



Area Planning Committee (South and West)

Date Thursday 21 March 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 21 February 2013 (Pages 1 - 6)
5. Applications to be determined
 - a) 3/2013/0019 - Land at Barrington Street, Toronto, Bishop Auckland (Pages 7 - 20)
Outline application for the erection of 2 dwellings
 - b) 7/2013/0021/DM - Rosewood Grange, Chilton (Pages 21 - 38)
Demolition of Rosewood Grange and erection of 25 bungalows
 - c) 7/2012/0427/DM - Grayson Grange, Grayson Road, Spennymoor
(Pages 39 - 52)
Demolition of Grayson Grange and erection of 12no. dwellings
6. Appeal Updates (Pages 53 - 56)
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 March 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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 21 February 2013 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, D Burn, M Campbell, K Davidson, G Richardson, P Taylor, R Todd, J Wilkinson and M Williams

Also Present:

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

1 Apologies for Absence

Apologies for absence were received from Councillors P Gittins, J Gray, G Holland and J Shuttleworth.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 13 December 2012 were agreed as a correct record and were signed by the Chair.

5 Applications to be determined

5a 7/2012/0273/DM - Land at Redworth Road, Shildon

The Committee considered a report of the Principal Planning Officer regarding an application for 38 residential dwellings with detailed matters of appearance, landscaping, layout and 'reserved' matters (for copy see file of Minutes).

A Inch, 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 5 to reflect that on-site public open space would be provided at a rate of 10 sqm of informal play space and 50 sqm of amenity space for each dwelling. It was also proposed that condition 3 be removed.

In response to a question from the Chair, the Principal Planning Officer advised that there were no specific guidelines which regulated the distance between residential dwellings and petrol stations. The proximity of the proposed properties to the existing petrol station was not unusual and was deemed to be acceptable.

Councillor Richardson referred to the planning history of the site, and the Principal Planning Officer confirmed that a previous application had been refused and dismissed at appeal, however the Inspector had accepted that the site would be suitable for housing development.

Resolved:

That the application be approved subject:-

- (i) to the conditions outlined in the report with condition 3 being removed and condition 5 being amended to read as follows:-

‘5. The development hereby permitted shall provide on-site public open space at a rate of 10 sqm of informal play space and 50 sqm of amenity space for each dwelling.

Reason: In the interests of the appearance of the area and to comply with policies L1 and L2 of the Sedgefield Borough Local Plan.’

- (ii) 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.

5b 7/2012/0413/DM - Cleves Cross Grange, Ferryhill

The Committee considered a report of the Principal Planning Officer regarding an application for the demolition of Cleves Cross Grange, Ferryhill and the erection of 12no. dwellings (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mrs Lawson, an objector addressed the Committee. She lived in close proximity to the application site and was concerned that only 4 visitor car parking spaces were proposed. If approved the development would prevent residents of neighbouring properties and their visitors from having access to existing bays. In addition she was concerned that parking would be difficult for carers and emergency services.

In response to a request for clarification from the Chair, Members were advised that neighbouring residents currently parked on the Cleves Cross Grange site which was privately owned land.

A Kitchen, on behalf of Livin Homes, the applicant stated that this was 1 of 13 sheltered housing schemes that no longer met the needs of the community. There was very little demand for this type of accommodation and the company proposed to demolish and re-develop the site to create older persons accommodation.

Livin had carried out consultation with the community including a consultation event which provided an opportunity for local residents to examine the scheme.

Currently on-site parking was private but there was existing provision for neighbouring properties to the rear of Morpeth Close, 4 of which had garages, and the scheme included 4 visitor spaces.

At the request of Members A Kitchen indicated on a plan the point at which emergency services would access the site. The scheme would benefit from an increased turning point and a Traffic Management Plan would be put in place during construction works.

In discussing the application Members considered the parking provision and whether it would be possible to increase the number of visitor spaces.

Referring to a site plan the Principal Planning Officer explained that it would not be feasible to extend the visitor parking because of the sloped nature of the surrounding land, trees on the site and the location of a footpath to the north. However the site was in a sustainable location with good access to local bus services.

By way of clarification the Committee was advised by the Legal Officer that the issue for consideration by Members was whether the on-site parking provision for the development was adequate. Whilst neighbouring residents currently parked on the site they had no legal right to do so as the land was in private ownership.

D Stewart, Highways Officer stated that the development would benefit from 133% parking provision. This was deemed to be acceptable for a development occupied by residents over the age of 60, as car ownership tended to be lower in this age group. The scheme would provide 4 public car parking spaces linked to the development which would be available for local residents.

In welcoming the proposals Councillor Boyes asked about on-site open space provision for the benefit of the residents. The Principal Planning Officer stated that open space would be retained on-site as detailed in the report, with further off-site provision in the vicinity.

Following discussion it was **Resolved**

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

5c 3/2012/0525 - Dellside House, Low Willington, Willington, Crook

The Committee considered a report of the Principal Planning Officer regarding an application for the construction of 11no. dwellings (for copy see file of Minutes).

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

Resolved

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

6 Appeal Updates

The Committee considered a report of the Principal Planning Officer which gave an update regarding the following appeals which had been dismissed:-

- 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
- 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
- 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
- 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
- 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 bungalows

- 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.

Resolved

That the decisions be noted.

The Chair agreed that in order to keep Members informed the following item of business could be reported.

7 Homes and Community Agency - Section 106 Renegotiation Report and Outcomes

J Byers, Planning Team Leader (South and West Area) briefed Members on the assessment by the Homes and Community Agency (HCA) into stalled housing sites and whether Section 106 Agreements had an impact on the viability of potential schemes.

Of the 4 schemes in County Durham that had been included by the HCA, the assessment had concluded that there were underlying economic reasons for these developments being stalled. It found that the Local Planning Authority was assisting developers where possible in assessing the viability of schemes and in the renegotiation of Section 106 contributions. The low number of stalled schemes also demonstrated this.

Councillor Davidson commented that it had been a useful study which showed that the Local Planning Authority was not preventing schemes from moving forward, and suggested that publicity should be given to this.

Resolved

That the information be noted and consideration be given to publicising the outcome of the assessment at the Planning Chairs and Vice-Chairs meeting.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	3/2013/0019
FULL APPLICATION DESCRIPTION:	Outline application for the erection of two dwellings
NAME OF APPLICANT:	Dunelm Homes Ltd
ADDRESS:	Land at Barrington Street, Toronto, Bishop Auckland
ELECTORAL DIVISION:	Bishop Auckland
CASE OFFICER:	Paul Hopper, Planning Officer 03000 263946, paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a predominantly rectangular parcel of land covering an area of 0.2 hectares situated immediately to the east of Barrington Street, Toronto. The site is currently open land which is primarily used as grazing for agricultural purposes. The site is flanked to the west by a row of terraced properties at Barrington Street which face towards the application site. The existing Crook to Bishop Auckland bypass (A689) is located to the north of the site, along with an existing bungalow to the south and agricultural fields to the east.
2. Barrington Street falls away from south to the north and has a change in level of around 6 metres throughout the length of the street. While this fall is generally mirrored by the application site, land does fall away more steeply immediately to the north of the Park View to the south of the site and from east to west into what was presumably the former clay pit. As such at this point the site lies approximately 5 metres below the level of the adjacent road.
3. The application site is situated within the settlement limits of Toronto as defined in the Wear Valley District Local Plan and is not allocated for any other purpose.

The Proposal

4. Outline planning permission is sought for the erection of two dwellings on the site with all matters reserved. While indicative layout and elevation plan details have been provided showing a bungalow and a two storey, split level property (which would be built into the existing level change), all matters are reserved including access, appearance, landscaping, layout and scale.

5. The application is reported to the South West Area Planning Committee at the request of Councillor Zair, and in order that the committee can assess the potential impact of the proposal upon ecology, access and highway safety and flooding.

PLANNING HISTORY

6. An application (3/2006/0304) for the erection of ten terraced and two detached dwellings, was submitted in 2006 but was subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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.
9. 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.
10. 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

11. 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.
12. 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:
13. *Policy 2 (Sustainable Development)* seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
14. *Policy 3 (Climate Change)* The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
15. *Policy 4 (Sequential Approach to Development)* seeks to adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations.
16. *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.

17. *Policy 8 (Protecting and Enhancing the Environment)* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
18. *Policy 24 (Delivering Sustainable Communities)* refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
19. *Policy 38 (Sustainable Construction)* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.
20. *Policy 54 (Parking and Travel Plans)* seeks to support the delivery of improved public transport throughout the Region, the promotion of travel plans and the provision and pricing of parking will be essential. Key elements include the marketing of public transport, cycling, walking and car sharing in trying to influence travel behaviour.

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:

21. *Policy GD1 (General Development Criteria):* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
22. *Policy H3 (Distribution of Development):* 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.
23. *Policy H24 (Residential Design Criteria):* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
24. *Policy T1 (General Policy – Highways):* 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:

25. *The Highway Authority* originally raised concerns regarding the lack of any adoptable turning area beyond the junction of Barrington Street and Church Street. The applicant has revised the scheme to demonstrate that the required turning head could be accommodated within the site and as such the Highway Authority offers no objections to the application, subject to the inclusion of an appropriate condition requiring the provision of such a turning head.

26. *Northumbrian Water Limited* notes that the increase in surface water generated by the development which will enter the public sewer system will be minimal and that the sewer will be able to accommodate these further flows.
27. *Bishop Auckland Town Council* object on the grounds that the proposed access would be difficult and could adversely affect other residents, that the development would result in the unacceptable loss of wildlife habitat and would displace existing standing water which would spill onto the nearby highway.

