



Area Planning Committee (South and West)

Date Thursday 20 September 2012
Time 2.00 pm
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 20 July 2012 (Pages 1 - 6)
3. Applications to be determined
 - a) 3/2010/0568 - Open Space Adjacent to Village Green, West Auckland (Pages 7 - 16)

The siting of a public art sculpture including revised paving layout and relocation of Christmas tree in a prominent position in the village adjacent to the Village Green
 - b) 6/2012/0081/DM - Land to the Rear of 10,11 and 13 Etherley Bank, High Etherley (Pages 17 - 26)

Change of use from agricultural to equestrian with retrospective permission for changes to outbuildings
 - c) 7/2012/0199/DM - Former Greenfields Nursing Home, Alston Crescent, Newton Aycliffe (Pages 27 - 44)

Demolition of former Greenfields Nursing Home and redevelopment to create 22 no. dwellings
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
12 September 2012

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

Councillor M Dixon (Chair)

Councillor E Tomlinson (Vice-Chairman)

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

Contact: Jill Errington

Tel: 0191 370 6250

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Council Offices, Spennymoor on **Friday 20 July 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

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

Apologies:

Apologies for absence were received from Councillors E Tomlinson, D Boyes, K Davidson, E Paylor, J Shuttleworth and M Williams

Also Present:

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

1 Declarations of Interest

Councillor P Brookes declared an interest in application 7/2012/0151/DM - Garage site to the rear of 118-128 Sycamore Road, Fishburn. As local Member he wished to address the Committee in support of the application. Councillor Brookes withdrew from the meeting during the Committee's deliberations.

2 Minutes

The Minutes of the Meeting held on 21 June 2012 were agreed as a correct record and were signed by the Chair.

3 Applications to be determined

**3a 7/2012/0151/DM - Garage Site to the rear of 118-128 Sycamore Road, Fishburn
Erection of 15 No. Dwellings**

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 Brookes, local Member expressed his support to the application. The applicants had carried out extensive consultation with local residents and the response from the community had been positive. The land was unsightly, the garages were in a state of disrepair and there had been problems with fly-tipping over the last 12 months. The proposed scheme would provide much-needed affordable accommodation and the community would benefit from a financial contribution towards the provision of or improvement of open space in Fishburn.

In discussing the application Members considered the comments made by four local residents relating to highway safety. A Glenwright, Highways Officer stated that this was a very small development, representing only a 2.5% increase in the number of dwellings in this part of Fishburn. The impact on traffic would be negligible and the proposed off-street parking provision was deemed to be acceptable.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Obligation to secure the payment of a commuted sum in lieu of on site open space provision.

**3b 3/2012/0121 - Lady Eden Neuro Rehabilitation Unit, Cockton Hill Road, Bishop Auckland
Part Demolition, Conversion and Extension of the Former Lady Eden Cottage Hospital to Residential Care Home Involving the Retention of Part of the Original Structure and the Erection of New Structure to the Rear**

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.

In presenting the report the Principal Planning Officer referred to minor amendments to conditions numbered 6, 7 and 10 in the report, and to an additional ecology condition requiring the development to be carried out in accordance with the mitigation detailed within the 'Bat Roost Survey'.

Councillor Lethbridge, local Member addressed the Committee stating that the retention of the original frontage was historically pleasing but he was concerned about the height and design of the rear extension. He felt that this had not been given the same attention to design as the frontage. He also agreed with the concerns expressed by residents in relation to parking problems in this densely populated area and that on-site parking provision was inadequate. However whilst he had these reservations he welcomed the development which would improve a site that was currently an eyesore.

Mr Scott, an objector spoke on behalf of his daughter who lived in Ormesby House located adjacent to the development. He expressed concern that the northern elevation of the new care home would be closer to the boundary fence than the existing building and that there would be a significant increase in height. As a result his family's residential amenity would be affected by loss of light and overlooking. His grandchildren played in the garden which would be overlooked by second storey windows.

To address his concerns Mr Scott asked if he could be given the opportunity to discuss minor changes to the design and layout with the developers.

With regard to parking issues he suggested that additional on-site spaces could be created by re-locating the bin storage area.

In discussing the application Members noted that the concerns expressed by objectors in relation to access and parking had been addressed in the report. The Highways Officer stated that if approved the developer would be required to produce a robust Travel Plan to encourage sustainable means of travel. The site was well-served by bus and rail services and the level of on-site parking was in line with parking provision at Care Home facilities elsewhere in the County.

The Committee also considered the impact on the residential amenity of the occupiers of Ormesby House and Mr Scott's request for discussions with the developers. The Principal Planning Officer considered that some of the changes proposed by Mr Scott would not be acceptable to the developers but notwithstanding this the impact of the existing proposals on Ormesby House would be minor. The views of the new building would be oblique, and the main garden area of the property was to the east of Ormesby House which would be unaffected by the development. In terms of Mr Scott's concerns about the height of the new building, the arrangement of roof slopes would ensure that there would be no significant impact on the adjoining property.

Members acknowledged that the degree of harm to neighbouring properties should be taken into account but that this should be weighed against the community benefit that the scheme would bring about.

A Member felt that the application should be deferred to allow Mr Scott to discuss the possibility of making minor changes to the proposals. However having taken all matters into account, the Committee considered that the representations put forward by Mr Scott and other residents were not sufficient reasons to justify refusal of the application or for deferral for further discussions with the developers. On balance the wider public benefits of the scheme outweighed the impact on residential amenity.

Resolved:

That the application be approved subject to:-

- (i) the conditions outlined in the report, with conditions 6, 7 and 10 being amended to read as follows:-

6. No development shall be commenced until details and plans of protective fencing for trees have been submitted, inspected after erection, and approved in writing by the Local Planning Authority. The location of the fencing shall be annotated on a plan and the design of protective fencing details shall follow the guidelines set out in BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Fencing must conform to the style illustrated in fig 2. or fig.3 of the 2012 BS standard (where necessary) and must be erected prior to any vehicle or machinery access to the site. The fencing must remain in place throughout the development. No materials are to be stored within the protective fencing
7. No development shall be commenced until a Tree Protection Plan has been submitted, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan
10. Within 6 months of occupation of the building hereby approved, a Travel Plan conforming to the National Specification for Workplace Travel Plans PAS 500:2008, bronze level, shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be adhered to for the lifetime of the development

(ii) the inclusion of the following additional condition:-

‘No development shall take place unless in accordance with the mitigation detailed within Section 5.2 of the protected species report entitled ‘Bat Roost Survey’ produced by AllAboutTrees for HMRC Group including, but not restricted to, incorporating artificial bat roosts at appropriate locations throughout the building.

Reason: To conserve protected species and their habitat in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

**3c 3/2012/0213 - Teescraft Engineering Ltd, Units 1-3 Longfield Road, South Church Enterprise Park, Bishop Auckland
Erection of a Single Storey Extension to Existing Factory Units**

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

Resolved:

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

4 Appeal Update

Appeal Ref: APP/X1355/A/12/2171387

Appeal Against the Refusal of Outline Planning Permission with all Matters Reserved for the Erection of 1 No. Dwellinghouse on Land East of Amble Way, Trimdon

Consideration was given to a report which gave details of an appeal against an application for outline planning permission for the erection of a dwelling on land east of Amble Way, Trimdon.

The Inspector had dismissed the appeal for the reasons outlined in the report.

Resolved:

That the report be noted.

The Chairman agreed that in order to keep Members informed of progress in finding a meeting venue in Barnard Castle, the next item of business could be reported.

