



Area Planning Committee (South and West)

Date Friday 20 July 2012
Time 2.00 pm
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 21 June 2012 (Pages 1 - 4)
3. Applications to be determined
 - a) 7/2012/0151/DM - Garage Site to the rear of 118-128 Sycamore Road, Fishburn (Pages 5 - 20)
Erection of 15 no. dwellings
 - b) 3/2012/0121 - Lady Eden Neuro Rehabilitation Unit, Cockton Hill Road, Bishop Auckland (Pages 21 - 34)
Part demolition, conversion and extension of the former Lady Eden Cottage Hospital to residential care home involving the retention of part of the original structure and the erection of new structure to the rear
 - c) 3/2012/0213 - Teescraft Engineering Ltd, Units 1-3 Longfield Road, South Church Enterprise Park, Bishop Auckland (Pages 35 - 42)
Erection of a single storey extension to existing factory units
4. Appeal Update (Pages 43 - 44)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
12 July 2012

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

Councillor M Dixon (Chair)

Councillor E Tomlinson (Vice-Chairman)

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Council Offices, Spennymoor on **Thursday 21 June 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, M Campbell, P Gittins, E Paylor, G Richardson, R Todd, M Williams and C Walker (substitute for K Davidson)

Apologies:

Apologies for absence were received from Councillors D Burn, K Davidson, G Holland, J Wilkinson and R Yorke

Also Present:

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

1 Declarations of Interest

There were no declarations of interest received.

2 Minutes

The Minutes of the meeting held on 24 May 2012 were agreed as a correct record and were signed by the Chair.

3 Applications to be determined

**3a 3/2009/0426 - Former Cemex Concrete Batching Plant, St Helen Way, St Helen Auckland, Bishop Auckland
Proposed Redevelopment of Former Concrete Batching Plant for the Construction of New Housing (outline)**

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

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

The Principal Planning Officer stated that the proposed scheme would achieve a suitable balance between addressing affordability and helping to bring this development forward. A viability assessment carried out had shown that the inclusion of 20% affordable housing would not be viable in view of the current economic climate and site remediation costs.

In discussing the application Members acknowledged that affordable housing was already available within the immediate area, however asked that the Section 106 Agreement make provision for the low cost housing scheme to be implemented on completion of 50% of the overall development.

With regard to a comment from a Member about the density of the site, the Committee was advised that the number and mix of properties was in accordance with the outline planning application granted on 14 January 2010. Appearance, scale and layout of the development would be dealt with at the reserved matters stage.

In conclusion it was considered that the land was an eyesore and the proposed development would contribute to the ongoing regeneration of the area.

Resolved:

That the application be approved subject to the conditions outlined in the report, and to the completion of a Section 106 legal agreement setting out :-

- (a) A contribution of £93,300 to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
- (b) 20% low cost housing provision, to be implemented on completion of 50% of the overall development.

**3b 3/2012/0110 - St John's RC Comprehensive School, Woodhouse Lane, Bishop Auckland
Erection of Three Storey Classroom Block and Extension to Existing Northern Elevation**

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

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

In discussing the application Members were advised that the application was in accordance with Policies GD1 and T1 of the former Wear Valley District Local Plan.

Members noted that one letter of objection had been received as detailed in the report. In considering the representations made the Committee noted that the potential for an increase in nuisance caused by pupils gathering in groups along Woodhouse Lane was not a planning consideration. However, notwithstanding this

it was pointed out that the number of students at the school would not increase as a result of the development.

With regard to the concerns expressed by the objector relating to traffic problems, Members did not consider that the proposals would have an adverse impact on highway safety. Existing access arrangements were adequate and would not be affected by the development, and parking provision was deemed to be acceptable.

Resolved:

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

4 Appeal Update

Appeal Ref: APP/X/1355/C/10/2170277

Enforcement Notice Appeal

Material Change of Use of Land adjoining East Howle School, Metal Bridge, Ferryhill

Consideration was given to a report which gave details of an appeal against an enforcement notice issued in relation to land adjoining East Howle School, Metal Bridge, Ferryhill (for copy see file of Minutes).

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

Resolved:

That the report be noted.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0151/DM
FULL APPLICATION DESCRIPTION:	Erection of 15no. dwellings
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Garage site to the rear of 118-128 Sycamore Road, Fishburn, Co Durham
ELECTORAL DIVISION:	Trimdon
CASE OFFICER:	Mark O'Sullivan, Planning Officer 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site covers an area of approximately 0.37 hectares located on the southern edge of Fishburn. For planning purposes, although the site is surrounded to the north and east by existing residential development, the site is outside the residential framework for Fishburn. There currently exists a tree belt to the south and west of the site, with open countryside beyond.
2. This site is previously developed, being presently used as a garage court serving neighbouring residential properties, with access taken from Stone Cross to the east. The garages are few in number and of a poor, deteriorating condition, with many having already been demolished. The site backs onto properties along Sycamore Road to the north, and has subject of fly tipping and antisocial behaviour.
3. Planning permission is sought to clear the site and erect fifteen dwellings, to be accessed via the existing site access to the east. Housing types would comprise two 2 bed bungalows located to the east of the site, six 3 bed houses along the southern

fringe of the site, and seven 2 bed houses along the south-western and western boundaries of the site. All dwellings would benefit from off-street parking provision with 23 spaces provided. An existing access through the southern boundary into the fields beyond is to be retained.

4. The proposed dwellings would all constitute affordable housing, being available for rent through the applicants, one of the largest Housing Associations in the local area. Consequently, the dwellings would all be constructed to Code for Sustainable Homes, Level 3.
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 relevant planning history.

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. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed.
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 NPPF can be accessed at:

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

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 ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.
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 for new backland and infill housing development.
22. *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.
23. *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.
24. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.

25. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
26. *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:

27. *The Highway Authority* has raised no objections to this application, subject to a minor modification to the scheme to include an additional footway. An amended plan to this effect has been provided by the applicants.
28. *Fishburn Parish Council* is supportive of the application and advise that starter homes are needed urgently in the community.

INTERNAL CONSULTEE RESPONSES:

29. *The Spatial Policy Section* has raised no objections to this proposal, advising that the material considerations provided in this case would override the normal presumption against development beyond the existing settlement envelope.
30. *The Ecology Section* has raised no objections to this proposal subject to the sensitive timing of works so as to avoid any impact on nesting birds.
31. *The Arboriculture Officer* has raised no objections to this application. Conditions are suggested in relation to the protection of trees to be retained.

PUBLIC RESPONSES:

32. The application has been advertised by means of site and press notice given the scale of the proposed development, and by neighbour notification letters.
33. Four letters of objection have been received in response to this exercise from local residents with concerns raised over a number of key areas. These include the proximity of the proposed units to existing neighbouring development which would reduce light to these properties, the loss of a Public Right of Way/access to fields to the south which provides a popular dog walking facility, the lack of existing public facilities in Fishburn village, and traffic congestion and highway safety issues resulting from an increased number of vehicles using the area. Concerns are also raised over the perceived disruption caused by the development, the density of the development, the lack of existing housing demand in the area and the loss of an existing play area.