INTERNAL CONSULTEE RESPONSES:

28. *Ecology Section* originally advised that a Phase 1 Habitat Assessment should be undertaken to assess the existing ecological value of the site. The applicant has since undertaken the required survey and subsequently no objection is offered to the proposals subject to the inclusion of a condition requiring checks for breeding birds if vegetation is to be removed during the bird breeding season.
29. *Tree Officer* notes that the site appears to be largely scrub and rough pasture with no mature trees and as such offers no objections to the proposal.
30. *Public Rights of Way Officer* notes the location of Public Right of Way No 86 to the north of the site but advises that this should not be affected by the proposed development and as such, no objection is offered to the application.
31. *Flooding and Coastal Protection Section* has provided advice in relation to a sequential approach to surface water disposal, and has recommended the imposition of a planning condition to control such matters.

PUBLIC RESPONSES:

32. The application has been advertised on site and neighbour notification letters sent to surrounding properties. In response, ten letters and a 21 signature petition from some 11 households (most of whom have written in separately) have been received raising objection to the application. The reasons for objection are summarised below:
33. Residential Amenity: The vegetation which would be removed as part of the proposal provides a natural screen to attenuate the noise from the A689 to the north, if this is removed noise nuisance would increase. The increased noise from construction traffic would have an adverse impact upon residential amenity. The proximity of the proposed houses to those existing along Barrington Street would have an adverse impact upon existing privacy levels.
34. Design and Visual Impact: Views of the site are extensive from the surrounding area and the appearance of the split level arrangement creates an overly dominant addition to this side of Barrington Street. In addition the proposed materials do not appear in accordance with the general character of the area and serve to create an incongruous and discordant addition to the streetscene. The existing dry stone wall is in poor condition and as such would be likely lost as part of the proposals.
35. Highways and Access: On street parking is limited along Barrington Street and the proposed development would exacerbate this existing problem. The street is very narrow and as such any further development would have an adverse impact upon access and highway safety, particularly during the construction phase. During winter months exiting the street is only possible if residents clear the street themselves.

36. Ecology: No Phase 1 Habitat Survey has been undertaken and as such it is impossible to assess the impact upon the existing ecological value of the site. The development would have an adverse impact on, and ultimately result in the loss of, existing wildlife habitat, particularly in relation to breeding birds.
37. Flooding and Drainage: The site is prone to standing water within the southern part into which most of the surface water run-off from the surrounding area drains. Any development would displace this water into the surrounding area and residential properties.
38. Need and Sustainability: There is no need for additional housing within Toronto which has no services or amenities. The proposed design does not show any element of affordable housing and as such it is unlikely that there will be any market for the houses once built. One resident has noted guidance contained within the National Planning Policy Framework and considers the proposal to be in conflict with the contents of this Framework.
39. Other Issues: The proposal would result in a loss of view from properties at Barrington Street and as a result would have an adverse impact upon property values. In addition one resident has raised specific issue with other development undertaken by the applicant in the Toronto area which was subject to amendment after planning permission was initially granted. Further issue has been raised in relation to the need to relocate existing utility supply and the impact that this would have upon existing properties.

APPLICANTS STATEMENT:

40. As agent for the applicant Dunelm Homes, we have approached the site with a view to firstly securing approval via an outline application for the principle of development on the site for two dwellings.
41. The site falls within the settlement boundary of Toronto as detailed in the former Wear Valley Local Plan and we understand that this remains the prevailing development control document for planning purposes at this time. We are aware that previous proposals on the site in 2006 by Dunelm Homes for 12 houses were withdrawn but this was at a time where the over riding national planning policy guidance was based upon a sequential approach to land delivery enshrined in PPS3 and this has now been superseded by the new NPPF document that has a direction of travel that advocates a principle approach in favour of development. The application submitted seeks to minimise the volume of development considerably to two units, and thus the impact on traffic generation, massing and infrastructure that development of the site will have.
42. With regard to ecological concerns, we have undertaken a phase one ecology survey that has been submitted to the Councils ecology officer, and no objection has been raised by them given the findings of this study. Issues in respect of drainage and flooding have also been raised however the site is not within a designated Environment Agency flood zone and Northumbrian Water have raised no objections, we are confident that following a full engineering assessment all surface water and foul sewerage from the site can be discharged without issue.
43. The submitted plans are purely indicative and will be subject to the results of a site survey that will establish the exact finished floor levels and ridge heights, but by using the levels of the site, the proposal will be to construct two bungalows in massing terms.

44. Access arrangements have been discussed with the highways officer in detail, and we have agreed to construct a turning head to adoptable standards within the site boundary that will connect to the already adopted highway, and we understand that this addresses previous concerns raised by the highways officers in relation to the historic application for 12 units that was withdrawn. It is the intention to ensure, as highlighted by the indicative proposals, that all parking required by the newly constructed dwellings will be accommodated within the curtilage of the site and no over spill will occur onto Barrington Street.

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

45. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 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, highway issues, ecology and drainage.

Principle of development

46. This application proposes residential development on land to the east of Barrington Street, Toronto which is within the settlement limits for Toronto as defined by the Wear Valley District Local Plan.

47. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development, and Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land through the re-use of land that has been previously developed, providing it is not of high environmental value.

48. In planning policy terms the application site lies within the settlement limits of Toronto and its development for housing would therefore accord with Local Plan Policy H3 which seeks to direct new development to those towns and villages best able to support it and would be broadly consistent with the aims of the NPPF. Objectors consider that Toronto is not able to support additional housing, highlighting the lack of facilities available within the village. Whilst it is acknowledged that Toronto has little in the way of local services there is a direct and regular bus service to nearby Bishop Auckland which is located 0.6 miles to the south east, which offers a range of shops and services. Therefore, while this is not a location where a large scale new residential development could be supported, it is considered that the two dwellings would not put any unacceptable pressure on existing local services or lead to unsustainable travel patterns, and as such, could be appropriately accommodated.

49. Objectors have also highlighted that there are other sequentially preferable sites elsewhere where new development could be accommodated. While previous national planning guidance contained a requirement to adopt a sequential approach to considering new housing sites and that greenfield sites would only be acceptable where brownfield sites are unlikely to be developed in the short term, this requirement is not reflected in the NPPF, and cannot now be used to justify refusal of the scheme.

50. For the above reasons, it is considered that the development is acceptable in principle, in accordance with the aims of the NPPF and the requirements of Local Plan Policy H3.

Residential amenity

51. Concerns have been raised by local residents in relation to the impact of the proposal on residential amenity, particularly loss of privacy, an increase in noise both post development and during the construction phase. While it is noted that site layout and appearance are not matters to be determined at this stage, it is considered that the proposal in its outline form demonstrates that adequate separation distances could be achieved between the two proposed dwellings and the nearest residential properties along Barrington Street and Park View. In this regard the proposal would accord with the 21 metre separation distance between windows to habitable rooms advised as a guide in Local Plan Policy H24. However, such separation distances can be controlled at the reserved matters application stage. It is therefore considered that in terms of amenity space the applicant has demonstrated that sufficient provision could be achieved to the front and rear of the properties, in accordance with other relevant guidance contained in this policy.

52. Residents have raised concerns regarding an increase in potential noise nuisance resulting from the proposed loss of existing vegetation which they consider currently attenuates noise generated by the A689 to the north. In this regard it is noted that an area of mature planting currently exists immediately to the south of the A689 and that this would remain post development. This area of planting offers existing noise attenuation in relation to the A689.

53. Notwithstanding this, the semi mature nature of the vegetation currently within the site, and its position adjacent to the southern boundary, is such that it holds little noise attenuation value and its loss would not result in any adverse impact upon the amenity of adjacent occupiers in this regard. In addition the mass of the proposed dwellings would serve to attenuate noise from the A689 to the extent that it is considered that there would not be any net increase to noise audible from those properties at Barrington Street post development. In terms of potential noise nuisance during the construction phase, the hours of construction can be adequately restricted through the inclusion of appropriate planning condition and as such it is considered that the development would not have an adverse impact on the amenity of nearby residents in accordance with the requirements of Local Plan Policy GD1.

Visual Impact

54. Concerns have been raised by local residents who consider the indicative designs to be an incongruous and discordant addition in the street and unsympathetic to the surrounding area. While details of appearance is not a matter for consideration as part of this application, it is noted that the proposed layout would take a form that would continue the existing building line established by the property to the south at Park View, and would reflect some of the vernacular architecture displayed locally. Although the final design, appearance and scale of the properties is reserved for future consideration, the illustrative plans show one single storey and one split level property of modern design that would relate satisfactorily to neighbouring properties and would not appear out of keeping within the surrounding street scene.

55. The proposed development is therefore considered to be acceptable in terms of its visual impact, such that a scheme can be achieved which would be in keeping with the surrounding area and therefore in accordance with Local Plan Policy GD1.

Highway Issues

56. Objections have been received in relation to parking provision, access and impact of upon highway safety, both post development and during construction.
57. Submitted plans show two indicative access points directly from Barrington Street to the west and include private driveways with enough space to accommodate at least two vehicles per dwelling, thus making it unlikely that the dwellings would create additional demand for on-street parking. It is noted that the existing utility pole situated to the western boundary of the site would need to be relocated in order to accommodate the proposal. Several residents have raised concerns regarding the need to relocate/reposition this utility equipment and the potential disruption to existing supply. In this regard the applicant has confirmed that the required works would be subject to agreement by the relevant utility provider, although it is noted that at this stage formal agreement is not yet in place.
58. The application has been amended to provide a layout which incorporates an appropriate turning head within the northwest corner of the site and from which access to the northernmost dwelling would be gained. Access to the southernmost dwelling would remain as originally proposed, directly from Barrington Street.
59. The Highway Authority has raised no objection to the proposal based on the above amendments to include a turning head and has confirmed that the proposal would therefore be acceptable in highways terms. In relation to the impact of the development upon existing parking provision they note that the relatively large plots proposed would be capable of accommodating the parking demand created by each of the two dwellings. While it is acknowledged that the width of Barrington Street is narrowed by on street parking, it is considered that it remains capable of serving the two proposed dwellings and includes sufficient space for vehicles to enter and leave each dwelling while a vehicle is parked on-street at Barrington Street.
60. Pedestrian access to Barrington Street would remain unchanged and be gained by the existing footpath provision along its western side.
61. While details of layout and access are reserved for future consideration, it is considered that suitable access, layout and parking provision could be provided, and as such, the proposals satisfy the requirements of Local Plan Policies GD1 and T1.

