



Area Planning Committee (South and West)

Date Thursday 13 December 2012
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 22 November 2012 (Pages 1 - 10)
3. Applications to be determined
 - a) 6/2012/0310/DM - The Countryman Public House, Dunwell Lane, Bolam (Pages 11 - 28)
Change of use of field to provide 20no. pitches for touring caravans and camping and formation of access track
 - b) 7/2012/0199/DM - Greenfields Nursing Home, Alston Crescent, Newton Aycliffe (Pages 29 - 48)
Demolition of former Greenfields Nursing Home and redevelopment to create 22no. 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
5 December 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

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DURHAM COUNTY COUNCIL

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

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, D Burn, M Campbell, K Davidson, P Gittins, J Gray (substitute for E Paylor), G Holland, G Richardson, R Todd, J Wilkinson and M Williams

Apologies:

Apologies for absence were received from Councillors E Paylor and J Shuttleworth

Also Present:

A Inch – Principal Planning Officer
A Caines – Principal Planning Officer
C Cuskin – Legal Officer
D Stewart – Highways Officer

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes

The Minutes of the meeting held on 18 October 2012 were agreed as a correct record and were signed by the Chair.

Matter Arising from the Minutes

**3d 3/2012/0334 – Land off Primrose Hill, Newfield, Bishop Auckland
Drainage Issues**

Members were advised that the Chair and Vice-Chair of the Committee had met with a Project Engineer from Neighbourhood Services to investigate the current position with regard to drainage issues raised by residents of Newfield at the last meeting of the Committee.

The Chair informed Members of the current position in relation to the following areas that DCC had received complaints about:-

Stonebank Terrace - a works instruction had been issued to repair the broken pipe in the grass verge and encase it concrete for protection. The

works should be completed by the end of November or early December 2012;

Grey Street – there was a 25mm check between the adopted highway and the unadopted street. Water test and inspections had found that water did not flow from the adopted highway onto the unadopted highway unless there was a severe storm, such as that experienced on 28 June 2012.

Resolved:

That the information given be noted.

3 Applications to be determined

3a 7/2012/0346/DM - Land at Kelloe Bank, Trimdon Grange

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of stables/storage building with hardstanding and retention of access (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

The Committee was advised of 2 additional conditions which would require the boundary hedgerows to the immediate north and south of the access to be cut back but not removed at least once a year, and for full details of site access improvements including radius kerblines and surfacing details to be submitted and agreed in writing by the Local Planning Authority within 2 months of the date of the permission.

Mr G Thompson, supporter and owner of the land addressed the Committee. He began by disputing the accuracy of the objections received relating to the removal of the hedgerow and site access works. Hedgerow removal had been permitted and was carried out in accordance with The Hedgerows Act 1997. At least 200m of additional hedgerow would be planted by way of compensation for the sections that had been removed, together with 20-30 oak trees around the site. The location of the new site access had also been allowed.

In closing he stated that the proposals would not constitute over development. The site was not changing into an area of small industrial units. Mr and Mrs Hedley rented 2 paddocks providing approximately 7 acres for the movement of animals in order to allow the grass and land to recover.

Mr Hedley, supporter and tenant of the land stated that he spent much of his spare time with his children and the horses. It was important to him to have somewhere he could enjoy the countryside with his children while they were growing up.

In discussing the application Members were advised that the proposals to plant oak trees would be included in the soft landscaping scheme and the development would

not commence until a detailed landscaping scheme had been submitted to and approved in writing by the Local Planning Authority. There would be no further removal of existing hedgerow on either side of the site access.

Resolved:

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

- Notwithstanding the details shown in the approved plans, the proposed access site visibility splays onto the serving public highway must be maintained at all times. This should involve cutting back, but not removing the boundary hedgerows to the immediate north and south of the access at least once every year. The agreed sightline shall remain unobstructed at all times.

Reason: To ensure an acceptable standard of access in accordance with saved policy D3 (Design for access) of the Sedgefield Borough Local Plan

- Within 2 months of the date of this permission, full details of site access improvements to include radius kerblines and surfacing details shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented within 2 months of their agreement.

Reason: To ensure an acceptable standard of access in accordance with Saved Policy D3 (Design for access) of the Sedgefield Borough Local Plan.

3b 7/2012/0348 - Sedgefield Racecourse, Racecourse Road, Sedgefield

The Committee considered a report of the Principal Planning Officer regarding a retrospective application for the erection of a temporary marquee to the rear of the main stand during November and December 2012 (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

The Officer advised that 8 events were proposed and not 7 as stated in the report, 3 of which had already taken place.

Councillor D Brown, local Member addressed the Committee on behalf of residents, stating that their main concerns related to noise nuisance. Problems had first arisen in 2003 during a party at the racecourse when the level of noise disturbance had affected the whole village. Unfortunately this was a retrospective application as the marquee had been erected and some of the proposed events had already taken place. The occupiers of the nearest property to the south of the racecourse had lived there for a number of years and had always experienced problems with noise.

Councillor J Robinson, local Member was not in attendance but had sent an e-mail which was read out to the Committee. In addition to noise nuisance, it was noted

that the racecourse had also advertised marquee weddings in 2013. The Parish Council had expressed the view that the racecourse's timing of the erection of the marquee meant that hardly any events would be lost if planning permission was refused.

Mrs Marion Cant, local resident spoke against the application and a copy of her statement was circulated to the Committee (for copy see file of Minutes). She lived in a property to the south of the racecourse which was surrounded by open farmland. Over the last few years the number of entertainment events at the racecourse had changed the character of the land surrounding her property and others.

There was a long history of well-documented noise nuisance associated with the premises and Mrs Cant referred to occasions when a Noise Abatement Notice had been issued and when the noise monitoring procedure implemented by the racecourse had been ineffective. She also referred to other planning matters where the applicant had been non-compliant, and these were set out in her statement.

The marquee had been erected almost one month before the application was reported to Committee, the control of noise levels had been inconsistent and as the applicant had not adhered to conditions in the past there was no guarantee that they would do so in the future. If the Committee approved the application she asked that conditions include the dates of the events, and a requirement for Independent Noise Surveys to be carried out at each one.

Mrs Julia Bowles of Sedgefield Village Residents Forum reiterated the concerns expressed by the local Members and Mrs Cant stating that residents in and around the village were experiencing the real effects of events at the racecourse on an ongoing basis. Such was the strength of feeling that in October 2011 residents had attended a Statutory Licensing Sub-Committee meeting to make representations in respect of the Premises Licence.

She also reiterated Mrs Cant's views about non-compliance of planning matters, which included a failure to implement a safe crossing for pedestrians.

Mrs Bowles concluded that the Council had a responsibility to safeguard residents against problems of noise etc and local people were disappointed that their concerns had not been considered substantial enough to recommend refusal of the application.

If the application was granted she asked that the conditions suggested by Mrs Cant be included in the permission and that the permission be suspended if there were any noise nuisance issues.