APPLICANTS STATEMENT:

34. The applicant is one of the largest Housing Associations in the area and has identified a high demand for affordable housing in Fishburn. In particular 2 and 3 bedroom family homes and bungalows for rent. The design brief was to identify a suitable site that could be developed to meet these requirements.
35. The site is located within an established residential area. There are a range of local facilities within walking distance and there are excellent road links.
36. The proposed layout includes 15 dwellings all of which are for affordable rent and meet the criteria for lifetime homes. All properties would be provided with parking including a number of visitor's spaces.
37. The design layout was developed to make most efficient use of the land, enhance both the built and natural environment, and respect existing privacy and amenity.
38. The site presents an opportunity to replace underused garaging with new homes on an infill site that would contribute toward the councils own targets of utilising Brownfield land. A number of garages are empty and in a dilapidated state of repair, with the concealed nature of this layout having contributed to anti social behavior on the site. The new development aims to design out crime by providing natural surveillance and through careful detailing of buildings and enclosures.
39. The existing garages would be demolished by a specialist contractor with emphasis on health and safety and minimum disruption to local residents.
40. New homes would be designed to achieve a level 3 rating under the Code for Sustainable Homes scheme.
41. Access to individual dwellings would comply with building regulations. The proposed layout would utilize the existing site access. Vehicle and pedestrian routes would be well lit.
42. There are a number of trees on the site and these are identified in the Arboricultural Impact Assessment.
43. Prior to making this application, a consultation event was held to demonstrate the proposals to the local community. The event was staged at Fishburn Community Centre on 7th March 2012 at a location carefully selected within walking distance to the development area. Residents were notified and an advert placed in the local press.

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

44. 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

45. 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.

46. 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.

47. 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.

48. The application site is located just outside of the defined settlement limits, which borders the site to the immediate north and east. The main character of this area is residential, with this particular site having previously been used for garage development associated with adjacent housing. This site may therefore be classed as infill and previously developed or Brownfield land.

49. As explained, the existing southern and western boundaries of the site comprise dense vegetation, demarking a distinct and established boundary between the residential area and the surrounding countryside. Development of this site would not encroach beyond these boundaries into the rural area, maintaining a distinct settlement pattern for the village without harming the adjacent rural character.

50. Being located adjacent to an existing settlement, this site is also located within close proximity to the commercial centre of Fishburn village as well as nearby key access routes and employment opportunities. Although existing public facilities within the settlement are limited, access to neighbouring settlements remains good and within easy walking distance from the site.

51. 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. Furthermore, the sustainable nature of this centralised site within an established settlement would satisfy RSS Policy 7 in relation to connectivity and accessibility in new development.
52. 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. In this case, as a minimum, this would include: measures to improve the thermal efficiency of the walls, windows, and roof; installing a high efficiency condensing boiler; providing more energy efficient lighting; and providing cycle storage. 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.
53. The proposed dwellings would not be for sale on the open market and would constitute affordable housing having regard to the definition provided in the NPPF. In particular, the dwellings would constitute social rented housing, owned and managed by a registered provider, available to eligible households whose needs are not met by the market. The applicants have identified that there is a demand in the area for housing of the type and form proposed, and would have control over the occupation of the dwellings in perpetuity, and this combined with the numbers of units being below the level where affordable housing is ordinarily required, is such that it is considered that it would not be necessary to control the tenure of the properties by way of a legal agreement.
54. 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. On balance, such considerations are considered to outweigh any presumption against the development in terms of the location of this site just beyond the existing settlement boundary and its conflict with Policy H8 of the Local Plan.

Impact on the character of the area

55. The NPPF and Local Plan Policies H17 and D1 both seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses and activities. Where necessary, landscaping should be incorporated into a scheme of this nature.
56. The existing use of the site is for private garage accommodation associated with the surrounding residential area. This site is not designated open space and is currently in a poor and neglected condition, with many of the garages having been removed. Remaining structures are of poor quality and appearance, in varying states of repair, and significantly detracting from the character of the area. The redevelopment of the site for residential purposes would enhance the character of the area.

57. Surrounding existing residential dwellings are of two main types, with properties to the north being older properties, predominately characterised by two storey, semi-detached dwellings set in reasonably sized gardens, while to the east are more modern two storey dwelling houses which retain the semi-detached nature of the wider area. The proposed dwellings do not seek to replicate either of type, but introduce a more contemporary design which would breathe new life into the area. The density and scale, however, is generally consistent with the predominant character of the area, with the exception of the proposed bungalows, which have been included, both to address demand, but also to reduce the impact on properties to the immediate north of the site.
58. Although this proposal would also include some terraced development, the overall footprint of this element would not be dissimilar to existing semi-detached properties in the area. Furthermore, although surrounding houses are of brick and tile construction, the proposed dwellings would also feature timber cladding to principle elevations in an attempt to break up expanses of brickwork. Such design features would not detract from the character of the area and would provide a more modern appearance to this street scene.
59. The proposed dwellings are therefore considered to respect surrounding development in terms of siting and scale, and not appearing incongruous to their setting, being of a high standard of design, and together with a soft landscaping scheme any impact caused by the development in terms of its visual impact, would be mitigated and softened. As such the proposals comply with design principle set out in the NPPF, Policy 8 of the RSS and Local Plan Policies H17 and D1.

Impact on residential amenity

60. Local Plan Policies H17 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek to make provision for adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development through establishing minimum separation guidelines. It is considered that careful regard has been given to the placement of the proposed dwellings, showing consideration to existing properties which surround the site, particularly to the north.
61. Submitted plans show all proposed dwellings to benefit from sufficient levels of front and rear garden private amenity space which would not encroach into or detrimentally impact existing neighbouring amenity space in terms of overlooking. Furthermore, owing to the orientation of the dwellings, there would be no primary elevations directly overlooking neighbouring property within short distances.
62. Owing to the proposed layout, orientation and positioning of the dwellings, it is considered that proposed unit no.1 would be in close proximity to the rear of 128 Sycamore Road to the north. Plans show a distance of approximately 6m (increasing to 8m) to be retained between the rear elevation of the existing dwelling and the side gable elevation of the proposed dwelling. However, given units 1 and 2 are both bungalows, with a maximum hipped roof ridge height of only 5.3m and an eaves height of 2.5m compared to the two storey nature of existing development to the north, the perceived impact of the proposed development is vastly reduced, and as such, it is considered that the proposal would be neither overbearing or cause

significant loss of light to habitable rooms. Furthermore, only one window is proposed in the north facing elevation of the proposed dwelling, serving a bathroom area. Any permission would be conditioned to ensure that this window is obscured, with means of enclosure also to be controlled to ensure a satisfactory height which would prevent any privacy loss.