5 Meeting Venues

It was reported that since Teesdale House could no longer be used as a venue for the Area Planning Committee (South and West) other potential meeting facilities in Barnard Castle had been explored. 'The Hub' situated on the outskirts of the town was considered to be suitable in terms of location and facilities.

Resolved:

That in addition to Crook and Spennymoor Council Offices, 'The Hub' at Barnard Castle be used to hold meetings of the Area Planning Committee (South and West) as and when appropriate.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2010/0568
FULL APPLICATION DESCRIPTION:	THE SITING OF A PUBLIC ART SCULPTURE INCLUDING REVISED PAVING LAYOUT AND RELOCATION OF CHRISTMAS TREE IN A PROMINENT POSITION IN THE VILLAGE ADJACENT THE VILLAGE GREEN
NAME OF APPLICANT:	WEST AUCKLAND PARISH COUNCIL
ADDRESS:	OPEN SPACE ADJACENT TO VILLAGE GREEN ,WEST AUCKLAND, BISHOP AUCKLAND,
ELECTORAL DIVISION:	WEST AUCKLAND ED
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site consists of part of what is known as The Green, measuring approximately 30 metres by 60 metres, however the site itself is not actually classified as a designated Village Green. The site is bounded by mature trees, and has a number of footpaths running through it. The site occupies a prominent location, within the West Auckland Conservation Area, and in the vicinity of buildings listed grades I, II and II*. The site forms an island at the junction of the A68 Darlington Road and the A688.
2. The site lies within an area identified for Environmental Improvements under policy BE22 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

The proposal

3. Planning permission is sought for the installation of a bronze statue on a stone plinth to celebrate West Auckland's victory over Juventus in the 1909 inaugural World Cup. The design of the proposed statue has been chosen by local residents from a competition involving three sculptures. The statue would include a plinth/ seat. The proposed plinth would measure 3.9 metres in width and 1.1 metres in height. The proposed statue would measure 2.2 metres in height and 2.8 metres in width and depicts two footballers. The plinth and seat would be constructed from local sandstone with a polished black granite top to represent the black of coal. The statue and plinth would be set into an existing path which would be re-laid with sandstone flags and sandstone sett edging. No lighting scheme is proposed as part of the application.

4. This planning application has been reported to Planning Committee as Cllr Yorke has been involved in funding the project.

PLANNING HISTORY

5. There is no planning history relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY

6. The Government has now published its National Planning Policy Framework (NPPF), which replaces almost all Planning Policy Statements and Guidance notes. The Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. The Framework sets out the presumption in favour of sustainable development. In terms of implementation, the Framework sets out that for the 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

The NPPF can be accessed at:

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

REGIONAL PLANNING POLICY

7. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
8. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
9. Policy 8 (Protecting and Enhancing the Environment): Planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.

LOCAL PLAN POLICY:

10. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can be given full weight:
11. **Policy GD1 (General Development Criteria):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
12. **Policy BE1 (Protection of Historic Heritage):** The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
13. **Policy BE4 (Setting of a Listed Building):** Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
14. **Policy BE5 (Conservation Areas):** The character of each Conservation Area will be protected from inappropriate development.
15. **Policy BE6 (New Development and Alterations in Conservation Areas):** The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:
 - i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
 - ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
 - iii) the proposal satisfies the General Development criteria set out in Policy GD1.
16. **Policy BE8 (Setting of a Conservation Area):** Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
17. **Policy BE17 (Areas of Archaeological Interest):** When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.
18. **Policy BE22 (Environmental Improvements):** The District Council will seek to improve the environmental quality of the District, both built and natural, through landscape improvement and enhancement schemes, as identified on the Proposal Map.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. None

INTERNAL CONSULTEE RESPONSES:

20. The *Public Rights of Way Section* do not object to the scheme.

21. The *Tree Officer* does not object to the scheme.

22. The *Network Management Team* raises no objection to the proposal.

23. The *Landscape Section* have no objection to the proposal, however, for clarity a condition should be imposed stating that the trees on the site are to have their crowns raised to 3 metres and that the tree works are to be carried out to British Standard 3998:2010.

24. The *Design and Historic Environment Team* have no objection to the proposal, but recommend conditions regarding details of a all materials to be submitted and approved before works commence.

25. The *Archaeology Section* have no objection to the proposal subject to appropriate conditions.

PUBLIC RESPONSES:

26. The application has been publicised in the press, by site notice and letters were sent to neighbours. One letter of representation has been received relating to the following:

- It seems most of the trees have canopies high enough to allow views underneath them to the sculpture.
- Full details of materials need to be agreed.
- Is any lighting proposed?
- Is any lighting proposed?
- The base of the statue will penetrate beneath the foundations of the Post Office Square buildings and that excavation will need monitoring archaeologically.

APPLICANTS STATEMENT:

27. No statement has been provided by the applicant.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the Impact on the Appearance of the Conservation Area, the impact Upon the Setting of the Listed Buildings and impact of archaeology.

Impact on the appearance of the conservation area and setting of listed buildings

29. The site lies within the West Auckland Conservation Area and there are listed buildings in the immediate vicinity. The local planning authority has a duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; and under S66 to pay special regard to the desirability of preserving the building or its setting, or any features of special quality or historic interest which it possesses in considering whether to grant planning permission for a development which affects a listed building or its setting.
30. The application site is currently underutilised as an amenity area. The proposal seeks to rejuvenate the area by erecting a statue depicting an important element of the history of West Auckland, and to provide a local landmark on the Green in the heart of the village.
31. The proposed statue and plinth would utilise traditional materials, of local stone for the plinth and bronze for the statue. The statue and plinth would measure some 3.9 metres in total and would therefore be quite visible within its context. However, this scale is considered to be commensurate with the applicant's desire to increase public awareness of West Auckland success in the inaugural World Cup and pay respect to one of the most famous successes of the Village.
32. Surface materials for the re-laid footpath have been chosen to match the adjacent public realm scheme, and to relate to the building materials of the surrounding listed buildings, in order to integrate the scheme with the other recent improvements that have been carried out to the conservation area as part of the English Heritage Partnership Scheme in Conservation Areas Initiative. The proposed surface materials would be appropriate in terms of colour and material, and would enhance this part of the Conservation Area.
33. The trees surrounding the site are to have their crowns raised to 3 metres in order to facilitate the installation of the proposed statue and plinth, and to provide views of the structure from various viewpoints around The Green after the structure has been installed.
34. This scheme seeks to improve the landscape quality around the listed structures around The Green. The proposed works would greatly enhance the setting of the listed structures, adding to their architectural and historical merit through the use of traditional materials. The proposed works would enable The Green to be enjoyed for many more years and become a more utilised area of West Auckland by the provision of a new landmark.
35. Given the above, it is considered that the development would be in keeping with the character of the existing area in terms of scale, design and materials and would not have an adverse impact on the visual amenity of the surrounding area. The scheme would greatly improve the appearance of the site and enhance the setting of the

wider conservation area, while not detracting from the setting of surrounding listed buildings

36. The proposal accords with policies GD1, BE1, BE4, BE5, BE6, BE8 and BE22 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, policy 8 of the RSS, and Chapter 12 of the NPPF.

Impact of archaeology.

