



Area Planning Committee (South and West)

Date Thursday 21 February 2013
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 13 December 2012 (Pages 1 - 4)
5. Applications to be determined
 - a) 7/2012/0273/DM - Land at Redworth Road, Shildon (Pages 5 - 22)
Outline planning application for 38 residential dwellings with detailed matters of appearance, landscaping, layout and 'reserved' matters
 - b) 7/2012/0413/DM - Cleves Cross Grange, Ferryhill (Pages 23 - 36)
Demolition of Cleves Cross Grange and erection of 12no. dwellings
 - c) 3/2012/0525 - Dellside House, Low Willington, Willington, Crook (Pages 37 - 48)
Construction of 11no. dwellings
6. Appeal Updates (Pages 49 - 62)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
13 February 2013

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,
J Gray, G Holland, G Richardson, J Shuttleworth, P Taylor, R Todd,
J Wilkinson, M Williams and R Yorke

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 13 December 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, K Davidson, G Holland, R Todd, J Wilkinson, J Rowlandson (substitute for G Richardson) and J Blakey (substitute for M Williams)

Apologies:

Apologies for absence were received from Councillors D Burn, M Campbell, P Gittins, G Richardson and M Williams

Also Present:

A Inch – Principal Planning Officer
A Caines – Principal Planning Officer
C Cuskin – Legal Officer

Prior to the commencement of business the Chair informed Members of the death of Councillor Paylor and a minutes silence was observed as a mark of respect.

1 Declarations of Interest

There were no declarations of interest received.

2 Minutes

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

3 Applications to be determined

3a 6/2012/0310/DM - The Countryman Public House, Dunwell Lane, Bolam

The Committee considered a report of the Principal Planning Officer regarding an application for the change of use of field to provide 20no. pitches for touring caravans and camping and formation of access track (for copy see file of Minutes).

A Caines (Principal Planning Officer) gave a detailed presentation on the application which included photographs of the site.

In presenting the report the Officer advised of a proposed amendment to condition 3 which would ensure that no static caravans were allowed on the site.

Mr Stabler, applicant stated that since purchasing the property 9 years ago he had developed a busy thriving business, but to ensure its viability in the current economic climate he needed to attract new trade.

Currently the site attracted people to the surrounding countryside and local attractions, and the proposals to increase the number of caravans to 20 would encourage more visitors to the Teesdale area.

Mr Stabler respected the tranquil nature of the village and had amended the application in order to reduce the visual impact of the site.

To conclude he stated that the pub had been in the village for over 200 years and the proposals would promote tourism and support local employment without causing inconvenience to neighbours.

Councillor Boyes referred to a comment made by an objector that the site was unmanned outside the opening hours of the pub. Mr Stabler assured the Member that there was someone living in the premises at all times and that he was on site between the hours of 9am and 11pm, 6 days a week. With this assurance, and as the number of pitches had been reduced significantly Councillor Boyes considered the proposals to be acceptable.

Councillor Holland noted that there were no residents in attendance to make representations against the application, or comments from the local Member.

With regard to the impact on the surrounding landscape Councillor Davison noted that the screening issues had now been overcome and had been addressed by condition.

Following discussion it was **Resolved:**

That the application be approved subject to the conditions outlined in the report and to condition 3 being amended to read as follows:-

- '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. There shall be no static caravans on the site.'

3b 7/2012/0199/DM - Greenfields Nursing Home, Alston Crescent, Newton Aycliffe

Consideration was given to the report of the Principal Planning Officer regarding an application for the demolition of the former Greenfields Nursing Home and redevelopment to create 22no. dwellings (for copy see file of Minutes).

A Inch, Principal Planning Officer advised that the application had been approved by the Committee in September 2012, however for the reasons outlined in the report it was now proposed that the provision of affordable housing be reduced from 100% to 30%, and that the developer make a financial contribution of £15,000 towards off-site open space provision/improvement.

Mr Atkinson, the applicant was in attendance to respond to Members' questions and gave an assurance that the reason for the reduction in affordable housing was because the financial institutions funding the development were unable to enter into a legal agreement guaranteeing 100% affordable housing in perpetuity.

In discussing the application Members noted that despite the reduction, 30% affordable housing provision was double the requirement for the area.

The Chair noted that the applicant's intentions to develop the site for Livin had not changed, with the proposed dwellings to be used as affordable rented accommodation. The financial contribution towards off-site recreation facilities in the area was welcomed.

Councillor Tomlinson offered his full support to the revised scheme which he considered was still a very good proposition, particularly in view of the current housing climate.

Councillor Boyes asked if the financial contribution for recreational facilities would include proposals for a MUGA. The Member was advised that on-site recreation facilities was not feasible for a scheme of this size and that the Section 106 Agreement would secure a contribution towards off-site open space provision/improvement. A decision as to how the commuted sum of £15,000 was allocated would be subject to negotiation.

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of 7 affordable housing units with a financial contribution of £15,000 towards off-site open space provision/improvement, and to the conditions previously agreed in the report dated 20 September 2012.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: 7/2012/0273/DM

FULL APPLICATION DESCRIPTION: Outline planning application for 38 residential dwellings with detailed matters of appearance, landscaping, layout and 'reserved' matters

NAME OF APPLICANT: Kenworth Ltd

ADDRESS: Land at Redworth Road, Shildon

ELECTORAL DIVISION: Shildon West

CASE OFFICER: David Walker, Senior Planning Officer
03000 261054, David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site which currently consists of rough grassland measures approximately 1.37 hectares. This is located on the southern edge of Shildon and this extends between Redworth Road to the east and the A6072 (Shildon Bypass) to the west.
2. An existing detached dwelling house The Vicarage and a grazing paddock abut the site to the north whilst the existing Petrol Filling Station and office building are located immediately to the south of the application site. All Saints Industrial Estate and an area of allotment gardens are situated to the east of Redworth Road. The area west of the A6072 is in agricultural use.
3. For planning purposes, the site is allocated as an area for the development of new industrial and business development as shown on the proposals map accompanying the Sedgefield Borough Local Plan 1996.

4. Outline planning permission is sought for the erection of up to 38 houses with details of access only. The layout, scale, appearance and landscaping are all 'reserved' for future consideration. The proposed access would be taken from the existing access on Redworth Road which serves the existing office development to the south and forms a secondary access for the adjacent Petrol Filling Station.
5. The illustrative layout shows a mix of 2, 3 and 4/5 bedroom properties positioned either side of a single estate road which runs parallel to the southern boundary of the site. This also shows an amenity area at the north western corner of the site adjacent to the common boundary with The Vicarage. A smaller amenity area has also been shown immediately to the rear of the existing petrol filling station. Structural landscaping has also been identified along the western edge of the site flanking the A6072 and alongside Redworth Road
6. The application is supported by a Planning, Design and Access Statement, Noise Assessment, Extended Phase 1, Land Contamination Assessment, Arboricultural Impact Assessment, Arboricultural Method Statement, Flood Risk assessment, Sewerage and Utilities Assessment and a Section 106 Agreement.
7. The application has been referred to committee as the proposal comprises major development.

PLANNING HISTORY

8. In April 1998 planning permission (7/1997/0152/DM) was granted for the erection of 5 business units and a petrol filling station. The permission was part implemented as the petrol filling station and a single office unit were constructed.
9. An outline application (7/2009/0316/DM) for the erection of 12 dwellings on the eastern section of the current application site was refused in December 2009 on design grounds and because of concerns that the piecemeal nature of the submission would jeopardise the future development of the remainder of the site. A subsequent appeal was dismissed, however, the Inspector did accept that housing may be appropriate in principle on the site given the over supply of employment land and identified need for additional housing.
10. In July 2011 an outline application (7/2011/00543/DM) for a mixed use development comprising 28 dwellings and 10 commercial units was withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

11. In March 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed.

12. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force.
13. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 6 of the NPPF sets out 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. The economic role is 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.
14. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:
- be genuinely plan-led, empowering local people to shape their surroundings;
 - 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;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
 - 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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

REGIONAL PLANNING POLICY

15. *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.

16. 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:
17. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
18. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
19. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
20. *Policy 8 (Protecting and Enhancing the Environment)* seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.
21. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
22. *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.
23. *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:

24. *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.
25. *Policy IB3 (Proposals For The Development Of New Industrial And Business Areas)* identifies new prestige business areas, general industrial areas and new business area including this site at All Saints, Shildon.
26. *Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing)* seeks to ensure that affordable housing is provided within developments of 15 dwellings or more

27. *Policy T1 (Footways and Cycleways in Towns and Villages)* seeks to ensure that safe, attractive and convenient footpath links are provided between residential areas and community facilities.
28. *Policy L1 (Provision of Open space including Standards)* seeks to secure the provision of sufficient levels of open space.
29. *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.
30. *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.
31. *Policy D3 (Design for Access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
32. *Policy D5 (Layout of New Housing Development)* sets criteria for the layout of new housing developments.
33. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.
34. Other documents of relevance include the Employment Land Review for Durham County Council by Nathaniel Lichfield & Partners (June 2011)

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. *Shildon Town Council* request if the scheme is approved, the 30mph speed limit be relocated nearer to the roundabout at Redworth Road.
36. *The Highway Authority* has raised no objection to the proposed access arrangements subject to the imposition of two planning conditions requiring the provision of junction visibility splays and the provision of a 1.8m wide footway linking this development to Royal George Close prior to occupation of the first dwelling.
37. *The Environment Agency* has no objection to the proposal but has requested that a planning condition be attached in relation to the surface water drainage.
38. *The Coal Authority* has raised no objection and concurs with the recommendations of the Coal Mining Risk Assessment Report. As such, the Coal Authority recommends that a planning condition be imposed requiring further site investigation works to be undertaken prior to commencement.
39. *Durham Constabulary* advises that the illustrative layout is considered acceptable for the purposes of designing out crime. It is considered that the crime risk assessment for this development would be moderate with the main threat being theft from garages and garden sheds. With this in mind it has been suggested that proposed garages should be a minimum width of 3m as recommended in Manual for Streets.

40. Northumbrian *Water* has no comments regarding this proposal.

INTERNAL CONSULTEE RESPONSES:

41. *The Landscape Section* welcomed the tree survey and report and considered this in relation to the indicative layout. Whilst it is acknowledged that landscaping is a reserved matter it has been suggested that structural landscaping and the treatment of the play area / amenity open space is agreed in principle at outline stage.
42. *The Ecology Section* has raised no objections subject to the imposition of a planning conditions relating to the mitigation requirements and good working practices including restrictions on the timing of vegetation clearance, the retention and protection of trees and hedges along the northern boundary of the site and the provision of bird and bat boxes at suitable locations within the site, as identified within the Extended Phase 1 report submitted in support of this planning application.
43. *The Pollution Control Section* initially raised concern that the noise assessment did not adequately take into account the proximity of the proposed dwellings to the A6072. In response an updated report was commissioned and this has identified that a number of mitigation measures can be adopted within the detailed design at reserved matters stage in order to bring noise levels within the housing and residential curtilages to within satisfactory levels.
44. *The Sustainability Strategy Officer* has stated that although all matters other than the access are reserved for future consideration it has been recommended that further details regarding sustainability should be submitted.

PUBLIC RESPONSES:

45. The application has been advertised via both direct neighbour notification and via the posting of a site and press notice.
46. As a result, one response has been received from a resident at Royal George Close who has raised concern that the proposed development may detrimentally affect the existing mature hedgerow along the northern boundary of the site and that its removal would detrimentally affect bats which utilise this as a flight corridor. If planning consent were to be approved it was requested that the boundary fencing for the housing on the northern boundary be off set from the hedgerow so that this is safeguarded in the future and that the timing of works be suitably restricted to safeguard bats.