63. In terms of the remaining dwellings proposed, no objections are raised over their siting or perceived impact on adjacent existing dwellings. Careful consideration has been given to the placement of windows and roof designs with plots 12 to 15 to the west of the site also benefitting from hipped roofs to minimise the impact on properties to the north in terms of dominance and overshadowing. No windows are proposed in the side facing elevation facing 120 Sycamore Road to the north. Furthermore a separation in excess of the minimum 14m prescribed in SPG3 will be retained between the gable of plot 15 and 120 Sycamore Road to the north.
64. To the east of the site, all existing dwellings are considered to be satisfactorily separated from neighbouring properties, none of which directly overlook this site.
65. As such, the proposal satisfactorily achieves sufficient private amenity space to the front, rear and sides and accords with Local Plan Policies H17 and D5, as well as SPG3.
66. Whilst there would be an inevitable increase in levels of traffic associated with the site than that which exists in its present use for garaging, it is considered that the levels of traffic associated with fifteen dwellings of predominantly two bedrooms would not be likely to lead to such significant levels of traffic that it would have an unacceptable affect in terms of noise and disturbance for existing occupiers of adjacent properties. The scheme is therefore considered to accord with Policy D5.
67. Although concerns have been raised by objectors regarding antisocial behaviour arising as a result of the development, it is considered that this objection is unfounded. The clearance of the site and redevelopment for residential use should reduce any existing antisocial behaviour on the site.

Highway safety

68. 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 Highway Authority has raised no objection to the proposal, having regard to the levels of traffic that would be associated with the development and finding that the twenty three off street parking spaces to be provided for the fifteen dwellings proposed to be adequate. The proposals are therefore considered to accord with Policies H17 and D3 in this regard.

Open space provision

69. Local Plan Policy L2 seeks to ensure the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring every 10 dwellings, a minimum of 100m² of informal play space and 500m² of amenity space is expected. 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 applicant has, by way of S106 unilateral undertaking, offered to provide a commuted of £15,000 towards the provision of or improvement of open space elsewhere in Fishburn. Accordingly, the scheme is considered to comply with Policy L2.

Ecology

70. The Ecology Section has raised no objections to the proposal, subject to a condition ensuring the sensitive timing of works to take place outside of the bird nesting season. Officers note that although the application site is located within 500m of a known Great Crested Newt pond, the intervening habitat offers poor connectivity for crossing newts. It is considered that subject to adherence to the proposed ecology condition, the proposals would not have significant affects on biodiversity and the application would be considered to satisfy the provisions of the NPPF in this regard.

Arboricultural implications

71. The Arboriculture Section has raised no objections to this proposal, noting existing tree cover on the site to be poor quality. Concerns have been raised over the impact of development on existing landscaping along the southern boundary of the site which needs to be protected, and this can be controlled by the imposition of an appropriate planning condition. Accordingly, the proposals would satisfy the provisions of Local Plan Policy E15 which seeks to ensure the retention and protection of trees and hedgerows.

CONCLUSION

72. The principle of infill residential development on 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. Furthermore, with no detrimental impact upon highway safety, ecology, trees, or neighbouring privacy/amenity, this proposal is considered acceptable, whilst giving particular regard to open space provision.

73. 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 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. The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - 2222-D-00-03 rev C (Proposed site plan), *received 9 July 2012*
 - 2222-D-00-04 rev B (2 bed bungalow type: Plan and elevations), *received 16 April 2012*
 - 2222-D-00-05 rev B (2 bed house type plots 9 to 11: Plans and elevations), *received 16 April 2012*
 - 2222-D-00-07 rev B (3 bed house type plots 3 to 8: Plans and elevations), *received 16 April 2012*
 - 2222-D-00-06 rev B (2 bed house type plots 12 to 15: Plans and elevations), *received 16 April 2012*
 - EXI-A (AIA, Existing trees shown on existing layout), *received 16 April 2012*
 - TPP-A (AIA, Retained trees shown on proposed layout with protective measures indicated), *received 16 April 2012*
 - AMS-A (AIA, Retained trees shown on proposed layout with protective measures indicated), *received 16 April 2012*

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details. Reason: In the interests of the appearance of the area and to comply with Policy D1 (General principles for the layout and design of new developments) of the Sedgefield Borough Local Plan.
4. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate. Reason: In the interests of the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgefield 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.

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

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

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

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

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. 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 licenced 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the north facing gable elevation of approved plot number 1 serving the proposed bathroom area adjacent to number 128 Sycamore Road shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local planning authority. Reason: In the interests of the privacy of the neighbouring occupier and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.
9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

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

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

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

10. A site specific Arboriculture Method Statement for areas of the development that require special construction measures shall be submitted to and approved in writing prior to the commencement of construction activities on site. The heads of terms for this statement are as follows: Construction method/sequence, products used, levels, and scaled construction drawings. Works shall only be carried out in accordance with the approved details. 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.
11. Any on site vegetation clearance and soil stripping works shall take place outside of the bird nesting season (March to July inclusive), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no nesting 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 nesting season. Reason: To conserve protected species and their habitat in accordance with the NPPF.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable infill housing development in terms of its impact upon the character of the area, access, parking, and the privacy and amenity of surrounding residents.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies 2, 4, 7, 8 and 24 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.
3. In arriving at this recommendation, all objections and other views expressed have been considered, however, on balance, they are considered to not be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans
National Planning Policy Framework (NPPF)
Regional Spatial Strategy
Sedgefield Borough Local Plan 1996
Consultation responses from the Highway Authority,
Internal responses from the Arboriculture, Planning Policy, Ecology Sections
Public responses from neighbouring residents



 <p>Planning Services</p>	<p>Detailed application for the erection of 15no. dwellings on land to the rear of Sycamore Road, Fishburn</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 20 July 2012</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2012/0121

FULL APPLICATION DESCRIPTION: **PART DEMOLITION, CONVERSION AND EXTENSION OF THE FORMER LADY EDEN COTTAGE HOSPITAL TO RESIDENTIAL CARE HOME INVOLVING THE RETENTION OF PART OF THE ORIGINAL STRUCTURE AND THE ERECTION OF NEW STRUCTURE TO THE REAR**

NAME OF APPLICANT: **MR DUNCAN FISHER**
HMC GROUP, HMC HOUSE, KEEL ROW, THE WATERMARK, GATESHEAD

ADDRESS: LADY EDEN NEURO REHABILITATION UNIT,
COCKTON HILL ROAD
BISHOP AUCKLAND
DL14 6EN

ELECTORAL DIVISION: **WOODHOUSE CLOSE**

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 relates to the former Lady Eden Cottage Hospital which is situated off Cockton Hill Road approximately 500m to the south of Bishop Auckland town centre and covers an area of around 0.26 hectares. The original hospital buildings which date from 1898 remain on site, but have been vacant for several years and have deteriorated in condition. The site also includes later modern additions which were constructed at various stages throughout the 20th century.
2. The site is located in a mixed use commercial and residential area. Bishop Auckland District General Hospital lies across the road to the west of the site, while there are residential properties to the south, east and north.
3. Boundary treatment comprises of a mix of steel railings, brick walls and the elevations of adjacent commercial and residential properties. The site contains some mature trees, primarily along the Cockton Hill Road and Arcacia Road boundaries, while the remainder of the site is filled with a combination of block-paved car parking to the rear, (served via an access directly from Arcacia Road), and a macadam surfaced 'drop off' to the front of the building taking an access from Cockton Hill Road. Well established planting beds are located to the rear and sides of the building and an existing conifer hedge runs along the southern boundary with Arcacia Road.