37. Policy BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 covers areas of archaeological interest and states that 'when development is proposed which affects areas of archaeological interest, as identified on the proposals map, a field investigation will be required before planning permission is given'.
38. The site is almost certainly part of the Medieval village green, later the location of the post office square, present since at least the 1st edition OS map of c.1860 and of historic interest in it's own right. There also remains the possibility that the post office square was itself built on the site of an earlier building, churches, amongst other buildings, were occasionally built on the village green. The proposed development would effect a small part of Post Office Square (approx 12 square metres) and is on the line of the existing path. However the foundations of the plinth would only be 1 metre deep, and therefore the level of disturbance is unlikely to be great. Nevertheless, it is recommended that a monitoring brief be conditioned in this respect. The proposal accords with policies GD1 and BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

CONCLUSION

1. It is considered that the proposed development would be in keeping with the character of the existing area in terms of mass, scale, design and materials and would not have an adverse impact on the visual amenity of the surrounding area. The proposal will bring improvements to a key location in West Auckland's village centre.
2. The proposed works would greatly enhance the setting of the conservation area and that of the adjacent listed structures, adding to their architectural and historical merit. The proposed works would enable The Green to be enjoyed for many more years and become a more utilised amenity area of West Auckland.
3. It is considered therefore that the application is in accordance with the provisions of National, regional and local plan policy.

RECOMMENDATION

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

Conditions:

1. The development shall 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.

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

Plan Ref No.	Description	Date Received
	Site Location Plan	25.01.2012
WDD1433/01	Masterplan	25.01.2012

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

3. Before the development hereby approved is commenced, samples of all materials to be used for the scheme, including the hard surfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.

Reason: To achieve a satisfactory form of development. In accordance with policies GD1, BE1, BE4, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological monitoring work as defined in a specification prepared by the County Durham Archaeology Team. It will require a written scheme of investigation (WSI) setting out:
- i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii., Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
 - iv., Report content and arrangements for dissemination.
 - v., Archive preparation and deposition with recognised repositories.
 - vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii., Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii., A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The written scheme of investigation must be submitted by the developer, and approved in writing by, the local planning authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

Reason: To comply with saved local policies BE1 and BE17 and para's 135 and 141 of the NPPF as the site may potentially contain features of local archaeological importance

5. Within 6 months of the development completion, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission

Reason: To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

6. Any crown raising of the trees on site shall not exceed 3 metres from ground level. The tree works shall be carried out to British Standard 3998:2010.

Reason: In the interest of good tree management in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -

Policy GD1 (General Development Criteria):

Policy BE1 (Protection of Historic Heritage):

Policy BE4 (Setting of a Listed Building):

Policy BE5 (Conservation Areas):

Policy BE6 (New Development and Alterations in Conservation Areas): The District

Policy BE8 (Setting of a Conservation Area):

Policy BE17 (Areas of Archaeological Interest):

Policy BE22 (Environmental Improvements):

2. In particular the development was considered acceptable having regard to consideration of Impact on the Appearance of the Conservation Area, the impact upon the setting of the Listed Buildings and impact of Archaeology.
3. On balance the scheme is considered to be acceptable and without objection from any consultees. Regard has been given to the representations received, but the issues raised were not felt to outweigh the benefits of the scheme. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

BACKGROUND PAPERS

Submitted application forms, plans and supporting documents

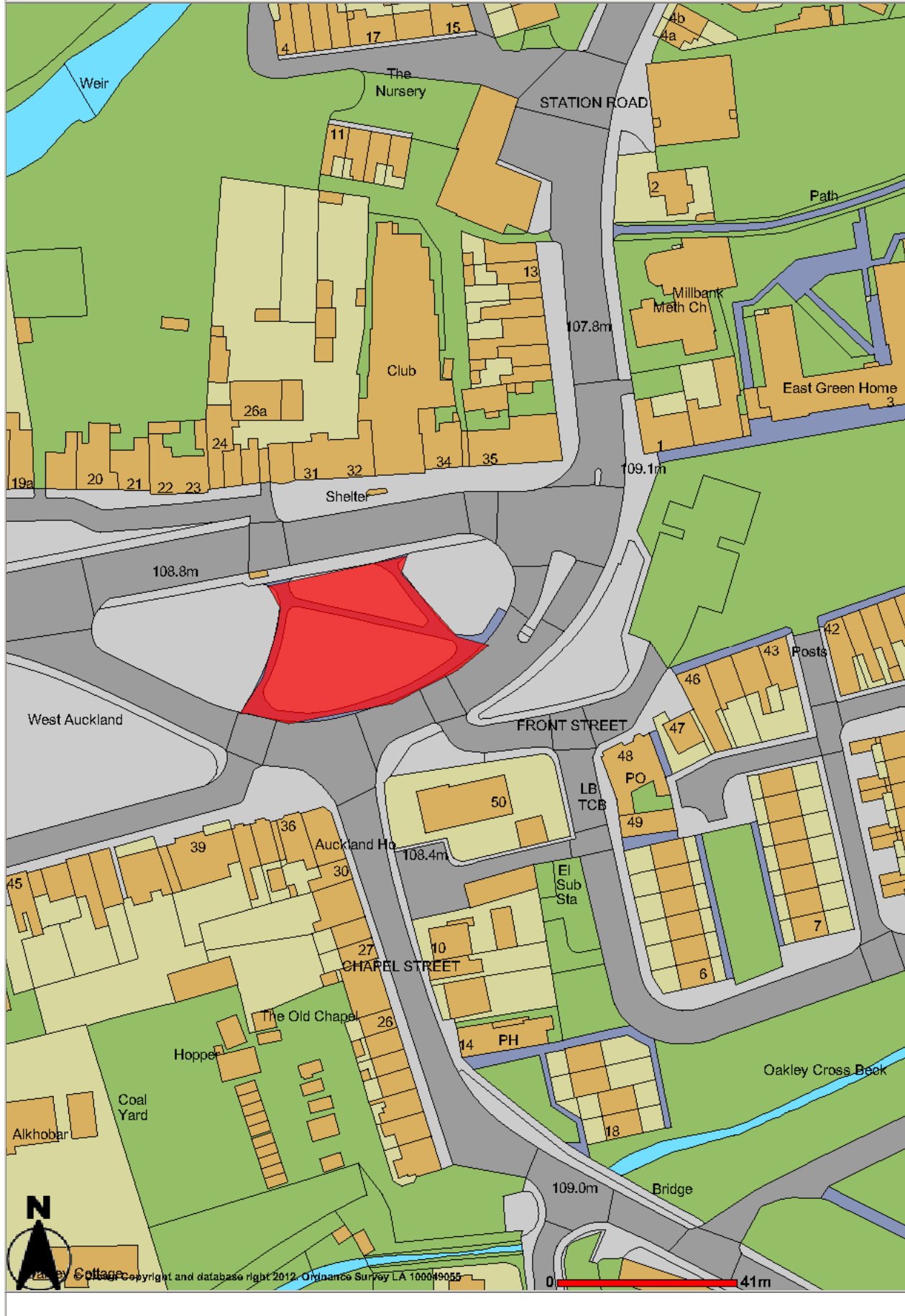
National Planning Policy Framework

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

Consultation responses

Durham County Council GIS



 <p>Durham County Council</p> <p>Planning Services</p>	<p>3/2010/0568 Village Green, West Auckland Proposed Statue</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 15th May 2012</p>	<p>Scale NTS</p>



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2012/0081/DM
FULL APPLICATION DESCRIPTION:	Change of use from agricultural to equestrian with retrospective permission for changes to outbuildings
NAME OF APPLICANT:	Miss Karen Hepple
SITE ADDRESS:	10 Etherley Bank, High Etherley, Bishop Auckland, County Durham, DL14 0LG
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site consists of an area of land to the rear of numbers 10, 11 and 13 Etherley Bank, High Etherley. There are outbuildings to the southeast of the site, originally used as 5 Goat Houses, approved in 1998, with a detached shed to the north and a hay store to the south. The land to the west of the dwellings is open agricultural land, with the land to the south already used for equestrian purposes. The applicant has extended the existing outbuildings by creating a further 2 stables and a store.