Jill Williamson of Sedgefield Racecourse referred to the event in 2003 mentioned by Councillor Brown and advised that this had been held before she worked at the racecourse and would not be repeated. The racecourse had always tried to work with residents and she had met with relevant Officers in August/September 2012 to discuss the proposed position of the marquee. Previously the marquee had been

erected in the car park but for November and December 2012 had been located between the buildings to reduce visual impact and the potential for noise nuisance.

The business offered local employment and their clients were well-respected people with a lot of disposable income. This was of benefit to local businesses.

The Premises Licence included a condition requiring noise monitoring to be carried out in accordance with a Noise Monitoring Procedure. Noise levels measured at the charity event on Saturday 17 November 2012, which featured a 40 piece military band, were less than a car. The remaining events would generate even lower levels of noise and she assured Members that the racecourse would continue to adhere to conditions.

In conclusion J Williamson commented that the racecourse had been nominated for an award for its charity fund-raising which, if successful would be of benefit to both the racecourse and the local community.

Councillor Boyes expressed concern about the applicant's disregard of planning and licensing matters, and the erection of the marquee before the planning application had been determined.

The Principal Planning Officer responded to the comments made, advising that the reference to the provision of a safe crossing for pedestrians related to a planning application in respect of the car boot sale and was not relevant to the determination of this application. A Noise Abatement Notice had been issued earlier this year but since then a Noise Monitoring Procedure had been put in place by the racecourse.

Councillor Holland stated that the marquee was located between buildings and was not unsightly. He did not consider that noise nuisance to dwellings located 400-600m metres away would be overwhelming. The racecourse was an important contributor to the local economy and to charity, and he therefore supported the application, subject to condition 1 being amended to include the specific dates of the remaining events.

Following discussion it was **Resolved:**

That the application be approved subject to the conditions outlined in the report and to condition 1 being amended to read as follows:-

'1. The marquee hereby approved shall only be used for entertainment events on the following days:-

27 November 2012
7 December 2012
14 December 2012
15 December 2012
26 December 2012

Thereafter the marquee shall be removed from the site no later than 7 January 2013 and the land reinstated to its pre-existing condition.

Reason: The marquee is not considered suitable for permanent retention in accordance with the requirements of Policy D1 of the Sedgfield Borough Local Plan as amended by Saved and Expired Policies September 2007.'

3c 6/2012/0240/DM - Land at 2 Bankwell, Low Etherley, Bishop Auckland

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of a dormer bungalow and alterations to the existing frontage area to improve turning space for vehicles (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor Hugill, local Member addressed the Committee in support of the application. He advised that the proposed bungalow was needed to accommodate the applicant's medical condition. The dwelling would be erected on a site where there used to be buildings and therefore would not be out of line with the defined settlement boundaries.

The proposed turning area would allow residents to exit the site forwards which would be safer than reversing onto the road, particularly as the shortest distance in a vehicle was from the driver's seat to the front of the bonnet. Contrary to the comments of the Highways Authority, he considered that vehicles travelling at 30mph would be able to stop safely within the sight visibility splay. In addition he was not aware of any accidents at that location.

There was a recently built dwelling located immediately adjacent to the site. The Highways Authority had not offered any objections to the planning application for that property.

To conclude he stated that the application accorded with National and Regional Planning Policy in terms of the provision of facilities for people with disabilities.

Dr M Bell, the applicant's agent, in addressing the Committee, referred to Policy 50 of the NPPF which placed emphasis on the delivery of a mix of housing based on the needs of different groups, including people with disabilities. In his opinion the land was a brownfield site and showed an old photograph of Mr Schroeter's property surrounded by houses. New building works were still taking place in the 1980's.

He also considered that the site constituted previously developed land in accordance with Policy H4 of the Teesdale District Local Plan 2002 (Saved).

In terms of the objections submitted by Highways he referred to the test in the NPPF which stated that development should not be refused on transport grounds unless cumulative residual impacts were severe. There had not been any accidents at this location, visibility from the site along the road was around 250m and the

proposed turning circle would mean that the access would be safer as vehicles would exit the site forwards.

D Stewart, Highways Officer responded to the issues raised. The Highways Authority had no objection to the recently built dwelling next to the site because the alignment of the road was more favourable at that point. The photographs displayed showed the minimum setback distance of 2.4m and the stopping distances referred to in the report reflected the minimum required in accordance with current guidelines.

Because of the serious visibility issues outlined in the report, whether a vehicle left the site forwards or in reverse would make no fundamental difference to the safety of the access.

Members discussed the application at length. Councillor Holland acknowledged that no accidents had occurred at the site, however he appreciated that the access onto the road was potentially dangerous and asked if there were any road safety measures that could be implemented to mitigate the risk. Possible measures were discussed by Members and included a mirror, SLOW signs or 'No Right Turn'.

Councillor Richardson added that he travelled the road frequently and it was not possible to speed along the route at any point or exceed the 30mph limit.

The Chair suggested that in determining the application the Committee needed to balance the medical requirements of the applicant with the visibility problems at the access.

The Highways Officer responded that such was the disparity between visibility distances and speed of traffic there were no meaningful measures that would slow the traffic to an acceptable speed. He acknowledged that there were many similar situations at other sites across the County but the additional dwelling at Bankwell Terrace would worsen existing conditions there. In addition road safety measures such as those referred to were governed by legislation which was outside the control of the Local Planning Authority. He added that un-reported accidents at minor junctions was not unusual but this did not in any way diminish the potential risks at Bankwell Terrace.

In response to a question from Councillor Campbell he advised that a residential dwelling created between 6 and 10 vehicular movements a day on average and at Bankwell Terrace there was only one access onto the highway.

Members proceeded to determine the application. Councillor Davidson agreed with Planning Officers concerning the weight that could be given to medical conditions as a material planning consideration. The opinion of the Highways Officer was clear and should not be disregarded. A further dwelling on the site would increase vehicular movements.

Members accepted that it would not be feasible to approve the application subject to mitigation measures being explored to alleviate the highway safety. However the access was already being used by the existing property and it was considered that

on balance the personal circumstances of the applicant and need for the dwelling outweighed the highway issues.

Resolved:

That the application be approved and authority be delegated to Officers to formulate appropriate conditions. Such conditions to include the following:-

- The dwelling hereby approved shall not be occupied until the turning area described in drawing no. SS/2012/planning/05A has been fully constructed. Thereafter the turning area shall be retained and kept free of obstruction to allow the turning of vehicles.

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

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

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

3d 3/2012/0393 - General Bucher Court, Hawthorn Road, Bishop Auckland

The Committee considered a report of the Principal Planning Officer regarding a retrospective application for a 2m high timber security fence and gates (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor Lee, local Member addressed the Committee. Residents were concerned about the impact of the fence on neighbouring properties. This was a retrospective application and as such local people had been unable to make their views known before the fence was erected.