The Proposal

4. Planning permission is sought for the part demolition of the existing hospital building and the erection of a new 51 bedroom residential care home at the site.
5. The proposal would see the original building frontage onto Cockton Hill Road retained, converted and extended through the construction of a three storey extension to the rear with the third floor accommodated in the loft space. The resulting building would have a linear arrangement along an east to west axis and create an overall footprint of approximately 989m² (2047m² of new floor space in total spread across three floors). The building would be approximately 52 metres long by 25 metres wide with a dual pitched roof to a maximum height 11.9 metres to the ridgeline.
6. The existing vehicular accesses onto Cockton Hill Road and Arcacia Road would be retained along with the 14 space car park currently located to the rear of the building.
7. This planning application is being reported to Planning Committee as the proposed floor space and site area exceeds the threshold for determination under delegated powers.

PLANNING HISTORY

As noted, the site formerly comprised the Lady Eden Cottage Hospital and latterly a Neuro Rehabilitation Unit. Since its original construction in 1898 it has been subject to various planning permissions relating to modern extensions and alterations. The site has been unoccupied for several years.

A companion application for conservation area consent for substantial demolition of the existing building to accommodate the proposed development is under separate consideration; however the merits are still given consideration in this report.

PLANNING POLICY

NATIONAL POLICY

The National Planning Policy Framework (NPPF)

8. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted. However, the NPPF does not change the statutory Page 42 status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act. Sections 1, 4, 6, 7 and 12 are of most relevance to this proposal.

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. Policy 2 - Sustainable Development (essentially requiring new development proposals to meet the aim of promoting sustainable patterns of development).
11. Policy 8 (Protecting and Enhancing the Environment): Planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.
12. Policy 38 – Sustainable Construction – planning proposals should seek to encourage sustainable design of new buildings and facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources.
13. Policy 39 - Renewable Energy Generation - planning proposals should, inter alia, facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources by 2010.

LOCAL PLAN POLICY:

Wear Valley District Local Plan

14. *Policy GD1 General Development Criteria* requires that all new development within the District be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
15. *Policy H3 Distribution of Development* which seeks to direct to those towns and villages best able to support it.
16. *Policy H17 Housing for the Elderly, Handicapped and Disabled* provides detailed criteria which shall be met for proposals for the provision of residential nursing homes and other accommodation for the elderly, handicapped and disabled.
17. *Policy T1 General Transport Policy* requires that development fulfils Policy GD1 and provide adequate access to the developments, not exceed the capacity of the local road network,

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *The County Highway Authority* notes that parking provision is adequate at this settlement centre location and reinstatement of the clockwise one way road system would assist road safety. Therefore there are no objections to the proposals subject to the inclusion of appropriate planning conditions relating to a Travel Plan.
19. *The County Pollution Control Team* offers no objection but has commented that the applicant should consider the impacts of demolition and construction on nearby properties. An hours of working condition is suggested.
20. *Northumbrian Water Limited* has confirmed that they have no comments to make on the application.

INTERNAL CONSULTEE RESPONSES:

21. *The County Ecologist* notes the results of the bat survey and offers no objection to the proposals subject to the inclusion of a condition to ensure the implementation of appropriate mitigation measures.
22. *The County Landscape Architect* has no objections to the proposals but notes that details of soft landscaping proposals, to include full specification of planting numbers, densities, sizes, soil depths, preparation, mulching etc and the establishment of a maintenance plan for the planting should be secured by an appropriate planning condition.
23. *The County Design and Conservation Officer* has no objections subject to appropriate conditions with regard to a method statement for retention of the front elevation, construction materials, hard and soft landscaping, and external colour finishes.
24. *The County Tree Officer* notes the existence of an existing Tree Preservation Order at the site which relates the Weeping Willow and that any works to resurface the existing hardstanding within the root protection areas of this tree will need to be accompanied by a site specific arboricultural method statement. It is also noted that a Tree Protection Plan should be agreed before any demolition or construction works begin on site.
25. *The County Sustainable Energy Officer* has no objections to the proposals but notes that if planning permission is approved the applicant will have to meet the 10% renewable energy target.

PUBLIC RESPONSES:

26. The application has been advertised on site, in the local press and notification letters were sent to nearby residential properties. 4 letters of objection have been received, the contents and reasons for objection are summarised below;
 - a) Insufficient parking is incorporated within the scheme. The existing parking situation in the surrounding residential streets is horrendous with residents currently having to regularly park some distance from their homes or even pay for parking. Having only 16 spaces to serve the development would worsen the situation.

- b) The increase in demand for parking in the surrounding area, caused by the development, would have an adverse impact upon highway safety and increase the potential for accidents.
- c) If the scheme goes ahead residents only parking should be introduced.
- d) The new building would be substantially higher than the original hospital and as such would reduce the natural light afforded to surrounding properties.
- e) Homes and gardens would be overlooked by second storey windows.

APPLICANT'S STATEMENT:

27. The former Lady Eden Unit built in 1898/9 will be restored to form a new care home. The new-build element will form an extension to the existing building, taking note of materials and architectural style to complement both the existing building and the other public buildings of this part of the conservation area. The new building will respect and complement the scale of the existing Lady Eden Unit and its neighbours.
28. The extension will step up from the existing building and will utilise the existing ground and first floor storey levels of the original. The use of steep and varying roof pitches, varying eaves lines and the roofscape of gables will continue the architectural language started by the lady Eden Unit in 1898. The proposed use as a care home is to be supported as this will keep the building and site in use for the medical and social care of the local community as it has been for over a century, and as such is an important consideration in maintaining the character of the conservation area. The proposed redevelopment will retain the major areas of identified heritage significance of the building itself, and maintain the setting of neighbouring listed buildings. It will also present an opportunity to enhance the site and building by reinstating lost architectural detail visible only in archive material, or by removing elements which do not contribute to its heritage significance or the character of the conservation area.
29. The proposed scheme retains the most significant elements of the original building of 1898, and proposes a sympathetically designed new building which retains much of the heritage significance of site, building, conservation area and neighbouring listed buildings, while allowing the site to remain in a role as a healthcare facility and as a "public" building rather than commercial, retail or other inappropriate use. Retaining the original buildings to the west of the site, together with boundary restoration, also allows considerable architectural licence to the north and western portions of the site without any detriment to the conservation area character. The proposed design of the new building is sympathetic to the site, and despite its greater mass than the current building, it will be in keeping with the character of the conservation area. We therefore request that the application is approved.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

30. In assessing the proposals against the requirements of the relevant guidance and development plan policies and having regard to all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the Principle of Development, Impact on the Conservation Area, Residential_Amenity, Access and Parking, Landscape and Ecology.