The proposal

2. Retrospective planning permission is sought for the erection of 2 stables, a steel container and the change of use from agricultural use to equestrian use on land at the above address.
3. The stables measure 3.4 metres by 2.9 metres and 2.6 metres by 4.6, and 2.5 metres to the highest point. The stable to the northern end of the outbuildings has been constructed from blockwork with a steel corrugated roof, whilst the stable to the southern end of the outbuildings has been constructed from timber with a steel corrugated roof.
4. The scheme also involves the installation of a steel storage container used as a store. The container has been painted green, and has a corrugated steel pitched roof to resemble a building. The container measures 6.1 metres by 2.4 metres and 3.2 metres to the highest point.

5. The application has been reported to the Planning Committee at the request of Cllr Hugill who has raised concerns that the application is retrospective and that a business is being run from the property. Concerns have also been raised in respect of the parking of agricultural machinery and a horse box at the site, as well as the creation of a recyclable garden and ditch which prevents cutting of a boundary hedge.

PLANNING HISTORY

6. 6/2011/0084/DM Feed and implement building. Approved
6/1999/0219/DM Wood hut/ Garden shed. Approved
6/1998/0320/DM Erection of Goat house. Approved

PLANNING POLICY

NATIONAL POLICY

7. 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

8. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021.
9. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section

109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are nevertheless considered relevant;

10. Policy 8 – Protecting and Enhancing the Environment states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment.

LOCAL PLAN POLICY:

11. The following policies of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
12. *GD1 General Development Criteria*- sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.
13. *ENV1 Protection of the Countryside*- presumes against development other than that which necessarily requires a rural location, and emphasises the requirement for proposals to not harm the landscape and wildlife resources of the area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. None

INTERNAL CONSULTEE RESPONSES:

15. *The County Landscape Officer* has no objection to the proposals as the site is not conspicuous and the alterations do not significantly change the visible presentation of the site.

PUBLIC RESPONSES:

16. Neighbouring properties have been consulted in writing. The only representations received have been from Cllr Hugill who has objected to the application.

APPLICANTS STATEMENT:

17. The applicant has not submitted a statement.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FP>

PLANNING CONSIDERATIONS AND ASSESSMENT

18. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant guidance, development plan policies and all material planning considerations including representations received it is considered that the main planning issues in this case relate to the principle of development, impact on the countryside and residential amenity

Principle

19. The scheme seeks retrospective approval for the erection of 2 stables, a store (the steel container), and a hay store. The application also includes change of use of this area of land to accommodate the equestrian use.
20. Policy ENV1 of the Teesdale District Local Plan seeks to protect the countryside from development which is not appropriate in a rural area.
21. The site is in the open countryside, and would appear to have historically been used for some form of agriculture. There are a number of stables and equestrian jumps on land to the surrounding area. The area subject to this application would essentially form a small paddock area to the rear of the dwelling. It is considered that the keeping of horses on this land would be commensurate with the rural character of the village and the wider countryside setting.
22. The principle of having a stable and equestrian paddock on this land is considered to be acceptable, given the rural nature of the location and the outbuildings building being sited away from boundaries with neighbouring residential properties. The principle of equestrian use in this location is therefore considered to be in accordance with Teesdale Local Plan Policies GD1 and ENV1.

Impact on the character and appearance of the surrounding area

23. The proposed stables are modest in scale and are designed and constructed in a manner typical of other forms of rural development within the County. The proposed stables are of a sympathetic scale and size for the location in which they are located. The topography of the site is such that the outbuildings are approximately 1.5 metres lower than the level than the A68 road to the east of the site. As the ground level drops away towards the proposed stables, and the height to the ridges of the buildings being between 2.5 metres and 3.2 metres, it is considered that the buildings do not detract from the character of the surrounding area.
24. Normally the installation of a steel container on a site is not encouraged, however, in this instance, the container has been given a pitched roof to match the other outbuildings on the site, and it has been positioned in such way so it blends into the existing structures on the site, between a stable block and the hay store.

25. Given the overall scale and nature of the development, it is considered that the structures are not be visually prominent when viewed from the neighbouring residential properties or the surrounding area and therefore it is not considered that views of the wider countryside have been lost or unduly compromised in accordance with Teesdale Local Plan Policy ENV1.

Amenity

26. The equestrian buildings are sited approximately 23m away from 11 Etherley Bank, and approximately 55 metres from the rear of 13 Etherley Bank to the north and northwest of the site. It is acknowledged that there are residential properties which share a boundary with the site; however it is considered that the buildings are not detrimental to residential amenity given the distance from these properties. Waste storage and disposal arrangements can be secured by condition. The land could be used to accommodate livestock without any planning permission, and there is agricultural land bordering the northern boundary of the site and adjacent properties. Use of the land for horses would not have a materially greater impact on the amenity of neighbouring residential properties. The proposal is therefore considered to be in accordance with policy GD1 of the Teesdale District Local Plan.

Other Issues

27. Concerns have been raised in respect of a business being run from the site. Officers are satisfied that the keeping of horses on the site is a hobby in nature and the sales taking place are not to an extent that it constitutes a business. The website address provided now does not exist. Nevertheless, a planning condition restricting the site not for business use is recommended to ensure that this remains the case as business use could bring further traffic movements and greater activity on the site, the impact of which would need to be properly considered through the application process.

28. The fact that parts of this application are retrospective is not a material planning consideration.

29. The situation in respect of parking to the rear of the neighbouring property is unfortunate, however parking a horse box is not development and in any case the evidence from aerial photographs suggests vehicles have parked in that location for more than 10 years. This appears to be an issue of neighbour dispute and is not a material planning consideration. Given this and the length of time that the parking has been taking place in that location, it is not reasonable to control it through this application.

30. In relation to the vegetable patch and ditch, this is not development which requires planning permission. Again, the issue of access to a hedge is a neighbour dispute and is not a material planning consideration.

CONCLUSION

31. In summary the proposals are for a retrospective change of use of land to equestrian and the erection of 2 stables and a container.
32. Given the nature of the site and its relationship with the wider countryside, equestrian use is this is considered to be an acceptable use in this location.
33. The siting and design of the buildings are considered to be acceptable, and would not have any unacceptable impact upon the open countryside or on the amenity of neighbouring residential properties. The proposals are considered on balance to be acceptable and would accord with Local Plan Policies GD1 and ENV1.
34. The issues of objection raised are not considered to be material planning considerations and are not therefore sufficient reason to refuse the application.

RECOMMENDATION

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

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

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

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

Plan	Reference Number	Date received
Red line plan		11.04.2012
Proposed block plan	2214-9	11.04.2012
Proposed out buildings	2217-7	11.04.2012
Roof plans	2218-8	11.04.2012

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

3. Within 56 days of the date of this planning permission details of the arrangements for the storage and disposal of animal waste from the buildings shall be submitted to and agreed in writing with the Local Planning Authority. The operation of the site shall then conform to the approved details.

Reason: In the interests of protecting residential amenity in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

4. The buildings and use hereby approved shall be used for private equestrian activities only, and shall not be used for any trade, business or livery purposes.