The fence was intrusive, overbearing and attracted anti-social behaviour. It had also restricted the use of an existing footpath across the site. CCTV cameras had been installed which pointed into neighbouring properties and as surrounding roads were narrow she was surprised that the Highways Authority had offered no objections to the proposals.

In closing she stated that the application was contrary to Regional Planning Policy 8 of the Regional Spatial Strategy and Policy GD1 of the Wear Valley District Local

Plan as amended by Saved and Expired Policies September 2007, and should be refused.

Councillor Lethbridge, local Member stated that the camera above the fence and the high level lighting caused anxiety and fear among residents which could not be appreciated on the site visit that morning. Healthy leylandii trees had been cut down without permission and the applicant had stated that tenants of Bucher Court gained considerable peace of mind as children could no longer hide out in or around their homes, but this had caused fear among the residents in neighbouring properties. Because it was a retrospective application and the works had already been carried out there was a feeling of injustice among local people.

D Rowntree, local resident spoke on behalf of all those people who had complained. He reiterated the comments of both local Members and added that the fence was of poor quality and construction, giving Bucher Court the appearance of a secure unit, particularly with the CCTV cameras and lighting. The fence also reduced the amount of light and views of greenery on the site, and encroached onto the public highway.

The footpath previously allowed children to access Cockton Hill school without having to use the main road. They now had to use the Oak Terrace/Elm Terrace alleyway which was poorly lit and even darker because of the fence.

He understood that the fence had been erected on the advice of Durham Constabulary's Crime Prevention Officer and if it was to remain asked that it be constructed of a different material such as anti-climb mesh which would allow more light, would be less oppressive and would prevent youths climbing over and sitting on the fence.

In response to the comments made the Principal Planning Officer stated that it was unfortunate that the works had been carried out without planning permission but the applicant had erected the fence on the advice of the Crime Prevention Officer. The leylandii trees that had been removed were not protected, however those remaining had been served with a Tree Preservation Order. Part of the fence had been removed following a 21 day Notice served under Section 43 of the Highways Act 1980 because it had encroached onto the public highway.

C Cuskin, Legal Officer advised Members that this application related only to the retention of the boundary fence and gates, therefore the comments made in relation to CCTV and other items, which the Committee had been advised were not material considerations, should not be taken into account.

In response to a question from Councillor Williams in relation to the loss of the footpath, the Principal Planning Officer advised that the Public Rights of Way Section had confirmed that there were no recorded rights of way through the site.

In discussing the application Councillor Boyes felt that the views of the Crime Prevention Officer should be accepted but was concerned that this was a retrospective application. If the applicant had followed the correct planning

procedure residents would have been consulted and given the opportunity to submit their views.

Councillors Holland, Campbell, Richardson and Tomlinson expressed the view that the fencing was not of poor quality; the fence would have been expensive, being of timber wood material and the colour finish enhanced its appearance, although Councillor Williams felt that a lighter colour would have been preferable.

It was noted that sections of the fence above existing boundary walls were to be removed and Councillor Tomlinson felt that this was a welcome concession by the applicant.

Councillor Davidson considered that the application should be approved as it improved security at Bucher Court and reduced anti-social behaviour.

Following discussion it was **Resolved:**

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

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2012/0310/DM
FULL APPLICATION DESCRIPTION:	Change of use of field to provide 20no. pitches for touring caravans and camping and formation of access track
NAME OF APPLICANT:	Mr Paul Stabler The Countryman Public House Dunwell Lane
ADDRESS:	Bolam Darlington County Durham DL2 2UP
ELECTORAL DIVISION:	Barnard Castle East ED Paul Martinson
CASE OFFICER:	paul.martinson@durham.gov.uk 03000 260823

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is an enclosed field located to the rear of the Countryman Public House, Bolam. The land is currently laid to grass with the boundaries to the north, south and east defined by a hedgerow interspersed with several mature trees. The pub and associated beer garden are located to the west of the application site with the edge of the beer garden being delineated by a 2m high close boarded fence. Open agricultural land borders the site to the north, south and east. The closest residential properties are located to the south west of the site.
2. The application site abuts the boundary of the Bolam Conservation Area, and the whole site is located within the Area of High Landscape Value. The Countryman Public House is set back from the main road through the village, with a large car park located to the front. There are two public footpaths to the south of the site, one of which provides access to Leggs Cross, a Scheduled Ancient Monument and Grade II* Listed structure, which is located north east of the application site adjacent to the crossroads junction with the B6275.

The proposal

3. This application is a revised scheme following refusal of 6/2011/0301, which was for 30 touring pitches and a portacabin amenity block. This revised scheme has reduced the number of proposed touring pitches to 20 and does not include an

amenity block. An access road would be created through the centre of the field and the perimeter hedges would be reinforced with further planting.

4. The application is reported to Committee at the request of Councillor Rowlandson in order for the committee to consider the affect on the visual amenity and topography of the area.

PLANNING HISTORY

5. As already mentioned, this is a revised scheme to 6/2011/0301, which was refused at Committee 12 months ago. That application was refused for its impact on the Area of Landscape Value and nearby heritage features, as well as a potential impact on Great Crested Newts.
6. There is a Camping and Caravanning Club 5 caravan exemption licence already in operation on the site.
7. The pub has previously received planning permission for two single storey extensions and in 2010 planning permission was granted for the erection of a bedroom block in the existing beer garden to the rear. The bedroom block would be physically detached from the public house. This permission has yet to be implemented and expires in February 2013.

PLANNING POLICY

NATIONAL POLICY:

10. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. 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.
11. The NPPF states that local authorities should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
12. It also states that local planning authorities should seek to protect and enhance valued landscapes, geological conservation interests and take account of the desirability of new development making a positive contribution to local character and distinctiveness and that when considering applications that may affect heritage assets, that any possible harm is weighed against potential public benefits.

13. In addition, the Dept for Communities and Local Government published a Good Practice Guide on Planning for Tourism, which replaced PPG21 and is not one of the documents cancelled by the NPPF. It therefore remains a material consideration. This publication recognises the value of tourism as a vital component in the national economy. It specifically notes that tourism can be a key element in farm diversification, helping to revitalize towns and villages and supporting rural services and facilities.

REGIONAL PLANNING POLICY

17. *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.
18. 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 remain relevant until they are revoked;
19. *Policy 16 – Culture and Tourism:* Promotes culture and tourism and supports the development of a vibrant rural economy that makes a positive contribution to regional prosperity.
20. *Policy 32 – Historic Environment:*
Planning proposals should seek to conserve and enhance the historic environment.
21. *Policy 33 – Biodiversity and Geodiversity:*
Proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.

LOCAL PLAN POLICY: (Teesdale District Local Plan 2002)

22. The following saved policies of the Teesdale District Local Plan are considered relevant:
23. *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.
24. *Policy BENV3 (Development Affecting Listed Buildings)*
Development which would adversely affect the character or the setting of a Listed building will not be permitted.
25. *Policy BENV4 (Development Within or Adjacent to Conservation Areas):*
Requires new development to respect the quality and character of conservation areas. Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.