Principle of Development

31. The proposed development would take place on a previously developed site located within the settlement limits of Bishop Auckland, as defined by Policy H3 the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. This policy seeks to direct new development to those towns and villages best able to support it. In addition Policy H17 relates to housing for the elderly, handicapped and disabled and states [in part] that planning permission will be approved for proposals of this type so long as it is located within the limits of development listed in Policy H3 and on or near public transport routes. In this regard Bishop Auckland is a well established town of local importance and is listed within Policy H3. Cockton Hill Road is a main road through Bishop Auckland with good public transport access to bus and train services.
32. With respect to national policy, the proposal would bring back into positive use a previously developed site which has been vacant for several years. The proposed care home would employ 50 people, the majority of whom it is intended to recruit locally. The site is in a sustainable location, with good access to public transport. This together with the provision of housing and care facilities for the elderly, as well as the associated employment benefits, meets the objectives of the NPPF. The proposed development is therefore considered acceptable in principle in this location.

Impact on the Conservation Area

33. In accordance with the NPPF it is appropriate to identify and assess the significance of any heritage asset affected by a proposal. The development site lies entirely within the Cockton Hill Conservation Area which is divided into two character areas, of which the Lady Eden Hospital sits in character area 1 amongst a group of public buildings which in addition to the hospital include the Baptist church of 1910, the Methodist church of 1903 and beyond them to the north the Green Tree Public House. While not a designated heritage asset itself, the building is identified in the Cockton Hill Conservation Area Appraisal as a building of local importance and is therefore recognised as being of value to the special historic and architectural character of the conservation area. The hospital buildings themselves were originally designed by James Garry and are a good example of a cottage hospital of the period and a type of institution of considerable importance in the history of medicine in England. In understanding the significance of the existing buildings however, it is noted that it is the front elevation and façade that is of most architectural interest, not the later additions to the rear.
34. The proposal has been designed in consultation with the County Councils Design and Conservation Officer. This is largely why the proposed development would see the retention of the front façade, thereby retaining the major areas of identified heritage significance of the building itself, as well as its appearance from Cockton Hill Road. The removal of the parts of the building which do not contribute to its heritage significance would not harm the character of the conservation area and in some respects would enhance the conservation area. The proposed new build to the rear, while clearly in a modern style, takes on board a number of themes and materials from the original design all of which are sympathetic to the site and the conservation area and opportunities exist to reintroduce original boundary treatments. Proposed materials and architectural style would suitably reflect that of the original building and the surrounding area. The height of the new build would be considerably more than the current building, but it would be set behind the original front façade and no greater in scale than other institutional buildings in the area like the hospital, church and Green

Tree public house. External materials proposed include red clay roof tiles, off-white render above red multi blend brickwork and white UPVC windows, which would all be appropriate. Boundary treatment would seek to replicate the original arrangement with a low brick wall and metal railings to be erected between the access points onto Cockton Hill Road and the existing 1.7 metre high brick boundary wall fronting Arcacia Road to be replaced with a brick wall/railing to mirror that proposed for Cockton Hill Road. A bin store and cycle storage shelter would be located immediately adjacent to the northern boundary.

35. While the majority of the existing planting beds would be removed many of the existing trees on site would be retained. The overgrown and dominant conifer trees along the southern boundary would be removed and a pleasant semi enclosed courtyard created with landscaping across the rest of the site comprising a mix of hard and soft surfaces with grass and shrub planting to compliment the amenity of the site.
36. A separate conservation area consent for the demolition is still under consideration; however for the reasons above it is considered that the proposal accords with the requirements of Saved Policies BE1, BE4, BE5, BE6 and BE8 of the adopted Wear Valley Local Plan as well as the guidance in Section 12 of the NPPF.

Residential amenity

Existing Residents

37. The site contains residential properties to the south, east and north. The property likely to be most affected by the proposed development would be the nearest neighbouring residential property Ormsby House, located immediately to the north of the site. Existing boundary treatment in this location would be retained post development and consists of a mix of 1.8 metre high close boarded timber fence and the gable elevation of Ormsby House. The northern elevation of the new care home would be positioned approximately 4.5 metres from this boundary, and would include windows at ground and first floor level and have a gable arrangement with a height to the ridgeline of 10.5 metres. An objection from this resident highlights concerns regarding the potential overshadowing and loss of privacy to a west facing first floor window.
38. While the proposed height of the care home would represent a significant increase when compared to the existing building, it is considered that sufficient distance, coupled with the arrangement of roof slopes would be sufficient to ensure that there would be no significant adverse impact to the adjoining property in terms of overbearing or overshadowing. In coming to this conclusion regard has been given to the fact that the west facing window in the neighbouring property is at first floor in respect of overshadowing and already has a compromised outlook onto the existing building and commercial building opposite (albeit lower), while views of the new development would be oblique. The space to the west of that dwelling is also not the main amenity area, which is to the east and would remain unaffected. In terms of privacy, given the orientation of Ormsby House and the fact that it has no windows in the southern elevation, there would be no direct views between habitable rooms. The potential for some oblique views into one window is not sufficient to justify refusal on the grounds of adverse impact upon existing privacy levels, particularly when the scheme delivers significant benefits in respect of the reuse of previously developed land in a sustainable location and the associated elderly housing and employment benefits that would be delivered. More weight is given to the wider public benefits of the proposal in this respect.

39. The relationship with other neighbouring properties is also considered acceptable. The proposal accords with local plan policy GD1 in this respect.

Proposed Residents

40. Policy H17 states that planning permission will be approved for proposals of residential and nursing homes so long as it is located such that noise and disturbance from surrounding uses would not be detrimental to residents, that schemes incorporate sufficient amenity space and are designed in a way that allows residents both privacy and an attractive outlook from habitable rooms.

41. The surrounding area is predominantly residential although some commercial premises are located immediately to the north and west, but it is considered that these would not generate any unacceptable level of noise nuisance. The proposal has been designed to incorporate a courtyard and to achieve satisfactory window outlook, which would be supplemented by additional tree planting within the site.

42. Given the above it is considered that the proposed development would not compromise the aims of policy H17 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Access and Parking

43. The site occupies a sustainable location in terms of public transport and is well served by bus routes along Cockton Hill Road and rail services from Bishop Auckland railway station 150 metres away to the north. The proposal would also include provision for the safe and secure storage of 6 bicycles. The operator of the care home has confirmed that it is actively involved in encouraging all staff to use alternative methods of transport and in this regard any permission would be subject to a condition requiring the creation and implementation of an appropriate travel plan which is consistent with the aims of the NPPF.

44. Neighbouring residents have raised objections to the scheme on the grounds that insufficient parking is incorporated in the scheme to effectively ensure that existing parking problems in the surrounding streets would not worsen post development. While it is accepted that existing demand for on street parking is high in the surrounding streets, the proposal would incorporate a total of 14 car parking spaces to the rear of the building on an area previously used for parking. Employees would work rolling shift patterns meaning peak staffing level is only likely to be 16 people per day, and residents are unlikely to be private car owners. This on-site parking provision level is generally considered to work satisfactorily at Care Home facilities and therefore together with the sustainability of the location in terms of access to public transport and the use of travel plans, the Highways Authority have no objection in this respect.