Reason: In the interests of protecting residential amenity in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -


GD1	General Development Criteria
ENV1	Protection of the Countryside

2. In particular the development was considered acceptable having regard to consideration of visual impact, affect on the open countryside, amenity and design.
3. The objections which have been received, have been given due consideration. On balance the scheme is considered to be acceptable. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Teesdale District Local Plan 2002
Response from County Landscape Officer



 <p>Durham County Council</p> <p>Planning Services</p>	<p>6/2012/0081 Change of use from agricultural to equestrian with retrospective permission for changes to outbuildings at 10 Etherley Bank, High Etherley</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 11.09.2012</p>	<p>Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0199/DM
FULL APPLICATION DESCRIPTION:	Demolition of former Greenfields Nursing Home and redevelopment to create 22 No. dwellings.
NAME OF APPLICANT:	Galliford Try
ADDRESS:	Greenfields Nursing Home, Alston Crescent, Newton Aycliffe, Co. Durham.
ELECTORAL DIVISION:	Shildon East
CASE OFFICER:	David Walker, Senior Planning Officer 03000 261054, David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site, which consists of the former Greenfields Nursing Home, covers an area of approximately 0.5 hectares. The site is located within Newton Aycliffe, this is bounded by residential housing to the south and west whilst a mix of residential properties, local shop and community hall are situated immediately to the north east. An existing tree belt runs along the north western boundary of the plot fronting onto Greenfield Way, several trees are located within the site along the south eastern boundary and a mature hedgerow is located along the south western boundary of the plot.
2. Vehicular access to the site is taken from Blackton Close / Waskerley Walk to the south.
3. The existing Nursing home is now disused, the grounds are becoming overgrown, the building is in a poor state poor of repair and the empty building has over a number of months been the subject of vandalism, graffiti and anti social behaviour.
4. Planning permission is sought to demolish the existing nursing home and erect 22 dwellings which are to be accessed via the existing vehicular access to the south. Two house types are proposed and these would comprise 11 x 2 bed houses and 11 x 3 bed houses. All of the proposed houses would be two storey and these would include a single detached dwelling, several semi-detached houses and short rows of terraced housing. All dwellings would benefit from off-street parking provision with 33 spaces provided.

5. The proposed dwellings would all constitute affordable housing and once constructed these are intended to be transferred to Livin Housing Limited, an approved registered provider to own and manage. The accommodation would then be let to eligible applicants according to Livin's allocation criteria. The dwellings would all be constructed to Code for Sustainable Homes, Level 3.
6. A Design and Access Statement, Noise Assessment, Extended Phase 1 and Bat Risk assessment, Land Contamination Assessment, Arboricultural Impact Assessment, Arboricultural Method Statement, Drainage & Utilities Assessment and Draft Section 106 Agreement have been submitted in support of this planning application.
7. The application has been referred to committee in accordance with the Councils scheme of delegation which requires that all major applications for ten or more dwellings be presented before the Planning Committee.

PLANNING HISTORY

8. Planning consent to extend the existing nursing home (App. No. 7/2007/0656) was granted in February 2008; however, this approval was never implemented.

PLANNING POLICY

NATIONAL POLICY

9. On 27 March 2012 the Government published the National Planning Policy Framework ('NPPF'). The NPPF is a material consideration immediately upon its publication.
10. The NPPF replaces all existing planning policy statements and planning policy guidance (save for those relating to waste) and establishes a presumption in favour of sustainable development.
11. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. For decision making purposes, the presumption means that all development proposals that accord with the local plan should be approved without delay and where a local plan is absent, silent or where relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or where specific policies in the NPPF indicate development should be restricted.
12. 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.
13. The NPPF outlines in paragraph 6 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 goes on to set out the three dimensions to sustainable development: economic, social and environmental.
 - **An economic role** seeks to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; and
 - **A social role** seeks support strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by

creating a high quality built environment, with its accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **An environmental role** seeks to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

14. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

15. Para. 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

16. Para. 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This recognises the need to identify the size, type, tenure and range of housing required in a particular location reflecting local demand and include provision for affordable housing where this is needed.

17. Para. 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

18. Para 57 states that it is important to plan positively for the development of high quality and inclusive design for all development and Para. 64 goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

19. Para. 69 and 73 recognise that the planning system can play an important role in creating healthy inclusive communities and that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities. This states that planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sports and recreational provision are required.

The NPPF can be accessed at:

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

REGIONAL PLANNING POLICY

20. *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.
21. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:
22. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
23. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
24. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
25. *Policy 30 (Improving Inclusivity and Affordability)* sets broad requirements that, when considering development proposals, address the problem of local affordability in both urban and rural areas and have regard to the level of need for affordable housing.
26. *Policy 38 (Sustainable Construction)* sets out that in advance of locally set targets, major development should secure at least 10% of their energy supply from decentralized or low-carbon sources.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:

<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY

27. *Policy D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
28. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
29. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
30. *Policy T1 (footways and Cycleway in Towns and Villages)* seeks to ensure that safe, attractive and convenient footpath links are provided between residential areas and community facilities.
31. *Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.

32. *Policy H19 (provision of a range of House types including affordable housing) seeks to ensure that affordable housing is provided within developments of 15 dwellings or more*
33. *Policy L1 (Provision of Open space including Standards) seeks to secure the provision of sufficient levels of open space.*
34. *Policy L2 (Open Space in New Housing Development) sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.*
35. *SPG Note 3 (The layout of new housing) sets amenity/privacy standards for new residential development.*

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES

36. *The Highway Authority has raised no objections to this application, subject to a minor modification to the scheme to include minor amendments to the layout including an improvement to the positioning of the car parking for Plot 1, the private shared driveway serving Plots 15-18 being widened from 1m to 1.5m. An amended plan to this effect has been provided by the applicants.*
37. *Great Aycliffe Town Council has no objection to this proposal.*

INTERNAL CONSULTEE RESPONSES

38. *The Landscape Section has stated that the proposed removal of the outgrown hedge line that forms the south western boundary of the site represents an unacceptable reduction in visual amenity to the detriment of the landscape character of this area. It was, therefore, recommended that the layout of the development be revised with the dwelling at Plot 16 deleted and the housing on Plots 17, 18, 19 and 20 repositioned in a north easterly direction. Thereby, allowing the retention of the hedge line.*
39. *The Ecology Section has raised no objections to this proposal subject to the demolition works being carried out in accordance with an appropriate method statement including partial demolition by hand to minimise the risk of harm to protected species, sensitive timing of hedge works so as to avoid any impact on nesting birds.*
40. *The Pollution Control Section has raised no objections to this application. Conditions are suggested in relation to the use of acoustic fencing and interior glazing in order to safeguard future residents from noise from traffic travelling along Greenfield Way. It was also suggested that planning conditions be attached requiring a vehicle wheel wash facility to be installed during construction, to prevent the burning of materials and to minimise dust and noise arising from the demolition and construction works.*
41. *The Sustainability Strategy Officer is supportive that the applicant has stated that the housing will be built to code level 3 subject to both a design stage assessment and post construction stage assessment being carried out.*

PUBLIC RESPONSES

42. *This application has been advertised by the posting of site notices, a press notice and by neighbour notification letters. In response one representation was received seeking clarification regarding the future tenure of the properties and levels of car parking*

provision within the scheme. It was stated that parking facilities in this area are, at times, poor making parking near to your own home difficult.

APPLICANTS STATEMENT

43. The applicant is in advanced discussions with a Registered Provider Livin Housing Limited, who have identified a high demand for modern affordable housing for rent in Newton Aycliffe. This proposed would help provide 22 dwellings to meet this identified need.
44. This is a brown field site which is located within an established residential area. There are a range of local facilities within walking distance and there are excellent links to the retail / leisure amenities close by at Newton Aycliffe Town Centre.
45. The design layout was developed to respect the character and scale of the existing low rise two storey residential properties in this area whilst also improving the impact on residential amenity of the unattractive derelict former care home.
46. The arrangement of the site allows the maximum use of the site and provide an optimum number of dwellings whilst safeguarding the privacy and amenity of both the adjacent existing householders and future occupants of the development.
47. The layout is generally introspective to adhere to the local vernacular but those houses on Plots 1-7 have been designed with a street frontage onto the perimeter facing onto the public footpath along the north east boundary. Plots 8 to 16 are positioned so that the existing hedge fronting Greenfield Way can be retained to provide visual and acoustic screening for the development.
48. New homes would be designed to achieve a level 3 rating under the Code for Sustainable Homes scheme.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

49. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant saved local Plan policies, relevant guidance and all other material planning considerations, including representations received from consultees, it is considered that the key issues are the principle of the development, the design and impact on the character of the area, the impact on residential amenity, highway safety, open space provision, affordable housing provision and ecological implications.