Ecology

62. The application site is currently occupied by a number of shrubs and hedges although none of the vegetation within the site is currently subject to any formal legislative protection. Notwithstanding the above, and on the advice of the Ecology Section, a Phase 1 Habitat Survey has been undertaken across the site which found that none of the habitats present are UK or Durham Biodiversity Plan (BAP) priority habitats or that there was any evidence of protected species using the site. However, the survey does note that the habitats present are potentially suitable for a small number of foraging bats and breeding birds. The results of the survey have been provided to the Ecology Section, who subsequently offered no objections to the proposals subject to a condition requiring pre-clearance checks for breeding birds by an appropriately qualified individual prior to the clearance of vegetation, if undertaken during the bird breeding season. Subject to the appropriate condition, the proposed development is considered to be acceptable in terms of ecological impact, and as such accords with the NPPF and the requirements of Local Plan Policy GD1.

Drainage

63. Objectors have noted that standing water collects at the site and appears to be a result of its previous use as a clay pit, and that the development would displace this water to the surrounding area. Northumbrian Water offers no objection, being satisfied that additional surface water generated by two dwellings would be limited and could be accommodated by the existing drainage network, in the event that a soakaway or infiltration system, for example, as highlighted by the Flooding and Coastal Protection Section, cannot be used. A condition to control the means of surface water disposal is therefore proposed, alongside a condition to control the details of hardstanding areas to ensure they are permeable so as not to lead to surface water run-off. Notwithstanding the above, it is noted that the topography of the site is such that any surplus surface water would follow the natural topography which falls away from surrounding properties to the north east.

Other Matters

64. In addition to objections referred to above, residents have raised concerns regarding previous developments undertaken by the applicant particularly that they will seek to increase the total number of houses if outline planning permission is granted. While not a material planning consideration it is noted that the application relates to two detached properties only, and as such the application should be considered on this basis. Any increase would be subject to planning permission and would be publicised as such with opportunity provided for interested parties to comment.

65. Objections were also raised to the loss of existing views enjoyed by those properties along Barrington Street and that this would have an adverse impact upon the property prices of surrounding dwellings. While it is understandable for residents to have such concerns, these matters are not material planning considerations to which any weight can be attached in determination of this planning application.

CONCLUSION

66. The site is located within the settlement limits of Toronto and would therefore accord with the requirements of Local Plan Policy H3, and would accord with the aims of the NPPF which includes a presumption in favour of sustainable development.

67. The layout, while indicative and not subject to detailed consideration at this stage, demonstrates that adequate separation distances can be achieved between properties to safeguard residential amenity. The appearance of the development would be considered at a later stage, however, it is considered that a form of development can be achieved that would be in keeping with the character of the area. Access could be provided onto Barrington Street to the west with no adverse impact to highway safety as a result.

RECOMMENDATION

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

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the details of access, appearance, layout, landscaping and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

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

3. The development hereby approved shall be carried out in strict accordance with the following approved plans: Site Location Plan received 24 January 2013.

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

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

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

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

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

6. 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: In order to ensure ecological interests are safeguarded in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. Prior to the commencement of 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.

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 shall commence until details of a scheme for surface water drainage have been submitted to and approved in writing by the Local planning authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure proper drainage of the site in accordance with Paragraph 103 of the National Planning Policy Framework.

9. Construction works; including excavations, deliveries, ground works; on the site shall be restricted to the hours of 08:00 hrs to 18:00 hrs Monday to Fridays and 08:00 hrs to 13:00 hrs Saturdays. Construction works; including excavations, deliveries, ground works; shall not be undertaken on Sundays and Bank Holidays.

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

REASONS FOR THE RECOMMENDATION

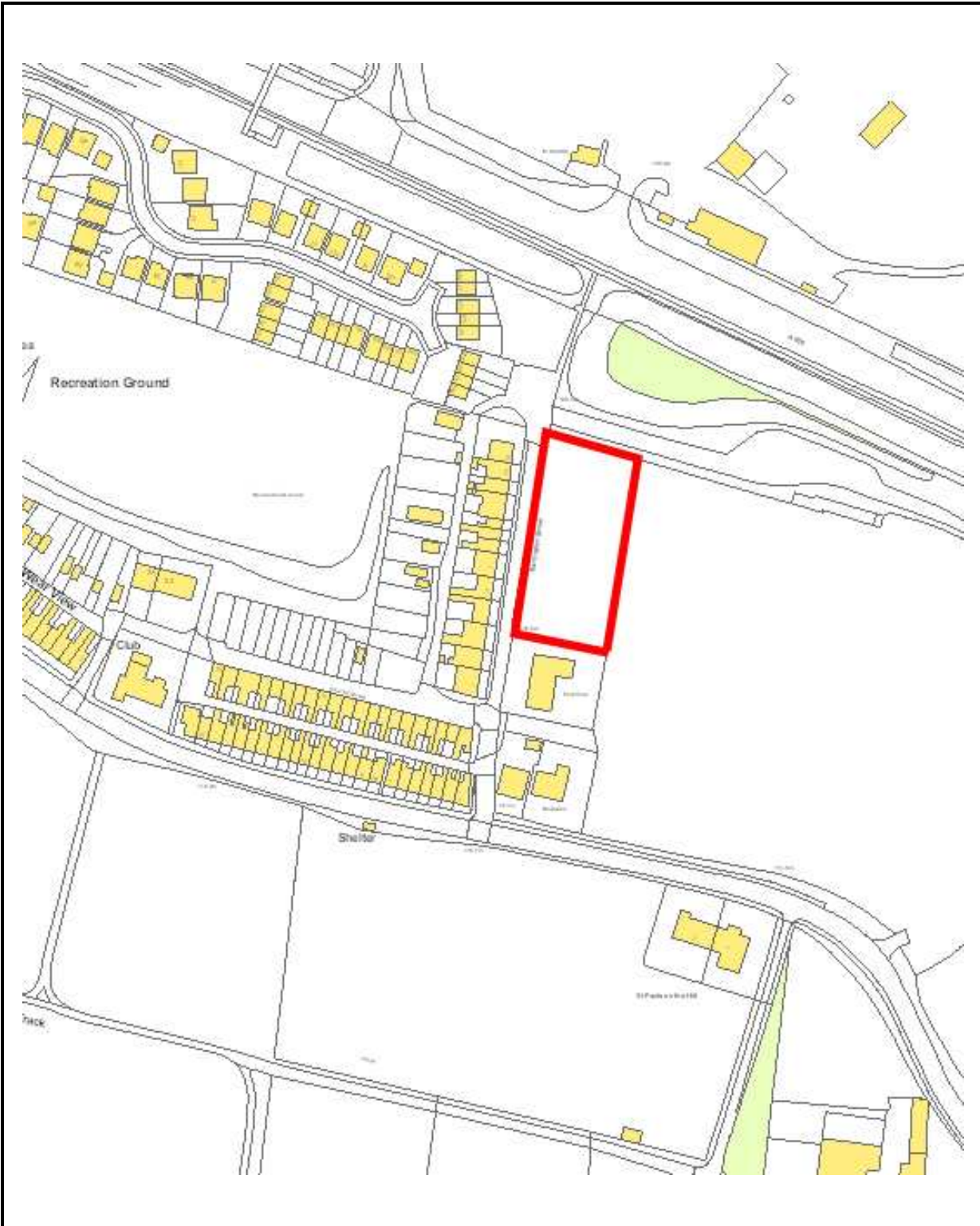
1. The proposal is acceptable in relation to policies GD1, H22, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within the National Planning Policy Framework.
2. In particular, the development is considered acceptable in principle, while the amenity of residents would not be adversely affected and there would be no detriment to highway safety.
3. In arriving at this recommendation, the public consultation responses received have been considered, however, on balance, the issues raised are not considered sufficient to warrant refusal, and matters can be considered further through the submission of reserved matters and through the imposition of planning conditions.


STATEMENT OF POSITIVE AND PROACTIVE WORKING

The local planning authority has acted in a positive and proactive manner in raising issues of access, highway safety and ecology at an early stage in the application process, thus allowing the applicant to revise the scheme and ensuring expedient determination.

BACKGROUND PAPERS

- Submitted Application Forms and Plans, Design and Access Statement and Ecology Habitat and Protected Species Risk Assessment
- National Planning Policy Framework
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Wear Valley District Local Plan
- Responses from Highway Authority, Northumbrian Water and Bishop Auckland Town Council
- Internal responses from Public Rights of Way, Tree Officer, Flooding and Coastal Protection and Ecology Section
- Public Consultation Responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Outline application for the erection of two dwellings with all matters reserved</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 March 2013</p>	

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0021/DM
FULL APPLICATION DESCRIPTION:	Demolition of Rosewood Grange and erection of 25 bungalows
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Rosewood Grange, Chilton
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	David Walker, Senior Planning Officer 03000 261054, David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The northern section of the application site is currently occupied by Rosewood Grange and its associated amenity space and car parking area. Rosewood Grange is a two storey sheltered accommodation complex comprising 29 self contained flats. The current building, which is no longer fit for purpose, consists of 7 bedsits, 21 one bedroom flats and 1 two bedroom flat. A public footpath, which runs in an east – west direction, bisects the two halves of the site. The southern section of the site consists of an area of vacant land immediately to the north of the Chilton Working Men’s Club site. The total site area is just less than one hectare.
2. The site is located within Chilton and is bounded to the north and west by a mix of bungalows and two storey housing. A residential care home and two storey housing bound the eastern boundary, while Chilton Working Men’s Club is to the south.

