



## Area Planning Committee (South and West)

**Date** Thursday 21 June 2012  
**Time** 2.00 pm  
**Venue** Council Chamber - Council Offices, Spennymoor

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### Business

#### Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 24 May 2012 (Pages 1 - 12)
3. Applications to be determined
  - a) 3/2009/0426 - Former Cemex Concrete Batching Plant, St Helen Way, St Helen Auckland, Bishop Auckland (Pages 13 - 40)  
Proposed redevelopment of former concrete batching plant for the construction of new housing (outline)
  - b) 3/2012/0110 - St John's RC Comprehensive School, Woodhouse Lane, Bishop Auckland (Pages 41 - 50)  
Erection of three storey classroom block and extension to existing northern elevation
4. Appeal Update (Pages 51 - 52)
5. 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  
13 June 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

**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 24 May 2012 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chair)**

**Members of the Committee:**

Councillors E Tomlinson (Vice-Chairman), D Burn, M Campbell, P Gittins, G Richardson and R Todd

**Apologies:**

Apologies for absence were received from Councillors D Boyes, K Davidson, G Holland, E Paylor, J Wilkinson and M Williams

**Also Present:**

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

**1 Declarations of Interest**

Councillor E Tomlinson declared a personal and prejudicial interest in application 3/2012/0051 - Land to the rear of 2-10 Royal Grove, Crook as he had contributed part of his highways allowance as a local Member towards the development of the alternative footpath route.

Councillor G Richardson declared a personal and prejudicial interest in application 6/2011/0438/DM - Lane Head Farm, Lane Head, Hutton Magna as he was a customer of the applicant.

The Members left the meeting during discussion of the relevant application.

**2 Minutes**

The Minutes of the meeting held on 19 April 2012 were agreed as a correct record and were signed by the Chair.

**With the agreement of the Committee the order of business was amended and item numbered 3(c) 6/2011/0351/DM/OP - Land south of Evenwood Gate was moved to the end of the Agenda.**

### **3 Applications to be determined**

#### **3a 3/2012/0051 - Land to the Rear of 2-10 Royal Grove, Crook Change of Use of Land to the Rear of Nos. 2-10 Royal Grove, Crook**

Consideration was given to the report submitted in relation to the above application (for copy see file of Minutes)

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.

Councillor J Bailey addressed the Committee on behalf of local residents and began by referring to Planning Policy. Paragraph 75 of the NPPF stated that planning policies should seek to protect and enhance existing public rights of way and access. Whilst he sympathised with the residents of Royal Grove he did not consider that anti-social behaviour was a relevant planning consideration.

If approved this proposal would not resolve anti-social behaviour problems but would move them elsewhere, and he noted that no evidence had been submitted by the Police in support of the application. Councillor Bailey read out the contents of an e-mail from DCC Rights of Way Section which gave details of their response as an internal consultee. He felt that their views should have been represented more fully in the Planning Officer's report.

The Open Spaces Society had objected on the grounds that the footpath was well used and its closure would not solve the problem of anti-social behaviour. The footpath was in a usable condition and the alternative footpath adjacent to the road was potentially dangerous. He therefore felt that pedestrian safety was a key consideration for the Committee.

Councillor E Murphy, local Member spoke in support of the application. Residents had experienced problems of anti-social behaviour since 1994 and had received support from former Wear Valley District Councillors and Durham County Councillors since 1997. The new footpath was provided to give users an alternative route, particularly for those who found it difficult to access the bank up to the public path. He had visited the site that morning and had not witnessed one person using the public footpath.

If the application was approved it was a step towards making it more peaceful for the residents of Royal Grove, and would reduce demands on the Police.

Jo Bird addressed the Committee on behalf of the Open Spaces Society and local residents. She advised that the footpath between 9 and 10 Royal Grove was very important, being a section of Public Footpath 57, and forming part of a very well-used circular route which had been promoted by DCC. The popularity of the route was demonstrated by the well-worn grass. She understood that whilst there had been anti-social behaviour issues in the past there were no problems at present.

She also outlined the process required to make a Stopping Up Order to extinguish the Public Right of Way if the application was approved.

Mrs C Freeman, a local resident and objector commented that Councillor Murphy had not mentioned that the public footpath behind Royal Grove was also well used. The metalled path was prone to flooding and was unsafe for pedestrians, being situated on a bend on the B6298. She also agreed with Jo Bird that there were no anti-social behaviour problems in the area at present. Whilst she understood the challenges faced by local residents a long-term solution should be explored to combat the problem of anti-social behaviour altogether, involving partnership working between the Police and the community.

Mr Winter, the applicant stated that residents had worked closely with the Highways Authority, the Police and the Community Safety Partnership over a number of years to explore options to resolve anti-social behaviour. As a result residents had been guided down this route. None of the objectors lived in Royal Grove and therefore did not have to experience the problems they suffered late at night. The Neighbourhood Policing Team was in support of residents and Durham County Council had a duty under Section 17 of the Crime and Disorder Act to do all it could to prevent crime and disorder in the area. He also considered that the implication by objectors that DCC had created an unsafe footpath adjacent to the B6298 was incredulous.

In responding to the comments made D Stewart, Highways Officer stated that the alternative footpath adjacent to the B6298 had been created by the Highways Authority with part-funding from the highway allowances of local Members, and was not regarded as unsafe. There were no safety issues associated with the footpath being located on a bend, a situation which was common to many other areas, both locally and nationally.

In determining the application the Committee was reminded by the Council's Legal Officer that consideration should only be given to the proposal before Members for consideration (ie the proposed change of use of the land to residential garden), and that the procedure for Stopping Up the public footpath would be subject to a separate process which was not before Members for determination.

The Committee considered that it had to balance the need to prevent anti-social behaviour with the needs of footpath users. The public footpath was well-used and a Member commented that since the bushes had been cut back anti-social behaviour had reduced. He therefore felt that it would be beneficial to retain both footpaths. A further Member agreed and added that the public footpath was a lot safer for pedestrians than the metalled path adjacent to the B6298, particularly for children.

**Resolved:**

That the application be refused.

Reason: The change of use of the land to residential garden would result in the loss of amenity to the local community by means of the loss of a well-used pedestrian route, without a safe and convenient alternative route, contrary to Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 and paragraph 75 of the NPPF.

**3b 6/2011/0438/DM - Lane Head Farm, Lane Head, Hutton Magna  
Erection of Farm Office, Workshop, Storage Building, Seasonal  
Workers Accommodation, Regrading of Landscape Bund and Provision  
of Additional Hardstanding Area**

Consideration was given to the report submitted in relation to the above application (for copy see file of Minutes).

A Caines, 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 Committee was advised of an additional condition to be included which would prevent the provision of further accommodation on-site for seasonal workers without planning permission.

Councillor R Bell addressed the Committee against the application. He noted that whilst the report stated that non-compliance with previous conditions was not a material consideration, he was concerned that there had been a number of breaches and that recent complaints were currently being investigated. This included an appeal in relation to the replacement grain dryer.

In terms of site operations residents were concerned about plastic recycling activity which he considered was being operated as a business. He also considered that residents would notice an increase in traffic as a direct result of these proposals. He pointed out that there were no amenities in Hutton Magna which meant that workers would have to drive to access facilities.

Councillor Bell also asked why local people were not employed and stated that whilst occupancy of the accommodation was to be restricted by condition he had reservations about how this would be enforced. He had similar concerns with regard to enforcement of the condition relating to the use of the workshop. The application did not seek to replace existing amenities but to create a new residential block which would add to the problems of low water pressure in the area.

The local Member then referred to a summary document he had prepared which referred to the considerable number of conditions proposed and the statutory responses. Conditions were only useful if they performed a physical act and did not rely on the behaviour of the applicant. As far as he could see the only physical condition related to foul drainage and in his opinion the remaining conditions were inherently unenforceable other than by a heavy DCC officer monitoring presence. The residential development was contrary to Policy H6 of the Local Plan and the erection of a large hangar-like building on an already excessively developed site, amounted to an industrial estate in open country, and was contrary to Policy ENV1.

Mr Brophy, Hutton Magna Parish Council concurred with Councillor Bell that this site was in effect an industrial estate and the application was against the principals of the NPPF. Residents did not want another large hangar next to their village.

He disagreed with the comments in the report in relation to water pressure. The report advised that leaks found in the supply from nearby Smallways had been repaired but Yorkshire Water had no record of this. Water pressure in the village was already low and residents had been informed by Yorkshire Water that the problem would persist until pipes were replaced. Residents had been advised to fit their own water tanks for use at times of heavy demand. This was unacceptable and the additional accommodation would exacerbate the problems.