26. *Policy BENV11 (Archaeological Interest Sites):*
Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of archaeological sites of national importance, whether scheduled or not, will not be approved.
27. *Policy ENV1 (Protection of the Countryside):*
Within the countryside development will be permitted for the purposes of agriculture, forestry and other appropriate uses. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
28. *Policy ENV3 (Areas of High Landscape Value):*
The Proposals Map defines an area where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character.
29. *Policy ENV8 (Protected Species)*
Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted.
30. *Policy TR3 (Camping, Caravans and Chalet Development):*
Within the countryside permission will be granted for camping, and/or caravan sites and chalet development where, the proposal does not harm the character of the area; is adequately screened; scale design and materials are appropriate to locality; services designed to suit the location; is served by adequate infrastructure; does not adversely affect residential amenity; and the proposal is not at risk of flooding.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:
<http://www.durham.gov.uk/pages/Service.aspx?ServiceId=6619>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *The Highway Authority* offers no objections to the proposal subject to the submission of further details relating to the circulatory movements of vehicles to and from the site. It is requested that separate accesses for vehicles leaving and entering the site are adopted.
32. *Bolam Parish Council* have not commented on the proposal.
33. *The Campaign for the Protection of Rural England (CPRE)* does not object to the proposal provided the site is properly screened and notes that it may encourage tourists to the area. They do identify concerns over the narrowness of the roads in the area and suggest that a condition be imposed restricting caravan access to the public highway to the east of Bolam.

INTERNAL CONSULTEE RESPONSES:

34. The *Landscape* section objects to the proposal as the whole of the application site lies within an Area of High Landscape Value and within the setting of the Conservation Area and is not sufficiently well screened to avoid detracting from the landscape quality of the area. This is an historic landscape that forms part of the setting of the Leggs Cross Scheduled Ancient Monument and that is sensitive to inappropriate development. Touring caravans are usually white in colour and therefore highly visible. The caravans would be visible through and above the existing boundary hedge when viewed from Leggs Cross and from the highway and public footpaths to the north and south. However it is noted that if the application is to be approved, then firstly, the existing leylandii planting to the northern boundary needs be removed before it damages the existing field hedge and the planting mixes would need to be amended. It is recommended that a condition is imposed requiring no additional use of the site for five years from the completion of planting in order to allow the screening to establish. A further condition stating that the site should not be used between 31st October and 15th April in any year is suggested, as this is the period when the hedge will not be in leaf to screen the caravans. Finally it is recommended that a height limit is imposed on touring caravans and mobile homes using the site as there is visibility from the north over an existing hedge that is outside the applicant's control.
35. The *Design and Conservation* section consider that the submitted heritage statement is insufficient, principally as it refers to PPS5 which was rescinded prior to the submission of the application in favour of the National Planning Policy Framework, specifically Section 12. It is nevertheless acknowledged in the heritage statement that negative impact will occur in relation to the setting of the conservation area and associated views. Overall this is considered to be a finely balanced proposal. If adequate mitigation can be implemented then there is an argument that because the use would not be a permanent alteration to the landscape the impact may be outweighed by wider public benefits such as securing local services and increasing tourist numbers and spend in the immediate area. It is therefore recommended that the impact on the setting of the Conservation Area and other designated heritage assets be balanced with all other planning considerations. If sufficiently stringent conditions with regard to landscaping and the length of the active season for caravan occupation cannot be imposed to mitigate the visual impact, then the application should be refused.
36. The *County Ecologist* is satisfied with the Great Crested Newt Reasoned Risk Assessment Report and requests that the mitigation is secured by means of a planning condition.
37. The *County Archaeologist* objects to the proposal on the grounds of the impact on the significance of designated heritage assets. The site lies within a historic landscape with evidence of rig and furrow in the surrounding fields and within the setting of the Scheduled Ancient Monument and Grade II* Listed structure of Leggs Cross. The proposal would cut Leggs Cross off from the traditional and historic context of the fields and cultivation terraces of Bolam village.

PUBLIC RESPONSES:

38. Occupiers of the neighbouring properties were notified in writing, a site notice was posted at the site and the application was advertised in the local press. We received 19 letters of objection and 1 letter of support.
39. The main points of objection are summarised as follows:
- i.) The proposal would harm the character of this unspoilt village with its historic rural and peaceful setting and will ruin the views from the rear of properties looking onto the site.
 - ii.) The caravan site would be visible from footpaths and could not be adequately screened.
 - iii.) The proposal would result in a significant increase in the amount of traffic within the village, which is likely to be particularly problematic with a large number of vehicles using the cross roads which are notoriously dangerous with a blind summit which limits visibility.
 - iv.) There are likely to be further problems with the proposed access and egress of the car park which does not provide sufficient visibility at present and could lead to further harm to highway safety due to parked vehicles narrowing the carriageway width.
 - v.) The proposal would lead to additional problems with parking in the village with no additional parking area proposed.
 - vi.) The proposal would lead to additional noise and disturbance to the neighbouring properties and livestock, which is already a problem following a number of rallies that do not have permission.
 - vii.) Bolam is an inappropriate location for a new caravan park as it has no other services apart from the pub and this would mean any tourists would have to access facilities outside of the village, increasing the number of car journeys.
 - viii.) Holidaymakers are still allowing dogs to roam free around the caravan site and could potentially trespass on neighbouring land worrying livestock.
 - ix.) The site is unmanned outside of the opening times of the pub and there are occasions when vehicles have been stuck and unable to raise a response from Mr Stabler who does not live in the village.
 - x.) The caravan park is too large for the village, doubling its population which at present is around 60. This is not taking into account the proposed bedroom block at the rear of the Countryman which was recently approved.
40. The letter of support can be summarised as follows:
- i.) There have been a number of rallies with up to 20 caravans using the site and we have not heard any complaints from the village regarding disturbance or traffic.
 - ii.) The Countryman is a good base for visiting County Durham and the surrounding areas.
 - iii.) The proposal would help keep local people in employment.