The Proposals

3. Planning permission is sought for the demolition of Rosewood Grange and the erection of 25 bungalows. The bungalows have been designed around two courts. The northern court which consists of 12 bungalows would be located on the site of Rosewood Grange itself and this would consist of 6 pairs of semi-detached bungalows. The second court of 13 bungalows at the southern end of the site comprises a mix of 3 short rows of 3 bungalows and 2 pairs of semi-detached bungalows. Each bungalow would provide 2 bedroom accommodation.

4. Vehicular access would be provided by the existing access serving Rosewood Grange. The access road would be modified to service the enlarged site and 35 off street car parking spaces would be provided. The public footpath which bisects the site linking the existing residential areas to the west with the community facilities and public transport links on Durham Road has been retained, as has the pedestrian link across the site from Hollowfield.
5. 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

6. There is no planning history of relevance to this proposal.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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.
9. 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.
10. 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

11. *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.
12. 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:
13. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
14. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
15. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
16. *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.

17. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
18. *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.
19. *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:

20. *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.
21. *Policy H17 (Backland and infill housing development)* sets criteria when considering housing in backland or infill sites.
22. *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.
23. *Policy H20 (Provision of special needs housing)* seeks to encourage the provision of housing for the elderly or disabled.
24. *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.
25. *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.
26. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
27. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
28. *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:

29. *The Highway Authority* has no objections to this application subject to provision of a 1.8m wide footpath link from Hollowfields.
30. *The Environment Agency* has no objection subject to the imposition of planning conditions requiring further site investigation works to be undertaken in relation to potential contamination of the site and potential risk posed to the principal aquifer.
31. *The Coal Authority* has no objection subject to the imposition of a planning condition requiring further site investigation works to be undertaken on site prior to the commencement of development in order to establish the precise location of recorded mine workings and to identify whether any further remedial measures are necessary to stabilise the area.
32. *Northumbrian Water* highlights that a public sewer crosses the site, however, a construction method has been agreed to safeguard it during construction.

INTERNAL CONSULTEE RESPONSES:

33. *Housing Regeneration Section* has stated that they have been working with the applicant regarding this proposal and fully support this proposal.
34. *Landscape Section* is broadly supportive but has suggested that the area of open space to the rear of Nos.6-18 Hollowfield be combined with an area of open space further to the south (to the rear of Nos. 2-4 Hollowfield and fronting Nos. 45a and 57 Millwood) so that public access to this amenity space can be retained in the future.
35. *Arboriculture Officer* has no objections to this application but has suggested that a detailed and sustainable planting scheme be implemented on site to compensate for the loss of existing trees on site.
36. *Ecology Section* has no objection subject to the imposition of a planning condition relating to the mitigation details outlined in the ecology reports and the arboricultural impact assessment.
37. *Sustainability Section* has no objection subject to a planning condition requiring further details of the emissions / energy breakdown being provided and agreed prior to the commencement.
38. *Environment Health and Consumer Protection Section* has no objection subject to the imposition of a planning condition requiring further land contamination surveys to be undertaken and requiring a dust control plan to be submitted detailing how residential amenity will be safeguarded during demolition/construction.

PUBLIC RESPONSES:

39. The application has been publicised by way of press and site notices, and individual neighbour notification letters. No written representations have been received.

APPLICANTS STATEMENT:

40. The proposed redevelopment of the existing Rosewood Grange, which is no longer fit for purpose would transform this underused building and vacant land to the north of the Working Men's Club site into 25 much needed affordable homes.
41. Those remaining tenants currently residing at Rosewood Grange would be offered the opportunity to relocate to the proposed bungalows and all of the new bungalows will be let through the Durham Key options Choice based letting scheme which seeks to ensure that the needs of local people are met.
42. All of the new bungalows would be offered to elderly persons for affordable rent and the applicant is prepared to enter into a Section 106 agreement securing a minimum of 30% remaining at an affordable rent in perpetuity.
43. A community consultation was held at the site on 17th December 2012, attended by representatives from Livin, the architect and the development team, providing the opportunity for local residents to examine the scheme and discuss any questions. Letters were sent to nearby residents and local Councillors inviting them to attend this event. Feedback was received from 10 of those attendees and the respondents were positively disposed to the proposal to build this type of accommodation in this area. The applicant has also stated that internal layout of the properties will be amended in phase 1 of the scheme to take into account those comments received. If tenant feedback is positive this modification will be carried through to the second phase of this scheme.
44. 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.
45. The layout of the bungalows has been carefully designed so that these provide a positive and active street frontage which relates well to the layout of the adjacent bungalows and housing.
46. The site is well located in terms of local facilities and public transport links and the layout of the development has designed so that one of the main primary links within the village (which bisects the site) has been safeguarded and pedestrian access to and from the site and integrated into these existing linkages.
47. 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.
48. It is intended to achieve Secured by Design accreditation for the development with the local Police architectural liaison officer having been consulted and involved in the design of the layout and boundary treatments.

PLANNING CONSIDERATIONS AND ASSESSMENT

49. 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, design and the impact on the character of the area, residential amenity, highway safety, affordable housing, open space, ecology, arboricultural implications and ground conditions.

Principle of development

50. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications.

51. Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, providing it is not of high environmental value.

52. 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.

53. The application site consists of the site of the existing sheltered accommodation at Rosewood Grange and also the area of unused land to the north (and rear) of the existing Working Men's Club premises. The sensitive redevelopment of the existing brownfield site, as proposed, offers the opportunity to both provide modern purpose built residential accommodation for the elderly and also allows a vacant and unsightly area of land to be brought back into productive use. The application site is centrally located within Chilton and this is bounded by existing residential development to three sides. The site is located within close proximity to and has good pedestrian links to retail and community facilities within the village. The site is also well located in terms of public transport routes which serve the village.

54. It is therefore considered that the site is a sustainable location for new housing in accordance with the NPPF and RSS Policies 2, 4 and 24, and the provision of purpose built affordable accommodation for the elderly would also comply with RSS Policy 30 and Local Plan Policy H20.

55. The dwellings would be built to Code for Sustainable Homes level 3 with a fabric first approach to achieving the requirements basing the energy improvements into the fabric of the building. The sustainability credentials of the development are therefore significantly enhanced by such measures, and to ensure they are implemented, a condition would be appropriate, ensuring compliance with RSS Policy 38.

56. 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 and the RSS Policies regarding the location of residential development.

Design and Impact on the character of the area

57. The NPPF, RSS Policy 8 and Local Plan Policies H17, D1 and D5 seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses. The scheme has been the subject of Design Review by the North East Design Review and Enabling Service, and has resulted in a scheme that has been sensitively designed so that the density and scale of the development would be consistent with adjacent housing and the character of the area.

58. The northern section of this site containing Rosewood Grange is already in residential use whilst the southern section adjacent to the Working Men's Club is unused and unkempt. The proposed development would see the demolition of the existing building and the construction of 12 bungalows on this part of the site. The remaining 13 bungalows would be constructed on an area of vacant land immediately to the north of the existing Club premises.

59. The northern court has been designed so that those properties on the north western edge of the site are westward facing to mirror the character of the appearance of the adjacent bungalows, to improve natural surveillance in the area and produce an attractive frontage onto the public footpath between the site and the existing bungalows at the north western edge of the site. This feature has also been repeated for the bungalows facing onto the public footpath which bisects the site.

60. In contrast the southern section of the site has been designed so that the new bungalows face onto the central parking court so as to provide a strong internal frontage to the development. The use of a single house type within the development also helps to provide a sense of continuity within the scheme.

61. The proposed bungalows would predominantly be constructed in red brickwork with a render finish being utilised to highlight specific detailing. Grey roof tiles are proposed for the bungalows at the northern section of the site with an antique red tile has been proposed for those bungalows at the southern section of the site. The variation of roof colours has been suggested in response to the variety of tile colours utilised on the adjacent housing in this area.

62. In conclusion, it is considered that the layout and design has been sympathetically designed to provide an attractive setting which pays due regard to the character and appearance of the existing bungalows which abut the site. The redevelopment also allows the vacant site to the north of the Working Men's Club to be included, therefore, greatly improving the visual appearance of the area. As such, it is considered that the proposal complies with design principles set out in the NPPF, RSS Policy 8 and Local Plan Policies H17, D1 and D5.

Impact on residential amenity

63. Local Plan Policies H17, D1 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development including separation guidelines. It is considered that careful regard has been given to the siting of the bungalows and their relationship with adjacent properties.

64. As the site is bounded on three sides by residential development careful consideration has been given to the positioning, design and means of enclosure for the proposed bungalows in order to ensure that adequate levels of privacy are retained between existing housing and the bungalows. In particular, those on the northern edge of the site are between 11.4m and 12.6m from the rear elevation of the existing bungalows. As such, these properties have been designed so those windows serving the living rooms and bedrooms face east and west and do not overlook the rear elevation and rear gardens of the adjacent bungalows.
65. At three plots in the north western corner of the site the separation distances between the habitable rooms of the proposed bungalows and the habitable rooms of the existing bungalows would be approximately 19.4m. Whilst slightly below the 21m separation distance cited in SPG3, it should be noted that the SPG3 does acknowledge that it is appropriate to accept reduced separation distances in cases where single storey development is proposed. The proposed separation distance is, therefore, considered acceptable bearing in mind the single storey nature of the proposal, the characteristics and layout of the existing properties and bearing in mind that the existing two storey sheltered accommodation on the site already faces several of the properties concerned.
66. As a result of the limited height of the bungalows and hipped roof design they would not have an over bearing impact upon any of the adjacent residential properties.
67. As such, it is considered that the proposed layout satisfactorily safeguards privacy between the existing and proposed housing will satisfactorily safeguard residential amenity and would, therefore accord with Local Plan Policies H17, D1 and D5.
68. The proposed demolition of the existing sheltered housing and construction of new housing will inevitably lead to some additional levels of noise and disturbance in the immediate area. However, these effects can be controlled and minimised via the imposition of a combination of planning and environmental health legislation and planning conditions. Because of the inter relationship between the bungalows at the southern section of the site and the adjacent Working Men's Club it has also been suggested that a planning condition be attached requiring a scheme for noise attenuation measures to be submitted to and approved by the Local Planning Authority. Subject to adherence to the conditions of approval, the proposals would accord with the provisions of the NPPF.