Mr Laidler, objector referred to the recent changes to National Planning Policy which emphasised the importance of the natural environment on the wellbeing of communities, with planning proposals being about enhancing and improving where people lived. The NPPF removed previous constraints and allowed the views of local communities to be taken into account alongside Planning Policy.

Mr Nixon, objector reiterated the views of Mr Brophy and Mr Laidler. He produced a photograph which showed the impact the new building would have on his amenity as nearest neighbour, in terms of noise and light pollution.

He referred to a number of complaints about low water mains pressure and to 13 incidents, the most recent of which was 2 weeks earlier when the supply was cut off altogether. The site was over-industrialised and there had been no consultation with residents on the proposals. He was also concerned that conditions relating to the grain dryer could only be monitored during the harvest period.

Mr G Swarbrick, the applicant's agent stated that the application should be judged on its own merits and that there were no unresolved issues of non-compliance with previous planning conditions.

All uses that currently took place on site were lawful and the current application would mean that the company was better placed to meet the long term needs of their business operations.

Existing offices comprised of portacabins and the new building would improve visual amenity. 15 local people were employed but they did need to bring in seasonal workers during harvesting. These workers were housed in temporary accommodation which was brought onto the site as needed, and this was costly.

Occupancy of the accommodation would be controlled by condition and the workshop would be used for fleet maintenance and storage of vehicles, machinery or equipment used by AWSM Farms only. This would also be the subject of a planning condition. Currently maintenance was carried out in the southern end of the yard and the building was not fit for purpose. The new workshop would be further away from residents.

The application accorded with planning policy and existing activities would not be increased on site. There would be no further impact on residents, and the economic benefits the proposals would bring about should be given significant weight.

Prior to determining the application Members sought clarification in relation to concerns expressed about low water pressure. The Officer explained that no objections had been received from Northumbrian Water and Yorkshire Water. Yorkshire Water had responsibility up to the meter at Smallways and had advised that water pressure was acceptable up to that point. Beyond this the connection to Lane Head was a private shared system, and as such was a private matter.

In determining the application Members acknowledged that previous non-compliance with planning conditions was not a material consideration and that the proposal would bring about further benefits to the local economy. Concerns about occupancy would be addressed by condition and an additional condition should be included to prevent any further accommodation being brought onto the site without planning permission.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to the following additional condition:

‘Notwithstanding the provisions of Part 5 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 further accommodation for seasonal agricultural workers shall be provided without the prior written permission of the local planning authority upon an application submitted to it.

Reason - In order that the local planning authority may exercise further control in this locality in the interests of neighbour amenity and impact on local water supply capacity. To accord with policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended)’.

**3c 6/2012/0047/DM - Land at High Riggs, Barnard Castle  
Residential Development Comprising 100 No. Dwellings (30 Affordable)  
and Associated Infrastructure**

Consideration was given to the report submitted in relation to the above application (for copy see file of Minutes).

A Caines, 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 Committee was advised of an additional condition which would require the submission of a landscape management plan by the applicant.

Councillor J Watson, Barnard Castle Town Council stated that whilst the proposal was in an area of high landscape value and outside the settlement limits of the



town, this application should be supported. He accepted that it had been identified as an 'amber' rated site for development in the SHLAA but noted that other 'green light' sites were not immediately available.

The Town Council welcomed the provision of affordable housing, particularly in view of rising house prices in Barnard Castle. They were satisfied with proposals relating to rainwater retention, soft landscaping and access, although would like to see improvements to the pedestrian refuge.

The Town Council was of the view that more 3 bedroomed houses should be provided to assist first time buyers and welcomed the Section 106 contribution towards play areas and allotments.

R Hanley spoke on behalf of local residents against the application. She explained that this was a rural, beautiful setting in an area of high landscape value, outside settlement limits. If approved, she was concerned that a precedent would be set to develop other Greenfield sites. 10 other sites had been identified for development which were more suitable. This site was located at an entrance to the town and tourists would be greeted by a new housing estate which was out of character with other dwellings in Barnard Castle.

The materials for the bungalows were not typical to the area and the application was contrary to Local Plan Policy GD1. The developers had consulted with residents but she believed that it had been progressed without their needs being taken into account.

Mr Driver, the applicant's agent stated that the developers were committed to the project and following consultation with residents had taken on board their comments and incorporated them into the final proposals. The bungalows would be located 44m away from the houses on Darlington Road, and therefore exceeded recommended privacy distances. The objections had been made by residents of Darlington Road and did not represent the views of the whole town.

Affordable housing was to be provided with a 50:50 split between social rented and intermediate housing. This was unusual but there was a recognised need for this in the area to assist young people onto the housing property ladder. Materials would be locally sourced where possible and the design and layout was deemed to be acceptable by Planning Officers.

In response to a question Mr Driver confirmed that they would also look at a contribution to Marwood Parish Council as part of the Section 106 Agreement.

D Stewart, Highways Officer responded to Barnard Castle Town Council's comments in relation to the pedestrian refuge. He advised that there was a pedestrian refuge to the west of the development site which pedestrians could use to cross the road before reaching the busy main road near the petrol station. This was deemed to be acceptable in terms of highway safety.

In discussing the application Members considered that the concerns of the objectors had been addressed by the developer and welcomed the proposal for affordable housing on this site.

**Resolved:**

That the application be approved, subject to the completion of a Section 106 Legal Agreement to secure a scheme for the provision of 30 affordable dwellings and to the conditions outlined in the report. Such conditions to include the following:-

‘A landscape management plan, including management and maintenance responsibilities and schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason - To ensure the open space and landscape areas within the development are appropriately managed and maintained in the interests of visual amenity. In accordance with policies GD1 and H12 of the Teesdale District Local Plan 2002 (as Saved and Amended)’.  
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**3d 7/2012/0103/DM - Land at 14 North Road, Spennymoor  
Outline Application with Details of Layout, Access and Scale, for the  
Erection of Four Dwellings Including the Demolition of 14 North Road,  
Spennymoor**

Consideration was given to the report submitted in relation to the above application (for copy see file of Minutes).

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

Councillor N Foster, local Member spoke on behalf of local residents against the application. Their main concerns related to highway safety on North Road and the speed of traffic travelling along it. If approved this application would exacerbate the problems. The photographs presented by Planning Officers did not reflect the character of the whole area.

Other concerns included noise and disturbance which may be mitigated by planting, and whilst the layout avoided direct overlooking, the privacy currently enjoyed by neighbouring properties would be removed because residents would be overheard while sitting in their gardens.

Density of the site was also an issue as it was out of character with the surrounding area. On balance the concerns expressed by residents had not been mitigated.

Mr Simpson, an objector stated that the garden was unique and it would be an insult to the former owner to destroy it and the wildlife that was attracted there. The development was not needed; 2 recent articles in the local press referred to a

similar development less than a mile from North Road and a further 2000 houses were proposed at Thinford. He also disagreed with the views of Planning Officers that it would be unreasonable to refuse the application on the grounds that there were unsold properties less than a mile away.

Access arrangements were of concern in view of problems of access onto North Road which was already busy, particularly at peak periods.

Mr Athey, objector stated that as part of the proposals a dwelling was to be built adjacent to his own bungalow and he was concerned that the first floor windows of that property would overlook his garden. He understood that screening was proposed using existing shrubs and the silver birch trees but as could be seen from the Planning Officer's photographs there would be very little tree coverage in winter months.

Mr Athey also believed that flood risk was an issue. Their garden was currently waterlogged and this would worsen once existing trees and landscaping were removed. The development would have an impact on biodiversity; currently the garden was a haven for wildlife, including a rare invertebrate, and if the application was approved an important habitat would be lost.

Mr White, the applicant's agent stated that this was a small scale residential development on a sequentially preferable site in a sustainable location. The primary elevations would not overlook neighbouring properties and would be screened by much of the existing landscaping which was to be retained.

The access road was deemed to be acceptable by highways and at 4.8m accorded with highway legislation.

In determining the application Members acknowledged that this was an outline application and the concerns expressed relating to flood risk etc would be addressed at the reserved matters stage.

**Resolved:**

That the application be approved subject to the conditions outlined in the report.

**3e 6/2011/0351/DM/OP - Land South of Evenwood Lane, Evenwood Gate, Bishop Auckland  
Proposed Residential Development (Outline Application)**

Consideration was given to the report submitted in relation to the above application (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation 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 representations had been received from local Member Councillor P Charlton. Councillor Charlton

indicated her support to the application. Evenwood Gate would benefit from some rejuvenation, although it would have been better if the former Brown Jug Public House had been included in this development. However the area was looking 'run down' and this would give it a boost. The area intended for development was not prime land.

Whilst she was aware that Regional Planning Policy highlighted a preference for previously developed sites there had been exceptions to this.