Principle of Development

50. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications.
51. Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land through the re-use of land that has been previously developed, providing it is not of high environmental value.

52. RSS policies 2 and 24 set out sustainable housing objectives, paying regard to a sequential approach to site selection in the delivery of new housing across the region, in achieving sustainable development objectives.
53. Saved Local Plan Policies D1 and D5 support new residential development where the layout and design of development takes account of the site's natural and built features and its relationship to adjacent land uses, the design of the buildings and their spatial relationships to open spaces, landscaping and boundary treatment helps create a sense of place, provide a safe and attractive environment where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings.
54. The application site is located within a long established residential area at Newton Aycliffe. This brown field site is primarily bounded by residential development. The site is located next to a local shop, is close to existing schools and is well located to access the retail and leisure facilities located at Newton Aycliffe Town Centre.
55. It is therefore considered that the proposed development would be located in a sustainable location with regard to the NPPF and RSS policies 2 and 24, which establish sustainable housing objectives. Furthermore, the sustainable nature of this centralised site within an established settlement served by a range of retail and community facilities would satisfy RSS Policy 7 in relation to connectivity and accessibility in new development.
56. The dwellings would also be constructed to a standard that achieves level 3 of the Code for Sustainable Homes. The Code seeks to encourage sustainable building practice in new homes. This covers a range of issues including of energy efficiency, CO2 reduction measures to minimise pollution, and water. The sustainability credentials of the development would be significantly enhanced by such measures, and to ensure that they are implemented, a planning condition would be appropriate to ensure compliance with RSS Policy 38.
57. In summary, the redevelopment of the site for residential purposes represents a sustainable form of development which accords with the NPPFs presumption in favour of sustainable development and the RSS Policies regarding the location of residential development.

Design and impact on the character of the area

58. The NPPF and saved Local Plan Policies D1 and D5 both seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses and activities. Where necessary, landscaping should be incorporated into a scheme of this nature.
59. The site was previously used as a nursing home, however, since the property became vacant the site has been overgrown, the building has fallen into a state of disrepair and the area has become a focus for anti social behaviour. The sensitive redevelopment of the site for residential purposes would compliment the residential nature of the adjacent area and would significantly improve the quality of appearance of the area in general.
60. The proposed housing layout has been designed so that the existing tree belt alongside Greenfields Way is to be retained, thereby, safeguarding the green characteristics alongside this vista adjacent to an important vehicular route serving this part of Newton Aycliffe. The proposed layout also allows the retention of several of those larger trees within the site that are located along the south eastern boundary. The proposed layout would not allow for the retention of the existing hedgerow along the south western boundary of the site. Although the hedgerow does provide a natural green barrier in this area it is not considered to be highly prominent when viewed in the wider streetscape from Greenfields Way. The visual merits of the hedge are largely restricted to the localised area around Blackton Close to the west of the site and, therefore, its loss is considered acceptable.

61. The layout of the development has also been designed so that Plot Nos. 1-7 are outward facing to improve surveillance in the area and produce a positive frontage onto the public footpath between the site and the existing shop and community building.
62. The existing residential dwellings south of Greenfields Way are predominately characterised by two storey dwellings made up of a mix of both semi-detached dwellings and terraced properties. The proposed dwellings would be of a similar scale to the existing properties in this area.
63. The density of development proposed is significantly higher than that of the previous nursing home which was centrally located in large grounds. It is also higher than that of the existing housing in the adjacent area, however, this is deemed to be acceptable given the nature of this development on a brown field site with high development costs and which seeks to provide much needed affordable housing.
64. The proposed housing would be constructed from buff brick and smooth roof tiles to match the tone of the materials on the adjacent housing but the design would introduce a more contemporary appearance via the introduction of feature rendered strips with horizontal timber-look panelling on the front elevations.
65. The design of the properties has also been further improved via the introduction of dual fronted properties at those dwellings located on prominent corner locations within the development.
66. The proposed dwellings are therefore considered to respect the scale, character and appearance of this area. The retention of the landscaping adjacent to Greenfields Way, which is an important visual characteristic in this area, has been safeguarded and the housing would be of an appropriate design. Notwithstanding the concerns of the Landscape Officer regarding the loss of the hedge along the south west boundary it is considered that the proposals comply with design principle set out in the NPPF, North East of England Plan policy 8 and saved Local Plan Policies D1 and D5.

Impact on residential amenity

67. Local Plan Policies D1 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek to make provision for adequate privacy and amenity and standards for existing and proposed dwellings when assessing new residential development through establishing minimum separation guidelines. It is considered that careful regard has been given to layout and orientation of the proposed properties in order to safeguard the privacy of the existing householders living adjacent to the application site.
68. However, concern was initially raised regarding the inter relationship between the proposed development at Plot 8 and the front of No. 122 Greenlea Garth to the east.
69. Supplementary Planning Guidance Note 3 of the Sedgefield Borough Local Plan provides general guidance regarding spacing distances with a 14m separation distance suggested between a main elevation containing habitable rooms and the gable elevation of an adjacent building. The accompanying illustrations, however, show these distances where dwellings directly face one another. No guidance is provided as to how to assess separation distance where the dwellings are splayed, as in this case.
70. The proposed dwelling at Plot 8 has been located so it would not be directly in line with the front of the property. The gable end of the proposed dwelling would be between approximately 13m and 8.5m from the front of the existing property. Although no windows are proposed in the gable of the new dwelling there was concern that this property could have an over bearing affect when viewed from the adjacent dwelling. A cycle store and bin store was also proposed to be located at the side of the new property approximately 5.3m and 6.5m respectively from the front of No. 122 Greenlea Garth. There were further concerns because of the ground levels in this area with this part of the site being some 1.2m above the ground level of the existing houses in this area. Negotiations with the applicant agreed to introduce a hipped roof to this dwelling (and that on the other end of the row at Plot 16) and to relocate the cycle store and bin store to the rear of this property. It has also been demonstrated that ground levels in this part of the site would be

lowered to reduce the impact. The view from the front of No. 122 Greenlea Garth will undoubtedly be altered as a result of this proposal, however, those amendments which have been negotiated are considered to be a positive improvement and will help lessen the overbearing impact of the development when viewed from this property.

71. As such, it is considered that this proposal satisfactorily safeguards privacy between the existing and proposed housing, and on balance it is considered that the revised design of the roof at Plot 8 and the revised siting of the cycle store and bin store and reduction in ground levels will safeguard residential amenity to a satisfactory degree in accordance with Local Plan Policies D1 and D5.

Highway safety

72. Local Plan Policies D1, D3 and D5 seek to ensure new development achieves a satisfactory means of access and adequate parking provision, showing regard to highway safety principles.
73. The Highway Authority has raised no objection to the proposal, having regard to the levels of traffic that would be associated with the development and finding that the thirty three off street parking spaces to be provided for the twenty two dwellings proposed to be adequate. The proposals are therefore considered to accord with Policies D1, D3 and D5 in this regard.