Highway safety

69. 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.
70. The layout provides for the creation of a small parking court to serve the northern section of the site with a larger central parking court serving the southern section with 35 spaces provided in total. The Highway Authority considers the level of parking to be acceptable given the demographics of the future occupants.
71. The proposed layout has been designed in such a way as to retain and feed into existing pedestrian linkages which intersect the site and provide easy access on foot from the site to the existing facilities available within the village.
72. The proposals therefore accord with Local Plan Policies H17 and D3 in this regard.

Affordable Housing

73. The provision of affordable housing where a need has been identified is encouraged through RSS Policy 30 and Local Plan Policy H19 and the County Durham Strategic Housing Market assessment (SHMA). In this area and for developments of this size 15% affordable housing would normally be required to be provided.
74. The proposed bungalows would constitute affordable housing having regard to the definition provided in the NPPF, and would be owned and managed by a Registered Provider (Livin), and would be available to eligible households whose needs are not met by the market, as the applicants have identified that there is a demand in the area for housing of the type and form proposed. The applicant has agreed to enter into a legal agreement to ensure that the affordable units are provided and retained in perpetuity for affordable rent, thereby ensuring that the aims of the relevant policies are met in this regard. In addition, and over and above any policy requirement, the applicants have voluntarily offered a further 15% affordable housing to be secured through the legal agreement.
75. This proposal would, therefore, accord with the aims of the NPPF, RSS Policy 30 and Local Plan Policy H19.

Open space provision

76. Local Plan Policies L1 and L2 seek the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring a minimum of 100m² of informal play space and 500sqm of amenity space per 10 dwellings. The aim of these policies is to ensure that any additional demand for leisure and recreational facilities arising can be satisfactorily met within the area and also to ensure appropriate levels of amenity open space are provided on site.
77. It has been considered that bearing in mind that this proposal will necessitate the demolition of the existing sheltered accommodation which contains a total of 29 properties and replacement with 25 bungalows for the elderly, that any net increase in demand for recreational provision arising from this scheme, would be minimal, and there is therefore no requirement to provide informal play space within the scheme or elsewhere.
78. The proposed layout would provide some retained amenity space, primarily located adjacent to the footpath link which bisects the site and an area of open space which flanks the western boundary of the existing Working Men's Club site. These areas of land equate to approximately 1300 sqm, and exceed the required level of 1250sqm.
79. Accordingly, given that this scheme would not result in a net increase in demand for recreational facilities and the amount of amenity open space to be retained within the site exceeds required levels, the proposals are considered to comply with Local Plan Policies L1 and L2.
80. The Landscape Section notes the redevelopment of the site would prohibit informal pedestrian access from Hollowfields to an area of land which flanks the western boundary of the Club site, and it was suggested that an alternative means of pedestrian access be incorporated to this area from the open space to the side of No. 2 Hollowfields and fronting Nos. 45a and 47 Millwood. Whilst this suggestion is noted, this has not formed part of the submission and this may lead to concerns from existing householders in the vicinity of the new access point. The matter has been brought to the applicant's attention, but it is not considered necessary to require these works in order to secure planning permission.

Ecology

81. The application is accompanied by an extended phase 1 survey, bat risk assessment and Arboricultural impact assessment. These surveys advise that there were no field signs, internally or externally, that the building was being used by bats. There may be some risk that occasional use by individual non-breeding bats may use the building, and accordingly there is some, albeit low risk that protected species could be affected. The Ecology Section has no objections subject to conditions requiring adherence to the mitigation and recommendations set out in the bat risk assessment, phase 1 survey and Arboricultural report. 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

82. An Arboricultural Impact Assessment has been carried out and identifies existing trees and hedges within the site, how the development affects these features and how to manage the development to safeguard those trees to be retained. The assessment has identified that the development of the site would require the removal of a section of hedgerow and several trees located within the site.

83. The most prominent landscape feature is the existing hawthorn hedge which runs alongside the pedestrian link which bisects the northern and southern sections of the site. It had originally been intended to remove a large section of this hedgerow in order to facilitate access to the land to the north of the Working Men's Club site. However, the importance of this feature was identified during the both the Design Review and the pre-submission public consultation exercise. As a result, the access arrangements have been amended so that only 10m of hedgerow is to be removed, with the retained section protected during construction.

84. Several trees are located within and adjacent to the site and a number of those trees situated along the perimeter of the site are to be retained and protected during construction. Although a number of trees are to be removed to facilitate development, the Arboriculture Section has raised no objection, subject to a condition requiring the submission of a detailed landscaping scheme. The proposals would accord with the provisions of Local Plan Policy E15.

Ground conditions

85. The NPPF seeks to prevent new and existing development from contributing to or being adversely affected by unacceptable levels of pollution or land instability. As such, where a site is potentially affected by contamination or instability issues, appropriate site investigation works are required in order to identify risks and, where necessary, ensure suitable remediation measures are implemented. The application has been accompanied by a Phase 1 Desk Top Study which has identified that an old coal mine entry shaft is located within the centre of the site and that some remedial work has previously been carried out. The presence of contamination from historic land uses and principal aquifer beneath the site has also been identified.

86. Based upon these findings, a Phase 2 intrusive investigation has been recommended to identify the exact location of the mine shaft and to inspect the remedial works carried out. It has also been recommended that gas / ground water monitoring pipes also be installed. Samples of both the made ground and natural strata are to be tested for chemical contamination and geotechnical testing.

87. The Environment Agency, Coal Authority and Environmental Health and Consumer Protection Section have reviewed the findings of the Phase 1 study and have recommended that planning conditions be imposed in order to ensure that the additional investigation works identified are carried out and any necessary remediation works are suitably implemented. It is considered that subject to conditions, the proposal is considered to satisfy Section 11 of the NPPF.

CONCLUSION

88. The principle of infill residential development on the site and on land that is already partly developed is considered acceptable given its sustainable location within the existing settlement and compliance with the aims of the NPPF and relevant development plan policies. The scale, layout and density is considered sympathetic to surrounding development and the local setting and would not unacceptably detract from residential amenity. Furthermore, the development of the site as proposed would provide much needed affordable and specialist accommodation for the elderly. This proposal would have no detrimental impact upon highway safety, ecology, trees.

89. 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 provision of 15% affordable housing in perpetuity and subject to the following conditions:

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

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

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

SK100 - Proposed site layout Rev. D

SK210 - Bungalow semi-detached version 1 Rev. A

SK211 - Bungalow semi-detached version 2 Rev. A

SK212 - Bungalow semi-detached staggered

SK213 - Bungalow 3 block (13,14,15)

SK214 - Bungalow 3 block (16,17,18)

SK215 - Bungalow 3 block (21,22,23)

SK40 - Hard Landscape Details

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. No development shall take place 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 D1 (General principles for the layout and design of new developments) 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 section F of the protected species report 'An extended phase 1 survey and code for sustainable homes assessment of Rosewood, Chilton dated January 2013, and section F of the Bat Survey of Rosewood date September 2012 and section C2 and appendices 4 and 5 from the Aboricultural Implications Assessment undertaken by E3 Ecology dated November 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. 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 Sedgefield Borough Local Plan.

10. No development shall commence until a scheme of further site investigation works have been carried out in order to establish the precise location of the coal mining shaft and to establish whether any further remedial ground stabilisation works are required. The results of these investigations and any necessary remediation works are to be submitted to and approved in writing by the Local Planning Authority. Any necessary ground stabilisation works shall be completed in accordance with the details and timetable agreed.

Reason: In order to prevent an unacceptable risk of pollution and to comply with Paragraphs 109 of the NPPF.

11. Unless otherwise agreed by the Local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 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.

No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

A) preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways; and, receptors potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In order to prevent an unacceptable risk of water pollution and to comply with Paragraphs 109 and 121 of the NPPF.

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation scheme strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: In order to prevent an unacceptable risk of water pollution and to comply with Paragraphs 109 and 121 of the NPPF.

13. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In order to prevent an unacceptable risk of water pollution and to comply with Paragraphs 109 and 121 of the NPPF.

14. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the adjacent Working Men's Club has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: In order to prevent an unacceptable risk of noise pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

15. Details of the height, type, position and angle of external security / site lighting to be erected during the construction period shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In order to prevent an unacceptable risk of light pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

16. No development shall commence until a scheme which specifies the provisions to be made for the control of dust and particulate matter emanating from the site during the demolition and construction works has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.

Reason: In order to prevent an unacceptable risk of noise pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

17. No dwelling hereby approved shall be occupied until that part of the approved service/access road which provides access to it has been constructed up to base course level in accordance with details to be submitted to and approved by the Local planning authority.

Reason: in the interests of highway safety and to comply with Policies D1, D3, D5 of the Sedgefield Borough Local Plan

18. No dwelling hereby permitted shall be occupied until a 1.8metres wide footway has been provided complete with a dropped kerb pedestrian crossing linking Hollowfield with the existing footway by bisects the site to the south of Rosewood Grange.

Reason: in the interests of highway safety and to comply with Policies D1, D3, D5 of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable housing development which is located within an existing settlement which provides a good range of access to local retail and community facilities, 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 National Planning Policy Framework, Policies 2,4, 7, 8, 24,30,38 of the RSS for the North East, and Policies H17, H20, D1, D3, D5 L2 and E15 of the Sedgefield Borough Local Plan and to all relevant material considerations.

