/PL2-A	13 th February 2012
Sherbourne Elevations SHERB/PL3	13 th February 2012
Sherbourne Elevations SHERB/PL2	13 th February 2012
Sherbourn Plans SHERB/PL1	13 th February 2012
Midhurst Elevations MIDHUR/PL2	13 th February 2012
Midhurst Plans MIDHUR/PL1	13 th February 2012
Malbury Elevations MALBURY/PL3	13 th February 2012
Malbury Elevations MALBURY/PL2	13 th February 2012
Malbury Plans MALBURY/PL1	13 th February 2012
Heydon Elevations HEYDON/PL2	13 th February 2012
Heydon Plans HEYDON/PL1	13 th February 2012
Alverton Elevations ALVERTON/PL2	13 th February 2012
Alverton Plans ALVERTON/PL1	13 th February 2012
Bungalow 02 Elevations BUNG02/PL3	13 th February 2012
Bungalow 02 Elevations BUNG02/PL2	13 th February 2012
Bungalow 02 Plans BUNG02/PL1	13 th February 2012
Bungalow 01 Elevations BUNG01/PL2	13 th February 2012
Bungalow 01 Plans BUNG01/PL1	13 th February 2012
Garages GARAGES/PL1	13 th February 2012
Enclosure Details 1N/HRIGG/SK-03	13 th February 2012
Long Section through Development 1N/HRIGG/SK-13	13 th February 2012

Reason: In order to secure a satisfactory form of development in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).

3. Prior to occupation of any dwelling hereby approved full engineering details shall be submitted for approval of the A67 highway works associated with the development, including bus service infrastructure. Such details shall be fully implemented prior to occupation of any dwelling.

Reason: In the interests of highway safety and in accordance with Policies GD1 and T1 of the Teesdale District Local Plan 2002 (as Saved and Amended).

4. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details shall include how the scheme shall be managed and maintained for the design life of the site.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policies GD1 and ENV17 of the Teesdale District Local Plan 2002 (as Saved and Amended).

5. No development shall take place unless in accordance with the mitigation detail within the report "Extended Phase 1 and Protected Species Survey, E3 Ecology Ltd (February 2012)" including, but not restricted to Undertaking a badger checking survey at least 2 months prior to any works commencing on site; use of best practice working methods in order to reduce any impacts on foraging/commuting badgers (as detailed in the ecological report); vegetation clearance to be undertaken outside of the bird breeding season (March to August

inclusive) and provision of 10 bat boxes and 15 bird boxes within the retained trees on site (as detailed in the *Landscape Masterplan* drawing no: 2553.02 Rev A).

Reason: In the interests of the conservation of protected species in accordance with the provision of the National Planning Policy Framework

6. No construction works, including excavation, building and any delivery of equipment or materials shall take place outside the hours of 07:30 to 18.00 Monday to Friday, 08.30 to 14.00 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).

7. During the course of construction, no waste materials shall be burned on the site.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).

8. All dwellings hereby approved shall achieve a minimum point score of 57 against the Code for Sustainable Homes assessment methodology. Prior to commencement of development, evidence shall be submitted to and approved in writing by the local planning authority to demonstrate how the dwellings will achieve a minimum point score of 57 against the Code for Sustainable Homes assessment methodology. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainability in accordance with the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected beyond the forwardmost wall of any dwelling that fronts onto a highway.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with policies GD1 and H12 of the Teesdale District Local Plan 2002 (as Saved and Amended).

10. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme 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.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H12 of the Teesdale District Local Plan 2002 (as Saved and Amended).

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges are protected by the erection of fencing in accordance with Tree Protection Plan TPP-B and the All About Trees Arboricultural Impact Assessment received 13th February 2012. All installed protection measures shall remain in situ until the development is complete.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).

12. Any excavation that is required within the root protection area of existing trees as identified on drawing TPP-B shall only be carried out by hand digging.

Reason: In the interest of the health and amenity value of existing trees in accordance with Policy ENV10 of the Teesdale District Local Plan 2002 (as saved and amended)

13. Notwithstanding the provisions of the Town and country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) the proposed garaging facilities shall at all times be retained for the parking of motor vehicles and shall not be used for or converted into habitable residential living accommodation.