APPLICANTS STATEMENT:

The Countryman is proposing to increase its certified 5 caravan site to a 20 caravan site. My 5 van site is situated on 3 acres of land to the rear of the pub. The site is very popular and attracts many tourists from all areas of the country,

many of whom return to the site on more than one occasion throughout the year. In March of this year I held a well organised rally, one of my largest to date. There were 20 vans on my site over a period of 2 days. The caravans arrived and departed separately. I did not have a situation where as 20 vans arrived together on the same day and same time. There was no disruption to the village nor was there any extra volume of traffic for their arrival and departure. Last year I accommodated the Morris Minor car club on my site, again there were no problems with volume of traffic through the village or noise disturbance. Whilst visiting the area, a few people did go to local museums and landmarks. Again they were tourists much needed to our area. I spoke to a couple of local residents who advised that they had not experienced any disturbance of any kind whilst the caravans were on the site or when the caravans arrived and departed. As outlined in the letters of support, tourism is very important to the area. Many local businesses have seen a decline in trade due to the current climate. Therefore attracting new business is essential to myself and my business. I hope to encourage tourism by providing a site near to local amenities and tourist attractions such as Bowes Museum and the Railway Museum at Shildon. My current site and the proposed 20 van site has restrictions in place. All rallies are marshalled and organised by the club itself. Myself and staff are on site to deal with any issues that may arise. (Club rules attached to application). These rules are strict and have always been adhered to. As I am a rural country pub, my aim is to support and keep my business running.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

41. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the economic benefits; landscape impact; affect on designated heritage assets; residential amenity; conservation of protected species and highway safety.

Economic Benefit

42. There has been a change in the national planning policy context since the previous refusal with the replacement of PPS/Gs with The National Planning Policy Framework (NPPF). The NPPF now places a greater emphasis on adopting a positive approach to new sustainable development, particularly where it would support economic growth in rural areas and create jobs and prosperity. Significant weight should therefore be given to proposals which encourage rural tourism and leisure developments that benefit businesses and communities in rural areas.
43. The application would generally support tourism that would benefit the wider area. In addition, the proposal would help to directly support the employment at and continued maintenance of an existing community facility, the Countryman pub. The Countryman is specifically acknowledged in the Bolam Conservation

Area Character Appraisal as one of the two last remaining services in the village and is cherished by the community (the other being the church). The retention of this facility is therefore an important element to the vitality of Bolam and the surrounding area. The proposal therefore has strong support in principle from the aims of the NPPF, however this must be balanced with other competing interests, which in this case are landscape impact, impact on heritage assets, impact on protected species, impact on residential amenity.

Landscape Impact

44. The application lies wholly within the Area of High Landscape Value (ALV). Policy GD1 of the Teesdale Local Plan sets general criteria and expects among other things, development to be in keeping with the character and appearance of the area. Policy ENV3 of the Teesdale Local Plan states that development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings. Policy TR3 of the Teesdale Local Plan requires proposed caravan sites to be screened by local topography and existing tree cover.
45. The site is in a relatively exposed location and as the adjacent highway (Brownside Lane) is located at a slightly higher level than the field itself, the existing topography actually increases the prominence of the site. The site would also be visible from two public footpaths to the north, one to the south and a further footpath to the east, which links Bolam with Leggs Cross, a Scheduled Ancient Monument and Grade II* Listed Structure. The impact on the landscape was one of reasons why the previous application was refused.
46. The revised application now proposes 10 fewer caravan pitches and has removed the previously proposed portacabin amenity block from the scheme. The applicant has also submitted further details of proposed landscaping, including photomontages to better assess the landscape impact over time once the additional planting becomes established.
47. The Council's Landscape Officer continues to object to the proposal on landscape impact grounds, noting that caravans are still likely to be visible above the perimeter hedges and the introduction of caravans would be contrary to the Council's Landscape Strategy for the area, which is to conserve and restore. The proposal has however been reduced in scale by a third, which is a significant reduction in the number of caravans and that fact that the use of the site would be for touring caravans only, means the impact would be more of a temporary nature and most likely seasonal. While it is unlikely that the touring caravans would ever be completely screened by perimeter planting in this time and would therefore still have some adverse impact on the ALV, this would be very different to a permanent static site, which would not be acceptable in this location. The submitted information demonstrates that after a period of about 5 years there would be a reasonable amount of screening during the summer months when the planting is in leaf, however amendments would be required to the species list to ensure it was more appropriate. This could be secured by a condition.
48. The reduced impact of the scheme, when balanced against the economic benefits, is now not considered to be sufficient to justify refusal on landscape impact grounds, however this is only on the basis that the use of the site is limited to the number of pitches proposed (20 in total) and only to the time of the

year when the perimeter planting would be in leaf (15th April to 31st October). The removal of permitted development rights under Part 5 Schedule 2 of Town and Country Planning (General Permitted Development) Order 1995 will be necessary to ensure the number of caravans on site cannot be increased to 25 under an exemption licence. It is also essential that the existing leylandii planting along the northern boundary is removed before it damages the field hedge, and changes to tree species are required to substitute the Ash (which is susceptible to disease) with Oak, and Sycamore (which is not native) with Field Maple, Silver Birch and Oak. Subject to conditions in this respect, it is considered that the economic benefits of the scheme outweigh the landscape harm in this case.

49. The Council's Landscape Officer had suggested a condition to prevent use of the site for 5 years to first allow the landscaping to mature. While this is open to consideration, it is felt that it may be considered a disproportionate requirement for the scale and seasonal nature of the proposed development.

Impact on Designated Heritage Assets

50. The application site lies within the setting of the Bolam Conservation Area and within the setting of the Leggs Cross Scheduled Ancient Monument and Grade II* Listed Structure. There is also evidence of rig and furrow earthworks in the surrounding fields which contributes to the application site's and Bolam's historic landscape setting. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority, in considering whether to grant planning permission for a development which affects a listed building or its setting, must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
51. It is acknowledged that the landscape and fields surrounding Bolam provide an important rural setting to the Conservation Area. The importance of the landscape setting is highlighted in the Bolam Conservation Area Appraisal. The historic field patterns and cultivation terraces add to the historic character of the village setting, as well as the setting of the adjacent Grade II* Listed and Scheduled Ancient Monument Leggs Cross. The monument is located at a higher level than the application site and caravans and tents would be visible at distance from this important public vantage point, although this would be predominantly through the tallest hedge on the site. The impact on heritage assets was part of the reasons for refusal of the previous application.
52. Again, the revised application has reduced the numbers of caravan pitches from 30 to 20 and removed the portakabin amenity block from the scheme, while also improving the perimeter planting.
53. It is now accepted that the screening proposed (subject to further amendments detailed in the landscape section) could achieve reasonable mitigation of the views into the site after 5 years. After this time the impact on the setting and significance of the Bolam Conservation Area and the views from Leggs Cross would be substantially reduced, although not completely removed. The Tourism Good Practice Guide acknowledges that harmful development may sometimes be justified, notwithstanding the loss of the significance caused, providing that the harm is minimised. Therefore, providing the use of the site is limited to the

period between April and October and numbers of caravans are limited to 20, together with implementation of the perimeter landscaping, it can be argued that the harm to these heritage assets would be minimised. When this is balanced with the economic benefits of the proposal and positive contribution to the vitality of the village, although still finely balanced, the impact on those heritage assets is no longer considered to be sufficient to justify refusal.