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 and supporting documentation

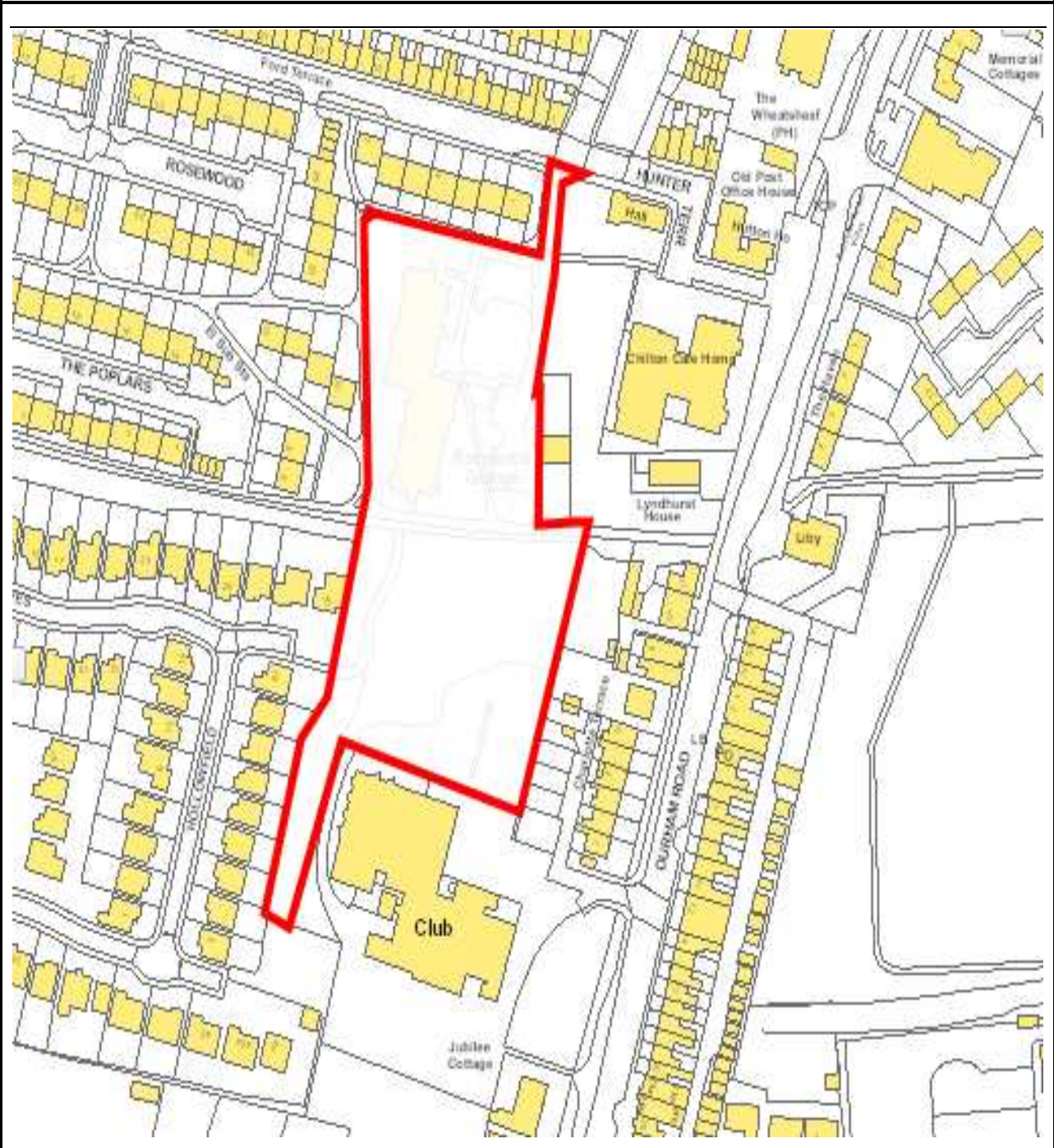
National Planning Policy Framework (NPPF)

Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation response from the Highway Authority, Environment Agency, Coal Authority, Northumbrian Water

Internal responses from the Regeneration, Landscape, Arboriculture, Ecology, Sustainability, Environmental Health and Consumer Protection Sections



Planning Services

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Demolition of Rosewood Grange and construction of 25 bungalows at Rosewood Grange / Chilton Working Men's Club, Chilton

Comments

Date 21 March 2013

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0427/DM
FULL APPLICATION DESCRIPTION:	Demolition of Grayson Grange and erection of 12no. dwellings
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Grayson Grange, Grayson Road, Spennymoor, Co Durham, DL16 7EQ
ELECTORAL DIVISION:	Spennymoor and Middlestone
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 located within the residential settlement of Middlestone Moor and is occupied by Grayson Grange, a sheltered accommodation complex in the form of 28 bedsit apartments together with associated private amenity space and a car parking area, accessed from Briar Close to the south east. The existing building is two storey's in height and fronts Grayson Road to the north west, whilst being located in between the Sycamore Lodge care home to the north east and terraced residential properties along North Drive to the south west. To the south east, the site overlooks the aforementioned parking area, with Briar Close and more terraced residential properties beyond. A pedestrian footway links Grayson Road with Briar Close along the eastern boundary.

The Proposals

2. Planning permission is sought to demolish the existing building and erect twelve bungalows in its place, each having two bedrooms. The bungalows would be arranged into four semi-detached pairs with a terraced row of four bungalows forming the north western boundary of the site overlooking Grayson Road.
3. Vehicular access to the site is to be retained from Briar Close to the south east, with off-street parking provision for seventeen vehicles provided, with pedestrian access maintained through the site with a pedestrian link created to adoption standards to the east of the site. An area of open space would also be created in the middle of the site around a proposed vehicular turning head.

3. 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

4. There is no relevant planning history specific to the application site.

PLANNING POLICY

NATIONAL POLICY

5. 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.
6. 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.
7. 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.
8. 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

9. *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.
10. 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:
 11. *Policy 2 (Sustainable Development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
 12. *Policy 4 (The Sequential Approach to Development)* requires a sequential approach to the identification of land for development.
 13. *Policy 7 (Connectivity and Accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
 14. *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.
 15. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

16. *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.

17. *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:

18. *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.

19. *Policy H17 (Backland and infill housing development)* sets criteria for new backland and infill housing development.

20. *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.

21. *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.

22. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.

23. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.

24. *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:

25. *The Highway Authority* has raised no objection to the application.

26. *The Ramblers* have raised no objection to the application.

INTERNAL CONSULTEE RESPONSES:

27. *The Ecology Section* raises no objection subject to a condition regarding adherence to the mitigation measures set out within Bat Risk Assessment.

28. *The Public Rights of Way Section* has raised no objections to this application.

29. *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 of tree protection during demolition and construction.
30. *The Sustainability Section* raises no objections as the proposed dwellings are to be built to full Code for Sustainable Homes Level 3.

PUBLIC RESPONSES:

31. The application has been publicised by way of press and site notices and individual neighbour notification letters. No representations have been received.

APPLICANTS STATEMENT:

32. The development would replace an underused building that no longer meets the needs and aspirations of the local community with high quality affordable homes for people over 60 years of age. This would allow people from the community to downsize from family homes into more manageable bungalows, thereby freeing up family homes.
33. A community consultation event was held at Grayson Grange on 01 November 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. 3no. feedback forms were returned.
34. 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.
35. The open space element would create a focal point that would add character to the development. Existing trees have been incorporated into the design, and the loss of trees would be mitigated by the enhanced area of landscaping that forms the green.
36. Elevational treatment shall be simple yet robust, reflecting the traditional appearance of surrounding properties. Hipped roofs are proposed to reduce the impact of the gable ends.
37. The arrangement of new homes respects the structure of the surrounding area. All overlooking distances to existing properties would be in accordance with planning guidance.
38. The new dwellings would achieve a Code for Sustainable Homes Level 3, thereby reducing energy consumption and CO2 emissions. All bungalows would be designed to Lifetime Homes Standards providing flexibility and improving access for people with impaired mobility.
39. 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.

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

40. 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

41. 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.

42. 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 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.

43. 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.

44. The application site comprises previously-developed land within the Middlestone Moor settlement and is surrounded in most directions by existing residential development, and is located within close proximity to the main commercial centre of Spennymoor, as nearby key access routes to other settlements. Access and connectivity within the settlement and to neighbouring settlements is good.

45. 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.

46. 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.

47. The proposed dwellings would constitute affordable housing having regard to the definition provided in the NPPF, and would be owned and managed by a Registered Provider (Livin). This factor, combined with the numbers of units being below the level where affordable housing is ordinarily required, is such that it is unnecessary to control the properties' tenure by way of legal agreement.
48. In summary, the redevelopment of the site to provide high quality, affordable housing represents a sustainable form of development which accords with the NPPFs presumption in favour of sustainable development.

Impact on the character of the area

49. The NPPF, RSS Policy 8, and Local Plan Policies H17 and D1 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. The site is already in residential use, surrounded by short terraces of two storey residential properties to the south east and south west, with the three storey Sycamore Lodge care home to the north east.
50. The density and scale of the proposed development would be generally consistent with the predominant character of surrounding residential properties forming a short terrace and four semi-detached pairs, blending with surrounding development patterns. Dwellings would also be of a simple yet functional appearance which would blend into their surroundings without appearing incongruous or out of place. Whilst a two storey development along the sites frontage with Grayson Road would relate better to the existing developments either side, it is considered that given the distance of over 20m between the rear elevations of the bungalows and the road, that the development would not appear incongruous on the streetscene.
51. 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 largely 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 8, 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 adequate amenity and privacy standards for existing and proposed dwellings in when assessing new residential development. It is considered that careful regard has been given to the placement of the proposed dwellings, showing consideration to existing residential uses which surround the site.
53. The proposed dwellings would benefit from sufficient levels of private amenity space which would not detrimentally impact existing neighbouring amenity space in terms of overlooking. All dwellings would be single storey in nature with hipped roofs to minimise any significant overbearing impact or overshadowing of other dwellings. Furthermore, owing to the orientation of the dwellings, there would be no primary elevations of neighbouring properties directly overlooking each other.