Reason: In the interests of highway safety and in accordance with Policy T2 of the Teesdale District Local Plan 2002 (as Saved and Amended).

14. Wheel washing equipment shall be provided and retained at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheel washing equipment shall be used on all vehicles leaving the site during the period of construction works throughout all development activities on any part of the site.

Reason: In the interests of highway safety and amenity and in accordance with policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).

REASONS FOR THE RECOMMENDATION

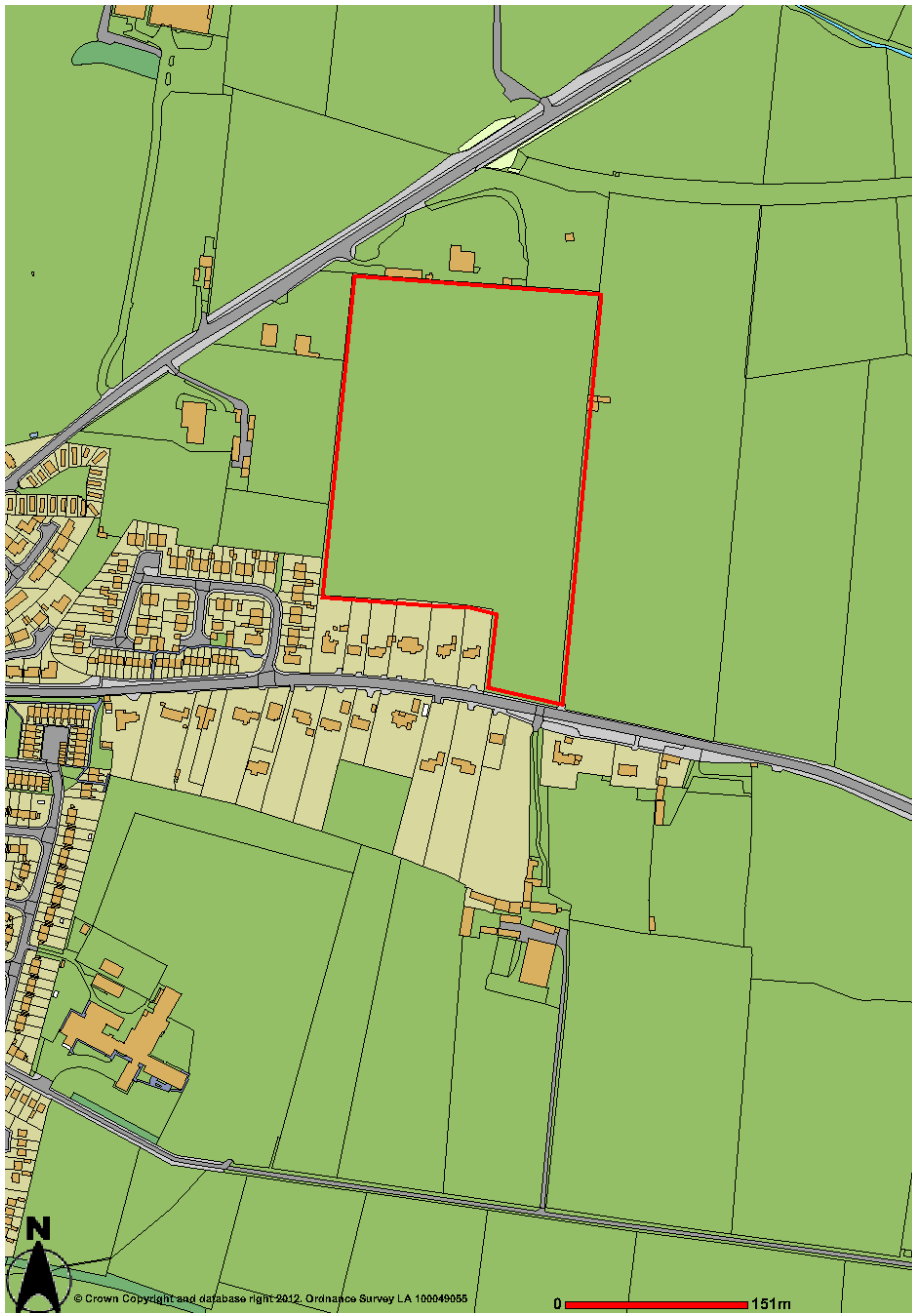
1. The development represents an acceptable use of the land in principle with no harm caused to the character or appearance of the area, the amenity of adjacent occupiers, highway safety or protected species. The development is considered to accord with relevant Policies GD1, ENV3, ENV8, ENV10, ENV12, ENV15, ENV17, BENV11, H1A, H6, H12, H14 and T2 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive brought into effect through the Conservation of Habitats and Species Regulations 2010.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 where it is consistent with the National Planning Policy Framework.