Councillor S Hugill, local Member also spoke in support of the application. The applicants wished to improve this untidy corner which was situated on a busy route to Barnard Castle. Approval had been granted previously for the erection of a bungalow, caravans and garage on the application land, and for 13 dwellings on the Brown Jug site.

Access onto Evenwood Lane off this site would not present any problems as it was a quiet road and traffic was slowing at this point for the junction onto the A688. The village benefitted from a number of local facilities and a regular bus service to Bishop Auckland where there were 2 new supermarkets.

The businesses in Evenwood Gate and the school were in support of the proposal which would attract younger people to live in the area, which was much-needed.

Mr J Lavender, the applicant's agent expressed concern that the application was recommended for refusal based on 'indicative' plans which he did not believe was a matter for consideration as part of an outline application. In his opinion the principle of the development and access were the main issues for determination.

He expressed further concerns that there had been no mention in the report of paragraphs 214 and 215 of the NPPF which made it clear that Teesdale Local Plan should only be given proportionate weight to policies in the NPPF. Contrary to the Officer's statement in the report the NPPF stated that to promote sustainable development in rural locations housing should be located where it would maintain and enhance the local community, and development in one village may support services in villages nearby. The report emphasised separation of Evenwood and Evenwood Gate yet local people recognised the inter-relationship between the two. Residents of both villages supported the proposals.

He concluded that this application represented a well-designed sustainable development in principle, on a site which could be safely accessed, with good transport links. He referred to the earlier application on the Agenda relating to High Riggs, Barnard Castle which was situated further outside the settlement limits and which Members had approved.

In responding to the comments made by the applicant's agent in respect of the NPPF the Principal Planning Officer explained that it did not change the statutory status of the Development Plan as a starting point for determining applications. The site would be a substantial addition to the settlement and would be a substantial distance from facilities. As such, residents would drive to make use of any services and there was no guarantee that they would use those located in Evenwood Gate.

Whilst the application had been submitted in outline form it included an indicative housing layout plan. These details intended to demonstrate that an acceptable form of development could be achieved on the site. Access was deemed to be acceptable but in terms of the principle of the development Planning Officers considered that it was not in a sustainable location.

In determining the application a Member commented that this application would improve an untidy corner and that not all of the site was in open countryside. However, Members noted that 70% of the site was greenfield and that 5 other sites in Evenwood had been classified 'green light' in the SHLAA as suitable for residential development. If approved this application may hinder development of these areas of land.

In response to the comment of the applicant's agent with regard to the High Riggs application, Members reiterated that each planning application was considered on its merits and that comparisons should not be made between the two sites.

**Resolved:**

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

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	3/2009/0426
FULL APPLICATION DESCRIPTION:	Proposed redevelopment of Former Concrete Batching Plant for the construction of new housing (outline)
NAME OF APPLICANT:	Tandum Properties Limited
ADDRESS:	Former Cemex Concrete Batching Plant, St. Helen Way, St. Helen Auckland, Bishop Auckland, DL14 9AJ
ELECTORAL DIVISION:	West Auckland ED
CASE OFFICER:	Chris Baxter (Senior) Planning Officer 01388 761626 chris.baxter@durham.gov.uk

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### BACKGROUND

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1. The South West Area Planning Committee in January 2010 resolved to grant outline planning permission for residential development on the Fomer Cemex Factory at St. Helens Auckland subject to conditions and the signing of a Section 106 Legal Agreement requiring:
  - i) a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
  - ii) a minimum 20% affordable housing provision.
2. The Legal Agreement has not yet been signed and Members will recall that a proposal to remove the requirement for 20% affordable housing provision was refused at the South West Area Planning Committee in November 2011.
3. The applicant is now proposing a Shared Equity Scheme (SES) as an alternative way of addressing affordability in 20% of the dwellings. The SES requires buyers to obtain a mortgage of 85%. The developer then lends the remaining 15% of the cost, which would be rent and interest free for the first 5 years and then subject to a interest rate of 2% payable monthly for the next 5 years. Through this scheme the buyer would own 100% of the house from the start, and the 15% lent by the developer is repayable after 10 years.
4. This matter is being reported to Planning Committee as the Shared Equity Scheme does not accord strictly with the definition of affordable housing because the affordability is not protected in perpetuity. In other words, the houses sold under SES can then be later sold at full market value.

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### CONSULTATION RESPONSES

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## INTERNAL CONSULTEE RESPONSES:

5. *Spatial Planning Policy Team* has raised no objections but have made the following statement:
6. Affordable housing for discounted sale can only be regarded as affordable for planning purposes where provisions are made to remain at an affordable price for future eligible households i.e. whose needs are not met by the market. The proposed shared equity scheme does not meet this definition and would be considered to be low cost market housing and not for planning purposes considered affordable housing.
7. The economic downturn has significantly reduced the scope for achieving viable developer contributions for affordable housing via planning permissions particularly on brownfield sites in locations where land values are not high. This together with the contraction of credit availability in terms of the loan to value ratio now being used by lenders has meant an increased amount of deposit required by buyers and correspondingly greater levels of savings.
8. This has created a new emerging market termed the “excluded middle market” that can no longer access owner occupation because of the restrictions mentioned above.
9. This group of people aspire to homeownership; are economically active; desirable to retain and attract within the County and therefore unlikely to be eligible for social rented housing for reasons of income. Typically they are looking to intermediate forms of housing but do not want to share the ownership of their home and shared equity is the preferred product.
10. Many developers are now offering this type of home ownership access product to stimulate the market and allow households to get onto the housing ladder. People will usually staircase out of these shared equity schemes as soon as they are able to do so. This type of equity loan is designed to assist purchasers; to stimulate the market and encourage developer confidence to continue building and safeguard construction jobs.

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## PLANNING ASSESSMENT

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11. This is not a report to reconsider the merits of the housing scheme as that has already been judged to be acceptable. This is simply to reconsider the terms of the S106 Agreement in respect of the 20% affordable housing requirement. The key planning consideration is therefore whether the proposal for a Shared Equity Scheme for 20% of the proposed housing is an acceptable alternative to affordable housing, which is normally protected in perpetuity.

### Shared Equity Scheme

12. The original committee report of January 2010 stated that *‘in light of the fact that the loss of employment land is under consideration it is important that affordable homes are included’*. This was not disputed by the applicant at the time although the delivery of this requirement has not been possible over a period extending now to nearly two years.



13. In November 2011 Members refused a proposal for the removal of the 20% affordable housing requirement. The applicant has since explored a number of different alternatives to address the affordable housing requirement, while also ensuring the development could be viable. The proposal now put forward to achieve this is for 20% of the proposed housing to be offered as Shared Equity Schemes.
14. As already mentioned, Shared Equity Schemes are not strictly in accordance with the definition of affordable housing because the loan only applies to the first buyer. Shared Equity schemes are therefore a low cost housing product rather than affordable housing. These schemes are however widely used by most housing developers and provide a sound mechanism for developers to provide low cost housing to first time buyers who are seeking to get on the property ladder.
15. In considering the merits of this approach, it is noted that the planning policy framework under which previous proposals were considered has now changed with the publication of the NPPF. A key aim of the NPPF is to ensure delivery of a wide choice of homes. The provision of affordable housing is still a key element to deliver sustainable, inclusive and mixed communities, however there is a far greater emphasis on taking a local needs based approach and for local planning authorities to be responsive to local circumstances. Regard is also given to Government guidance *Greater Flexibility for Planning Permissions* which intimates that a pragmatic and supportive approach should be taken to help bring developments forward in the current economic situation.
16. It is therefore important to look at the specific local circumstances and market need for affordable housing in this particular area and to take each proposal on a case by case basis. It is accepted that the housing market in St Helens Auckland has changed under the current economic climate in terms of higher construction costs and lower housing prices, and that is particularly the case on this site, which as a former cement factory, will have very high remediation costs.
17. The Council's Housing Strategy Officers have indicated that the Shared Equity Scheme approach would be acceptable as an alternative to affordable housing on this particular site, given the amount of affordable housing provision which is already provided within the immediate area, coupled with viability and the desire to see development get off the ground on this site. It is considered that the provision of low cost housing through a Shared Equity Scheme would ensure that the residential development is brought forward ensuring that housing is available at low cost to all buyers, in particular first time buyers, providing a better chance for house buyers to get on the property ladder.
18. It is also recognised that the site is located in an area which has undergone substantial regeneration in recent years, with adjacent housing developments and the nearby retail stores of Tesco's and Sainsbury's. This site however, continues to detract from the area and its redevelopment would be beneficial to the continued regeneration of the surrounding area.
19. Taking all these factors into account it is considered that the Shared Equity Scheme Approach now proposed would achieve a suitable balance between addressing affordability in some form, while at the same time helping to bring this development forward in the interests of continued housing delivery and improving the visual amenity of the area. This pragmatic and flexible approach would be consistent with government guidance, particularly the presumption in favour of sustainable development.