APPLICANTS STATEMENT:

47. The applicant has submitted a Design and Access Statement in support of this planning application.
48. This refers to the site history of the area and makes reference to the first planning application to develop part of this site for residential purposes although this application was refused consent and subsequently refused on appeal the Design and Access Statement points out that the Inspector was of the opinion that housing was considered to be acceptable in principle at this location.
49. Although the current application seeks outline planning consent and the access details only with the layout, scale, appearance and landscaping an indicative layout has been prepared which demonstrates that the site could potentially accommodate 38 dwellings. The proposal includes a mixture of 2, 3 and 4/5 bed semi-detached

houses. The development would be served via Redworth Road and would include provision of a new pedestrian footpath to link this site with the existing footpath fronting the housing at Royal George Close to the north.

50. This also demonstrates that the site can accommodate an informal play area and amenity space within the site.
51. A section 106 agreement would be utilised to secure the provision of affordable housing and a commuted sum towards the provision / enhancement of equipped play or sports provision off site.

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

52. 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, access / highway safety issues, design and impact on the character of the area, ecology, impact on trees, open space provision and affordable housing provision.

Principle of Development

53. The redevelopment of the site for residential purposes would be a departure from the development plan insofar as, the site is allocated for new industrial and business use within the Sedgefield Borough Local Plan which was adopted in 1996. Although planning permission was subsequently granted in 1997 to construct a petrol filling station and five business units, only the petrol filling station and a single office unit have been developed, the other offices and the site generally have remained undeveloped in the intervening period, due to a lack of demand for office space. The assertion regarding the lack of demand for business units of this type in this location has been demonstrated by the Employment Land Review for County Durham published in June 2011, which found an oversupply of employment land in the area, and it was therefore considered no longer necessary to continue to allocate the site for proposed employment uses..
54. The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective, and furthermore, at paragraph 22, that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for this purpose it is considered prudent to consider other alternative suitable uses for the sites such as this.
55. The NPPF also seeks to boost significantly the supply of new housing, and local planning authorities are expected to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities which meet local requirements and demand.
56. The application site is located on the southern edge of Shildon and would represent a natural extension of the existing settlement which is bounded by the A6072 Shildon by pass. The application site would be well served by the existing retail, community facilities and employment sites located within Shildon and this is also well served by

a range of modes of transport including both bus and rail services. This site is, therefore, considered to score well in sustainability terms.

57. The application site is included in the 'Preferred Options' of the emerging County Durham Plan as a housing allocation. This document is currently undergoing public consultation and the Plan is unlikely to be adopted before 2014. Whilst significant material weight cannot be attributed to the Plan in view of its current status it nevertheless indicates that the Council considers residential development to be appropriate in principle, and concurs with the view of the Inspector in 2009.

58. In summary, it is considered that the development of the site for residential purposes is appropriate given the identified lack of demand for employment land and the identified need for residential development in sustainable locations such as this. A departure from the development plan is therefore considered to be justified.

Access / Highway safety issues

59. 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.

60. As previously mentioned access to the site is proposed to be taken from the existing access from Redworth Road which serves the existing office development to the south and the secondary access to the existing petrol filling station. The Highway Authority has raised no objection in relation to the proposed access subject to planning conditions being attached requiring the provision of suitable junction visibility splays and the provision of a new footway linking this development to the footway serving the existing residential development at Royal George Close to the north. This provision is critical so as to promote and facilitate pedestrian access links between the site and those existing retail and community facilities located within Shildon to the north.

61. The secondary access which currently serves the petrol filling station from Redworth Road, and from where the residential development would also be served, would need to be closed off in order to prevent a conflict between the vehicular movements from the new residential development and those associated with the petrol filling station. This can be secured by way of an appropriate planning condition.

62. Whilst the site access and pedestrian linkages are considered acceptable the detailed design of the internal road layout would be determined at reserved matter stage. The proposals are therefore considered to accord with Local Plan Policies D1, D3 and D5 in this regard.

Design and impact on the character of the area

63. The NPPF, RSS and Local Plan Policies D1 and D5 seek to promote good design in new developments, seek to ensure a comprehensive and coordinated approach to new development which takes into account adjacent land uses and activities and where necessary, incorporates suitable landscaping within the scheme.

64. The application has been made in outline with all matters other than the access arrangements being reserved for future consideration. However, an illustrative layout has been submitted to indicate how the site could be developed in such a manner to satisfy the access requirements of the site and accommodate up to 38 dwellings and also provide sufficient levels of on site amenity / informal play space and structural landscaping alongside the A6072 and Redworth Road. The indicative layout also

allows for the retention of the existing hedgerow along the northern boundary of the site and facilitates the introduction of structural landscaping between the site and the existing petrol filling station.

65. It is envisaged that the scale of the proposed housing would be commensurate with that of the existing housing at Royal George Close and that this would be of a similar scale to the canopy at the forecourt of the petrol filling station and are likely to be lower than the office building to the south and those offices previously approved in 1997
66. The information provided in the Design and Access Statement indicates and the illustrative layout indicates that the site could host a range of houses including 2, 3 and 4/5 bedroom properties. This variation in size is intended to cater for a range of potential occupants and introduce a diversity of housing provision within the site. The detailed layout and design of the housing would be determined at reserved matter stage, however, it is anticipated that these would be sympathetically designed to match the character and appearance of the existing housing stock within this area.
67. The relation of this site to the adjacent roads and Petrol Filling Station has also been a key consideration in relation to the development of this site. In this regard a survey of existing daytime and night time noise levels has been undertaken at the site. This identified the need to design and build the future housing so that this is not adversely affected by road traffic on Redworth Road and the A6072 and noise from the adjacent petrol filling station. This survey found that outdoor and indoor daytime and night time requirements can be satisfied on site with the use of appropriate mitigation including the installation of close boarded fencing at some garden boundaries via the installation of double glazing with acoustic ventilation to some facades of properties. These measures can be secured by condition.
68. The relationship between the proposed housing, as shown on the indicative layout, and the existing property, The Vicarage, located at the north western corner of the site is also considered acceptable given the orientation and relationship of the two parcels of land concerned. It is considered that the proposals comply with design principle set out in the NPPF, RSS Policy 8 and Local Plan Policies D1 and D5.

Affordable Housing

69. The provision of affordable housing where a need has been identified is encouraged through the saved Local plan Policy H19. The County Durham Strategic Housing Market Assessment (SHMA) states that the target for this area is to provide 15% affordable housing within residential schemes of this size. The applicants have stated that it is their intention to meet this 15% target within this site and delivery would be secured by way of a Section 106 agreement.
70. Although the precise number of houses to be provided on site will be determined at reserved matter stage it is anticipated that 6 affordable houses could be provided within the site based upon the upper limit of 38 dwellings as shown on the indicative layout.
71. The provision of affordable housing within the scheme would also comply with paragraphs 47 and 50 of the NPPF which seek to encourage the provision of market and affordable housing to widen opportunities for home ownership.

Open space provision

72. 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. This would equate to a total of 2280 m² for a scheme of 38 dwellings. Where this level cannot be provided, either fully or in part, an in-lieu commuted sum would normally be required.
73. The indicative layout includes provision for both amenity areas and an informal play area totalling 1345m² and structural landscaping of approximately 1260m² which exceeds the total amount of open space expected for a scheme of this size. Although it is felt that the distribution and relationship between the open space and the housing could be further improved to provide increased natural surveillance and maximise the effectiveness of the open space provision within the site, it is felt that these matters could be satisfactorily resolved at the reserved matter stage.
74. In addition it has been agreed that a commuted sum of up to £5000 is to be secured in order to provide new or improved equipped play provision and / or outdoor sports facilities elsewhere within the Shildon area. The commuted sum would be secured by way of a Section 106 Legal Agreement. As such, it is considered that this proposal would accord with Local Plan Policies L1 and L2.

Ecology

75. Paragraph 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 study has been carried out by the applicant and submitted for consideration by the Local Planning Authority.
76. The Ecology Section has reviewed this assessment and has raised no objections to the proposal, subject to a condition being attached regarding both the timing of vegetation clearance, the implementation of appropriate working methods and the suitable habitat retention / enhancement being implemented within the reserved matter application relating to the layout and landscaping including the retention of the hedgerow along the northern boundary of the site. With this in mind it is felt that the concerns raised by the local resident regarding the impact on this proposal on the hedgerow and bats can be allayed via the imposition of suitably worded planning conditions. Accordingly, it is considered that subject to adherence to the proposed condition, the provisions of the NPPF would be met in this regard.

Arboriculture

77. 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 and hedgerows to be retained within the development. A number of trees are to be removed, however, in order to facilitate the required visibility splay. The hedgerow and trees adjacent to the northern boundary currently make an important contribution to the character of the area and these can be retained and safeguarded. Protective barriers and specialist methods of construction have also been identified and these

will be needed to be considered in detail at the reserved matter stage when determining the detailed layout of the development.

78. The proposed scope of the tree works that would be required to provide the necessary visibility splay are considered to be acceptable and those trees to be removed could in part be compensated for by replacement planting within the site. Landscaping is a reserved matter. As such, it is considered that this proposal accords with Local Plan Policy E15.

CONCLUSION

79. The development of this site was established in 1997 when planning permission was granted to build the petrol filling station and 5 business units. However, only the first phase of development has been implemented since then, and given the proven over supply of employment land and lack of demand for this type of use in this locality, the redevelopment of the site for residential purposes would fully accord with the aims of the NPPF, and would represent a justified departure from Policy IB3 of the Local Plan.
80. The site is located on the southern boundary of Shildon which itself is well served by a wide range retail and community facilities and public transport links. It is considered that the development of this site would constitute a natural infill site at the southern edge of the settlement following the construction of the A6072 Shildon bypass. It is, therefore, considered that this site would score highly in sustainability terms and this proposal would accord with Policy 2 of the RSS and meet the aims of paragraphs 49 and 50 of the NPPF.
81. The proposed access arrangements have been assessed and found to be acceptable in highway safety terms subject to the imposition of a suitably worded planning condition relating to the visibility splay and improvements to the pedestrian linkages from the site. The proposal, therefore, accords with Local Plan Policies D1, D3 and D5. The provision of this mixed development of both market and affordable housing would accord with the NPPF and Local Plan Policy H19 and would provide added opportunities to meet local housing need and contribute towards the creation of sustainable mixed communities.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement towards the payment of a commuted sum towards new / improved equipped play or sports provision and to secure the provision of affordable housing in perpetuity and the following conditions :

1. Application for approval of reserved matters shall be made to the local planning authority before the expiration of five years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. Approval of the details of appearance, landscaping, layout and scale (herein called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

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

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

Plan Ref No.	Description	Date Received
112/02A	Site Layout Plan	25 th July 2012
112/03K	Site Layout Plan as Proposed	28 th December 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies D1, D3 and D5 of the Sedgfield Borough Local Plan.

4. The development hereby approved shall not exceed 38 dwellings.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies D1, D3 and D5 of the Sedgfield Borough Local Plan.
5. The development hereby permitted shall provide for a minimum of 2605sqm of informal play and amenity open space.
Reason: In order to ensure that the requirements of Policies L1 and L2 of the Sedgfield Borough Local Plan are met.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenity of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.
7. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.
8. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.
9. 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 of the Sedgfield Borough Local Plan.

10. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.
Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy 38 of the Regional Spatial Strategy for the North East.
11. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hard standings shall pass through an oil interceptor designed and constructed in accordance with a scheme to be submitted to and approved in writing by the Local planning authority.
Reason: To prevent the increased risk of flooding, both on and off site in accordance with Paragraph 99 of the NPPF.
12. No dwelling hereby permitted shall be occupied until the existing access to the petrol filling station from Redworth Road has been closed, in accordance with details which have been first submitted to and approved in writing by the local planning authority.
Reason: In the interests of highway safety and to comply with Policy D1, D3, D5 and T1 of the Sedgfield Borough Local Plan.
13. No dwelling hereby permitted shall be occupied until junction sight visibility splays of 2.4m x 120 metres have been provided in both directions on the improved vehicular access onto C189 Redworth Road. The sight visibility splays must be maintained on a regular basis throughout the year to ensure adequate junction sight visibility is maintained.
Reason: In the interests of highway safety and to comply with Policies D1, D3, D5 of the Sedgfield Borough Local Plan.
14. No dwelling hereby permitted shall be occupied until a 1.8metres wide footway has been provided alongside Redworth Road linking the development with the footway fronting Royal George Close.
Reason: In the interests of highway safety and to comply with Policies D1, D3, D5 and T1 of the Sedgfield Borough Local Plan.
15. No development shall take place unless in accordance with the mitigation requirements and good working practices detailed within section F2 of the E3 Extended Phase 1 report dated 09.03.12 including, but not restricted to adherence to timing of works, working methods and habitat creation including retention of the tree and hedgerows along the northern boundary.
Reason: To conserve protected species and their habitat in accordance with Paragraph 117 of the NPPF.
16. Any on site vegetation clearance should 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 Paragraph 117 of the NPPF.

17. Unless otherwise agreed by the Local planning authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D 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 D has been complied with in relation to that contamination.

A. 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 and to establish whether remedial works are required to treat areas of shallow mine workings. . 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'.

B. 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.

C. 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 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.

D. 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, 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 C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority, and implemented in accordance with the agreed scheme thereafter.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority.

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

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

18. Prior to the commencement of the development a survey of the site for landfill gas shall be undertaken. The scheme, consisting of the survey results and any mitigation or remedial works required, shall be submitted to and approved in writing by the Local planning authority before work commences. The development shall be implemented in full accordance with the approved scheme.

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

19. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from A6072, Redworth Road and the adjacent Petrol Filling Station has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

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

20. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should demonstrate that surface water run-off will not exceed existing run off rates and volumes, and shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Paragraph 99 of the NPPF.

21. 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 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.

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

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

Reason: In the interests of the visual amenity of the area and to comply with Policy E15 of the Sedgefield Borough Local Plan.

22. 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 of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. The redevelopment of the site for housing represents a departure from Policy IB3 of the Sedgefield Borough Local Plan 1996, however, the proposal represents an acceptable alternative use for this site which was previously identified as being suitable for business use given the identified over supply of employment land. The site is located within the physical framework of Shildon as formed by the A6072 Shildon bypass and this would be well located in relation to both retail and community facilities available within Shildon and this would be well served in relation to public transport facilities.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies 2, 8, 24,30 and 38 of the RSS for the North East and Policies D1, D3, D5, T1, E15, H19, L1 and L2 of the Sedgefield Borough Local Plan, and to all relevant material considerations.
3. In arriving at this recommendation, the consultation responses received have been considered; however, it is considered that the ecological importance of the site can be suitably safeguarded via the imposition of suitably worded planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority have worked with the applicant in a positive and proactive manner in order to secure an alternative use for this site which was previously allocated, but is no longer required, for employment use so that this proposal will provide a mix of market and affordable housing to meet local housing need.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Noise Assessment

Extended Phase 1 Survey

Land Contamination Assessment

Arboricultural Impact Assessment and Method Statement

Flood Risk Assessment

National Planning Policy Framework

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

Sedgefield Borough Local Plan 1996

Circular 11/95: Use of conditions in planning permission

Responses from Shildon Town Council, Highway Authority, Environment Agency,

Northumbrian Water, Coal Authority and Police Architectural Liaison Officer

Internal responses from Landscape Section, Ecology Section, Sustainability Section, and

Pollution Control Section

Public consultation response

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	7/2012/0413/DM
FULL APPLICATION DESCRIPTION:	Demolition of Cleves Cross Grange and erection of 12no. dwellings
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Cleves Cross Grange, Ferryhill, Co Durham, DL17 8QZ
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Mark O'Sullivan, Planning Officer 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is currently occupied by Cleves Cross Grange with associated garden areas to the east and west and a car parking area. Cleves Cross Grange is predominately two storeys in scale but is stepped in height to account for changing levels across the site in an east to west direction. The building is used as a sheltered accommodation complex comprising self contained bedsits. A public footpath forms the perimeter of the site which is open plan in nature, with vehicular access achieved to the south east corner from Morpeth Close, linked to a car parking area serving Cleves Cross Grange.
2. The site is located within the settlement framework for Ferryhill, surrounded in all directions by residential developments of bungalows and two storey dwellings, predominantly arranged in short terraced rows which face onto surrounding green corridors, with vehicular access generally limited to the rear of properties.

The Proposals

3. Planning permission is sought for the demolition of the existing Cleves Cross Grange home and the erection of 12no. bungalows on this footprint, extending into the existing open space to the west. Bungalows would be arranged in short terraced

rows and semi-detached pairs. Each bungalow would provide 2no. bedrooms, with site access to be retained from Morpeth Close, accessing a central parking court area which is overlooked in all directions by the rear elevations of surrounding bungalows. A narrow strip of open space will be retained to the west of the site, with existing open space to the east to remain untouched.

4. 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

5. Outline planning permission (7/1983/0561/DM) was granted in July 1983 for housing development at the site.

PLANNING POLICY

NATIONAL POLICY

6. In March 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed.
7. 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. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force.
8. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 6 of the NPPF sets out 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. The economic role is 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.
9. 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:
 - be genuinely plan-led, empowering local people to shape their surroundings;
 - 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;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

REGIONAL PLANNING POLICY

10. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. 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.
11. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:
12. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
13. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
14. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
15. *Policy 8 (Protecting and Enhancing the Environment)* seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

16. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
17. *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.
18. *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:

19. *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.
20. *Policy H17 (Backland and infill housing development)* sets criteria for new backland and infill housing development.
21. *Policy L2 (Open Space in New Housing Development)* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
22. *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.
23. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
24. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
25. *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:

26. *The Highway Authority* has raised no objections to this application.

INTERNAL CONSULTEE RESPONSES:

27. *The Ecology Section* has raised no objection subject to conditions regarding adherence to the mitigation measures set out within submitted Bat Risk Assessment and the timing of site clearance works so as to avoid any impact on nesting birds.

28. *The Arboriculture Officer* has raised no objections to this application, subject to conditions requiring the submission and approval of a landscaping plan for this site and details confirming the location and design of protective fencing for retained trees.

29. *The Design and Historic Environment Section* advises that the proposed dwellings are of a scale and design appropriate to the surrounding context, and accordingly, they raise no objection subject to a condition to control external materials.

PUBLIC RESPONSES:

30. The application has been publicised by way of press and site notices and individual neighbour notification letters. To date, one letter of objection has been received from a nearby resident, who is concerned that the proposals would preclude them and their visitors from having access to existing parking bays.

APPLICANTS STATEMENT:

31. The development would transform this underused building into affordable homes for the over 55s, allowing people from the community to downsize from family homes into more manageable bungalows.

32. A community consultation was held at the site on 30 October 2012, attended by representatives from Livin, the architect and the development team, providing opportunity for local residents to examine the scheme and discuss any questions. Letters were sent to nearby residents and local Councillors inviting people to this event, with feedback forms made available. 6no. feedback forms were returned.

33. The site is Brownfield, reducing pressure to develop Greenfield sites for housing, and would contribute to the local economy by accommodating new residents, helping to support local shops and businesses.

34. The development incorporates quality open space to the east and west, creating an open outlook for both new and existing residents and would provide new open space to the area and retain existing trees where possible.

35. Elevational treatment shall be simple yet robust, reflecting the traditional appearance of surrounding properties.

36. The new dwellings will achieve a Code for Sustainable Homes Level 3, thereby reducing energy consumption and CO2 emissions. All bungalows will be designed to Lifetime Homes Standards providing flexibility and improving access for people with impaired mobility.

37. It is intended to achieve Secured by Design accreditation for the development with the local architectural liaison officer having been consulted and involved in the design of the layout and boundary treatments.

38. There is opportunity to extend the existing highway to the south east corner of the site to introduce turning facilities for larger vehicles such as refuse lorries.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

40. 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.

41. 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 by re-using land that has been previously developed, providing it is not of high environmental value.

42. RSS policies 2, 4 and 24 set out sustainable housing objectives, paying regard to a sequential approach to site selection in the delivery of new housing across the region, in achieving sustainable development objectives. Local Plan policies H17 and D5 support new residential development on backland and infill locations 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, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

43. The application site comprises previously-developed land within the settlement of Ferryhill and surrounded in all directions by existing residential development, and is located within close proximity to the main commercial centre of the town as well as nearby key access routes to other settlements. Access and connectivity both throughout this settlement and to neighbouring settlements is good.

44. It is therefore considered that the proposed development would be located in a sustainable location with regard to the NPPF and RSS Policies 2, 4 and 24, which establish sustainable housing objectives and would satisfy RSS Policy 7 in relation to connectivity and accessibility.

45. The dwellings would also be built to Code for Sustainable Homes level 3. The Code seeks to bring about a step change in sustainable building practice for new homes, and is used to guide the design and construction of properties and covers issues of energy/CO₂, pollution, water, health and well-being, materials, management, surface water run-off, ecology, and waste. The sustainability credentials of the development are therefore significantly enhanced by such measures, and to ensure that they are implemented, a condition would be appropriate, and ensures compliance with RSS Policy 38.

46. The proposed dwellings would not be for sale on the open market and would constitute affordable housing having regard to the definition provided in the NPPF. In particular, the dwellings would constitute affordable rented housing, owned and managed by a registered provider ('Livin'). The applicants have identified that there is a demand in the area for housing of the type and form proposed, and would have control over the occupation of the dwellings in perpetuity, and this combined with the numbers of units being below the level where affordable housing is ordinarily required, is such that it is considered that it would not be necessary to control the tenure of the properties by way of a legal agreement.
47. In summary, the redevelopment of the site for residential purposes to provide affordable housing represents a sustainable form of development which accords with the NPPF's presumption in favour of sustainable development.

Impact on the character of the area

48. The NPPF and Local Plan Policies H17 and D1 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.
49. This site is already in residential use, surrounded by short terraces of residential bungalows in all directions, with 2 storey development to the south east. Open space presently separates this site from adjacent land uses to the east and west, with public footpaths forming a perimeter of the site. The proposed development would see the demolition of the existing site, involving the erection of 12no. bungalows extending beyond the original development footprint over the existing open space to the west.
50. The density and scale of the proposed development would be generally consistent with the predominant character of the surrounding area, being single storey in nature to reflect existing surrounding developments, whilst forming short terraces and semi detached pairs which would blend with surrounding development patterns, whilst focusing parking to the rear. Dwellings would also be of a simple yet functional appearance which would blend into their surroundings without appearing incongruous or out of place.
51. Taking account of the advice of the Design and Historic Environment Section, it is considered that the proposed dwellings respect surrounding development in terms of siting and scale, not appearing incongruous to their setting, being of a sympathetic design, which would be further integrated into its surroundings through the introduction of a soft landscaping scheme. Such detail is to be controlled by way of condition as is control over building materials and finishes. As such the proposals comply with design principles set out in the NPPF, RSS Policy and Local Plan Policies H17 and D1.