2. Although the proposal represents a departure from the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 it is considered that there is a clear and demonstrable case for allowing this development.
3. The objections and concerns raised by local residents have been discussed and assessed within the report and officers consider the impacts of the revised development remain acceptable, in accordance with the provisions of the Development Plan and NPPF.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Teesdale District Local Plan as amended by Saved and Expired Policies September 2007
- National Planning Policy Framework.
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East
- Strategic Housing Market Assessment
- Strategic Housing Land Availability Assessment
- County Durham Plan Policy Direction Paper
- Assessing Development Proposals in a changing National Planning system - Council Policy Position Statement



Durham
County Council

Planning Services

Residential development comprising 100no. dwellings (30 affordable) and associated infrastructure

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

6/2012/0047

Date 14th May 2012

This page is intentionally left blank



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: 7/2012/0103/DM

FULL APPLICATION DESCRIPTION: Outline application with details of layout, access and scale, for the erection of four dwellings including the demolition of 14 North Road

NAME OF APPLICANT: Mrs Maughan

ADDRESS: Land at 14 North Road, Spennymoor, Co Durham, DL16 6EW

ELECTORAL DIVISION: Tudhoe

CASE OFFICER: Mark O'Sullivan, Planning Officer
03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is situated on 0.28 hectares of land and comprises an existing bungalow fronting North Road with 2 storey flat roof extension on the south elevation and undeveloped garden land to the rear. Located within the Spennymoor residential settlement, this site is bordered to the north and south by neighbouring residential development. The site looks across to allotment land on the east side of North Road and to the west of the site is a public right of way and public open amenity space.
2. The existing garden space currently comprises a number of trees, ponds and soft landscaping features and a disused air raid shelter, none of which are protected.
3. Outline planning permission is sought to demolish the existing dwelling and erect four dwellings on the site including the rear garden space. Shared vehicular access would be created to the southern boundary of the site serving all proposed

properties. A number of existing trees and landscaping features would need to be removed or pruned to facilitate this development.

4. Details of site layout, access and scale have been submitted to show how the four dwellings would be accommodated. These would be 2.5 storey houses with footprints of 10 x 8 metre, and a maximum height of 8.6 metres. Details of the design and landscaping of the site are reserved for subsequent consideration.
5. The application has been referred to committee at the request of Councillors Foster and Graham, the Electoral Division Members. Concerns have been raised regarding highway safety, impact on the character of the area, overdevelopment and conflict with planning policies.

PLANNING HISTORY

6. There is no recent planning history associated with the application site.

PLANNING POLICY

NATIONAL POLICY

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

The NPPF can be accessed at:

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

REGIONAL PLANNING POLICY

8. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
9. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated

as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:

10. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
11. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
12. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
13. *Policy 24 (Delivering sustainable communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

14. *E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
15. *H17 (Backland and infill housing development)* sets criteria for new backland and infill housing development.
16. *H18 (Acceptable uses within housing areas)* establishes acceptable uses within housing areas.
17. *D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
18. *D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
19. *D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
20. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. *The Highway Authority* has raised no objections to this application. A request to increase the width of the proposed shared driveway to 4.8 metres has been accepted by the applicant who has submitted amended plans showing this detail. If approved, engineers advise that vehicular access crossing works must be constructed in accordance with requirements of Section 184(3) of the Highways Act, 1980.
22. *The Coal Authority* concurs with the findings of the submitted coal mining risk assessment in terms of the need for appropriate intrusive site investigation works to be undertaken prior to the commencement of development and remedial works. No objections are therefore raised to the application subject to the imposition of an appropriate planning condition.
23. *Spennymoor Town Council* has raised no objections to this proposal.