20. No changes are proposed to the financial contribution of £93,900 for the provision and subsequent maintenance of related social, related community and/or recreational facilities in the locality; and there are no other changes to the scheme that was originally resolved to grant permission subject to the S106.

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## CONCLUSION

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21. The applicant has explored various different methods of affordable housing provision in order to provide a viable housing scheme. Although the Shared Equity Scheme proposed would be a low cost housing product rather than affordable housing, it would nevertheless be an appropriate response to local need and site circumstances. This pragmatic and flexible approach accords with government guidance and would achieve a suitable balance between addressing affordability, particularly for first time buyers, while at the same time helping to bring this development forward in the interests of continued housing delivery and improving the visual amenity of the area.

22. No other details of the proposed residential application are to be altered and the planning conditions and the commuted sum detailed in the previous report remain unchanged.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 legal agreement setting out:

- a) A contribution of £93,300 to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
- b) 20% low cost housing provision.

And the following conditions and reasons:

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, scale, layout and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any 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:

Plan Ref No.	Description	Date Received
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*Reason: To define the consent.*

4. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the local planning authority that:

Prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and

Prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative as agreed in writing by the local planning authority.

*Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.*

5. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved details. The submitted details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 25% will be achieved – the equivalent of Code level 3 of the Code for Sustainable Homes.

*Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.*

6. No development shall take place until a full schedule of all the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

7. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

8. Before commencement of development, details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

11. Before the development hereby approved is commenced wheel washing equipment shall be provided 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 wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.

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

12. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the local planning authority, and the buildings hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

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

13. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

*Reason: The water supply system is at capacity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

14. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

*Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25.*

15. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the surrounding industrial/commercial premises has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

*Reason: In order to prevent noise disturbance in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

Previous committee reports November 2011 & January 2010:



## Planning Services

# COMMITTEE REPORT

NOVEMBER 2011

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	3/2009/0426
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed redevelopment of Former Concrete Batching Plant for the construction of new housing (outline)
<b>NAME OF APPLICANT:</b>	Tandum Properties Limited
<b>ADDRESS:</b>	Former Cemex Concrete Batching Plant, St. Helen Way, St. Helen Auckland, Bishop Auckland, DL14 9AJ
<b>ELECTORAL DIVISION:</b>	West Auckland ED
<b>CASE OFFICER:</b>	Chris Baxter (Senior) Planning Officer 01388 761626 chris.baxter@durham.gov.uk

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### BACKGROUND

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1. The South West Area Planning Committee in January 2010 resolved to grant outline planning permission for residential development on the Fomer Cemex Factory at St. Helens Auckland subject to conditions and the signing of a Section 106 Legal Agreement requiring:
  - iii) a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
  - iv) a minimum 20% affordable housing provision.
2. The Legal Agreement was never signed and the planning permission has not been issued as the applicant has concluded that the development is not viable in the current economic climate when affordable housing is incorporated into the proposed residential scheme. It has therefore been requested that the Council review the application with a view to removing the requirement for a minimum 20% affordable housing provision. This request is supported by a written justification and viability assessment.
3. The statement argues that the site development costs, including the absorption of the value reduction to allow for 20% affordable housing,

creates a position where there would be no value for a developer in the current market situation. It is also considered that there are a range of properties for sale within the local housing market at prices which are lower than the build costs for affordable housing units. The applicant is therefore of the view that there is a strong case to allow market housing to be built on the site, which would also help kick start the construction sector and its many related supply businesses, as well as the retail sector.

4. This matter is being reported to Planning Committee in view of the earlier decision that was taken on the application.

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## **CONSULTATION RESPONSES**

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### **INTERNAL CONSULTEE RESPONSES:**

5. *Planning Policy Team* has raised no objections subject to a condition requiring the situation to be reviewed/re-appraised periodically to test whether changing market conditions impact on whether affordable housing can be supported.
6. *Assets Team* has verified the viability assessment and confirm the conclusions that in the current market the scheme is not viable with affordable housing included.

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## **PLANNING ASSESSMENT**

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7. The key planning consideration is whether the viability of the proposed housing scheme with or without the inclusion of affordable housing has been adequately assessed and takes full account of market constraints.

### **Viability**

8. The previous committee report (annexed) states that *'in light of the fact that the loss of employment land is under consideration it is important that affordable homes are included'*. This was not disputed by the applicant at the time although the delivery of this requirement has not been possible over a period extending to nearly two years. It is accepted that the housing market has changed in certain areas in the current economic climate in terms of higher construction costs and lower housing prices. Government guidance *Greater Flexibility for Planning Permissions* also intimates that that a pragmatic and supportive approach should be taken to help bring developments forward in the current economic situation.
9. The site is located in an area which has undergone substantial regeneration in recent years, with adjacent housing developments and the nearby retail stores of Tesco's and Sainsbury's. The site contains some derelict buildings that are visually intrusive and its redevelopment would be beneficial to the surrounding area. It is also acknowledged that the site was previously occupied by a cement factory and that

extensive remediation work is required in order to bring it into residential use. This can entail costs that are not required on other sites.

10. The viability assessment which has been submitted has been fully considered by the County Assets Team and has been processed through the Council's ProVal viability system. This appraisal system has verified the applicant's assessment that the proposed development is not viable with the inclusion of 20% affordable housing provision because of the extensive site remediation costs. However, it must be noted that officers are disappointed that other potential options and variations for the level of affordable housing provision, such as a lower amount of affordable housing provision, have not been fully reviewed or modelled by the applicant, particularly as this is just as outline scheme where scenarios might change in a detailed scheme and there is no certainty with the build cost.
11. The findings are simply a snap shot of the outline scheme as proposed within the current economic climate. These conditions may change and as the application is for outline planning permission an alternative residential scheme could potentially come forward which may prove to be viable, or the economic climate could change within the lifetime of the consent and the drawing up of a detailed scheme.
12. Should members be minded to remove the immediate requirement for 20% affordable housing provision within the legal agreement it is recommended that this is replaced with a condition in the agreement requiring a periodic review of the viability of the scheme in relation to affordable housing. This would mean that there remains a mechanism to introduce affordable housing into the residential scheme should circumstances change in the future and the appropriate amount would be determined at the time. This is important because the provision of affordable housing was an important consideration in the original resolution to grant permission. There is of course still the potential that if the scheme is brought forward in the near future that there would be no affordable housing provided under this arrangement.
13. No changes are proposed to the financial contribution of £93,900 for the provision and subsequent maintenance of related social, related community and/or recreational facilities in the locality; and there are no other changes to the scheme that was resolved to originally grant permission subject to the S106.

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## **CONCLUSION**

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14. The Council's ProVal viability system confirms the evidence provided by the applicant that if the proposed residential scheme was to be delivered in accordance with the outline proposal, it would not viable with the inclusion of 20% affordable housing at this time because of the economic climate and the site remediation costs. This does not however take into account any potential reductions in the amount of affordable housing to be provided, and is based on assumptions for an



outline scheme as opposed to a detailed scheme where the true build costs would be better known.

15. No other details of the proposed residential application are to be altered and the planning conditions and the commuted sum detailed in the previous report remains.
16. It is recommended that if the provision for 20% affordable housing is removed from the scheme, it should be replaced with a condition set out in the Section 106 Legal Agreement requiring the viability of the scheme in relation to affordable housing to be reviewed periodically.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the applicants first signing a Section 106 legal agreement setting out:

- a) contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
- b) a mechanism for the viability of the site in relation to affordable housing to be reviewed periodically.

And the following conditions and reasons:

7. 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.*

8. Approval of the details of appearance, scale, layout and landscaping (hereinafter called “the reserved matters”) shall be obtained in writing from the local planning authority before any 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.*

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	OS Sitemap	06/10/2009
01 Rev B	Proposed Site Plan	06/10/2009

*Reason: To define the consent.*

10. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the local planning authority that:

11.

Prior to the commencement of development , the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and

12.

Prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative as agreed in writing by the local planning authority.

*Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.*

13. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved details. The submitted details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 25% will be achieved – the equivalent of Code level 3 of the Code for Sustainable Homes.

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14. No development shall take place until a full schedule of all the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Development shall be carried out in accordance with the approved details.

15.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

7. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

8. Before commencement of development, details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

*Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

11. Before the development hereby approved is commenced wheel washing equipment shall be provided 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 wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.

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

12. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the local planning authority, and the buildings hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

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

13. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

*Reason: The water supply system is at capacity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

15. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

16.

*Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25.*

15. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the surrounding industrial/commercial premises has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

*Reason: In order to prevent noise disturbance in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

Planning Services  
**COMMITTEE REPORT**  
**JANUARY 2010**

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**APPLICATION DETAILS**

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<b>APPLICATION NO:</b>	<b>3/2009/0426</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>PROPOSED REDEVELOPMENT OF FORMER CONCRETE BATCHING PLANT FOR THE CONSTRUCTION OF NEW HOUSING, FORMER CEMEX CONCRETE BATCHING PLANT, ST. HELEN WAY, ST. HELEN AUCKLAND, BISHOP AUCKLAND, DL14 9AJ</b>
<b>NAME OF APPLICANT:</b>	<b>TANDEM PROPERTIES LIMITED</b>
<b>ELECTORAL DIVISION:</b>	<b>West Auckland</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter chris.baxter@durham.gov.uk 01388 761987</b>

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**DESCRIPTION OF THE SITE AND PROPOSALS**

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The application comprises of the former Cemex Concrete Batching Plant situated on St. Helens Way in St. Helens Auckland. The site is allocated in the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 under policy 15 as a General Industrial Site. There is a residential estate (which includes houses on Warner Avenue and Elliot Way) situated directly to the west of the application site. The adopted highway is to the north from which the site is accessed from, and beyond this residential houses are located approximately 50 metres away. There is a community playground to the north west. The bypass is located to the south of the application site. Directly to the east of the site are industrial/commercial units on St. Helens Way industrial estate. There is also a commercial premises situated to the north west between the site and the highway.

Outline planning permission is sought for residential development. The means of access is to be considered in this application with all other matters reserved for future consideration. The proposed access is to utilise the existing access to the site from the north. The proposals incorporate the demolition of the existing units on the site. An indicative layout plan of the site has been submitted which shows the creation of 143 houses, and also includes an area of open space for a children's playground. The design and access statement provides information that the houses will be a mix of 2 and 3 bedroom properties and there will also be a mix of terrace, semi-detached, linked and detached properties. It is envisaged that the properties would be a traditional two storey type with brick walls and tiled roofs.

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## **PLANNING HISTORY**

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The following planning applications relate to this site:

3/1981/0288 – Inflam liquid store – Approved 18/05/1981

3/1981/0515 – Gravel shed – Approved 07/09/1981

3/1981/0657 – Notice board – Approved 11/11/1981

3/1984/0717 – Extension to mould shop – Approved 10/12/1984

3/2002/0501 – Extension of single storey industrial unit – Approved 03/10/2002

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

**Planning Policy Statement 3: Housing (PPS3)** - Underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

**Planning Policy Guidance 4 (PPG4) Industrial, Commercial Development and Small Firms** – Takes a positive approach to the location of new business developments. In considering mixed uses, it is recognised that it may not be appropriate to separate commerce-especially small-scale developments-from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale, which would not adversely affect residential amenity. Planning permission should normally be granted unless there are significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. On speculative development, planning applications should be considered on their land-use planning merits; authorities should not normally seek to investigate whether the developer already has particular prospective purchasers or tenants.

**Planning Policy Guidance (PPG13) Transport** - Aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.

**Planning Policy Statement 22 (PPS22) Renewable Energy** – Sets out government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

## REGIONAL POLICY:

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.

**Policy 2 – Sustainable Development:** Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.

**Policy 3 – Climate Change:** Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.

**Policy 4 – The Sequential Approach To Development:** A sequential approach should be adopted for the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations.

**Policy 18 – Employment Land Portfolio:** The appropriate provision of general employment land and key employment locations should be made.

**Policy 38 – Sustainable Construction:** Planning proposals should ensure new developments minimise energy consumption; and encourage and promote buildings to achieve high energy efficiency and minimise consumption in terms of the BREEM rating and the Code for Sustainable Homes.

**Policy 39 – Renewable Energy Generation:** Planning proposals should facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources; aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020; and facilitate the achievement of minimum sub regional targets by 2010.

**Policy 40 – Planning for Renewables:** Plans should support and encourage renewable energy proposals and identify renewable resource areas. In assessing proposals for renewable energy development significant weight should be given to the wider environmental, economic and social benefits arising from higher levels of renewable energy.

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## LOCAL PLAN POLICY:

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

**General Development Criteria (GD1):** 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.

**Distribution of Development (H3):** New development will be directed to those towns and villages best able to support it. Within the limits to development of town and villages, as shown on the Proposals Maps, development will be allowed provided it meets the criteria set down in Policy GD1.

**Community Benefit (H22):** On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

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**Residential Design Criteria (H24):** New residential development and/or redevelopments will be approved in accordance with criteria set out to ensure that proposals are appropriate and safeguard the amenities of the area and residents.

**General Industrial Sites (I5):** Land shown on the Proposals Maps will be reserved and developed as general industrial sites. Proposals for business uses (Class B1), general industry (Class B2) and warehousing and distribution (Class B8) will be permitted provided they fulfil the General Development Criteria.

**Sport and Recreation Target (RL5):** For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on or off site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.

**Highways General Policy (T1):** All developments which generate additional traffic will be required to provide adequate access to the development; not exceed the capacity of the local road network; and be capable of access by public transport networks.

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*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 [www.durham.gov.uk](http://www.durham.gov.uk)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

#### **One North East:**

Full response on file. The consultation concludes that subject to the resolution of any policy, design, environmental and highway issues to the satisfaction of the local planning authority, One North East would raise no objection to the outline planning application.

#### **Northumbrian Water:**

No objections subject to the following conditions:

1. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
2. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

#### **Environment Agency:**

No objections to the proposal.

### **INTERNAL CONSULTEE RESPONSES:**

#### **Forward Plans (Planning Policy):**

The planning policy team support the proposal in principle subject to a legal agreement ensuring that an appropriate level of affordable homes is provided for. The full response is on the planning file however the majority of the comments are included within the 'Planning Considerations and Assessment' section.



**Highways:**

This application is in outline. The layout of the internal road is not to be determined at this time, although means of access is not reserved for future approval. Some alterations will be required to the internal road layout. This can be discussed and conditioned at the reserved matters stage.

It is considered that the proposed site access road must be 5.5 metres in width, not 4.8m as shown. This width, plus two 1.8m wide footways will require that the site access be 9.1m wide. According to the existing site plan (which appears to be 1:500 scale despite being labelled 1:1250) the existing access to be some 9.0m wide. For this reason I consider that an accurate survey plan of the access must be submitted prior to the granting of any permission in order to determine that adequate access can be achieved.

**Ecology:**

Following the submission of a risk assessment, no objections are made.

**Senior Low Carbon Officer:**

The applicant should be aware that building regulations are due to be updated in 2010 and for part L1A this should mean a 25% minimum carbon improvement on 2006 regulations. Whilst it is very much correct that the applicant can apply for a nil rated certificate, Durham County Council would very much encourage the applicant to apply for an assessment to ensure sustainability is embedded throughout the development and not just in terms of energy.

**PUBLIC RESPONSES:**

The neighbouring properties were consulted and a site notice was posted close to the site. A press notice was also placed in the local newspaper. No objections or observation have been received.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durham.gov.uk](http://www.durham.gov.uk)*

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**PLANNING CONSIDERATIONS AND ASSESSMENT**

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The key issues for consideration are:

- Sequential approach to development
- Loss of industrial/employment land
- Highway considerations
- Sustainability and renewable energy
- Affordable housing and community benefit
- Residential amenity
- Design and layout

**Sequential Approach to Development**

Policy 4 of the RSS states that locations for developments should be selected in the following order:

- a. Suitable previously-developed sites and buildings with urban areas, particularly around public transport nodes;
  - b. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
-

- c. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
- d. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.

The application site is a disused concrete batching plant and is therefore clearly previously-developed land. The site is located within the settlement limits of Bishop Auckland which is classed as an urban area with easy access to services and community facilities.

The proposed development site is classed as a priority 1 site and is therefore a sequentially preferable location. The proposed development is in accordance with Policy 4 of the RSS and policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

#### Loss of Industrial/Employment Land

The key challenge for County Durham is to ensure a sufficient and appropriate supply of employment land and premises during the Local Development Framework period. The current position in regards to employment land supply in County Durham is contained in the Durham CC Employment Land Review – Draft Final Report dated November 2009 (ELR). The main emerging headline is that there is an over supply of employment land in County Durham with the exception of the A1 and A19 Corridors. This oversupply is evident in respect of office, industrial and warehousing land use. More specifically there is an oversupply of industrial land within the Bishop Auckland market area which includes Spennymoor “...relative to the demand identified which is largely localised in this context...”. Given the potential oversupply any employment sites that could be considered for alternative uses should be those that have constraints in terms of industrial use because for example of adjoining uses.