54. The objection from the County Archaeologist on the grounds of cutting Leggs Cross off from the traditional and historic context of the fields and cultivation terraces of Bolam village, and on possible rig and furrow is also acknowledged. However, for the same reasons above this is no longer considered to be sufficient reason to justify refusal, particularly in respect of views from Leggs Cross. In relation to rig and furrow, apart from the formation of a short section of access track, which would not involve intrusive digging, the proposal would not result in extensive ground works or permanent development and therefore the potential archaeological interest of the site should remain sufficiently in tact. A programme of archaeological work and the submission of a written scheme of investigation could also be conditioned to further ensure the archaeological potential of the site is sensitively handled.

Impact on Residential Amenity

55. The application site is located to the rear of the public house and approximately 50m from the rear of the closest dwellings, Church Farm to the north and Township Farm to the south. The application site shares a boundary with the curtilage of both of these properties. The existing public house also shares a boundary with Church Farm and is located approximately 25m away from the next closest neighbour; West View. Concerns have been expressed by the occupiers of neighbouring properties that the proposal would result in them experiencing additional noise and disturbance.
56. Properties close to public houses can be expected to experience higher than normal level of comings and goings and the Countryman is a long established local facility. The boundary of the caravan site is located further away than that of the public house and in reality the closest caravan would be located even further away. There may be noise arising from the activities on the caravan site from time to time, but given the distances to neighbouring properties and the intention to limit the numbers of pitches and period of use of the site, it is considered that the impact on residential amenity from noise is unlikely to be so severe to justify refusal. There are also other controls outside of planning to control noise.
57. The access to the caravan site is adjacent to Church Farm, however no windows are located in the facing elevation of that property and the edge of the curtilage is defined by a high leylandii hedge. It is unlikely that the access will be used intensively in late night hours and therefore it is considered the impact of the access would not cause unacceptable harm to the residential amenity of that property.
58. Consequently, it is considered that the proposal would not create a level of noise or disturbance that would be harmful to the residential amenity of neighbouring

properties and the proposal therefore accords with Teesdale Local Plan Policy GD1 in this respect.

59. There have also been concerns that the proposal would be harmful to the views from the rear of the neighbouring properties. The impact on views is not a material planning consideration and the proposed landscaping would ensure there would be no loss of privacy to surrounding properties.

Conservation of Protected Species

60. The presence of protected species is a material consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 and now the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations, which involved the setting up of licensing regime administered by Natural England. Under the requirements of the Regulations it is criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
61. The previous application was refused because there was insufficient information to properly assess the potential impact on Great Crested Newts, a protected species.
62. The revised application is now accompanied by a Great Crested Newt Reasoned Risk Assessment. The report acknowledges the presence of two ponds close by, one of which has the potential for amphibian use. The report concludes that the only pond with amphibian potential is furthest away from the site (300m) and across the road, and while it is possible that newts could still forage across the application site, it is considered unlikely for significant numbers of the species and therefore the potential impact on the population of the species is not significant. These findings have been accepted by the County Ecologist.
63. It is therefore considered that there would be no significant harm to Great Crested Newts as a result of the proposal and a Natural England license will not be required in this case. However mitigation measures have been included in the report and it is recommended that these are secured by means of a planning condition in the event of an approval. The LPA is therefore able to discharge its duty under the Conservation of Habitats and Species Regulations 2010 and the proposal would comply with policy ENV8 of the Teesdale Local Plan and the requirements of the NPPF.

Impact on Highway Safety

64. The applicant intends to utilise the existing parking area to the front of the public house for the parking of vehicles associated with the caravan park, but there would also be space next to the caravans if the car park was ever full. The existing car park is extensive and already has more than sufficient capacity to serve the public house and in the current times the car park is rarely filled to capacity. It is considered that the number of vehicles associated with the proposal could be adequately accommodated on the site without creating additional demand for parking elsewhere within the village

65. Concerns have been expressed in the letters of objection that the existing road network that serves Bolam is inappropriate for this form of development and the proposed caravan site, if approved would exacerbate existing highway safety issues at the Leggs Cross crossroads and the bend on Brownside Lane adjacent to St. Andrews church on the approach into the village. The Highways Authority is satisfied that the proposal would not be detrimental to highway safety on the road network around the site and it is unlikely to create congestion given that all caravans are unlikely to be accessing/leaving the site at the same time. The Highway Authority has however recommended that measures to limit vehicles entering and leaving the site to specific accesses in order to ensure sufficient visibility at the site access. Subject to this restriction, which can be secured by condition, the proposal would comply with policy GD1 of the Teesdale Local Plan.

Other Issues

66. Bolam is a small village, but the scale of the proposal and the nature of touring caravan use is not likely to result in the village being swamped by users of the site.
67. The Tourism Good Practice Guide considers that some tourism uses such as caravan parks are inherently car dependent and for small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments. As such, given that the site is adjacent to a public house and Bolam is on a bus route, it is not considered that the proposal would be significantly detrimental to sustainability principles.
68. The control of dogs is a matter for the site operator and dog owners, but it is unlikely that dogs would be roaming free outside the site. However if there are concerns in relation to security, trespass or effect on livestock this could be a matter for the local police.

CONCLUSION

69. The revised proposal has significantly reduced the number of caravan pitches, removed the portacabin amenity block, and improved details of landscaping so that there would be reasonable screening of the site from the major public vantage points within 5 years. In addition, it has now been demonstrated that the proposal would not have a detrimental impact on Great Crested Newts, a protected species.
70. Although it is acknowledged that the caravans would still have an impact on the landscape of the ALV and setting of the Bolam Conservation Area, particularly in the period while the planting establishes and to some extent afterwards, the use of the site could be restricted to the time of year when the screening is in leaf to minimise the impact. Subject to this restriction, it is considered that when the potential visual harm is weighed against the economic benefits of the proposal, the economic benefits of supporting the retention of a community facility and encouraging tourism would outweigh the relatively short term visual harm that would result.

71. In addition, the proposal would not result in significant harm to the residential amenity of the neighbouring properties and subject to the submission of further details relating to the circulatory movements of vehicles to and from the site and the installation of separate accesses for vehicles leaving and entering the site, it is not considered that the proposal would have a detrimental impact on highway safety.
72. Therefore, despite the proposal in parts being in conflict with Teesdale Local Plan policies GD1, BENV4, ENV3 and TR3, the proposal is still on balance, when taking account of the economic benefits and acceptability of the scheme in all other respects, considered to be acceptable.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

Conditions:

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

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

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

Plan Reference Number	Date received
Site Location Plan	19/10/2012
1003.04	19/10/2012

To define the permission and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the provisions of Class A and B of Part 5 Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) the number of caravans or motorhomes on the site shall not exceed 20 at any one time.

In the interests of visual amenity and to prevent harm to the setting of heritage assets. To comply with policies GD1, ENV1, ENV3, BENV3, BENV4 and TR3 of the Teesdale Local Plan.

4. Notwithstanding the provisions of Class A and B of Part 5 Schedule 2 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 caravans or motorhomes shall be permitted on the site from 1st November in any one year to 14th April in the succeeding year.