INTERNAL CONSULTEE RESPONSES:

24. *The Ecology Section* raises no objections to the proposal subject to the imposition of a condition to ensure adherence to the use of the method statement outlined within the submitted Bat Risk Assessment if the proposal is approved.
25. *The Arboriculture Officer* has no objections to the proposal, although has recommended that Tree Preservation Orders (TPO's) be placed on the trees that would remain. It is also suggested that conditions be imposed relating to the laying of a cell web system for hard standing areas in the vicinity of a number of retained trees.

PUBLIC RESPONSES:

26. The application has been advertised by means of site notice and by neighbour notification letters.
27. Twelve letters of objection have been received from ten local residents (some residents having sent more than one letter). Objections have been raised in terms of the principle of development and conflict with relevant national planning policies, the perceived impact on the character of the neighbourhood in terms of the scale of development and the impacts upon wildlife and the loss of trees. Implications for the amenity of residents is a concern, in terms of loss of privacy and overlooking, together with disturbance to neighbours caused both during development and upon completion from an increase in vehicle movement through the site, while concerns are raised in terms of the site access and impacts upon highway and pedestrian safety. A number of other issues including waste disposal, site security, and the provision of unsold housing stock elsewhere in the town, flooding and the accuracy of the submitted reports have been raised.

28. Other matters including loss of view, impact on property values and party wall issues, are not considered to be material planning considerations to which weight can be apportioned in the determination of the application.

APPLICANTS STATEMENT:

29. The site lies well within the development boundary of Spennymoor as set out in the local plan; therefore there is no conflict with broad planning policy or use of the land. The scheme has been designed in accordance with the local plan and in particular with accordance with policy number H17 (Backland and infill housing development).

30. With regards to highway safety, site lines from the proposed access point on the B6282 are well in excess of the County Highways department's requirements for a development of this type. The existing vehicular access has been modified and widened to comply with Section 184(3) Highways Act 1980 to allow for easier access and egress from the site, as well as comply with the minimum visibility splay of 43 metres along North Road.

31. The addition of a footpath to the southern boundary allows for safe pedestrian access and circulation around the site.

32. With regards to amenity and privacy standards, proposed dwellings are located "in such a way that the existing trees are utilized as screening; in addition to this the minimum distances between dwellings are in excess of those set out in the local plan.

33. The dwellings are designed as 2.5 storey houses and have a smaller footprint than the existing dwellings on North Road and Westmorland Road, which keeps the proposed scale of the development in keeping with the local vernacular.

34. The site has been fully utilized, making use of the existing trees as natural screens. All of the dwellings have substantial gardens and the existing flora will be utilized wherever possible around the site to minimize the impact of development on the locality.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

35. 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 key issues are the principle of the development, impact on the character of the area, impact on residential amenity, highway safety, flooding, drainage, ecology and arboriculture implications.

The principle of development

36. The National Planning Policy Framework (NPPF) sets out the Government's overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It should also be noted that the NPPF replaces PPS1 and PPS3, and the letter to Chief Planning Officers: New powers for local authorities to stop 'garden-grabbing' (15 June 2010) should no longer be considered as material planning considerations.
37. Whilst paragraph 53 of the NPPF explains how local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, there is no specific policy at this time excluding backland or garden development. Each application therefore needs to be considered on its own merits, taking into account the sustainability of the site, contextual fit, scale and design.
38. In addition to the NPPF's presumption in favour of sustainable development, the RSS, through policies 2, 4 and 24 set out sustainable housing objectives, paying regard to a sequential approach to site selection in the delivery of new housing across the region, in achieving sustainable development objectives. In particular, sites that are previously-developed or sites within existing built-up areas are sequentially preferable.
39. At a local level, Policies H17 and D5 of the Local Plan support new residential development in existing residential areas where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwelling and existing adjacent dwellings and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. Furthermore such development must not significantly harm the living conditions for nearby residents.
40. The application site is located within the Spennymoor residential framework as identified in the Local Plan and is occupied by an existing dwelling house and extended garden space. Although it would not constitute previously developed land according to the definition outlined within the NPPF, the site is located in close proximity to the commercial centre of Spennymoor, key access routes and employment opportunities. It is therefore considered that the proposed development would be located in a sustainable location with regard to the NPPF and RSS Policies 2, 4 and 24, which establish sustainable housing objectives. Furthermore, the sustainable nature of this centralised site within an established settlement would satisfy RSS Policy 7 in relation to connectivity and accessibility.
41. In summary, it is considered that the provision of additional infill dwellings within the established settlement limits is acceptable in principle and as such the scheme represents a sustainable form of development that accords with the NPPF's presumption in favour of sustainable development. On balance, such considerations should be seen to outweigh any presumption against this development in terms of the part Greenfield nature of the site and unsold housing