Turning to the application site itself, the site is currently allocated in Local Plan policy I5 as a General Industrial Site seeking B1, B2 and B8 use. However, PPS3 requires local planning authorities in para. 44 to consider “... whether sites that are currently allocated for industrial or commercial use could be more appropriately re-allocated for housing development.” This is reinforced in RSS para. 3.93 when it states that “PPS3 requires local authorities to consider the redevelopment of ‘unneeded’ employment land for housing.” although it goes on to state that “Employment land is essential for economic prosperity, the renaissance of the Region and in the delivery of sustainable communities. Therefore, whilst housing on previously developed land is important, the re-use of such land for employment is also important.”

It is understood that the former Cemex Concrete Batching Plant scaled down operations about 12 months ago and for the last 8 months the site has been marketed as a concrete batching plant or as an industrial site generally but there have been no interest.

The applicant has submitted an Employment Land Appraisal including a financial appraisal which states that the concrete batching plant cannot economically be adapted to another industrial use. Information submitted seeks to explain the non-viability of the site for continuing industrial use and it states that, given assumptions, further industrial use of the site given the remediation works required would make it unviable.

It is further considered that residential use for the site would be appropriate given that the former Cemex site is bounded on its western side by a fairly recent housing development and an existing residential development to the north. To the east there is a more modern industrial premises that visually provides an edge for the industrial estate. The site boundaries do not appear to have any buffer zones and there is potential for bad neighbour

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issues to arise. With this in mind it is considered that at least part of this site may be unsuitable for industrial use especially if any future use were to be similar in nature to the previous use.

### Highway Considerations

The internal estate layout road is reserved for future consideration however it is noted that changes would have to be made to the plan which has been submitted. It is acknowledged at this stage that the internal road layout can be discussed and conditioned at the reserved matters stage.

The Highways Officer has indicated that the site access is required to be 9.1 metres wide. The submitted plans show the access to be 9.0 metres wide. Whilst the Highways Officer raises no objections, he has requested that a condition is imposed for details of the access to be submitted.

### Sustainability and Renewable Energy

Climate change is high on the global agenda and the Government's Climate Change Act 2008 has given a statutory requirement to reduce carbon emissions and sustainability is the overarching aim of all planning policy. In particular PPS1, including the Climate Change Supplement, PPS3, PPG13 and PPS22 all place an emphasis on achieving sustainable development by among other things: promoting sustainable patterns of development, making efficient use of land and securing renewable energy and energy efficiency measures in new development. This theme runs strongly through most RSS policies, but is particularly reinforced in policies 3 and 38. Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 requires new development to be designed to conserve energy. The Code for Sustainable Homes is also now mandatory for all new housing developments.

RSS policy 38 specifically requires all major developments to secure at least 10% of their energy supply from renewable sources and to achieve an appropriate high Code for Sustainable Homes rating. The current Government targets for all new dwellings are to achieve a 25% Dwelling Emissions Rate (DER) saving by 2010 (The equivalent of Code Level 3 of the Code for Sustainable Homes). This will increase to a 44% DER saving by 2013 (level 4) and ultimately Zero Carbon by 2016 (level 6). Code for Sustainable Homes though is about more than just energy efficiency. It also covers water, waste, pollution, health, management and ecology for which credits can be gained in each section.

It would therefore be appropriate to condition that the development should achieve Level 3 of the Code for Sustainable Homes and secure at least 10% of the energy supply from on-site renewable sources. In order to satisfy this requirement the developer will have to submit an assessment of how the proposal will meet 10% renewables.

### Affordable Housing and Community Benefit

In terms of affordability the developer is aiming for low cost high density dwellings. However, this does not mean that there is a specific commitment to affordability in planning terms. In light of the fact that the loss of employment land is under consideration it is important that affordable homes are included in order that such an action can be justified. Based on the County Durham Strategic Housing Market Assessment (2008) it is suggested that in the former Wear Valley District area the Local Authority could seek a minimum of 20% affordable housing provision, with a target that 80% of affordable housing should be social

rented and 20% intermediate housing (as per PPS3 Annex B definitions) as a starting point for negotiation. As part of any agreement it should be noted that there is also a need for larger affordable homes as well as two bed starter homes (as noted in the Wear Valley SHMA). There may need to be a flexibility clause in any section 106 legal agreement to suit the economic conditions of the time if and when a reserved matter application is submitted.

Policy H22 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 states that on sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality. This contribution is usually a financial contribution set at a pro rata rate of £30,000 per hectare which would be secured through a section 106 legal agreement.

It is also noted that policy RL5 of the Local Plan states that for every one hectare of land developed for residential purposes, at least 1300 square metres of land should be made available on or off site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.

Whilst the submitted layout plan does show an element of open space allocated for children's play area, it is noted that the layout is reserved for future consideration, therefore this open space allocation may not be included in a reserved matters application. In this situation it is considered flexibility is required to be written into a legal agreement which reduces the amount of financial contribution required should open space allocation be included within a reserved matters application.

### Residential Amenity

It is noted that this application is in outline and the full details of the proposed housing is not too be finalised however it is considered appropriate given the location that residential amenity is commented on.

There are existing residential properties to the west. The layout plan submitted shows adequate levels of separation distance between the proposed and existing properties. It is considered that sufficient residential amenity can be achieved between the proposed residential estate and the estate to the west.

Industrial units are located directly on the east boundary of the application site. Under general operations from industrial units, a significant amount of noise and disruption can be created. Should residential properties be allowed on the application site, it is important the future residents are protected from industrial noise and disruption and subsequently future businesses should not be put off by the location of residential properties being close to the industrial units. It is therefore recommended that a condition is appropriate in order to provide mitigation measures along the east boundary and part of the north boundary adjacent to the business premises.

It is considered that adequate levels of residential amenity can be achieved through a reserved matters application which will be able to meet the residential criteria set out in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

### Design and Layout

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As stated above, it is understood that the design and layout of the scheme would be considered under a reserved matters application however given a layout plan and description of the type of housing was submitted it is considered appropriate to comment on these issues.

The layout plan shows a ridged and uniformed appearance. The high number of terraced and linked type properties adds to the uniformed appearance and it is suggested that a reserved matters application should seek to overcome this issue to offer a more visually pleasing street scene. The design and access statement included with this application states that the type of houses would be a traditional two storey style and this is welcomed as it would be in keeping with the surrounding residential properties in the area. It is considered that a range of different types of housing should be explored, which would include detached properties. It is also noted that there are few footpath links through the site and this should be taken into consideration when submitting a reserved matters.

Acknowledging that the layout plan submitted with the application is not for consideration in this outline application, it is recognised that an acceptable scheme can be provided which meets the criteria for design and layout set out in policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

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## **CONCLUSION**

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In terms of location, the application site is considered to be sequentially preferable as it is the development of a previously-developed site in a sustainable location situated near to community facilities and services in the urban area of Bishop Auckland.

It is noted that this application is a departure from the Local Plan as it is the development of residential properties on allocated industrial land. An Employment Land Appraisal including a financial appraisal has been submitted with the application. The Bishop Auckland market area is considered to have an oversupply in industrial units at present. The application site does have constraints as it has been marketed for 8 months as business premises with no interest. In physical terms the site stands apart from the industrial estate to the east. On balance it is considered that although the proposal is a departure from the Local Plan, there would be no adverse impacts on the level of employment land in the immediate surrounding area.

A condition is recommended with regards to the means of access to ensure an adequate access is provided into the site.

Conditions are recommended which would ensure the required levels of sustainability and renewable energy requirements within the proposed scheme are brought forward.

Given the loss of industrial land, it is considered necessary to secure affordable housing for this scheme through a section 106 legal agreement. A minimum of 20% affordable housing provision, with a target that 80% of affordable housing should be social rented and 20% intermediate housing would be sought. The section 106 agreement would also incorporate a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality, whether this be through the inclusion of facilities on site or the payment of a financial contribution.

In general it is considered that adequate levels of residential amenity could be achieved through the submission of a reserved matters application. A condition is recommended for

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details of mitigation measures to be submitted to ensure the residential amenity is not adversely affected by activities from the adjacent industrial buildings.

The layout plan submitted with the application and the type of housing proposed is not considered acceptable. However it is noted that this is an outline planning application and these issues would be considered in a reserved matters application.

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## **RECOMMENDATION**

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**That the application be APPROVED subject to the applicants first signing a Section 106 legal agreement setting out:**

- (a) contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and**
- (b) affordable housing provision;**

**and the following conditions and reasons:**

1. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
2. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the local planning authority that:
  - Prior to the commencement of development , the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and
  - Prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative as agreed in writing by the local planning authority.
3. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved details. The submitted details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 25% will be achieved – the equivalent of Code level 3 of the Code for Sustainable Homes.
4. No development shall take place until a full schedule of all the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Development shall be carried out in accordance with the approved details.
5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by

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the Local planning authority. The development shall be undertaken in accordance with the approved details.