Impact on residential amenity

52. Local Plan Policies H17 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek to make provision for adequate amenity and privacy 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 the placement of the proposed dwellings, showing consideration to existing properties which surround the site in all directions.

53. Submitted plans show all proposed dwellings to benefit from sufficient levels of front and rear garden private amenity space which would not encroach into or detrimentally impact existing neighbouring amenity space in terms of overlooking. Furthermore, owing to the orientation of the dwellings, there would be no primary elevations of neighbouring properties directly overlooking each other within short distances.
54. Owing to the layout, orientation and positioning of the proposed dwellings, it is noted that the rear elevations of plots 1 and 2 would fall within 8m, of the side elevation of plot 5, with the rear of plots 7 and 8 falling within 8m of proposed plot 9. The only side facing windows overlooking these rear elevations would serve bathrooms, with any approval to be carefully conditioned so as to ensure these windows are obscurely glazed in the interests of privacy. This condition has been worded so as to ensure all side facing bathroom windows in all plots are obscured in the interests of privacy.
55. Although a separation of only 8m is not ideal, the single storey nature and orientation of these dwellings would ensure that these small separation distances would not lead to significant overbearing impact or overshadowing of other dwellings to an unacceptable level. As such, the proposal satisfactorily achieves sufficient privacy levels and private amenity space to the front, rear and sides and accords with Local Plan Policies H17 and D5, as well as SPG3.
56. Whilst there would also be an inevitable increase in levels of traffic associated with the site than that which exists in its present use, it is considered that the levels of traffic associated with 12no. 2 bed bungalows aimed at older residents would not be likely to lead to such significant levels of traffic that it would have an unacceptable affect in terms of noise and disturbance for existing occupiers of adjacent properties. The scheme is therefore considered to accord with Policy D5 in this respect.

Highway safety

57. Local Plan Policies H17 and D3 both seek to ensure new development achieves a satisfactory means of access and adequate parking provision, showing regard to highway safety principles.
58. The proposed layout provides for the creation of a central parking court with twelve parking spaces for prospective residents, whilst four car parking spaces would be provided adjacent to the open space to the east. The Highway Authority has raised no objection to the proposal, noting the 133% parking provision to be achieved whilst also having regard to the levels of traffic that would be associated with the development. The scheme has been amended at the request of the Highway Authority in order to provide a 1.8m wide footpath to the front of proposed plots 9-12 and to the side of plot 8, which could be considered for adoption. The proposals are therefore considered to accord with Policies H17 and D3 in this regard.
59. The concerns raised by a local resident with regard to the loss of their parking space have been noted, however, this parking takes place on land in private ownership as opposed to the public highway, and as such, the use of this land is beyond the objectors control. In undertaking consultation with local residents prior to the submission of the application, the applicants advised local residents who were using the site for car parking that they would no longer be able to do so. However, as highlighted above, the scheme would provide four public car parking spaces linked to the development, which will be adopted as public highway and which be available for use by the wider community.

Open space provision

60. Local Plan Policy L2 seeks 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 500sqm of amenity space is expected, equating in this case to some 720sqm of open space. Where this level cannot be provided, either fully or in part, an in lieu commuted sum equivalent to £1000 per dwelling, would be required. The proposed layout would provide some 1017sqm of retained open space towards the eastern and western site boundaries. However, the majority of this open space, around 725sqm, is on moderately sloping ground rising from west to east, and as such, although it offers an important visual benefit in terms of a setting to the development, it does not necessarily provide significant recreational benefits, thus not meeting the policy objectives for open spaces in residential development. Accordingly, and following negotiations with the applicants a commuted sum of £6000 would be provided, and this would be secured by way of a S106 Legal Agreement in the form of a unilateral undertaking. Accordingly, the scheme is considered to comply with Policy L2.

Ecology

61. The application is accompanied by an extended phase 1 survey with bat risk assessment. The survey advises that there were no field signs, internally or externally, that the building was being used by bats. There may be some risk that individual non-breeding bats use the building, and accordingly there is some, albeit low risk that protected species could be affected. The Ecology Section has raised no objections to the proposal, subject to conditions requiring adherence to the mitigation and recommendations set out within the submitted bat risk assessment and sensitive site clearance works. It is considered that subject to adherence to the proposed ecology conditions, the proposals would not have significant effects on protected species, such that a licence would not be required and consideration of the derogation test set out in the Habitats Regulations is not required. The proposals are considered to satisfy the provisions of section 11 of the NPPF in this regard.

Arboricultural implications

62. The Arboriculture Section has raised no objections to this proposal, subject to a condition requiring the submission of a detailed landscaping scheme and details and plans of protective fencing for protected trees. Subject to adherence to the conditions of approval, the proposals would satisfy the provisions of Local Plan Policy E15 which seeks to ensure the retention and protection of trees and hedgerows.

CONCLUSION

63. The principle of infill residential development on the boundary of an existing residential settlement, and on previously developed, Brownfield land is considered acceptable given its sustainable location and compliance with the aims of the NPPF and relevant development plan policies. The proposed scale, layout and density of the development is considered sympathetic to surrounding development and the local setting, without detracting significantly from the local street scene or character of the area. Furthermore, with no detrimental impact upon highway safety, ecology, trees, or neighbouring privacy/amenity, this proposal is considered acceptable, whilst giving particular regard to open space provision.

64. The proposed development is therefore considered to accord with relevant national, regional and 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 Obligation to secure the payment of a commuted sum in lieu of adequate on site open space provision 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. Development hereby approved shall be carried out in strict accordance with the following approved plans:
2272-D-00-03-C (Proposed site plan), received 30 January 2013
2272-D-00-04 (Site sections), received 27 November 2012
2272-D-00-05 (Bungalow plan and elevations, plots 1-4), received 27 November 2012
2272-D-00-06 (Bungalow plan and elevations, plots 5-6), received 27 November 2012
2272-D-00-07 (Bungalow plan and elevations, plots 7-8), received 27 November 2012
2272-D-00-08 (Bungalow plan and elevations, plots 9-12), received 27 November 2012
2272-D-00-09 (Enclosure details), received 27 November 2012
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy D1 (General principles for the layout and design of new developments) of the Sedgefield Borough Local Plan.
4. 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; and, the establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

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

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

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

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

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

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

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

Replacements will be subject to the same conditions.

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

6. No development shall take place unless in accordance with the mitigation and recommendations detailed within the protected species report 'An extended phase 1 survey, bat risk assessment and code for sustainable homes assessment of Cleves Cross Grange, Ferryhill, E3 Ecology Ltd, September 2012'.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

7. Any on site vegetation clearance should 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 Part 11 of the NPPF.

8. 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, or alternative.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) all glass to be used in the side facing elevations of plots 1 – 12 (not including plots 10 and 11) serving the proposed bathroom areas shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local planning authority.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with policy H17 (Backland and infill housing development) of the Sedgfield Borough Local Plan.

10. No development shall commence until a topographical plan illustrating all trees to be retained (individually numbered) and their associated root protection areas, and trees to be removed has been submitted to and approved in writing by the local planning authority.

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

11. No development shall take place until details and plans of protective fencing for retained trees has been submitted, inspected and approved by the Local Planning Authority. The location and design of protective fencing details shall follow the guidelines set out in BS 5837:2012 Trees in relation to construction, design and demolition. Works shall be carried out in accordance with the approved details thereafter.

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

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable infill housing development in terms of its 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 and 24, 30 and 38 of the RSS for the North East, and Policies E15, H17, L2, D1, D3 and D5 of the Sedgfield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.
3. In arriving at this recommendation, all objections and other views expressed have been considered, however, on balance, they are considered to not be overriding in this case.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority have worked with the applicant in a positive and proactive manner in, providing detailed pre-application advice which has influenced the current submission and ensured the timely reporting of the application to Planning Committee.

BACKGROUND PAPERS

Submitted Application Forms and Plans

National Planning Policy Framework (NPPF)

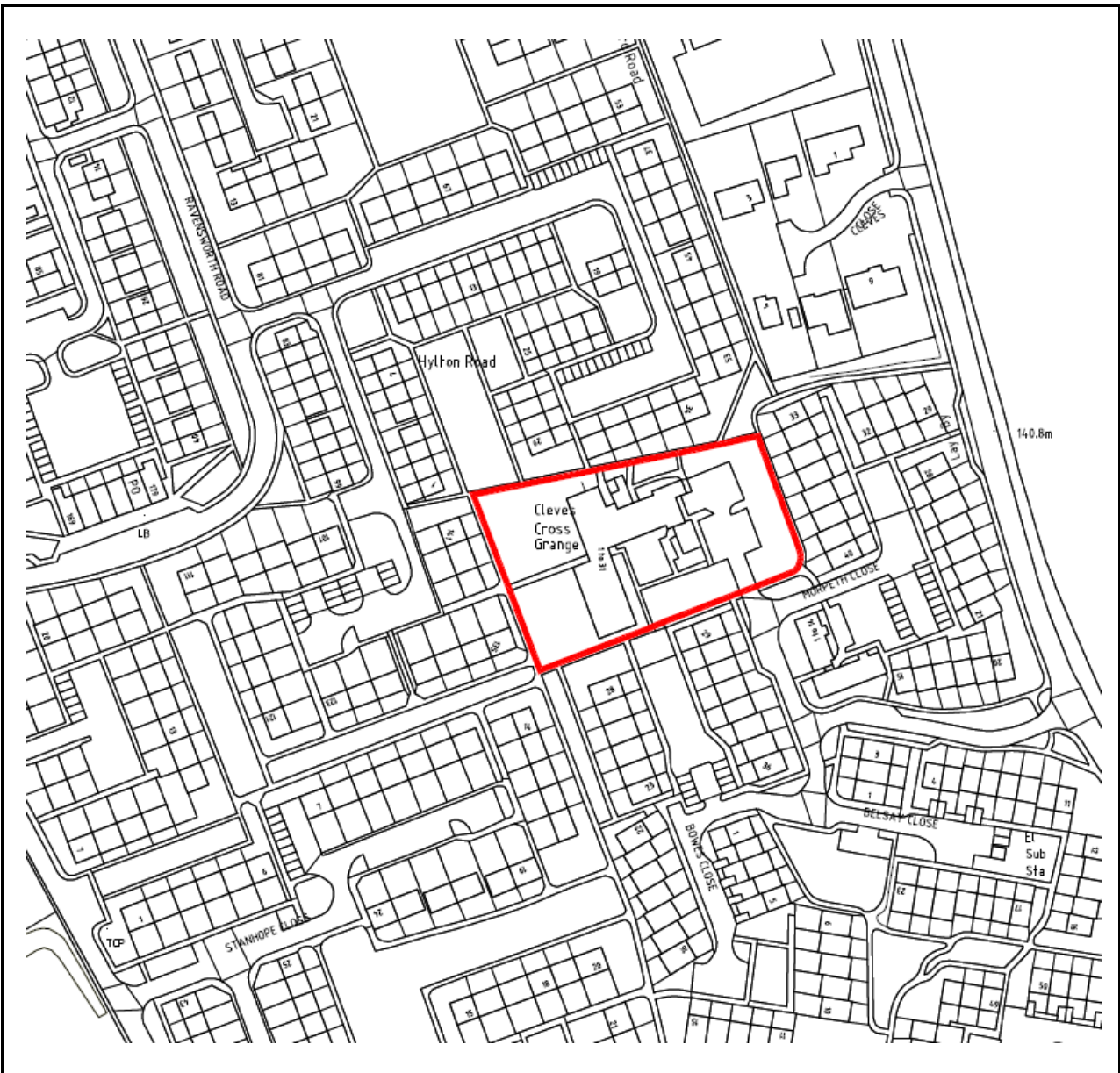
Regional Spatial Strategy


Sedgefield Borough Local Plan 1996

Consultation response from the Highway Authority

Internal responses from the Arboriculture and Ecology Sections

Public responses from neighbouring resident



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Demolition of Cleves Cross Grange and erection of 12no. dwellings at Cleves Cross Grange, Ferryhill, Co Durham, DL17 8QZ</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 21 February 2013</p>	