stock elsewhere. Any recommendation for refusal based solely on the argument that there are existing unsold properties nearby would be poorly founded and unreasonable.

Impact on the character of the area

42. North Road is predominately residential in nature, with properties overlooking a busy carriageway and allotment land beyond to the east. The proposed nature of the development would see the removal of an existing dwelling house and its replacement with a new dwelling housing (occupying a smaller footprint) to facilitate access to garden land to the rear. This garden land cannot presently be viewed from North Road without accessing through private property.
43. The proposed replacement dwelling house fronting North Road would respect existing development to the north and south both in terms of siting and scale. It would not be of a significantly larger footprint that would detract from the character of the street scene and would also retain a strong forward building line with neighbouring development. The proposed dwelling would extend up to 8.6m in height to the ridge and would respect the height of 2 storey developments to the north and south. Details of design are to be assessed at a later stage, although it is expected that a high standard of design would be required, commensurate with surrounding building styles and incorporating sympathetic materials and finishes.
44. With regard to the proposed backland development, it is noted that much of this would remain obscured from view from the key vantage point along North Road to the east. Although these properties would be viewed from public land to the west, this would be against the backdrop of relatively modern designed buildings along Westmorland Road to the west. It is not considered that the proposed dwellings would appear significantly incongruous in this setting.
45. With regard to the height of the proposed backland dwellings, no objections are raised over the scale, which would again remain sympathetic to existing two storey developments in the local setting, respecting existing ridge heights without resulting in any significant degree of overlooking/overshadowing, or a form of development which would detract from the character of this area.
46. Furthermore, no objections are raised over the density of this development given the scale of surrounding plots to the north, east and west. The proposed backland dwellings would occupy footprints similar to neighbouring residential plots. Further control of soft landscaping details would help to soften the visual impact and integration of the development.
47. Although some local concern has been raised over the impact on the character of this street scene caused by an increase in the number of bins and waste disposal activities it is considered that there would be enough space within the curtilage of each dwelling to store waste until relevant collection days when bins are moved into the main collection area with all other neighbouring bins.
48. In view of the above, no overriding concerns are raised over the impact of this development on the character of the surrounding area and having regard to the

principles of good design set out within the NPPF and Local Plan Policies H17 and D1.