6. Before commencement of development, details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details.
7. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.
9. Before the development hereby approved is commenced wheel washing equipment shall be provided 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 wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.
10. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the local planning authority, and the buildings hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.
11. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
12. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
13. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the surrounding industrial/commercial premises has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

**Reasons:**

1. To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In order to minimise energy consumption and to comply with the aims of the Regional

3. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.
4. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. The water supply system is at capacity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
12. To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25.
13. In order to prevent noise disturbance in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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## **REASONS FOR THE RECOMMENDATION**

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The proposal is in accordance with policies GD1, H3, H22, H24, RL5 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007, policies 2, 3, 4, 38, 39 and 40 of the Regional Spatial Strategy and guidance contained in PPS3, PPG13 and PPS22 and would not conflict with the overall aims of I5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007, policy 18 of Regional Spatial Strategy and PPG4 for the following reasons:

- The site is in a sequentially preferable location as its previously-developed land, within the urban area of Bishop Auckland close to services and community facilities.
  - The loss of allocated industrial land would not compromise the availability of
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employment land within the area.

- The proposal would not compromise highway safety.
- The development would meet current sustainability and renewable energy standards.
- Affordable housing would be accommodated within the scheme along with a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance
- Consultation Responses
- Public Consultation Responses



**3/2009/0426 - PROPOSED REDEVELOPMENT OF FORMER CONCRETE BATCHING PLANT FOR THE CONSTRUCTION OF NEW HOUSING, FORMER CEMEX CONCRETE BATCHING PLANT, ST. HELEN WAY, ST. HELEN AUCKLAND – TANDEM PROEPRITIES LIMITED**



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 3/2012/0110

**FULL APPLICATION DESCRIPTION:** **ERECTION OF THREE STOREY CLASSROOM BLOCK EXTENSION TO EXISTING NORTHERN ELEVATION**

**NAME OF APPLICANT:** **MR GERARD MORAN**

**ADDRESS:** ST JOHNS RC COMPREHENSIVE SCHOOL WOODHOUSE LANE, BISHOP AUCKLAND, DL14 6JT

**ELECTORAL DIVISION:**

**CASE OFFICER:** **Paul Hopper**  
Planning Officer  
03000 263946  
paul.hopper@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The site

1. The school is located in a prominent position adjacent to Woodhouse Lane, Bishop Auckland and covers an area of 5.28 hectares including several playing fields, a sports hall and swimming pool. It has been extended and modernised since its original construction in 1946 and is characterised by a range of buildings of varying heights and styles.
2. The site is bounded to the north and south by residential dwellings along Woodhouse Lane and Waskerley Grove, and to the west by Bishop Auckland College. Bishop Barrington secondary school is located to the north east with a residential estate and allotments immediately to the east.
3. Boundary treatment comprises a mix of 1.8m high palisade steel fencing and hedgerows with some semi-mature tree planting along the northern boundary. Vehicular access is taken via two existing junctions onto Woodhouse Lane serving the main car park and a smaller visitor car park to the east. A pedestrian access is also situated in this location taking an access from Woodhouse Lane.

#### The Proposal

4. The application seeks planning permission for the demolition of an existing single storey wing of the school located adjacent to Woodhouse Lane and the subsequent erection of a replacement three storey classroom extension. The proposal would involve remodelling the existing visitor car park and some incidental open space within the site.
5. The existing single storey wing currently incorporates a lecture theatre, store and kitchen and covers a total floor space of approximately 180m<sup>2</sup>.

6. The proposed replacement extension would be 18 metres wide by 27 metres long and have a dual pitched roof with a height of 12 metres to the ridgeline. It would also incorporate 6 ventilation chimneys increasing the overall height of the building to 13.5 metres.
7. Externally the proposed extension would be largely constructed from yellow buff brick walls with grey profiled aluminium panels to the roof. Windows and doors would be powder coated aluminium.
8. The extension would cover an area of 486m<sup>2</sup> and provide an additional floor space of 1,458m<sup>2</sup> spread over three floors. Offices, toilets and a sixth form library would occupy the ground floor with the first and second floors occupied by 10 additional classrooms and 2 seminar rooms. The building would incorporate a lift and two staircases located at the either ends of the building.
9. 3 temporary demountable classrooms, currently positioned on the school fields, would be removed as part of the proposal.
10. Some existing visitor parking spaces would be lost to accommodate the extension although 4 replacement parking spaces would be created within the site. These would occupy an area currently used as incidental green space immediately adjacent to the access onto Woodhouse Lane. No further changes are proposed to access arrangements at the school.
11. This planning application is being reported to Planning Committee because of the size of the development.

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## **PLANNING HISTORY**

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12. The school dates from around 1946 and has been altered and extended on several occasions since this time. More recent works include an extension to accommodate a science block, toilets and classrooms and a 3 storey link corridor in 2003, along with the erection of a sub station in 2011 and the installation of replacement windows and detached garage in 2012. Planning permission has also been granted for temporary demountable classroom accommodation which is currently located on the school playing field.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### **The National Planning Policy Framework (NPPF)**

13. 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 absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted. 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**

14. 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.
15. Policy 2 - Sustainable Development - requires new development proposals to meet the aim of promoting sustainable patterns of development.
16. Policy 8 - Protecting and Enhancing the Environment (which requires new development to maintain local distinctiveness).
17. Policy 38 – Sustainable Construction – planning proposals should seek to encourage sustainable design of new buildings and facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources.
18. Policy 39 - Renewable Energy Generation - planning proposals should, facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources.

#### **LOCAL PLAN POLICY:**

##### **Wear Valley District Local Plan**

19. *Policy GD1 General Development Criteria* requires that all new development within the District be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. *Policy T1 General Transport Policy* requires that development fulfils Policy GD1 and provide adequate access to the developments, not exceed the capacity of the local road network,

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

21. *The County Highway Authority* has no objections to the proposals.
22. *Northumbrian Water Limited* has confirmed that they have no comments to make on the application

#### **INTERNAL CONSULTEE RESPONSES:**

23. *The County Ecologist* is satisfied with the findings of the reasoned risk assessment for bats and that the potential impact is low. No objections are offered to the proposals.
24. *The County Landscape Officer* notes that the proposal locates a three storey building in a position where it would have maximum visual impact within close proximity to the road frontage along Woodhouse Lane and broadside to it. It is noted that part of the site is screened by existing semi mature trees and that some reshaping of the area immediately surrounding these trees is proposed. A reduction to the amount of visitor car parking is advised to safeguard the long term health of these trees which screen the site to some extent. No objections are offered subject to the submission and agreement of a Tree Constraints Plan prepared in accordance with British Standard 5837:2012 to ensure that any works do not damage these trees.
25. *The County Design and Conservation Officer* has no objections to the proposals subject to the inclusion of an appropriate planning condition requiring that sample details of external materials be submitted to and agreed by the Local Planning Authority.
26. *The County Tree Officer* has no objections to the proposals but notes that the group of existing trees to the north of the extension should be retained and protected from construction traffic both during demolition and construction phase. In this regard he advises the inclusion of a planning condition requiring that no construction or demolition work shall take place until all trees and hedges to be retained, as indicated on an approved tree protection plan are protected by the erection of fencing placed as indicated on the approved plan.

#### **PUBLIC RESPONSES:**

27. The application has been advertised in the local press, a site notice has been placed at the site and neighbour notification letters were sent to adjacent residents. One letter of objection has been received.
28. The objection raises concerns about the appearance of the building which is considered to be totally unsuitable for the site and neighbouring properties, as well as concerns about traffic conditions at the beginning and end of the school day, particularly that any further traffic generated at the site would have serious traffic consequences in terms of highway safety. Lastly it is noted that pupils currently gather in groups on both sides of the road along Woodhouse Lane during the school day to smoke and if the site is developed further this nuisance would only increase.

#### **APPLICANT'S STATEMENT:**

29. The Sixth form at the school has been very successful and pupil numbers have increased putting pressure on existing teaching accommodation. As a temporary measure the school has imported four mobile classrooms, but even with these, there is insufficient teaching space.
30. The proposal is to demolish the existing Lecture Theatre and to build a three storey extension in its place and this will provide eleven classrooms together with a sixth form library, increased area for the sixth form Cyber café, together with toilets, seminar rooms and offices.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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31. In assessing the proposals against the requirements of the relevant guidance and development plan policies and having regard to all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the Principle of Development, Design and Layout, Residential Amenity, Landscape, Access and Parking, and Ecology.

### **Principle of Development**

32. The proposed development would take place on an established school site within the settlement limits of Bishop Auckland and continued educational use is considered acceptable in principle in this location. Much of the new building work would occur on land currently occupied by a single storey building and would provide much needed additional classroom space at a school which is approaching maximum pupil capacity.
33. Existing temporary accommodation currently located on the school playing field would be removed upon occupation of the extension. These temporary buildings were originally installed onsite to accommodate rising pupil numbers while plans to extend the school on the adjacent Bishop Barrington site were progressed. With the cancellation of the Building Schools for the Future Initiative this is no longer planned and as a result the school now needs to develop a more permanent arrangement.