Affordable Housing

74. The provision of affordable housing where a need has been identified is encouraged through the saved Local plan Policy H19 and the County Durham Strategic Housing Market Assessment (SHMA). For developments of this size 15% affordable housing would normally be required to be provided in this area.
75. The applicant has stated that the proposed dwellings are being constructed for Livin and all of the 22 dwellings would form affordable housing. The accommodation would be owned and managed by Livin as a registered social landlord, available to eligible households whose needs are not met by the market.
76. All of the proposed dwellings would therefore be classed as being affordable housing and therefore the development exceeds the level of affordable housing which would normally be required. The delivery of 22 affordable dwellings in the local area would bring significant public benefit in the form of meeting local housing need and contributing to the creation of sustainable mixed communities. This accords with the aims of the NPPF.
77. In order to ensure that the dwellings remain affordable in perpetuity the applicant has agreed to enter into a section 106 agreement. Securing the affordable housing by S106 would meet the tests contained within Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Open space provision

78. Saved Local Plan policies L1 and L2 seek to secure the provision of sufficient open space in appropriate locations. These policies seek to ensure the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring every 10 dwellings, a minimum of 100m² of informal play space and 500m² of amenity space is normally expected. Where this level cannot be provided, either fully or in part, an in-lieu commuted sum equivalent to £1000 per dwelling, would normally be required.
79. Because of the nature of the development, which seeks to provide a total of 22 affordable dwellings on a brown field site (with the associated remediation costs), the development proposed is densely developed at 44 units per hectare. Although the existing tree belt fronting Greenfields Way is to be retained little opportunity remains to incorporate large areas of open space within the application site.

80. The Council's Open Space Needs Assessment for Newton Aycliffe has identified an existing shortfall of both play space and parks and gardens. The deficiency in play space is acknowledged and discussions are currently underway with the Town Council to identify potential sites within this area for a Multi Use Games Area (MUGA). Bearing in mind the existing deficiencies outlined above and the type of housing proposed it is anticipated that the future occupants of this development would generate additional demand for play facilities etc. in this area. The Council is therefore justified in seeking a financial contribution towards off site open space provision or maintenance.
81. The applicant has however stated that because the scheme is entirely affordable housing, which has to be built to a high standard of sustainability, coupled with the high redevelopment costs of the brown field site, the viability of this scheme would be in question were any commuted sum to be provided.
82. The delivery of 22 affordable homes on the site, far in excess of the 15% requirement normally sought and the viability of the delivery of this affordable housing is considered to be a material consideration which can be balanced against the requirement for an open space contribution. In this respect, it is considered that the additional 85% affordable housing that the scheme would deliver is itself a significant additional public benefit and it is crucial that delivery of this affordable housing is not prejudiced. Whilst the lack of a commuted sum to improve off site recreational facilities elsewhere within this area is disappointing, given the marginal nature of this scheme, the need for the affordable housing is considered to outweigh the need for the open space contribution in this case.

Ecology

83. Para. 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment and minimise the impact on bio diversity. The presence of a protected species is a 'material consideration' when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.' With this in mind an extended phase 1 and bat risk assessment has been carried out by the applicant and submitted for consideration by the Local Planning Authority.
84. Ecology section has reviewed this assessment and has raised no objections to the proposal, subject to a condition being attached requiring the demolition works being carried out in accordance with an appropriate method statement a condition ensuring the sensitive timing of works to the hedgerows taking place outside of the bird nesting season. It is considered that subject to adherence to the proposed ecology condition, the proposals would not have significant affects on biodiversity and the application would be considered to satisfy the provisions of the NPPF in this regard.

Arboriculture

85. An Arboricultural Impact Assessment has been carried out in support of this planning application. This has been used to identify existing trees and hedges within the site and to identify how the proposed development affects these features and to manage the development in order to evaluate how best to safeguard those trees to be retained within the development. A number of trees are to be removed, however, those trees adjacent to Greenfields Way which make an important contribution to the character of the area are to be retained and safeguarded. Protective barriers and specialist methods of construction have also been identified in order to safeguard the larger trees within the site along the south eastern site boundary. The proposed scope of the tree works are considered to be acceptable and those trees to be removed can in part be compensated for by replacement planting within the site. As such, it is considered that this proposal accords with saved Local Plan policy E15.

Noise & Dust

86. A survey of existing daytime and night time noise levels has been undertaken at the site and this found that the dominant source of noise during the surveys was road traffic noise from

Greenfield Way to the north of the site. This survey found that based on the site layout Plot Nos. 8 to 16 would require the installation of a 1.8m high acoustic fence alongside the northern plot boundary to ensure that the required external noise limit of 55dB is met. Internal noise level limits for the living rooms and bedroom areas of these plots can be achieved via the installation of double glazing in a solid brick or block work façade. This can be secured by condition.

87. The proposed demolition of the existing nursing home and the construction of the new housing will inevitably lead to some additional levels of noise and disturbance in the immediate area during construction works. However, these effects can be controlled and minimised via the imposition of a combination of planning and environmental health legislation and conditions. Any short term disturbance would also be compensated for, in part, by the redevelopment of the site and the removal of the current vacant building which itself has been the focus of anti social behaviour in recent months.

CONCLUSION

88. The principle of constructing residential development at this brown field site located within the existing residential framework of Newton Aycliffe, is considered wholly acceptable in principle given its sustainable location and compliance with the aims of the NPPF and relevant saved Local Plan policies. The proposed scale and layout of the development is considered sympathetic to surrounding development and the local setting, without detracting from the local street scene or character of the area. Furthermore, with no detrimental impact upon highway safety, ecology, or neighbouring privacy this proposal is considered acceptable. Whilst the provision of a commuted sum to improve recreational facilities off site would have been welcomed the viability assessment has shown that these would be cost prohibitive on this site for a scheme of this nature. On balance, the provision of 100% affordable housing within the site is considered to outweigh the normal requirement to provide for improved recreation or leisure facilities within this area.

89. The proposed development is therefore considered to accord with relevant national, regional and saved local plan policies, and subject to the imposition of appropriate planning conditions, approval of the application is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the provision of affordable housing in perpetuity

and the following conditions :

:

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

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

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

150-01 Location Plan 1:1250 A3 1
150-02 Existing Site Plan 1:500 A3 1
100-01 Proposed Site Plan 1:500 A3 Rev. 9
100-02 Proposed Street Scenes 1:100 A3 Rev. 5
300-01 House type B - Layout 1:50 A3 Rev. 4
300-02 House type A - Layout 1:50 A3 Rev. 4
300-03 House type A2 - Elevations 1:100 A3 Rev. 3

300-04 House type B1 - Elevations 1:100 A3 Rev. 4
300-05 House type A1 - Elevations 1:100 A3 Rev. 5
300-06 Proposed Adjacency 1:100 A3 Rev. 3
300-07 House type B2 - Elevations 1:100 A3 1
400-01 Proposed Boundary Treatment and Surfaces Rev. 5

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

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

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

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

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

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

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

Trees, hedges and shrubs subject of this scheme shall not be removed without agreement within five years.

The development shall be carried out in accordance with the approved scheme.

Reason- In the interests of the visual amenity of the area and to comply with policy D1(Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

4. All planting, seeding or turfing in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 (Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan for Greenfield Nursing Home, Greenfield Way, Newton Aycliffe by All About Trees TPPA-A dated 11.05.11 as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with-BS.5837:2005.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. Tree protection measures for these trees to be retained shall be carried out in accordance with those measures laid out in the Arboricultural Impact Assessment for Greenfield Nursing

Home, Greenfield Way, Newton Aycliffe by All About Trees dated 15 May 2012 and shall be carried out throughout the development.