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2012/0525

FULL APPLICATION DESCRIPTION: **CONSTRUCTION OF 11 DWELLINGS**

NAME OF APPLICANT: **MR C SMITH**
SWALE VALLEY CONSTRUCTION LTD

ADDRESS: DELLSIDE HOUSE LOW WILLINGTON, WILLINGTON, CROOK, DL15 0DH

ELECTORAL DIVISION: WILLINGTON ED

CASE OFFICER: **Chris Baxter**
(Senior) Planning Officer
03000 263944
chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the south of the A690 highway in Willington. The site is 'L' shaped with the Dellside House building located to the north of the site. Dellside House is a former Wear Valley District Council building which is no longer in use. The south of the site is currently vacant land made up of a mix of grassed and tarmac areas and used to be occupied by council houses. Three residential properties (No. 71, 72 & 73 Low Willington) are located directly north of the site with No. 71 being of particular interest as it's a grade II listed building. Residential properties are located directly to the east of the site and a public area, with seating and car parking is situated to the west. There is a belt of mature trees along the south boundary with open fields beyond. The site has an existing vehicular access directly onto the A690 to the north.

The Proposals

2. Planning permission is sought for the erection of 11no. dwellings on the southern section of the site. The existing Dellside House building is not to be altered at present and does not form part of this application. However, the applicants have indicated that the intention is to submit an application in the future for the demolition and redevelopment of Dellside House for further residential properties, following ecology survey works on the building.
3. The proposed dwellings would be a mix of 2, 3 and 4 bedroom properties and would be set out as three sets of linked properties and two detached properties. They are all to be of two storey construction, built from brickwork to the walls and concrete tiles to the roof, with white upvc windows and doors. A total of 25no. car parking spaces are proposed within the site. The intention is for all the properties to be transferred to Prince Bishop Homes for the purpose of affordable housing.

4. The application is being reported to the Committee in line with the Scheme of Delegation because it is a major application of more than 10 dwellings.

PLANNING HISTORY

5. There is no planning history particularly relevant to this proposal, although as noted above, a number of Council houses were demolished on the site under a demolition notice in 2004.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements and guidance notes into a single policy statement, the National Planning Policy Framework (NPPF).
7. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 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 including provision for affordable housing where required.
8. Paragraphs 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.
9. Paragraph 129 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

REGIONAL PLANNING POLICY

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

Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant, although they carry less weight because of the intention to abolish the RSS:

12. *Policy 4 (The Sequential Approach to Development)* provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
13. *Policy 7 (Connectivity and Accessibility)* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
14. *Policy 8 (Protecting and Enhancing the Environment)* seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.
15. *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.
16. *Policy 38 (Sustainable Construction)* requires that major new developments of more than 10 dwellings should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources.

LOCAL PLAN POLICY:

17. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and therefore relevant in the determination of this application:
18. *Policy GD1 (General Development Criteria)* states that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
19. *Policy BE4 (Setting of a Listed Building)* states that development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
20. *Policy H3 (Distribution of Development)* states that new development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
21. *Policy H24 (Residential Design Criteria)* states that new residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
22. *Policy H22 (Community Benefit)* states that on sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

23. *Policy T1 (General Policy – Highways)* states that all developments which generate additional traffic will be required to fulfil Policy GD1 and:

- provide adequate access to the developments;
- not exceed the capacity of the local road network; and
- be capable of access by public transport networks.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Highway Authority* has stated that parking levels and internal layout are adequate and a safe access can be achieved with the A690 highway. A speed camera advisory sign would have to be relocated as part of access works.

INTERNAL CONSULTEE RESPONSES:

25. *Ecology Section* has no objections to the proposals subject to a condition relating to the mitigation in the ecology report.

26. *Sustainability Section* originally asked for a condition requiring a scheme to minimise energy consumption on the development. The developer subsequently submitted a scheme showing how reduction in energy consumption can be achieved on site and the Sustainability Officer has withdrawn the request for the condition.

PUBLIC RESPONSES:

27. A site notice was posted and the application was advertised in the local press. No representations have been received.

APPLICANTS STATEMENT:

28. The applicant has chosen not to submit an additional supporting statement.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

29. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 the development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on residential amenity, visual impact and effect on heritage assets, highway issues, open space contributions, affordable housing provision and other issues.

Principle of development

30. The site is brownfield land located within the settlement boundaries of Willington. It is within close walking distance to shops, community facilities and local services and there is a history of residential development on the site. The proposal is therefore in accordance with policy H3 of the Wear Valley local plan and is considered to be a

sustainable location for the scale of development proposed. The proposal is therefore in principle wholly in accordance with the core principles of the NPPF and the presumption in favour of sustainable development.

Visual impact and effect on heritage assets

31. The site lies to the rear of no.71 which is a grade 2 listed building. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority must pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). In this case it is the setting of the listed building that warrants consideration.
32. No.71 is a dwelling located within a residential area and has its own clearly defined curtilage. It is considered that its setting is largely limited to its immediate curtilage. The application site lies to the rear of no.71 and has no important association with the listed building. The scale of the dwellings would be appropriate to the scale of the listed building and because the site is to the rear, the development would be unlikely to obscure any important public views of the listed building. There is sufficient separation distance between the proposed properties and the listed building to ensure that the significance of the listed building and its setting would not be adversely compromised.
33. The proposed houses are of an uncomplicated house design to be constructed from an appropriate brick and roof tile. Given the location of the site situated behind neighbouring dwellings and the listed building, the proposed properties would be relatively well screened from any public viewpoints. The proposed scheme would have little impact upon the street scene and it is considered that the visual impact on the immediate locality and listed building would be minimal. To ensure that the specific details of the scheme are acceptable, conditions relating to the submission of materials, boundary treatment, landscaping and surface treatment are recommended.
34. The proposal would not therefore be detrimental to the visual amenity of the surrounding area, or setting of the nearby listed building. This would be in accordance with policies GD1 and BE4 of the Wear Valley local plan, as well as the guidance in the NPPF.

Impact on residential amenity

35. A separation distance of 22 metres would be achieved between the proposed units 4-8 and existing neighbouring properties No. 71, 72 & 73 Low Willington which would ensure adequate levels of privacy are maintained between those properties. The gable elevation of proposed unit 1 would be situated 12 metres away from the west end of neighbouring No. 73 Low Willington, however, the main outlook of No. 73 would not be adversely affected. There are also no windows in the neighbouring property to the east which would look over the application site ensuring there would be no loss of privacy to that dwelling. It is therefore considered that the relationship between the proposed dwellings and the existing neighbouring properties would be acceptable and in accordance with Wear Valley local plan policies GD1 and H24.
36. In terms of the internal site arrangements, adequate separation distances would be achieved within the development. It is noted that the front elevation of unit 3 would only be situated 5 metres from the blank gable elevation of unit 4; however, unit 3

has been sensitively designed so the main habitable windows would be angled away from unit 4 allowing future occupiers of unit 3 to have an acceptable outlook.

37. Each proposed property would have rear garden areas, although it is noted that several gardens would be small. However, the main reason for this is the retention of the tree belt to the south, which is important for the amenity of the area. The garden size preference will be a matter for the potential occupier to consider; however consideration still needs to be given to whether smaller gardens would result in a development which is overdevelopment and out of character with the surrounding area. In this respect, the area is characterised by a mix of dwelling types and sizes with varying garden sizes. The proposed dwellings would still be comfortably located within the site and the retention of the tree belt which occupies a large part of the south of the site would ensure the site did not appear overdeveloped or out of character with the surrounding area.

Highway issues

38. There is an existing access into the site from the A690 highway which is to be used for the proposed development. 25 car park spaces are to be provided within the site for the future residents. County Highway Officers have not raised any objections to the proposed access and have stated that the proposed car parking levels are acceptable. The proposed internal road layout is also compatible with the County adoption standards. The proposed development would not compromise highway safety and would be in accordance with policies GD1 and T1 of the Wear Valley local plan.

Open space contributions

39. The NPPF places emphasis on the planning system playing an important role in facilitating social interaction and creating healthy, inclusive communities. The provision of high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well being of communities and new housing places a demand on existing facilities. Wear Valley local plan policy H22 requires that on sites of 10 or more dwellings the local planning authority will seek to negotiate contributions towards the provision or maintenance of recreational facilities.
40. The proposed scheme does not provide any useable open space areas within the development. To compensate for this the developer has agreed to enter into a section 106 agreement to provide a contribution of £11,000 for the provision and maintenance of related social, community and/or recreational facilities within the nearby locality. This is in accordance with Wear Valley local plan policy H22 and the aims of the NPPF.

Affordable housing provision

41. A key aim of the NPPF is to deliver a wide choice of high quality homes. It further states that to boost significantly the supply of housing, local planning authorities should objectively assess needs for market and affordable housing. The current evidence base which supports the County Durham Plan Preferred Options indicates that 15% affordable housing should be sought on residential development schemes in the area, which in this application would equate to 2 properties. It is noted however that supporting statements provided with the application indicate that the whole scheme is to be transferred to Prince Bishop Homes with the intention of all the properties becoming affordable units. The provision of 100% affordable housing

on the site is welcomed as it would make a significant contribution to meeting the affordable housing requirements in the area, but given the proposal would be acceptable at 15% affordable housing, it is only proposed to secure 15% affordable housing in the section 106 agreement. This wouldn't prevent the rest of the housing from being affordable and gives some flexibility to the scheme. Subject to signing a section 106 agreement in this respect, the proposal would be in accordance with criteria detailed in the NPPF.

Other issues

42. An ecology report was submitted with the application. The County Ecologist has raised no objections, but recommends that mitigation methods described in the ecology report are undertaken. This can be secured by a condition. It is considered that the proposed development would not impact on protected species or their habitats.
43. The developer has proactively worked towards providing a scheme which shows that the proposed development would minimise carbon emissions from the site. It is proposed that a total of 10kwp of Solar Photovoltaic panels will be installed in plots 4,5,6, 7 and 8 to meet the aims of the NPPF and RSS policy 38.

CONCLUSION

44. The redevelopment of a brownfield site within the development limits of Willington accords with the main thrust of the National Planning Policy Framework in terms of securing sustainable patterns of development. The principle of redeveloping the site for residential is therefore acceptable and would be in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
45. From a more detailed perspective, the layout, scale and design of the development is such that it would not harm the setting of the nearby grade II listed building and adequate separation distances would be achieved with neighbouring properties to avoid loss of amenity to those properties. The development would therefore be in accordance with policies GD1, BE4 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
46. The reuse of the existing access is acceptable and would not compromise highway safety. Adequate levels of parking would be provided within the site. The development would therefore be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
47. A Section 106 legal agreement will be entered into to secure 15% affordable housing (2 units) within the scheme in addition to a contribution of £11,000 for the provision and maintenance of social, community and/or recreational facilities within the nearby locality.