54. Owing to the layout, orientation and positioning of the proposed dwellings, it is noted that the front elevation of plot 9 would be sited some 14m from the side elevation of plot 8 to the south east, and this represents the smallest separation distance throughout the site and satisfies the criteria set out within SPG3.
55. The only side facing windows in each of these bungalows (where applicable) would serve bathrooms, with any approval to be conditioned to ensure these windows are obscurely glazed in the interests of privacy. As such, the proposal satisfactorily achieves sufficient privacy levels and private amenity space and accords with Local Plan Policies H17 and D5, as well as SPG3.

Highway safety

56. 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. The proposed site layout has been developed as a result of pre-application advice provided by the Highway Authority, and would provide 17 off-street parking spaces to serve the 12 bungalows, equating to a provision of 142%. The Highway Authority considers this to be an acceptable level and raise no objections to this proposal. Furthermore, the proposed pedestrian link to the north of the site onto Grayson Road is welcomed from a pedestrian permeability perspective. The proposals are therefore considered to accord with Policies H17 and D3 in this regard.

Open space provision

57. Local Plan Policy L2 seeks to ensure the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring for every 10 dwellings, a minimum of 100m² of informal play space and 500sqm of amenity space, 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 365sqm of open space towards the centre of the site, framing the proposed turning head. Although relatively constrained by the turning head, providing limited recreational benefit, it does offer some visual benefit in terms of a setting to the development.
58. Given the scale of the open space, such provision would not fully meet the aforementioned policy objectives, and accordingly, and following negotiations with the applicants, a commuted sum of £12,000 would be provided towards the improvement or provision of open space elsewhere, 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

59. The application is accompanied by an extended phase 1 bat risk assessment. The survey concludes habitats on this site to be of low ecological value. There were no signs of bats using the existing building both internally and externally with only low risk that the building may be used on an occasional basis by a small number of bats.

60. The Ecology Section has raised no objections to the proposal based on the findings of this survey, subject to conditions requiring adherence to the mitigation and recommendations set out within the submitted bat risk assessment. It is considered that subject to adherence to the proposed ecology conditions, the proposals would not have significant affects on protected species, such that a licence would not be required and consideration of the derogation tests 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

61. The Arboriculture Section considers there are no high quality specimens on site worthy of retention, and has raised no objection, subject to a condition requiring the submission of a detailed landscaping scheme and details of tree protection during demolition and construction. Subject to these conditions, the proposals would accord with Policy E15 which seeks to ensure the retention and protection of trees and hedgerows.

CONCLUSION

62. The principle of infill residential development within the boundary of an existing residential settlement, and on previously developed 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.

63. 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:

2273-D-00-03-F (Proposed site plan), received 23 January 2013

2273-D-00-04 (Bungalow and plan elevations, plots 1 to 8), received 06 December 2012

2273-D-00-05 (Bungalow and plan elevations, plots 9 to 12), received 06 December 2012

2273-D-00-06 (Enclosure details), received 06 December 2012

2273-D-00-07 (Site sections), received 16 January 2013

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 Sedgfield Borough Local Plan.

4. No construction or demolition work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved scaled tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan, inspected by the local authority and agreed in writing as satisfactory. Fencing should comprise of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012 unless otherwise agreed by written consent of 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.

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention; details of hard and soft landscaping including planting species, sizes, layout, densities, numbers; details of planting procedures or specification; finished topsoil levels and depths; details of temporary topsoil and subsoil storage provision; seeded or turf areas, habitat creation areas and details etc; details of land and surface drainage; 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 Sedgfield Borough Local Plan.

6. 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.

7. 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 Grayson Grange, Spennymoor, E3 Ecology Ltd, September 2012'.
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 in writing 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 windows in the side facing elevations of plots 1 – 9 and 12 shall be obscurely glazed 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 Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. 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 Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.

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

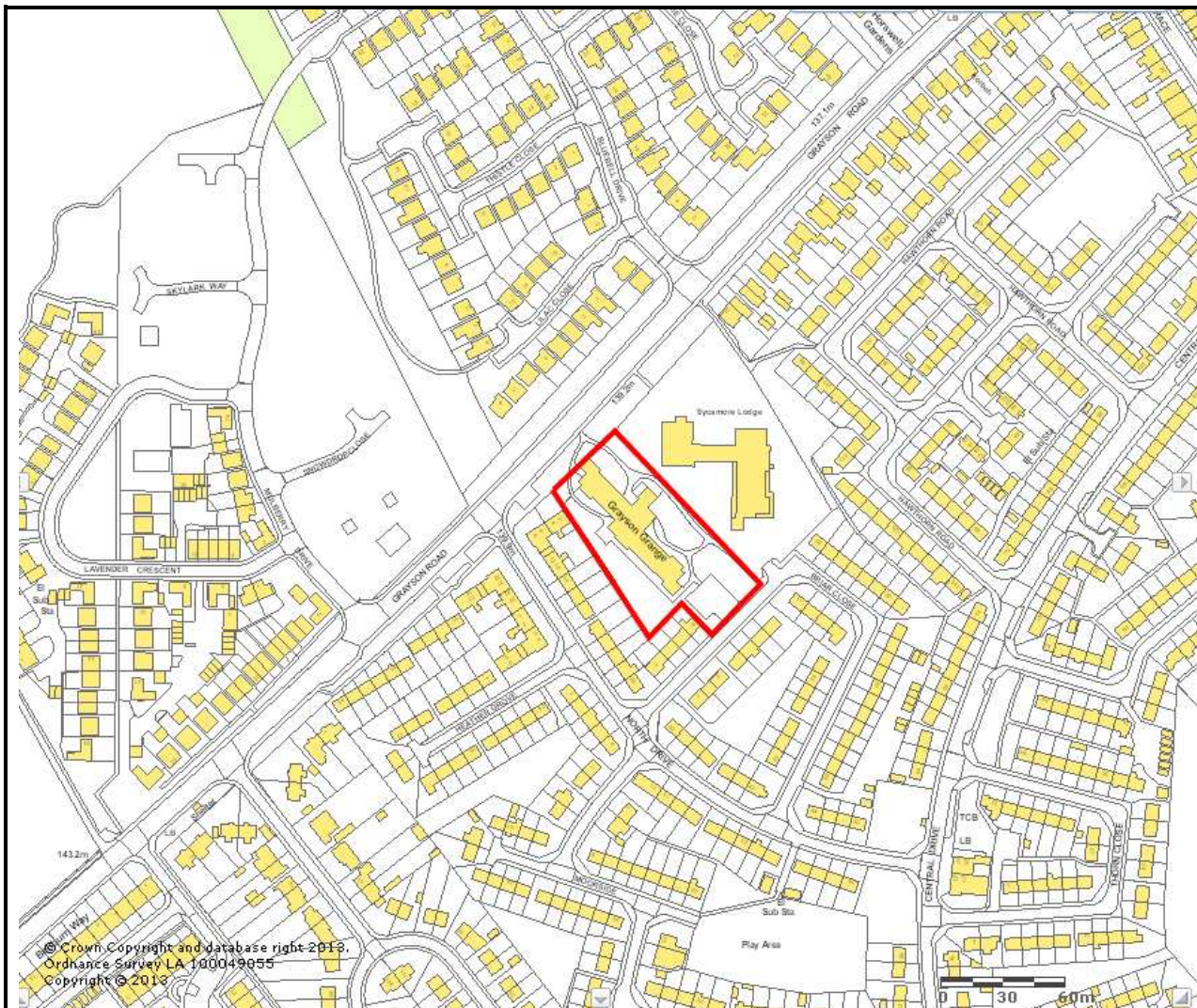
National Planning Policy Framework (NPPF)


Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation response from the Highway Authority and The Ramblers

Internal responses from the Arboriculture, Public Rights of Way, Sustainability and Ecology Sections



 <p>Planning Services</p>	<p>Demolition of Grayson Grange and erection of 12no. dwellings at Grayson Grange, Grayson Road, Spennymoor, Co Durham, DL16 7EQ</p>	
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	<p>Date 21 March 2013</p>	

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Planning Services

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/D/13/2190709

LPA REF: 3/2012/0430

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF TWO STOREY PITCHED ROOF EXTENSIONS TO THE FRONT, INCLUDING CENTRAL GLAZED EXTENSION, INCORPORATING A STUDY WITHIN THE ROOF SPACE AND DETACHED DOUBLE GARAGE TO THE FRONT OF 13, ETHERLEY GRANGE, BISHOP AUCKLAND DL14 0JZ

1. This appeal relates to an application for extensions and alterations and detached double garage to the front of 13 Etherley Grange, Bishop Auckland.
2. The application was refused under delegated powers on 5 December 2012 for the following reasons:

The Local Planning Authority considers the proposed extension, as a result of its massing, scale, position and height, would appear over dominant and fail to be subordinate to the existing property. The proposals would be unsympathetic to the host dwelling and out of keeping with the character and appearance of the surrounding area. As a result the proposals are considered to be contrary to the requirements of policies GD1(i)(ii), H25 and FPG 5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