45. In terms of vehicular access, the scheme would reinstate existing accesses onto Cockton Hill Road to the west (serving the 'drop off' point) and the entrance onto Arcacia Road to the south (serving the 14 space parking area).

46. As such it is considered that the proposal would accord with Policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

47. In relation to the potential introduction of resident only permit parking in the surrounding streets requested by residents, it is noted that DCC as Highways Authority

is applying to the Secretary of State for permission to undertake Criminal Parking Enforcement in streets in the southern part of the county (including Bishop Auckland). In this regard there may be future potential for meeting the aspirations of some objectors (i.e. permit parking) however this is in the future and there can be no legitimate basis to provide this through the existing planning application.

Landscape

48. Limited soft and hard landscaping is proposed, the main feature of which being the removal of the existing conifer hedge along the southern boundary of the site and the creation of a courtyard in the area immediately to the north of this. One tree subject to a TPO is present on the site although this would not be affected by any significant construction works. Some resurfacing of the existing macadam surface within the root protection area is proposed but sensitive construction methods could be ensured through appropriate planning condition. Overall, landscaping proposals would be acceptable and sensitive to the surrounding conservation area presenting a significant improvement to the appearance of the currently derelict and vacant buildings. The County Councils Landscape Architect and Tree Officer have no objections to the scheme subject to the inclusion of appropriate planning conditions.

Ecology

49. A reasoned risk assessment for bats was initially undertaken at the request of the County Councils Ecologist. A subsequent full survey found no evidence of bats roosting in the building and concluded that no further survey work was required. The County Council's Ecologist is satisfied with the findings of the assessment but notes that the mitigation proposed in Section 6 of the report should be provided and this could be ensured through the inclusion of appropriate planning condition. It is therefore considered that the proposed development would not have any adverse impact upon protected species in accordance with Saved Policy GD1 of the Wear Valley District Local Plan and general guidance contained within the National Planning Policy Framework.

CONCLUSION

50. The proposed development would bring back into positive, appropriate use, a prominent site located towards the centre of Bishop Auckland, which has been vacant for several years.
51. The proposed development would be situated within the limits to development for Bishop Auckland and would occupy a sustainable location, well served by public transport links and surrounding services. The proposal would retain the most important element of historic interest and significance in the front façade, while loss of parts of the building with the least significance and replacement with an appropriately designed development would improve the character and setting of the surrounding Cockton Hill Road Conservation Area and the visual appearance of a prominent site. This is in accordance with the requirements of Policies BE1, BE4, BE5, BE6 and BE8 of the Wear Valley District Local Plan and requirements of the NPPF.
52. The proposed building would not have any unacceptable adverse impact upon the occupiers of surrounding residential properties in terms of overshadowing, overbearing or loss of privacy in accordance with Policy GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

53. The development would have suitable vehicular access arrangements and an adequate level of parking provision, while the capacity of the road network would be suitable to cope with the development. The proposal would be in accordance with policies T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

RECOMMENDATION

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

Conditions:

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

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

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

Plan Ref No.	Description	Date Received
C110-P-001	Site Location Plan	20/03/2012
C110-P-200	Site Sections and Site Plan as Proposed	20/03/2012
C110-P-300	North and South Elevations as Proposed	20/03/2012
C110-P-301	East and West Elevations as Proposed	20/03/2012
C110-P-100	Ground Floor Plan as Proposed	20/03/2012
C110-P-101	First Floor plan as Proposed	20/03/2012
C110-P-106	Proposed Refuse and Bicycle Store	20/03/2012
C110-P-102	Loft Plan as Proposed	20/03/2012

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples 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 visual amenity and to protect the character and appearance of the surrounding conservation area in accordance with Policies GD1 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. Prior to the commencement of development hereby approved a detailed schedule of works to the section of building to be retained fronting onto Cockton Hill Road shall be submitted to and agreed in writing by the Local Planning Authority. This shall include measures to protect this part of the building during demolition and construction in

order to preserve the significance, and a timetable of works. The development shall be undertaken in accordance with the approved details.

Reason: To ensure the front façade is appropriately retained and to protect the character of the surrounding conservation area in accordance with Policies BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. Prior to the commencement of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, including planting species, sizes, layout, densities, numbers, method of planting and establishment and maintenance regime. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of the building and any trees or plants which within a period of 5 years from the occupation of the building die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. No development shall be commenced until details and plans of protective fencing for trees have been submitted, inspected after erection, and approved in writing by the Local Planning Authority. The location of the fencing shall be annotated on a plan and the design of protective fencing details shall follow the guidelines set out in BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Fencing must conform to the style illustrated in fig 2. or fig.3 of the 2012 BS standard (where necessary) and must be erected prior to any vehicle or machinery access to the site. No materials are to be stored within the protective fencing.

Reason: To ensure existing trees are protected. In the interests of visual amenity and to accord with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. No development shall be commenced until a Tree Protection Plan been submitted, and approved in writing by the Local Planning Authority.

Reason: To ensure existing trees are protected. In the interests of visual amenity and to accord with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

8. Where construction changes to the surface or sub base of the semi circular front drive are proposed, an Arboricultural Method Statement detailing removal, construction and materials shall be submitted and agreed in writing by the Local Planning Authority prior to those works being carried out. The approved details shall be adhered to.

Reason: To ensure existing trees are protected. In the interests of visual amenity and to accord with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. Prior to the bringing into use of the development hereby approved a Travel Plan Co-ordinator shall be appointed and contact details for this person shall be provided in writing to the Local Planning Authority.

Reason: To encourage sustainable means of travel. In accordance with Policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

10. Within 6 months of occupation of the building hereby approved, a travel plan conforming to the National Specification for Workplace Travel Plans PAS 500:2008, bronze level, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan for the lifetime of the development.

Reason: To encourage sustainable means of travel. In accordance with Policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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

Reason: To minimise energy consumption in accordance with RSS Policy 39 and general principles of the National Planning Policy Framework.

12. Site works (including demolition, construction, deliveries and temporary site generators) shall only be carried out during the following hours to prevent disturbance to neighbouring residents :

Monday to Friday - 08:00 to 18:00 hours

Saturday - 09:00 - 13:00 hours

Sunday and Bank Holidays – No noisy work audible at the site boundary shall be permitted.

There shall be no burning of any materials whatsoever at the site.

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

Informatives:

In order to minimise any disturbance to adjoining or nearby properties, it is recommended that the applicant considers the noise impacts that the construction phase of the development may have upon local residents. The applicant should consider this in the context of BS5228-1 2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1:Noise.

The applicant should consider the impacts that the demolition and construction phase may have on dust emissions. Suitable measures should be undertaken to control and minimise dust emissions and these may include details of water suppression, containment of finely divided materials and daily visual inspections.