In the interests of visual amenity to ensure that the site is adequately screened when in use. This would also ensure that the caravans on the site are occupied for holiday purposes only. In order to comply with policies GD1, ENV1, ENV3, BENV3, BENV4 and TR3 of the Teesdale Local Plan.

5. No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include the proposed surfacing and means of construction of the access road, refuse or other storage units, signs, lighting, and proposed and existing functional services above and below ground. The details shall be implemented and retained as approved.

In the interests of visual amenity. To comply with policies GD1, ENV1, ENV3, and TR3 of the Teesdale Local Plan.

6. No development shall take place until full details of soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include schedules of plants (noting species, plant sizes, location and proposed numbers/densities where appropriate); and an implementation and maintenance programme, as well as indications of all existing trees and hedgerows on the land and details of any to be retained or removed. For clarification, the existing *Ilex* planting along the northern boundary must be removed.

To achieve a satisfactory form of development and in the interests of visual amenity. In accordance with policies GD1, ENV1, ENV3, BENV3, BENV4 and TR3 of the Teesdale Local Plan.

7. There shall be no more than 5 caravans, tents or motorhomes on the site until the approved details of soft landscaping have been fully carried out and approved in writing following inspection by the local planning authority. Any trees or plants which within a period of 10 years of the subsequent written approval of the local planning authority die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.

8. The approved touring caravan and camping site shall not be brought into use until a scheme of signs and car park surface markings in order to effect an entrance only arrangement at the existing northern vehicular access with the C45 highway has been submitted to and approved in writing by the local planning authority. Such signs and markings shall be installed and maintained throughout the period of operation of the approved site.

In the interests of highway safety. In accordance with policy GD1 of the Teesdale Local Plan.

9. The approved touring caravan and camping site shall not be brought into use until details of widening of the northern car park junction with the C45 highway have been submitted to and approved in writing by the local planning authority. Such signs and markings shall be installed and maintained throughout the period of operation of the approved site.

In the interests of highway safety. In accordance with policy GD1 of the Teesdale Local Plan.

10. No development of the site, including works to install the proposed access, shall take place until a programme of archaeological work, as defined in a specification prepared by the County Durham Archaeology Team, has been submitted to and approved in writing by the local planning authority. 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 shall be carried out in accordance with the approved details and timings.

To comply with Policy BENV11 of the Teesdale Local Plan and para. 135 and 141 of the NPPF.

11. Prior to the first use of the development hereby approved, 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.

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.

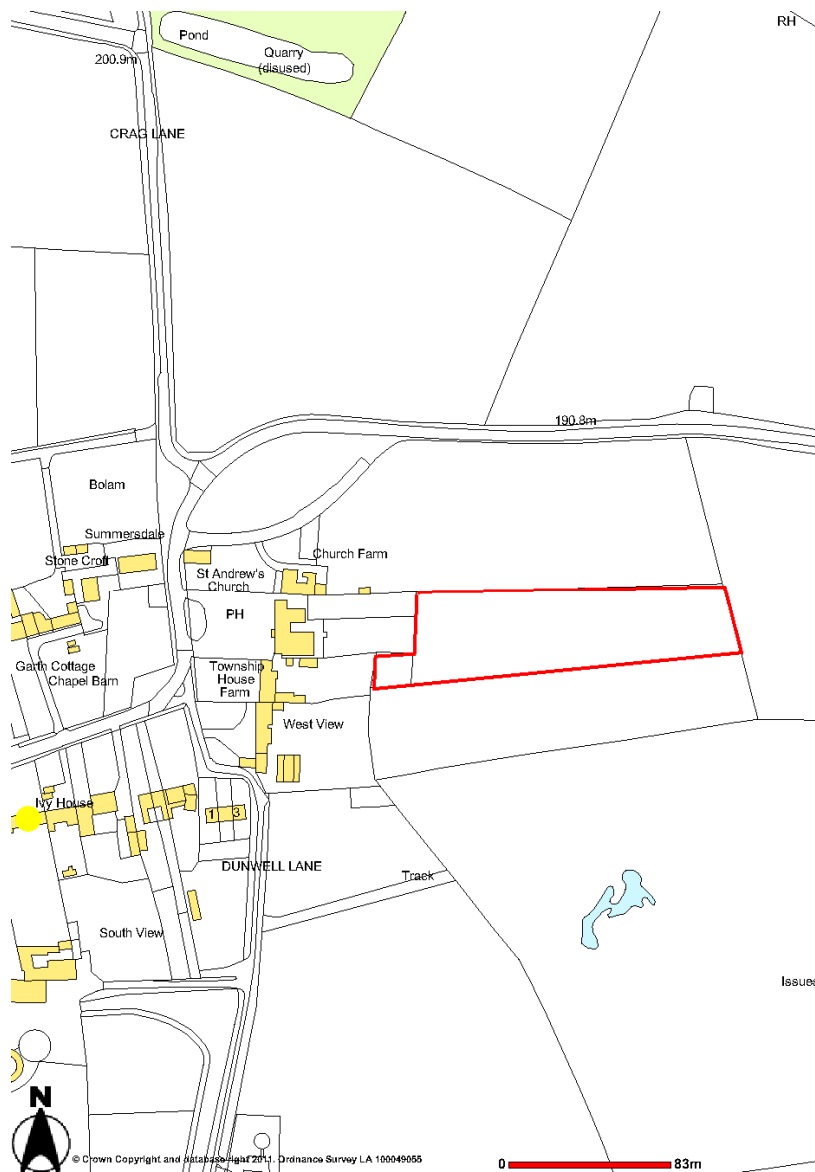
12. No development shall take place unless in accordance with the mitigation detailed within the protected species report `Great Crested Newt Reasoned Risk Assessment Report: Proposed Caravan Park, The Countryman Public house, Bolam, Co. Durham` by Barret Environmental Limited received 19/10/2012 including, but not restricted to adherence to timing and spatial restrictions;

provision of mitigation in advance; undertaking confirming surveys as stated; and adherence to precautionary working methods.

To conserve protected species and their habitat in accordance with Policy ENV8 of the Teesdale Local Plan and the NPPF.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Heritage Statement
- Landscape Impact Assessment
- Teesdale Local Plan Saved and Expired Policies
- National Planning Policy Framework (NPPF)
- Tourism Good Practice Guide
- Consultation Responses
- Public Consultation Responses



Planning

Services

Change of use of field to provide 20no. pitches for touring caravans and camping and formation of access track at The Countryman Public House, Dunwell Lane, Bolam, 6/2012/0310/DM

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Comments

Date 04 December 2012

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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

APPLICATION UPDATE

1. Members will recall that this application was reported to Committee on 20th September 2012. A copy of the related committee report is appended to this report. At the time it was stated that all 22 dwellings were to be utilised as affordable housing, and would be constructed by Galliford Try on behalf of Livin, as a Registered Social Landlord.
2. The provision of affordable housing is encouraged through Policy H19 of the Local Plan and the County Durham Strategic Housing Market assessment (SHMA). In this area and for a development of this size, 15% of the dwellings should be affordable.
3. At the time of the Committee the applicant stated that as the scheme was entirely affordable and because of the high construction and demolition costs associated with the development of the site, the viability of the scheme prohibited the payment of any commuted sum towards the creation or improvement of recreational facilities off site, and which would ordinarily be required by Local Plan Policies L1 and L2.
4. However, it was considered that the delivery of 22 affordable homes, far in excess of the 15% requirement normally sought, and bearing in mind the marginal viability of the scheme, the additional 85% affordable housing proposed outweighed the lack of open space provision on-site or a commuted sum in lieu of such provision. The provision of the 100% affordable housing was to be secured via the applicant entering into a section 106 agreement. Member's approved the scheme on this basis.