Impact on residential amenity

49. With regard to the layout of the proposed dwellings, no objections are raised in terms of the strong forward building line fronting onto North Road which is to be retained, or the separation distances to be achieved between existing and proposed dwellings which are in excess of the minimum guidelines as set out within SPG Note 3. A distance of approximately 60 metres is to be retained between the rear elevation of the replacement dwelling fronting onto North Road and opposing dwellings to the west. Meanwhile a separation of 20 metres is to be retained between the rear facing elevation of numbers 15 and 16 North Road and the side gable elevations of the nearest proposed dwellings to the west.
50. Owing to the orientation of the dwellings, there would be no primary elevations directly overlooking neighbouring properties within short distances, with submitted plans showing some existing boundary vegetation to be retained in part, ensuring some degree of screening around the site. The applicant would be required to accord with approved plans, with additional control over landscaping imposed at the reserved matter stage. As such the amenity of residents in terms of overlooking would be safeguarded.
51. A number of concerns have also been raised over the impact of the proposed development on neighbouring amenity in terms of disturbance caused during the construction period. Whilst some level of disturbance and disruption may occur during the construction process the applicant would be encouraged to adhere to good practices in terms of working hours and on site conditions including site security throughout the development.
52. Concerns have also been raised by immediate neighbours over the impact of development on their property boundaries. It is noted that any party wall issues cannot be considered as material planning considerations although the applicant would be reminded to adhere to the provisions of the Party Wall Act at all times. In terms of proximity to neighbouring property to the north and south, it is noted that the main dwelling houses are not built right up to their boundaries with the application site, maintaining an acceptable degree of separation from the proposed access road and new development. The movement of vehicles using the proposed shared access would not be excessive such that this would unacceptably impact on the living conditions of neighbouring residents. All the proposed dwellings would benefit from a sufficient level of front and rear private amenity space without encroaching into neighbouring curtilages and details of means of enclosures and landscaping details be included with any recommendation for approval.
53. In view of the foregoing, this proposal satisfactorily achieves sufficient private amenity space to the front, rear and sides, and without resulting in any substandard separation distances between dwellings. In this respect, this application is considered to accord with Policies H17, D5 and SPG3 of the Local Plan regarding the layout of new dwellings.

Highway Safety

54. The Highway Authority has raised no objection to this proposal, advising that the vehicular access onto the B6288 North Road can achieve the 2.4 x 43 metres junction site visibility splays in both directions, together with a 4.8 metre wide drive, which is therefore acceptable.
55. In arriving at this decision, consideration has been given to the likely usage of this shared driveway in terms of the four proposed dwellings, parking provision and in-curtilage turning facilities/manoeuvrability space as well as emergency access. The proposed dwelling fronting onto North Road would have four car parking spaces, with the other three dwellings having potentially six car parking spaces, which is deemed to be acceptable in this location. The proposals are therefore considered to accord with Policy D3 in this regard.

Flooding and Drainage

56. The NPPF requires a proactive approach to flood risk in assessing new developments. The application site is not located within any known flood risk area with it noted that not all of the site will be replaced with hard standing or developed over. In order to ensure no increased risk of flooding, any approval should be carefully conditioned to control the use of permeable materials in areas of hard standing to avoid increased run-off.
57. The proposed application is infill in nature, and as such, it would integrate into existing drainage systems which currently serve this area. It is not considered that a net increase of three dwellings would result in any unacceptable impact upon existing drainage capacities which could justify refusal in this instance.

Ecology

58. The Ecology Section has raised no objections to the proposal, subject to a condition ensuring adherence to mitigation measures outlined within the submitted ecological survey. In arriving at this recommendation, the Ecology Section has considered the concerns raised by neighbouring occupiers in terms of ecological impacts, finding that on the basis of the evidence submitted, the risk of presence and hence impact on bats is low, and that the method statement provided would address any residual risk. With respect to the submitted arboricultural report it is concluded that none of the trees proposed to be felled harbour any features which would render them likely to be used by bats. It is therefore concluded that any further surveys with respect to the trees would not be necessary.
59. With regard to Great Crested Newts, it is noted that while Natural England's guidelines state that a risk assessment or survey is usually required for sites within 500m of a pond the garden ponds within the application site are very small (and unlikely to support a breeding population). The nearest known record for the species is in excess of 600m to the west, with built up areas and busy roads, which would be a barrier for the migration/movement of newts. There are no known records or suitable habitat/ponds to the east of the site, and the immediate area does not show up on historical maps/aerial photos of there being any

historical ponds where newts could come from. Therefore the risk of Great Crested Newts being in the area, and hence inhabiting the ponds when they were dug, is low.

60. Although objectors have raised concerns regarding the impact on biodiversity, it is considered that subject to adherence to the proposed condition, the proposals would not have significant affects on biodiversity and the application would be considered to satisfy the provisions of paragraph 118 of the NPPF in this regard.