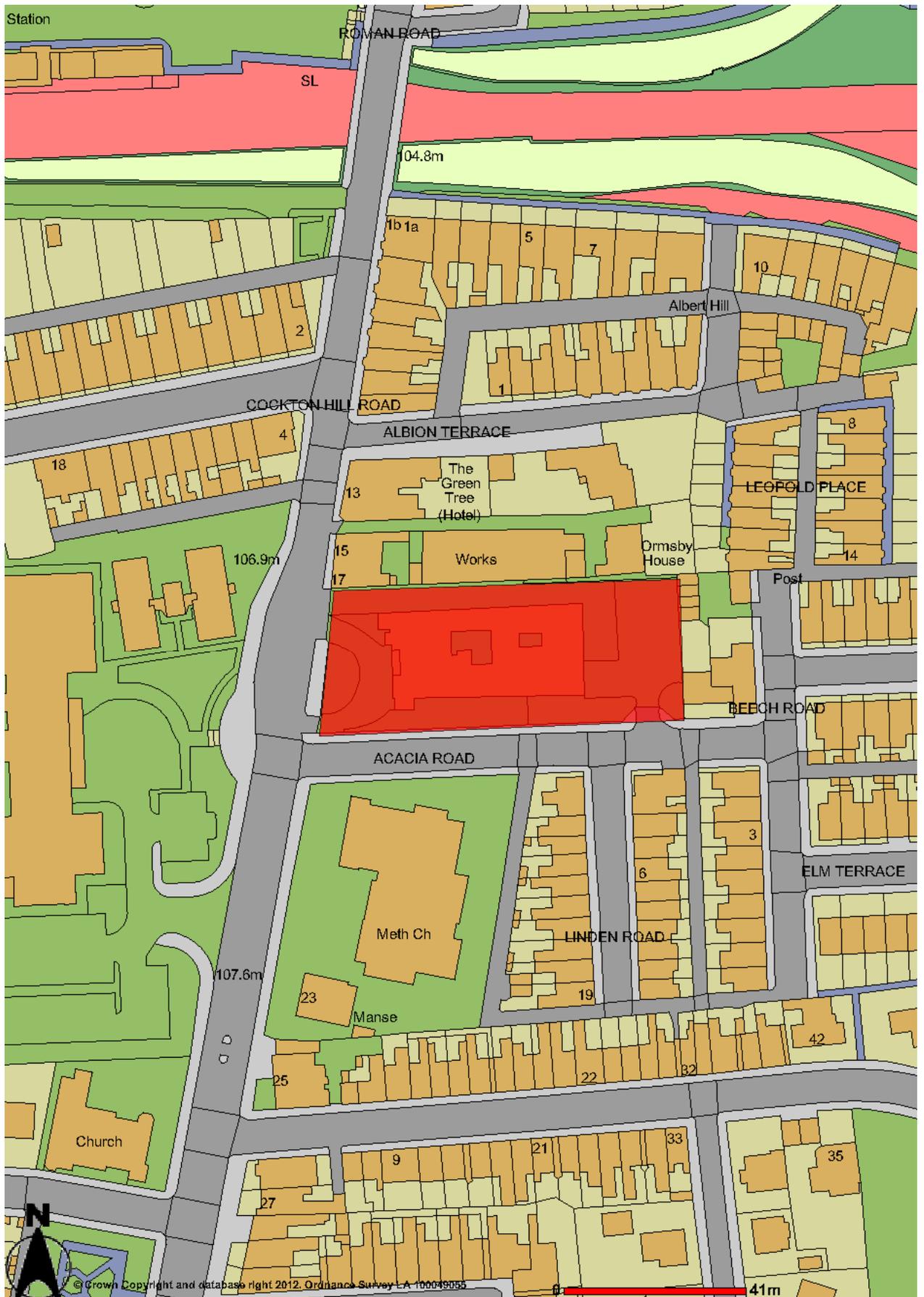
Additionally during the course of demolition and construction no waste materials shall be burned on site and suitable measures taken to prevent building, packing or other materials to be blown off site.

REASONS FOR THE RECOMMENDATION

54. The proposal is considered acceptable and would not be contrary to the aims of Policies GD1, T1, H3, H17, H24, BE1, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 and the broad principles outlined in the National Planning Policy Framework.
55. The development was considered to be acceptable having regard to the brownfield nature of the site, its sustainable location and that it would be of a design that would protect and enhance the historic and architectural character of the surrounding Cockton Hill Conservation Area.
56. The proposal would not have any unacceptable impact upon the amenity of surrounding residential occupiers in terms of overshadowing, overbearing or loss of privacy.
57. The proposal was considered to have acceptable access, parking and servicing arrangements and would not compromise existing highways safety. In addition it was considered that adequate landscaping could be incorporated at the site.
58. Representations received have been taken into account. However it was not considered that those issued raised were of a nature that would warrant or sustain the refusal of the application.

BACKGROUND PAPERS

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



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2012/0213

FULL APPLICATION DESCRIPTION: **ERECTION OF A SINGLE STOREY EXTENSION TO EXISTING FACTORY UNITS**

NAME OF APPLICANT: **MR STEVEN YORKE**
TEESCRAFT ENGINEERING LTD

ADDRESS: TEESCRAFT ENGINEERING LTD UNITS 1-3 LONGFIELD ROAD, SOUTH CHURCH ENTERPRISE PARK, BISHOP AUCKLAND, DL14 6XB

ELECTORAL DIVISION: COUNDON ED

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 comprises a block of three existing industrial units with a total floor space of 790m² located on Longfield Road, South Church Enterprise Park. The units are currently occupied by Teescraft Engineering and are bounded by existing industrial units to the north, south and west with allotment gardens to the east. The site is delineated by palisade steel security fencing to the north with shrub planting to the east and west. The southern elevation of the building fronts directly onto Dovecot Lane to the south.
2. The site takes an existing vehicular access directly off Longfield Road and includes 12 car parking spaces.

The Proposal

3. Planning permission is sought for the erection of a single storey extension to the existing industrial units at Teescraft Engineering, Units 1 – 3 Longfield Road, South Church Enterprise Park. The extension would be situated to the northern elevation of the existing building and be 40 metres in length by 9.2 metres in width with a maximum height of 4.4 metres. It would have a flat roof finished in twin thermal cladding and create 340m² of additional floor space. External walls would be finished in a mix of concrete blockwork and twin thermal cladding and incorporate metal security doors and roller shutters in the northern elevation.
4. The proposals would also include an extension to the existing car parking provision and this would be located immediately to the north and east of the proposed extension.

5. This application is being reported to planning committee in accordance with the County Councils Scheme of Delegation as a Member of the Council has an interest in the property which is the subject of the application.

PLANNING HISTORY

6. The application site forms part of a well established block of industrial units and has been historically occupied by Teescraft Engineering. Since its construction the site has been subject to a planning permission for a testing station for micro wind turbines.

PLANNING POLICY

NATIONAL POLICY

7. On March 27th 2012 the Government published the *National Planning Policy Framework* (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

REGIONAL PLANNING POLICY

8. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. 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.
9. *Policy 8 – Protecting and Enhancing the Environment* states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment.
10. *Policy 12 – Sustainable Economic Development* states the majority of new economic development and investment should be focussed in main settlements and on brownfield mixed use locations.