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 payment of a commuted sum in lieu of on site open space provision; and subject to the conditions below;

1. The development shall not be begun later than the expiration of three years from the date of this permission.

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

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

Plan Ref No.	Description	Date Received
	Site Location Plan	17/12/2012
EVO 331/01C	Proposed Site Plan	17/12/2012
EVO 331/03	Proposed Elevations Plots 1-3	17/12/2012
EVO 331/04	Proposed Floor Plans Plots 1-3	17/12/2012
EVO 331/05	Proposed Plans and Elevations Plot 4	17/12/2012
EVO 331/06	Proposed Floor Plans Plots 5-7	17/12/2012
EVO 331/07	Proposed Elevations Plots 5-7	17/12/2012
EVO 331/08	Proposed Plans and Elevations Plot 8	17/12/2012
EVO 331/09	Proposed Floor Plans Plots 9-11	17/12/2012
EVO 331/10	Proposed Elevations Plots 9-11	17/12/2012

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

3. No development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with approved details.

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

4. No development shall commence until details of surface treatment and construction of all hardstanding areas are submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with approved details.

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

5. No development shall commence until details of means of enclosure are submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with approved details.

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

6. No development shall commence until a detailed landscaping scheme is submitted to and approved in writing by the local planning authority.

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

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

8. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the protected species report, Phase 1: Desk Study Report dated October 2012 by Solmek.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

9. The development hereby approved shall incorporate a total of 10kwp of Solar Photovoltaic panels onto plots 4,5,6, 7 and 8 as detailed in the submitted "CO2 Reduction assessment" by Richmond Thermal Solutions. No dwelling on plots 4,5,6,7 and 8 shall be occupied until the photovoltaic system has been installed and is ready for operation on the dwelling.

Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and the NPPF.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable housing development on this brownfield site within the physical framework of Willington. The proposal would be acceptable in terms of its impact upon the character of the area, setting of a nearby listed building, access, parking, the privacy and amenity of surrounding residents, and subject to completion of a S106 agreement to secure affordable housing and a contribution towards maintenance and provision of open space in the locality.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, the RSS for the North East and Policies GD1, H3, BE4, H24, H22, and T1 of the Wear Valley District Local Plan and to all relevant material considerations.

STATEMENT OF POSITIVE/PROACTIVE WORKING

The Local Planning Authority has determined the application in a timely manner and has had dialogue with the applicant throughout the determination to address issues about sustainability and to reach agreement on the open space contribution and affordable housing requirement.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Sustainability Appraisal

Ecological Assessment

National Planning Policy Framework

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

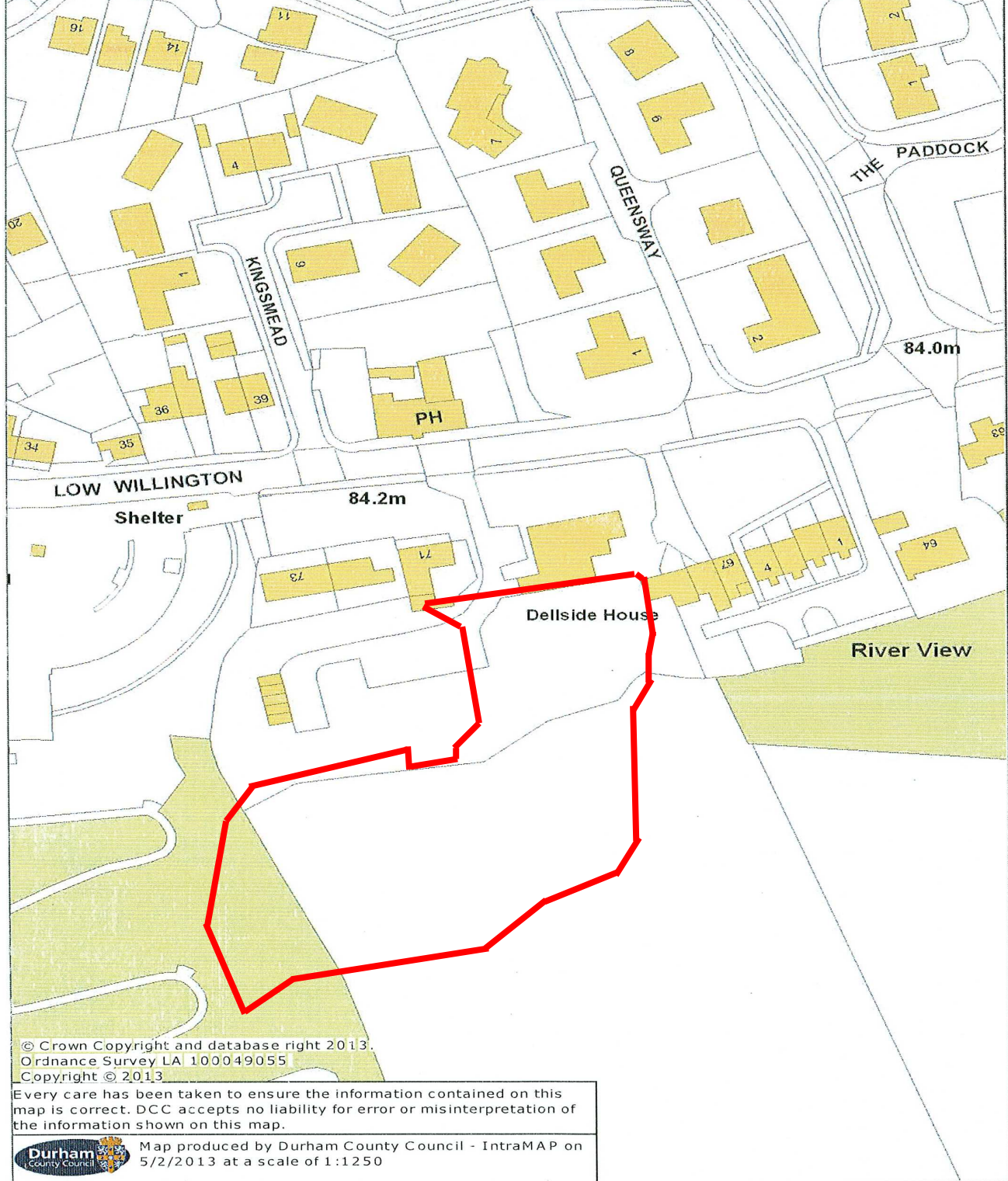
Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

Circular 11/95: Use of conditions in planning permission

Responses from Highways Authority.

Internal responses from Ecology Section and Sustainability Section.

Durham County Council - IntraMAP



Planning Services

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Construction of 11no. dwellings
 At Land at Dellside House, Willington
 (3/2012/0525)

Comments

Date 21 February 2013

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COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/C/12/2179709

LPA REF: H/7/2011/0112/DM

ENFORCEMENT NOTICE APPEAL RELATING TO THE UNAUTHORISED ERECTION OF A FENCE ON LAND ADJACENT TO ST JOHN'S CHURCH, SHILDON, CO DURHAM

1. This appeal follows the serving of an Enforcement Notice in relation to the unauthorised erection of a 1.8 metre high timber boundary fence within the curtilage of St John's Church, Shildon (a Grade II Listed Building), and which followed the refusal of a retrospective application for planning permission in April 2012 (ref: 7/2012/0068/DM). The application was refused for the following reason:


In the opinion of the Local Planning Authority, the timber fence significantly adversely affects the character, appearance and historic interest of the adjacent Grade II Listed St Johns Church, thereby failing to preserve or enhance its setting, contrary to the NPPF, RSS Policies 8 and 32 and adopted Policy D1 of the Sedgefield Borough Local Plan.

2. The appeal proceeded on the basis that planning permission should be granted for the development and that the time period for compliance with the notice was insufficient. The appeal was **dismissed** and the notice **upheld**. In arriving at the decision, the Inspector considered the following issues:
3. The fence can be seen in various views and appears as an incongruous and inappropriate feature which materially detracts from the setting of the Church. The inappropriateness derives from both the use of timber and the location of the fence. Although not physically attached, the visual impression is of a jarring and incompatible extension completely at odds with the style and character of the Church. The Inspector found the fence harms not only the setting, but the building itself.
4. Whilst appreciating the need to provide some separation of public and private land uses, other more appropriate means could be used that would be far less harmful in visual terms. The Inspector therefore found the fence was contrary to part 12 of the NPPF and Policy D1 of the Local Plan and that planning permission should not be granted.
5. The appellants contend that four weeks is an inadequate period in which to appoint a contractor and agree an alternative way of providing a boundary between the two properties, and a period of six months should be given. However, the enforcement notice does not require that an alternative form of enclosure be provided, merely that the offending structure be removed. There is no reason the fence could not be removed within four weeks with any extension of this period considered to prolong the harm that has been created. The notice was therefore upheld.
6. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

7. That the decision is noted.



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of a fence on land adjacent to St John's Church, Shildon, Co Durham</p>	
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APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/A/12/2178099

LPA REF: 7/2011/0489/DM

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE CONVERSION OF AGRICULTURAL BUILDING TO DWELLING

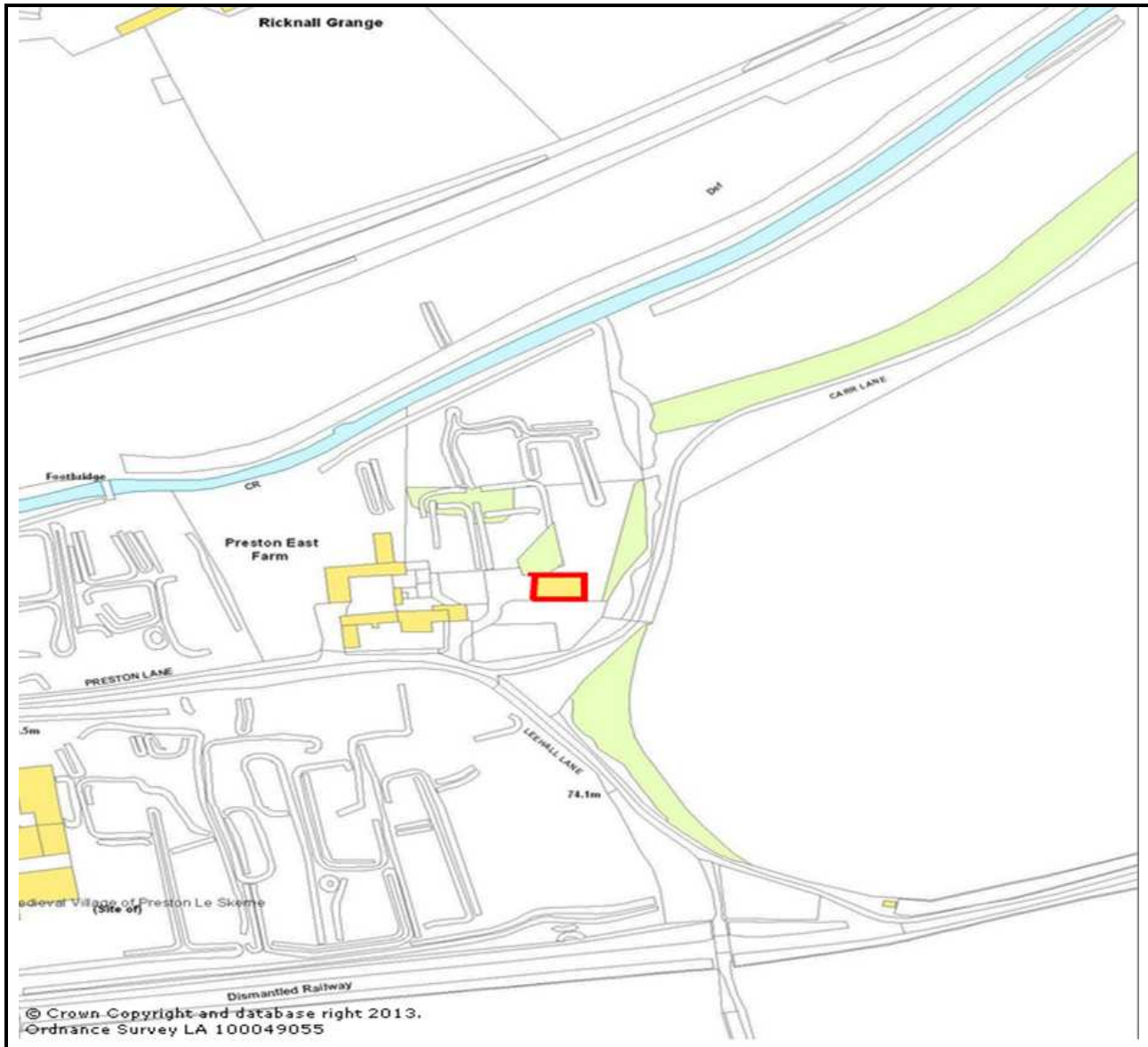
1. This appeal relates to an application for planning permission for the conversion of an agricultural building on land at Preston East Farm, Preston le Skerne, Newton Aycliffe. The application was refused under delegated powers on 11 January 2012 for the following reason:


The local planning authority considers that the proposed conversion would relate to a building that is located in an unsustainable location outside of the development limits of town or village and is not of special architectural or historic merit warranting its overriding retention. In addition, the site is poorly related to existing facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and therefore does not reduce the need to travel, especially by car. The proposal for residential use is therefore in direct conflict with Local Plan Policy D1, RSS policies 2, 4 and 7 and National policies PPS1, PPS4 and PPS7 and PPG13.

2. The appeal was **dismissed**. In arriving at the decision the Inspector considered the following issues:
3. The proposed development represents an ordinary steel-framed metal-clad agricultural barn, entirely utilitarian in appearance and design and that its conversion to residential use would fundamentally undermine the aims of the NPPF as it would not provide housing for a rural worker, nor preserve a heritage asset. The development would not enhance the surroundings with the metal cladding appearing incongruous beside the red bricks and stone of the houses nearby and the creation of the large domestic curtilage would further alter the rural character of the isolated hamlet.
4. In addition the inspector considered that the proposal would not accord with the aim to manage patterns of growth to encourage the use of public transport, walking and cycling and would not therefore be sustainable, undermining the aims of the NPPF and conflicting with the local plan policies which continue to apply.
5. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

6. That the decision is noted.



 <p>Planning Services</p>	<p>Conversion of an agricultural building on land at Preston East Farm, Preston le Skerne, Newton Aycliffe (7/2011/0485/DM)</p>	
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APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/A/12/2174999

LPA REF: 7/2011/0405/DM

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A BARN ON LAND AT GREEN VALLEY STABLES, SALTERS LANE, TRIMDON, CO DURHAM

1. This appeal relates to an application for planning permission for the erection of a barn on land at Green Valley Stables, Trimdon. The application was refused under delegated powers on 28 November 2011 for the following reason:

In the opinion of the Local Planning Authority, the scale and prominent location of the proposed barn would constitute an unjustified and visually intrusive feature in the countryside, detrimental to the character and appearance of the area. This is considered contrary to PPS7 (Sustainable development in rural areas) which requires all rural development to be in keeping and in scale with its location and sensitive to the character of the countryside.

2. The appeal was **dismissed**. In arriving at the decision the Inspector considered the following issues:
3. The proposed development would be very visible in the landscape, exacerbated by the limited existing screening, resulting in significant harm to the character and appearance of the countryside. This harm would not be outweighed by any need for further storage.
4. The development would add unacceptably to the cumulative effect of existing buildings nearby and further erode the open character of the area. As such, the proposal would fail to contribute to or enhance the natural or local environment, or protect or enhance valued landscapes, contrary to paragraph 109 of the NPPF.
5. The appellant has significantly overestimated the storage requirement for hay on the site, and the need for hay storage along with other anticipated functions could be provided for within existing buildings on the site.
6. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

7. That the decision is noted.



Planning Services

Erection of barn at Green Valley Stables,
Salters Lane, Trimdon (7/2011/0405/DM)

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APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/D/12/2181226

LPA REF: 7/2012/0115/DM

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF FIRST FLOOR SIDE EXTENSION AT THE WINDMILL, MERRINGTON ROAD, FERRYHILL, CO. DURHAM

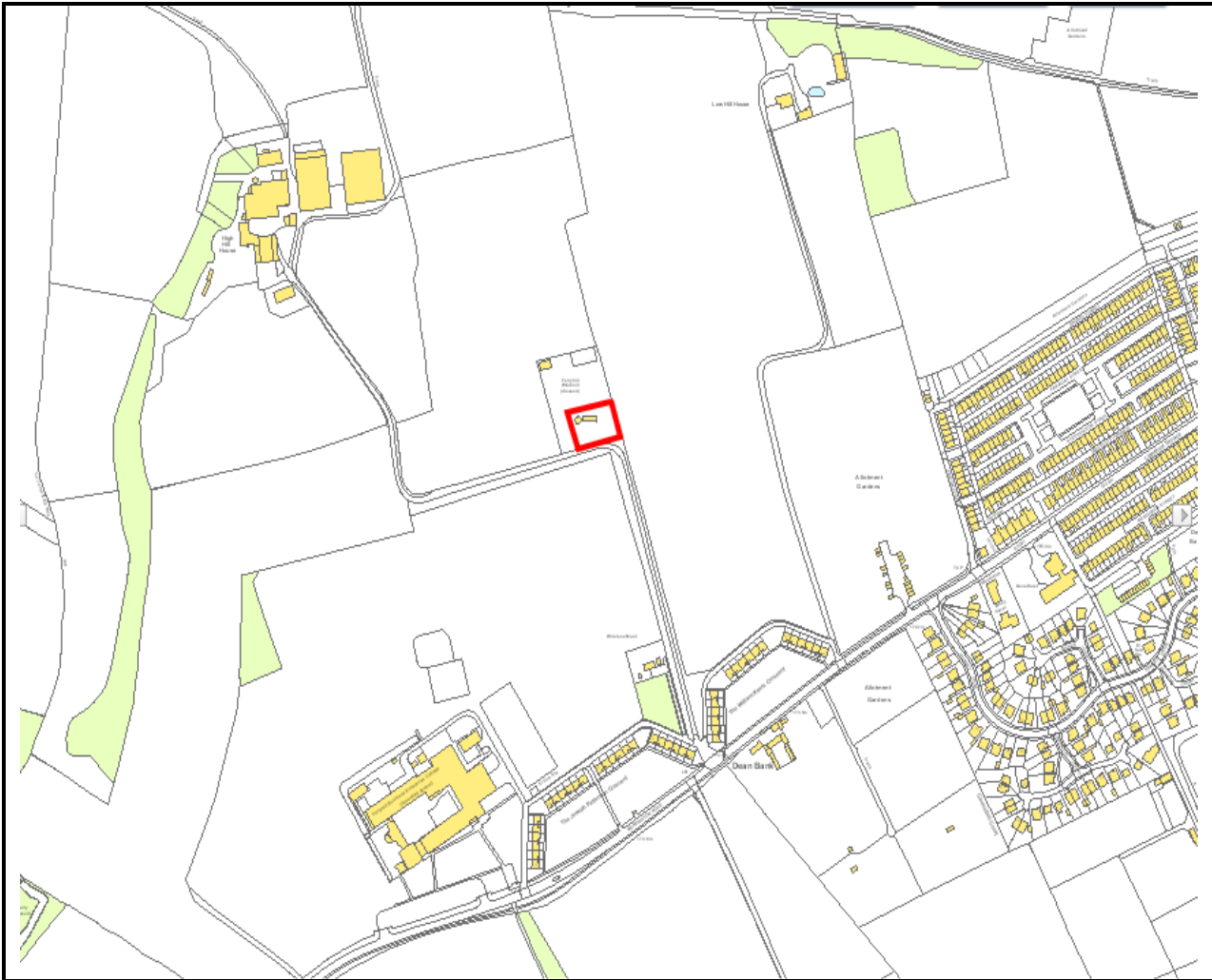
1. This appeal relates to a planning application for the erection of a first floor side extension barn at The Windmill, Merrington Road, Ferryhill. The application was refused under delegated powers on 12 June 2012 for the following reason:

The Local Planning Authority considers that the scale and position of the proposed first floor extension would, when considered cumulatively, result in an extension to the original windmill of such a size and scale that it would no longer be subservient to and would significantly detract from the historic character and appearance of the windmill. This would be contrary to policies D1, H15 and the RESPD of the Sedgfield Borough Council Local Plan.

2. The appeal was **dismissed**. In arriving at the decision the Inspector considered the following issues:
3. Despite the proposed extension being in itself a small addition to the property, and being set lower than the main two storey house, it would follow the forward projection of the existing single storey addition, with a half height dormer breaking the eaves which would increase its apparent height. This vertical emphasis would be increased by the additional height of the external gable chimney at this side, which would also be raised as part of the proposal. Overall, the impression would be of a two storey addition at the end of the existing house that would be prominent due to its forward position and which would appear to increase the original volume of the house by more than a third again.
4. The extension would 'tip the balance' so that the visual emphasis between the new building mass and the original windmill tower would be severely eroded and the house would become the dominant element, rather than the windmill.
5. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

6. That the decision is noted.



Planning Services

Erection of first floor side extension at The Windmill, Merrington Lane, Ferryhill (7/2012/0115/DM)

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APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/A/12/2180068

LPA REF: 3/2012/0101

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF 2no. DETACHED BUNGALPWS

1. This appeal relates to an application for planning permission for the erection of 2no. detached bungalows at Land South of High Queen Street, Witton Park. The application was refused by planning committee on 19 April 2012 for the following reasons:

The Local Planning Authority considers that the application site, being located outside of settlement limits of Witton Park would harm the character of the settlement and are without any special justification, contrary to Policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and provisions of the National Planning Policy Framework.

The Local Planning Authority considers that the vehicular access to the site is not adequate to serve 2no. dwellings and it is not currently possible to upgrade the access to a suitable standard. This is contrary to the requirements of Policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

The Local Planning Authority considers that as result of the intensification of the use of the access track across the Village Green that the use of the Village Green as a high quality recreational public open space would be compromised due to an increased safety risk to users contrary to para.73 of the National Planning Policy Framework.