Arboricultural implications

61. The Arboriculture Officer has noted the application site does not contain any Tree Preservation Orders (TPO's), and having considered the submitted Arboricultural Implications Assessment, has raised no objections to the loss of those trees identified for removal. However, because the trees which would be retained are considered to screen and enhance the site from the north, south and the west, it is recommended that these are protected by way of a TPO. Conditions are also suggested relating to the laying of cell web system in close proximity to specified trees so as to avoid any significant root damage. It is also suggested that a number of mature shrubs and plants around the site to be removed, are stored and replanted around the development once completed. It is considered that such detail may be controlled through the imposition of an appropriate landscaping condition.

62. Subject to compliance with the above considerations, the proposals would satisfy the provisions of adopted Local Plan Policy E15 which seeks to ensure the retention and protection of woodland, important groups of trees, copses and hedgerows, seeking their replacement where possible.

CONCLUSION

63. The principle of infill residential development within an established residential settlement is considered acceptable given its sustainable location and compliance therefore with the aims of the NPPF and relevant development plan policies. The proposed scale and layout of the development is considered sympathetic to surrounding development and the local setting, without detracting significantly from the local street scene or character of the area. Furthermore, with no perceived impact upon highway safety, ecology or neighbouring privacy/amenity, this proposal is considered acceptable, and subject to the imposition of appropriate planning conditions, approval of the application is therefore recommended.

RECOMMENDATION

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

1. 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.

2. Approval of the details of appearance and landscaping (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.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans.
 - 420/01, Rev A (Proposed site layout), received 30 April 2012
 - 420/03 (Approximate eaves and ridge heights), received 30 March 2012

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

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been 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 H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

5. Prior to the commencement of the development 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 H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

6. No on site vegetation clearance shall take place during the bird breeding season (March to end of August inclusive), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.

Reason: To conserve protected species and their habitat in accordance with Paragraph 118 of the NPPF.

7. This permission relates to the erection of up to four dwellings with a maximum height above ground level of 4.8 metres to eaves level and 8.6 metres to the ridge.

Reason: To ensure that the proposed dwellings are in keeping with the scale and form of adjacent dwellings and the local setting of the site, in accordance with Policy H17 (Backland and Infill Housing Development) of the Sedgefield Borough Local Plan.

8. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of 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. Details of land and surface drainage.

Details of permeable surfaces

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme 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 the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

10. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan (Arboricultural Implication Assessment, *Andrew Hampton, January 2012*), as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005.

No operations whatsoever, no work to affect any tree, no alterations of ground levels, and no storage of any materials are to take place inside the fences.

No removal of limbs of trees or other tree work shall be carried out inside the fences.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

11. Prior to the commencement of the development hereby approved, details of a cell web system for hard standing areas within the vicinity of tree numbers 3, 7, 8, 52 and 53 (as identified within the submitted Arboricultural Implication Assessment, *Andrew Hampton, January 2012*), shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

12. No development shall take place unless in accordance with the method statement appended to the submitted Bat Risk Assessment (*Veronica Howard, January 2012*).

Reason: To conserve protected species and their habitat in accordance with Paragraph 118 of the NPPF.

13. Prior to the commencement of the development hereby approved, the applicant is required to undertake appropriate intrusive site investigation works as specified within section 6.0 of the submitted Coal Mining Risk Assessment (dated 23 March 2012). In the event that site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works shall be undertaken prior to the commencement of any development.

Reason: To ensure the application site is, or can be made safe for the proposed development in accordance with the requirements of the NPPF.