5. Since the application was reported to Committee, the applicant has been in detailed discussions with financial institutions funding the development. Although their intention remains to develop the site for Livin and for the dwellings to be used as affordable rented accommodation, it has been stated that those funding the scheme are unable to enter into a legal agreement guaranteeing 100% affordable housing in perpetuity. As a consequence, it is now proposed that 30% or 7 of the 22 dwellings would be affordable, and this would similarly be secured by way of a legal agreement.
6. Whilst the level of affordable housing proposed is double the requirement for the area, Officers considered that the reduced amount of affordable housing did not now outweigh the lack of open space provision on site or an in lieu commuted sum payment towards off-site provision. Therefore, detailed negotiations between Officers, the applicants and Livin have taken place, and as a result, the applicant has now offered a commuted sum of £15,000 (£1000 per non-affordable dwelling) to be utilised to provide / improve off-site recreation facilities in the area, and to be secured in the legal agreement alongside the affordable housing. As such, the scheme would provide double the affordable housing level required for the area, but it would now satisfy the requirements of Local Plan Policies L1 and L2.
7. The principle of redeveloping the site for housing has already been accepted, being fully in accordance with the NPPF and relevant Local Plan policies. The scheme is otherwise unchanged from that which Members previously considered acceptable.
8. In conclusion, the proposed development is, therefore, considered to accord with relevant national policy and the development plan in force for the area, and subject to the applicant entering into a legal agreement to secure the affordable housing provision and commuted sum, together with the imposition of appropriate planning conditions, approval of the application is recommended.

RECOMMENDATION

9. That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the provision of 7 affordable housing units and a financial contribution of £15,000 towards off-site open space provision/improvement, and the conditions listed in the appended report.

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

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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. 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.
10. 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.
11. 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.
12. 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.

13. 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.

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

15. 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.

16. 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.

17. 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.

18. 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.

REGIONAL PLANNING POLICY

19. *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.
20. 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:
21. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
22. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
23. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
24. *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.
25. *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

26. *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.
27. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
28. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
29. *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.

30. *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.
31. *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
32. *Policy L1 (Provision of Open space including Standards)* seeks to secure the provision of sufficient levels of open space.
33. *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.
34. *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

35. *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.
36. *Great Aycliffe Town Council* has no objection to this proposal.

INTERNAL CONSULTEE RESPONSES

37. *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.
38. *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.
39. *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.
40. *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

41. 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

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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

48. 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

49. 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.

50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. In summary, the redevelopment of the site for residential purposes represents a sustainable form of development which accords with the NPPF's 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

57. 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.
58. 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.

59. 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.
60. 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.
61. 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.
62. 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.
63. 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.
64. 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.
65. 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

66. 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.
67. 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.

68. Supplementary Planning Guidance Note 3 of the Sedgfield 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.
69. 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 they were concerned 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.
70. 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

71. 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.
72. 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

73. 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.
74. 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.

75. 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.
76. 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.
77. It has been suggested by the applicant that the increased provision of affordable housing over and above the 15% figure should be regarded as a 'material' consideration when determining this proposal.

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 Sedgefield 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 Sedgefield 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

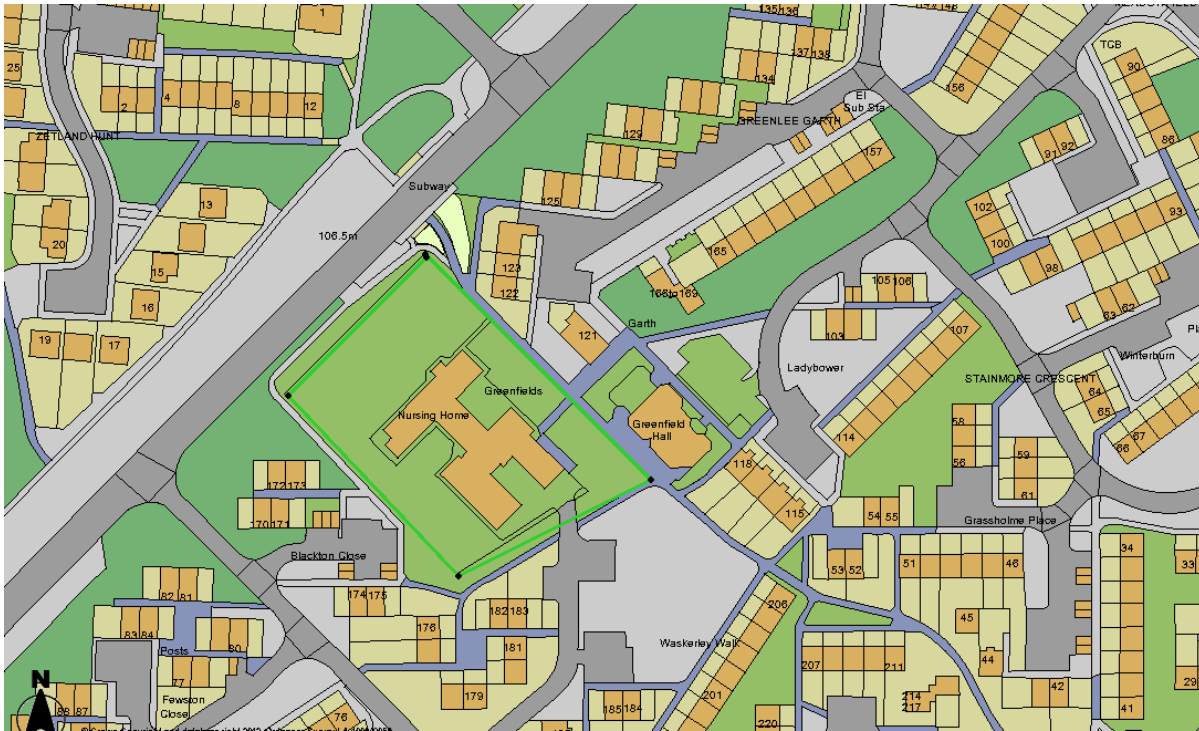
National Planning Policy Framework (NPPF)

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