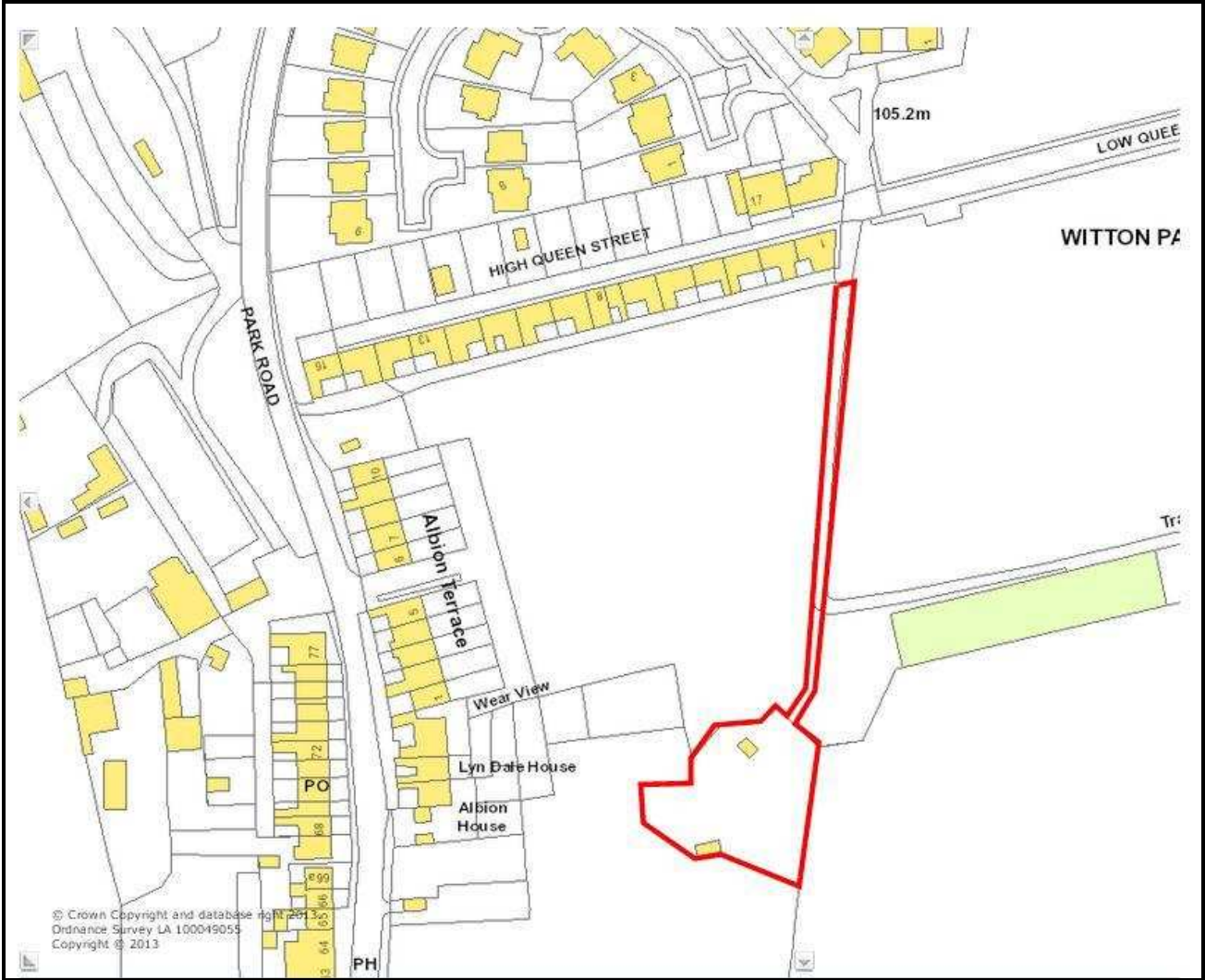
2. The appeal was **dismissed**. In arriving at the decision the Inspector considered the following main issues.
3. The erection of two detached bungalows on this site would be at odds with both the existing character and the appearance of the surrounding area as it would introduce a new residential use into open land unrelated to any similar development. Consequently, the proposal would conflict with Policy GD1 of the Local Plan it that it would not be in keeping with the character and appearance of the area.
4. Although an unsurfaced track is visible across the Green leading to the appeal site, indicating a degree of usage, it does not appear to be suitable as a permanent access to two houses without additional surfacing and/or upgrading. Moreover, access is restricted to smaller vehicles by posts and a crossbar, and


large stones, sited to prevent unauthorised access to the Green by larger vehicles and caravan.

5. No alterations could be made to the surface of the track across the Village Green without further formal consent, and there is no indication that this would be forthcoming and as a result, that increased usage of the existing track, even for two dwellings, would result in a deterioration in its present condition, and this would be detrimental to the appearance of the Green itself.
6. Access to the appeal site by larger vehicles would not be possible without removal, even on a temporary basis, of the posts and crossbar. No information was been provided about how this could be achieved. Service vehicles such as refuse collection vehicles and larger delivery vans would therefore be unable to drive up to the proposed dwellings. It follows that satisfactory access has not been shown to be available, thus the proposal would conflict with the provisions of Policy T1 of the Local Plan.
7. That additional usage of a track across an area used for recreational purposes is likely to create danger for users of that area, despite the lack of any impediment to forward visibility for drivers of vehicles. Even informal activities such as dog walking or general play would be less safe than at present if regular use of a track across a central part of the area were to be sanctioned, notwithstanding the care that would need to be taken by drivers and the likelihood that traffic speed would be low.
8. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

9. That the decision is noted.



 <p>Durham County Council Planning Services</p>	<p>Erection of 2no. detached bungalows on land South of High Queen Street, Witton Park (3/2012/0101)</p>	
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COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/C/12/2180104

LPA REF: ENF6/2011/032

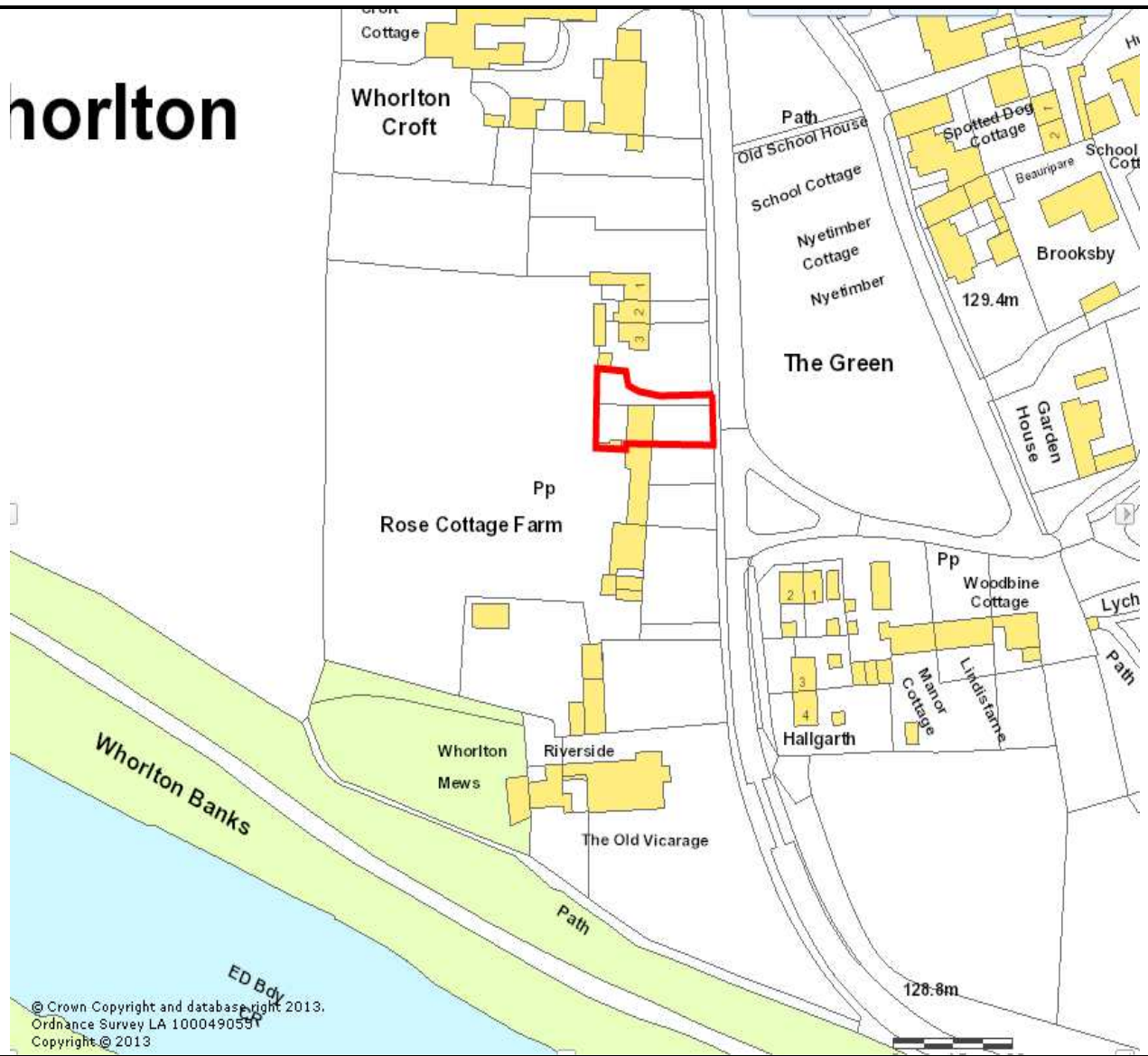
APPEAL AGAINST THE ISSUE OF AN ENFORCEMENT NOTICE RELATING TO THE UNAUTHORISED ERECTION OF A SUN ROOM/CONSERVATORY AT "THE COTTAGE", THE GREEN, WHORLTON, BARNARD CASTLE, CO DURHAM DL12 8XE


1. This appeal relates to an Enforcement Notice served by the Council against an unauthorised sun room/conservatory on the rear of the property which was not built in accordance with a 2007 planning permission. Prior to serving this notice, a retrospective planning application to retain the development with minor modification was refused by the Local Planning Authority on 1 June 2012 (6/2012/0095/DM) and the decision upheld on a subsequent appeal.
2. The enforcement notice appeal was **dismissed, the enforcement notice was upheld without amendment, and the "deemed application on appeal" was refused**. In arriving at the decision, the Inspector considered the following issues:
3. The Inspector found that the conservatory as constructed is much heavier and bulkier in appearance than the scheme approved, incorporating thicker glazing bars, transoms and mullions, as well as solid stonework, together with a sizeable picture window topped with a cartwheel shaped fanlight and smaller clerestory windows on either side above the stonework. Moreover instead of an asymmetric roof to match the adjoining extension an even pitched roof has been provided with plastic ornamentation along the ridgeline. From open rear views the conservatory appears an incongruous and visually jarring addition to the simple stone building. The unsympathetic and visually bulky conservatory detracts significantly from the traditional scale, design and materials of the buildings in this area of the village.
4. The development conflicts with Local Plan Policy GD1, which seeks a high standard of design, and Policy BENV4 which requires development within a Conservation Area to respect the quality and character of the Area in its design, layout and materials. The NPPF places great emphasis on high quality design and draws attention to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The development undertaken fails to meet any of these requirements.
5. The Inspector concluded that the development materially harms both the character and appearance of the host building and that of the surrounding part of the Whorlton Conservation Area and the appeal under ground (a) that planning permission should be granted is dismissed.
6. With regard the appeal on ground (g) that the period of time to comply with the enforcement notice is not reasonable, the Inspector concluded that the period specified was reasonable and proportionate given the visual harm identified, and the appeal under ground (g) was dismissed.
7. No costs applications were made.

RECOMMENDATION

8. That the decision is noted.

Whorlton



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of a sun room/conservatory on the rear of The Cottage, The Green, Whorlton Co Durham</p>	
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