14. The development hereby approved shall be drained using separate foul sewer and surface water drainage systems.

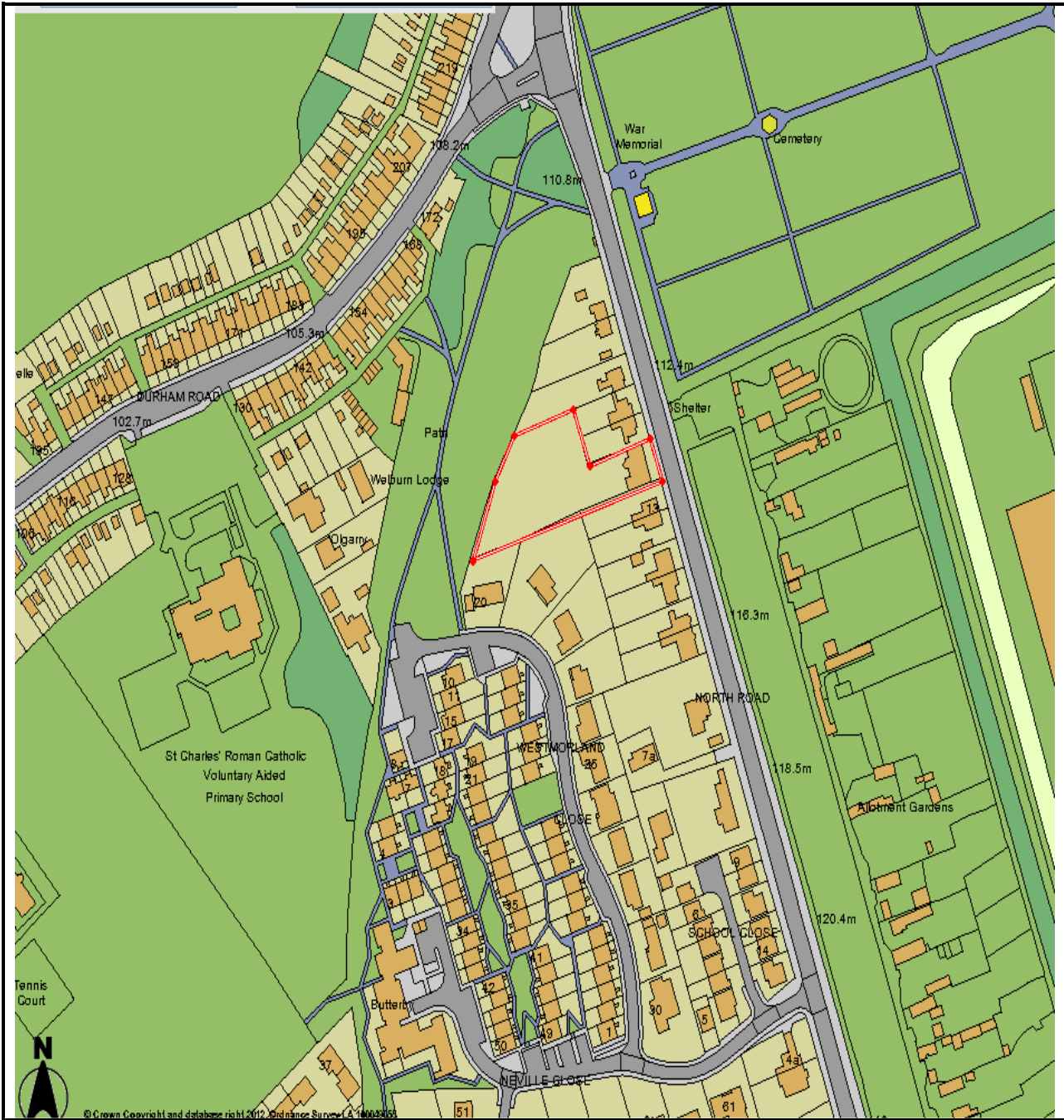
Reason: To prevent pollution of the water environment in accordance with the requirements of the NPPF.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable infill housing development in terms of its location within the settlement framework, and in terms of its impact upon the character of the area, access, parking, and the privacy and amenity of surrounding residents.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies 2, 4, 7, and 24 of the RSS for the North East and Policies E15, H17, D1, D3 and D5 of the Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.
3. In arriving at this recommendation, all objections and other views expressed have been considered, however, on balance, they are considered to not be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans
National Planning Policy Framework (NPPF)
Regional Spatial Strategy
Sedgefield Borough Local Plan 1996
Consultation responses from the Highway Authority and the Coal Authority,
Internal responses from the Arboriculture Section and Ecology Section
Public responses from neighbouring residents



© Crown Copyright and database right 2012, Ordnance Survey, 100022202



Planning Services

Outline application with details of layout, access and scale, for the erection of four dwellings including the demolition of 14 North Road

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date 24 May 2012

This page is intentionally left blank