### **Design and Layout**

34. The existing school has been extended on a number of occasions since its original construction in 1946 and the site is characterised by a range of buildings of varying heights and styles. Recent extensions to the school have predominantly been finished in light buff brickwork and include the school's new main entrance to the northern elevation. Two three storey buildings also occupy the site and have a north-south linear arrangement. The proposed extension would be located in a prominent location immediately adjacent to the school's main entrance fronting onto Woodhouse Lane. For this reason it has been designed to compliment the external finishes of the modern extensions while also having regard to the height of the three storey elements already at the site. It is therefore considered that an extension of the scale and design proposed can be successfully accommodated at the site. The County Council's Design and Conservation Officer has no objections to the proposals.
35. The comments from local residents with regard to the suitability of design are noted, however it is considered that the extension would be an appropriate addition in terms of form, mass, scale and materials and would not cause harm to the character and appearance of the existing site and surrounding area.
36. The applicant has confirmed the intention to incorporate appropriate measures for sustainable energy generation as part of the scheme in accordance with the aims of the North East Regional Spatial Strategy and National Planning Policy Framework. The agreement and implementation of such measures can be satisfactorily ensured through the inclusion of appropriate planning condition.

## **Residential amenity**

37. The main amenity considerations arising from the proposed extension relate to residents of properties along Woodhouse Lane to the north of the site. The extension itself would be situated approximately 70 metres from these properties and while views of the development would be direct, they would be seen in the context of a well established school site. The appearance of the northern elevation would be broken by existing boundary planting and this would further reduce any potential overbearing impact upon those neighbouring properties. Properties to the east of the site, also at Woodhouse Lane, would be approximately 86 metres away and would not have any direct view of the extension, being partially screened by existing school buildings. The extension would therefore be appropriately located in relation to any nearby residential properties and there would be no adverse impact in terms of overshadowing or overbearing.

## **Access Parking and Landscape**

38. The proposal originally incorporated an extension to the existing visitor car park to provide 7 spaces including 1 disabled space. On the advice of the County Council's Landscape Architect the scheme has been amended to reduce the number of spaces from 7 to 4 in order to safeguard the long term health of several existing semi-mature trees which currently screen the site and would serve to reduce the visual impact of the extension post development. These trees could be further protected through the inclusion of an appropriate planning condition requiring the submission and agreement of a tree protection plan prior to the commencement of development. The County Councils Landscape Architect and Tree Officer have no objections to the proposal on this basis.

39. The removal of the 3 existing demountable classrooms would improve the overall visual appearance of the site and bring back into positive use part of the existing school playing field.

40. The objection from a local resident raises concern about traffic and highway safety, however, existing pupil and staff numbers would remain unchanged as part of the proposals and it is considered that sufficient parking exists elsewhere at the site to continue to provide adequate provision for both staff and visitors. No changes are proposed to the existing access arrangements and the County Councils Highways Engineer has no objections to the scheme.

## **Ecology**

41. A reasoned risk assessment for bats has been undertaken and submitted in support of the application which did not identify any signs of bats or roosting potential within the existing building and concluded that the proposed development would not have any impacts upon bats. The County Council's Ecologist is satisfied with the findings of the assessment and that the risk of impact on bats is likely to be low. It is therefore considered that the proposed development would not have any adverse impact upon protected species and the Local Planning Authority can discharge its responsibilities with regards to the Habitat Directive.

## **Additional Matters**

42. The objection raised by a local resident in relation to nuisance caused by pupils congregating at the entrance is not a material planning consideration which can be



taken into account in this application and is a pupil management issue to be addressed by the school.

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## CONCLUSION

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43. The proposed development would provide much needed additional teaching space at a well established school site located within the settlement limits of Bishop Auckland, and would also facilitate the removal of existing temporary classroom accommodation.
44. From a detailed perspective it is considered that the extension and associated hard landscaping works could be satisfactorily accommodated at the site and would be of a design, form and scale that would relate acceptably to the existing site and surrounding area. The relationship of the extension to surrounding residential properties would be acceptable in amenity terms and the scheme would provide positive benefits in terms of the reinstatement of open space at the site. In addition, no harm would be caused to protected species and the proposal is considered acceptable in terms of its highways impact.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following **conditions and reasons**.

### Conditions:

1. The development should not be begun later than 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:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	15/03/2012
903/3/8A	Part Proposed Site Plan	29/05/2012
900/2	Proposed Ground Floor Plan	15/03/2012
900/3A	Proposed Upper Floor and Roof Plans	30/03/2012
900/6	Proposed Elevations	15/03/2012

*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 hereby approved the precise colours and details/samples of the external surfaces of the building shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

4. Prior to the commencement of development a tree protection plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The tree protection plan shall include the erection of protective fencing 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.5837:2012.

*Reasons: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

5. Prior to occupation of the development hereby approved the 3 temporary demountable classrooms located on the existing school field adjacent to the main car park shall be permanently removed and the land thereafter restored to playing field.

*Reason: In the interests of visual amenity and in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

6. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

*Reason: In the interests of sustainable construction and energy generation to comply with the aims of the National Planning Policy Framework and Regional Spatial Strategy North East, Policy 38.*

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## **REASONS FOR THE RECOMMENDATION**

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45. The proposed development would involve the provision of replacement and enhanced facilities on part of a site that has been in use for this purpose for an extended period and is in principle acceptable for continued use on this basis. The proposed building and external works can be appropriately accommodated at the site in terms of size, siting, design and layout, would meet the needs of users and relate acceptably to the surrounding built and natural environment in visual, residential amenity, highway safety and landscape terms. The proposed development would therefore accord with Policies GD1 and T1 of the District of the Wear Valley 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.

46. 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 Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 where it is consistent with the National Planning Policy Framework.
47. The objections and concerns raised 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.

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## **BACKGROUND PAPERS**

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- 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
- County Durham Plan Policy Direction Paper
- Assessing Development Proposals in a changing National Planning system - Council Policy Position Statement



**Planning Services**

**ERECTION OF THREE STOREY CLASSROOM  
BLOCK EXTENSION TO EXISTING NORTHERN  
ELEVATION, ST JOHNS RC COMPREHENSIVE  
SCHOOL WOODHOUSE LANE, BISHOP  
AUCKLAND, DL14 6JT**

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**Comments**

**Date** June 2012

**Scale** 1:2500



## Planning Services

# COMMITTEE REPORT

### APPEAL UPDATE

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#### **APPEAL BY MR & MRS M WALTON & MS A COUSINS**

**APPEAL REF. NO: APP/X1355/C/10/2170277**

**LPA REF. NO: ENF/7/2009/098**

**ENFORCEMENT NOTICE APPEAL**

**MATERIAL CHANGE OF USE OF LAND ADJOINING EAST HOWLE SCHOOL, METAL BRIDGE, FERRYHILL DL17 8RY**

The Council issued an enforcement notice on the owners of the above land on 5 January 2012 for the material change of use of the land to a mixed use for agriculture or the keeping of animals, for residential purposes, including the siting and use of a static caravan and the storage of a touring caravan.

An appeal was lodged against the Notice on two grounds. These were Ground (a) that planning permission should be granted for what is alleged in the notice and ground (d) that at the time of issuing the notice it was too late to take enforcement action.

The Planning Inspector dismissed the appeal, and in terms of the ground (a) refused to grant the deemed application for planning permission for the development alleged in the notice.

In arriving at his decision on the ground (d) appeal, whereby the onus of proof is on the appellant to demonstrate that the use commenced 10 years prior to the issue of the notice, the Inspector concluded that the appellants had not shown that on the balance of probability the change of use of land and the building works were immune from enforcement action under the 10 and 4 year rule.

In consideration of the ground (a) appeal, the Inspector considered the effect of the development carried out on the character and appearance of the open countryside. He noted that the combination of the caravans, the incidental works and the general residential paraphernalia had resulted in a most harmful visual effect on this agricultural land. He also noted that the use of the site was not generally sustainable because it is contrary to established national and local plan policies which restrict new residential development in the open countryside where it has not been shown to be essential for agriculture or forestry.

The enforcement notice was upheld and became effective from 24 May 2012. Officers will monitor the site to ensure compliance with the notice, and take any legal action that is deemed necessary to resolve any failure to comply with the notice or outstanding breach of planning control after the expiry of the compliance periods within the notice.

No application was made for costs

Report prepared by Susan Porter, Senior Planning Enforcement Officer, South/West.

### RECOMMENDATION

That the report be noted.

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