No felling, no removal of limbs of trees or other tree work other than those works detailed in the All About trees Arboricultural Impact Assessment for Greenfield Nursing Home, Greenfield Way, Newton Aycliffe dated 15 .05.12 and illustrated on the Tree Protection Plan Drwg. No. TPP-A dated 11.05/11 shall be implemented without the prior written approval of the Local Planning Authority.

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

The tree works hereby approved shall be carried out in accordance with BS 3998 : Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council).

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodland, trees and hedgerows) of the Sedgfield Borough Local Plan.

6. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3, in accordance with details that shall be submitted to and approved by the local planning authority showing 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.

Reason: In order to minimise energy consumption and to comply with RSS Policy 38.

7. No development shall take place unless in accordance with the mitigation detailed within the Greenfields, Newton Aycliffe Extended phase 1 and Bat Risk Assessment dated May 2012 including, but not restricted to adherence to provision of a method statement regarding demolition of the existing building and hedge cutting and clearance to avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.

Reason: To conserve protected species and their habitat in accordance with Para. 117 of the NPPF.

8. Before the dwellings hereby approved are first occupied the hard standing / drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

Reason: In order to ensure that suitable parking provision is available and retained to comply with policy D1, (Layout and Design of New Development), D3 (Provision for pedestrians, cyclists,, public transport and cars) and D5 (Layout of New Housing Developments) of the Sedgfield Borough Local Plan.

9. Before the occupation of any dwelling hereby approved the proposed estate road, footways and footpaths, turning spaces between the dwellings and the existing highway, shall be properly consolidated and surfaced to the satisfaction of the local planning authority. The footways and footpaths between any dwellings and the existing highway shall be completed within three months from the date of occupation of the first dwelling hereby approved.

Reason: In order to ensure that suitable parking provision is available and retained to comply with policy D1, (Layout and Design of New Development), D3 (Provision for

pedestrians, cyclists,, public transport and cars) and D5 (Layout of New Housing Developments) of the Sedgefield Borough Local Plan.

10. Before the dwellings on Plots 8-16 are first occupied a 1.8 m high acoustic fence alongside the northern boundary of the site is to be constructed in order to ensure that the required external noise limit of 55dB is met. These dwellings shall be constructed with double glazed windows and with a solid brick or block work façade to ensure that the living room and bedroom are safeguarded from external noise sources in compliance with BS8233. These measures are to be retained, thereafter in perpetuity to the satisfaction of the Local Planning Authority.

Reason: To safeguard future residents from unacceptable levels of noise in accordance with Para. 123 of the NPPF.

11. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the vehicular access from the site. All construction traffic leaving the site must use this facility and it must be available and maintained in working order at all times during the period of construction.

Reason: To prevent mud on the public highway and safeguard pedestrians, cyclists and other road users in accordance with Para. 120 of the NPPF.

12. No development shall take place until a dust management plan has been submitted to and approved by the Local Planning Authority. The plan shall contain details of water suppression, containment of finely divided materials, how internal roads and highways will be cleaned, and details of daily visual inspections. The approved dust management plan must be adhered to during the period of construction and demolition.

Reason: To safeguard residential amenity for adjacent residents during demolition and construction works in accordance with Para. 120 of the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed in those dwellings located on Plots 8 and 16.

Reason: To safeguard privacy and residential amenity for the residents of the adjacent property at No. 122 Greenlea Garth in accordance with Policy D1 (Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

14. Unless otherwise agreed by the Local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions i-iv have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition 4 has been complied with in relation to that contamination.

i. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

ii. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

iii Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.

iv. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition 3.

Reason : To prevent unacceptable risks from pollution land instability in accordance with Para. 120 of the NPPF.

15. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason- In the interests of the visual amenity of the area and to comply with policy D1, (Layout and Design of New Development), and D5 (Layout of New Housing Developments) of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable housing development of this brown field site and located within the physical framework of Newton Aycliffe in terms of its impact upon the character of the area, access, parking, and the privacy and amenity of surrounding residents.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies 2, 4, 7, 8, 24,30 and 38 of the RSS for the North East and Policies E15, L2, D1, D3, D5 and H19 of the Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.
3. In arriving at this recommendation, the consultation responses received have been considered, however, on balance, the view of the landscaping officer regarding the retention of the hedge line along the south western boundary of the site are not considered to be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans

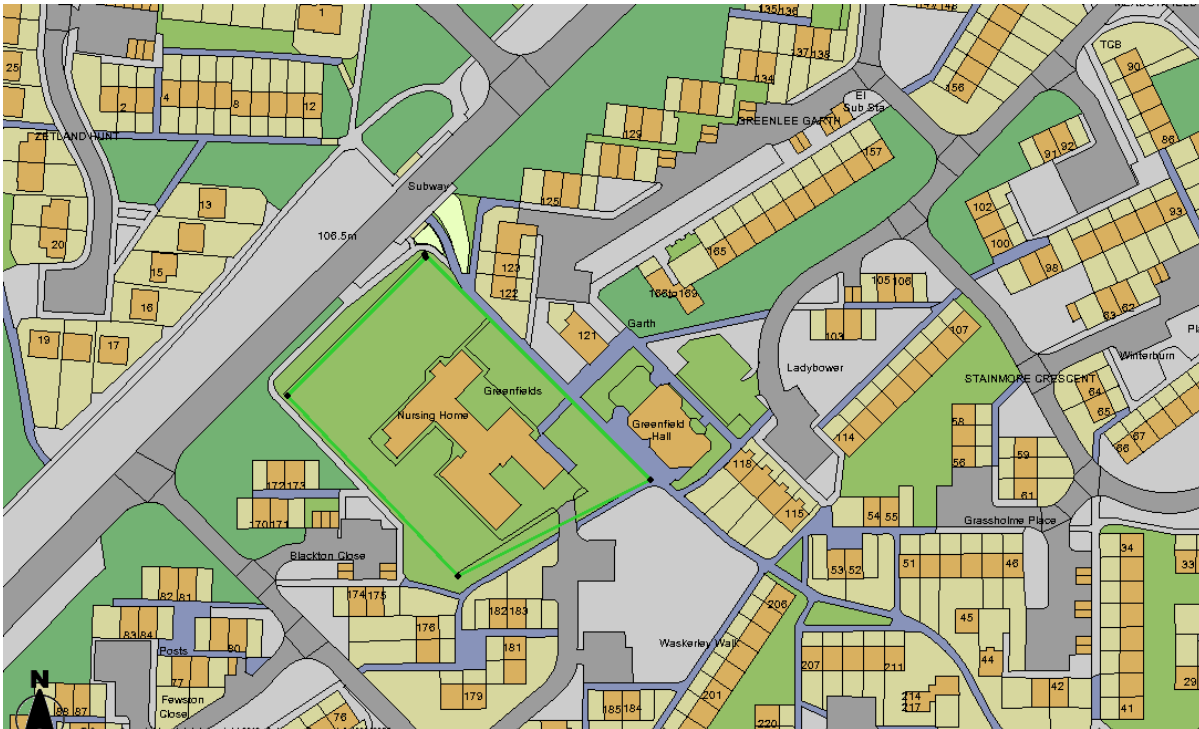
National Planning Policy Framework (NPPF)

Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation responses from the Highway Authority and Town Council

Internal responses from the Landscape, Ecology, Pollution Control and Sustainability Sections



Planning Services

Demolition of former Greenfields Nursing Home and redevelopment to create 22 No. dwellings at Greenfields Nursing Home, Alston Crescent, Newton Aycliffe.

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Comments

Date 20 September 2012

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