LOCAL PLAN POLICY:

11. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the determination of this application:
12. *Policy GD1 (General Development Criteria): states that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.*
13. *Policy I4 (Prestige Industrial Sites): reserves land for development at designated prestige industrial sites including South Church Enterprise Park, Bishop Auckland (28.7ha) It states that proposals for offices and business uses (Class B1) and general industry (Class B2) will be permitted provided they fulfil, where relevant, the General Development Criteria (Policy GD1). Proposals which involve outside storage will not be permitted.*
14. *Policy T1 (General Policy – Highways): All developments which generate additional traffic will be required to fulfil Policy GD1 and:*
 - i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - iii) 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:

15. *County Highways Authority* has no objections subject to conditions.

INTERNAL CONSULTEE RESPONSES:

16. *County Council Ecologist* raises no objections to the proposals.

PUBLIC RESPONSES:

17. The application has been advertised on site and notification letters sent to surrounding industrial units. No representations have been received.

APPLICANTS STATEMENT:

18. This application relates to the land within the existing Teescraft Engineering factory premises units 1-3 at South Church Industrial Estate, Bishop Auckland. A very similar proposal for the adjacent units was granted planning approval on 20/06/2011 and has since been completed. The proposals are within the applicant's ownership. The business continues to expand and operates from six of the units on the site. The extension is fundamental in safeguarding Teescraft's future as client demands increase. The business currently employs 32 full time and 2 part time members of staff, additional staff will be recruited to assist with workload should the proposals be accepted.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

20. South Church Enterprise Park is an established industrial estate, already hosting a number of large manufacturing businesses, and plays an important role in the local economy. It is a location where expansion of existing businesses and development of new business is expected to meet the economic growth objectives of the County.
21. The units to which this application relates have been used for manufacturing for some time and an extension to the existing building is a type of development which would be expected in an industrial location such as this. This proposal would safeguard the long term future of the existing engineering operation and create an additional 3 jobs at the site.
22. As this is an allocated industrial site and the proposal could create new jobs in the area, the principle of the extension is considered to be in accordance with policy I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as well as national guidance in the National Planning Policy Framework.

Impact upon the surrounding area

23. The site is well contained within an existing industrial estate and the scale of the proposed extension would not appear overly dominant on the existing building. While the extension would create 340m² of additional floor space within what is a fairly compact site, it is considered that given the limited size of the extension, its location to the rear of the building and the screening provided by existing tree planting, the visual impact of the proposal would be considered acceptable. Some additional noise and disturbance can be expected as the development would intensify operations at the unit to some extent. However, the site is located on an established industrial estate that makes provision for further development or expansion of existing activity.
24. The proposals are considered to be acceptable and would not in principle have a detrimental impact on the surrounding area. The proposal therefore accords with policies GD1 and I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Highways Issues

25. The existing access into to the site will be retained post development. Additional car parking provision would be provided as part of the proposals and this would occupy an exiting tarmac area and an incidental grass verge to the north and west of the proposed extension. The County Highways Officer has not raised any objections to

the parking arrangement however a condition has been recommended requiring the submission and agreement of details relating to the hard surfacing of the of the additional parking areas and the creation and implementation of a travel plan for the site.

26. It is considered that the proposals would not compromise highway safety and would accord with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

CONCLUSION

27. This proposal for an extension to an existing industrial building would help to ensure the continued growth and long term future of a well established engineering operation. The extension would facilitate an additional 3 new jobs at a site allocated for general industrial use and is considered acceptable in principle.
28. The scale and layout of the proposed extension is considered appropriate and would not be a dominant feature within the site or the surrounding area. The proposals would not detract from the appearance of South Church Enterprise Park.
29. When balanced against the economic benefits of the proposal, the amenities of neighbours would not be unacceptably compromised.
30. Sufficient parking provision is provided within the site and highway safety would not be compromised.

RECOMMENDATION

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

Conditions:

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

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

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

Plan Ref No.	Description	Date Received
R1100-00	Site Location Plan	03/07/2012
R1100-004	Proposed Ground Floor Plan	27/06/2012
R1100-005	Proposed Elevations	27/06/2012
R1100-06	Proposed Block Site Plan	02/07/2012

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

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

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

4. Prior to the occupation of the approved extension surfacing details of the additional parking areas as shown on the approved plan R1100-06C) shall be agreed with the LPA and the approved area shall be laid out for no other purpose.

Reason: In the interests of Highway Safety in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.

5. Prior to occupation of the approved extension a Travel Plan Coordinator shall be appointed and contact details for this person shall be provided in writing to Durham County Council. Within 6 months of occupation a final Travel Plan, conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, shall be submitted to Durham County Council for approval. Once approved the Travel Plan must be implemented for the lifetime of the development.

Reason: In the interests of encouraging sustainable transport, in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.

6. All ground disturbance works hereby approved, including any tree/shrub removal works, shall be conducted outside of the bird breeding season or, if development proceeds within the bird breeding season, a qualified ecologist shall confirm, in writing the absence of breeding birds prior to the commencement of development.

Reason: To protect existing wildlife habitats 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

31. The proposal is considered acceptable having regard to policies GD1, I4 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

32. The visual appearance of the Enterprise Park would not be adversely affected and the proposed extensions would not appear overly dominant. The amenities of neighbouring properties would not be adversely compromised. Adequate parking provision and access is provided and highway safety would not be compromised.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- National Planning Policy Framework.
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East
- County Durham Plan Policy Direction Paper
- Assessing Development Proposals in a changing National Planning system - Council Policy Position Statement





Planning Services

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/A/12/2171387

LPA REF: 7/2011/0459/DM

APPEAL AGAINST THE REFUSAL OF OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE ERECTION OF 1NO. DWELLINGHOUSE ON LAND EAST OF AMBLE WAY, TRIMDON, CO DURHAM

1. This appeal relates to an application for outline planning permission for the erection of a dwelling on land east of Amble Way, Trimdon. The application was refused under delegated powers on 14 December 2011 on the basis that the site was Greenfield and outwith the settlement boundary. In the absence of appropriate justification, the proposal was considered contrary to Policy H8 of the Sedgefield Borough Local Plan and Policy 4 of the Regional Spatial Strategy (RSS).
2. The appeal was **dismissed**. In arriving at the decision the Inspector considered that the aforementioned policies were consistent with the National Planning Policy Framework (NPPF), and provided a sound basis on which to determine the proposal. In reaching a conclusion, the Inspector noted that whilst it would adjoin the existing development of houses at Amble Way, the proposed dwelling would involve a clear extension of the built up area beyond the residential framework and an encroachment into the surrounding countryside, and that the proposal would make little contribution to the supply of housing land and the benefits of providing one additional dwelling would be very limited compared with likely overall housing requirements.
3. The Inspector noted the presence of similar developments within the area which, although also beyond settlement boundaries, were notably different in circumstance to the appeal proposal.
4. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

5. That the decision is noted.

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