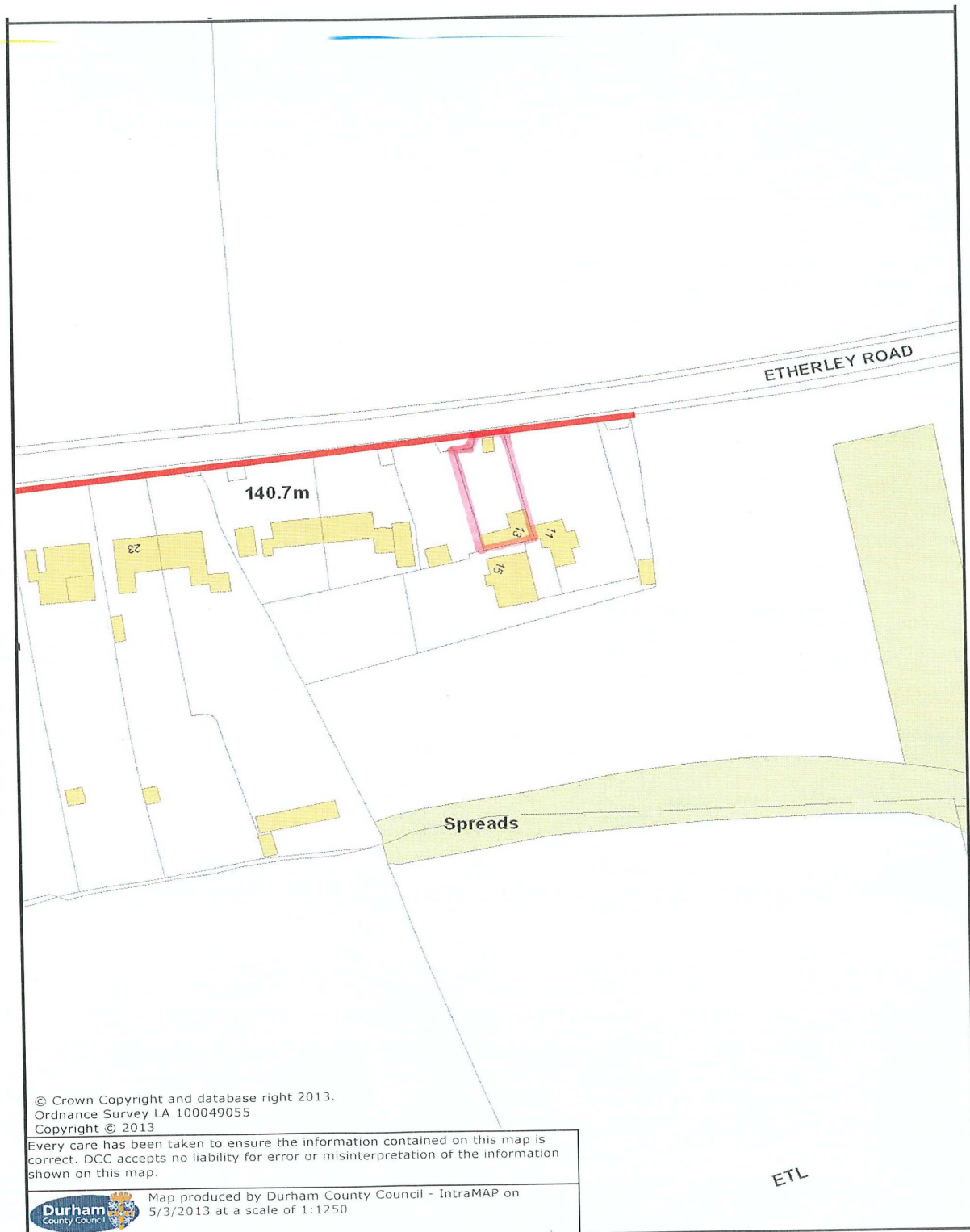
The Local Planning Authority considers the proposed detached garage, as a result of its form, size and location, in a prominent position to the front of the dwelling, would be highly visible in longer views, particularly from the west. The proposals would result in a development out of keeping with the character and appearance of the main dwelling itself, the surrounding area, failing to be appropriate to the setting of the neighbouring buildings. As a result the proposed garage is considered to be contrary to the requirements of policies GD1(i)(ii), H25 and FPG 5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. The appeal was **allowed** subject to conditions. In arriving at the decision the Inspector considered the main issue to be the effect of the development upon the appearance and character of the host dwelling and surrounding environment.
4. The Inspector agreed with the Council that the scale and nature of the extensions are such that they could not reasonably be described as subordinate to the host dwelling. However, he considered that material considerations warranted making an exception in this case. This included the removal of an existing unsympathetic extension. Overall the scheme would result in a house in broad sympathy with its neighbour, a material improvement to the appearance and character of the existing dwelling and an improvement to the street scene.

5. The Inspector considered that although the proposed garage would stand in a prominent position and be visible in longer views, he considered the proposal to positively reflect existing pattern of development.
6. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

7. That the decision is noted.



APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/D/12/2188713

LPA REF: 7/2012/0266/DM

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR REPLACEMENT WINDOWS AT 13 RECTORY ROW, SEDGEFIELD

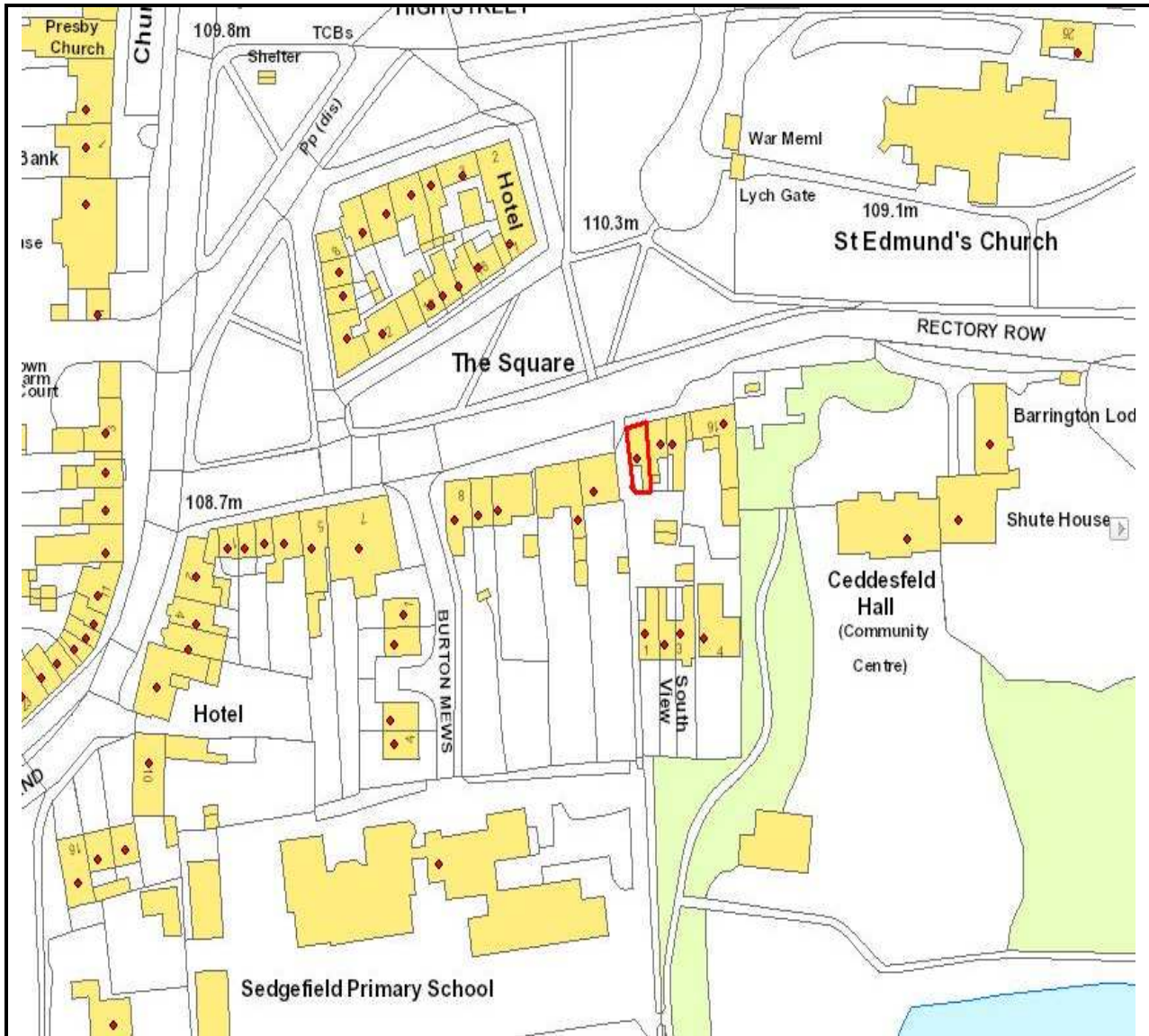
1. This appeal relates to an application for retrospective planning permission for the replacement windows in the front elevation of 13 Rectory Row, Sedgfield. The application was refused under delegated powers on 4 October 2012 for the following reason:

The Local Planning Authority considers that the proposed windows, by reason of their material and design, result in a development that fails to be in keeping with the traditional character and appearance of the host property, and would fail to preserve or enhance the character and appearance of the Sedgfield Conservation Area. This would be contrary to Policy E18 of the Sedgfield Borough Council Local Plan and Policy 8 of the RSS.

2. The appeal was **allowed**. In arriving at the decision the Inspector considered the main issue was the effect of the proposal on the character and appearance of the Sedgfield conservation area.
3. The property, while readily visible from the village green to the front, is not particularly noticeable or prominent within the conservation area, especially when taken in context with nearby notable buildings. As a result the Inspector considered the building has a very limited contribution to the historic character of the conservation area.
4. The difference between the previous timber windows and the current UPVC windows would only be apparent when viewed from close quarters. As no alteration was made to the size or location of the window openings and the inconspicuous nature of the property, it is considered that the alterations have not materially affected the character and appearance of the conservation area, and that there was therefore no conflict with Local Plan Policy E18.
5. Consideration was not given to the property being covered by an Article 4 Direction.

RECOMMENDATION

6. That the decision is noted.



Planning Services

Replacement windows at no. 13 Rectory Row, Sedgefield (Retrospective)
7/2012/0266/DM

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Comments

Date 21 March 2013

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