



Area Planning Committee (South and West)

Date Thursday 21 April 2011
Time 2.00 pm
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest
2. Minutes of the Meeting held on 17 March 2011 (Pages 1 - 8)
3. Applications to be determined
 - a) Application 7/2011/0040/DM - The Old Coal Depot, Westerton (Pages 9 - 18)
Change of use of former coal stocking depot to storage of caravans, containers and B8 storage and distribution uses (Retrospective)
 - b) Application 3/2010/0548 - Land at Park Road, Witton Park (Pages 19 - 30)
Outline application for 31 dwellings (including 9 affordable bungalows), A1 retail unit, parking and associated access
 - c) Application 6/2010/0337/DM - Lands Methodist Chapel, High Lands, Cockfield (Pages 31 - 40)
Change of use of redundant chapel to 3 bedroom dwelling
 - d) Application 6/2011/0038/DM - Brookside Hall, Evenwood (Pages 41 - 52)
Application for renewal of extant planning permission 6/2008/0086/DM for erection of detached dwelling
4. Appeals Update (Pages 53 - 56)

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
13 April 2011

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,
A Hoggood, A Laing, E Paylor, G Richardson, J Shuttleworth,
P Taylor, R Todd, J Wilkinson and R Yorke

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM)

AT A MEETING of the AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM) held in the COUNCIL CHAMBER, TEESDALE HOUSE, BARNARD CASTLE on THURSDAY 17 MARCH 2011 at 2p.m.

PRESENT:

COUNCILLOR M DIXON

Chair

Members of the Committee:

Councillors D Boyes, D Burn, M Campbell, P Gittins, E Paylor, G Richardson, P Taylor, R Todd, E Tomlinson and J Wilkinson

Apologies for absence were received from Councillors K Davidson, A Hopgood and A Laing

Also present: Councillor C Walker (substitute for Cllr Laing)

Officers:

Sarah Eldridge (Development Control Manager – Crook & Barnard Castle), Neil Carter (Legal Adviser), Andrew Farnie (Development Control Manager – Spennymoor), David Walker (Principal Planning Officer), Bryan Harris (Senior Conservation Officer), Charlie Colling (Planning Officer – Barnard Castle), Neil Thompson and Alan Glenwright (Highways) and Delyth Roberts (Democratic Services)

A1 Declarations of interest

Councillor Tomlinson declared a prejudicial interest in application 6/2010/428/DM (Broumley Court, Staindrop) as he was a member of the board of Teesdale Housing Association (partner association of the applicant); he left the Chamber whilst the application was considered and voted on.

Councillor Richardson declared a prejudicial interest in application 6/2010/337/DM (Lands Methodist Chapel, High Lands, Cockfield) as he was a member of the Bishop Auckland Methodist Circuit Committee, which took the disposal decision.

Councillor Gittins declared a prejudicial interest in application 7/2010/260/DM (Land east of A167 and south west of Millwood, Chilton) as one of the objectors was personally known to him; he left the Chamber whilst the application was considered and voted on.

A2 Minutes

The Minutes of the meeting held on 24 February 2011 were confirmed as a correct record and signed by the Chair.

A3 Applications to be determined by the Area Planning Committee (South and West Durham)

6/2010/0428/DM - Erection of 10 dwellinghouses and 4 bungalows with parking facilities at Broumley Court, Staindrop

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

The Committee was addressed by Mr D McInnes, who objected to the application; whilst not opposed to redevelopment of the site he believed that the current proposal would result in too many houses on a relatively small site. He felt that members were being asked to make a decision about public safety as the proposed development would have an adverse impact on existing parking and traffic problems in and around Swan Wynd. He noted that parents of children attending the nearby primary school had been asked not to use Swan Wynd as a drop-off/pick-up point. He referred to an occasion when a child was killed outside the gates of a school that he taught at in London and suggested that something similar could happen here unless the application was rejected or amended.

The Highways Officer confirmed that any road safety issues at this location were associated with the school – there was a school travel plan and parents were encouraged not to use Swan Wynd or to park outside the school. The previous use of the Broumley Court site (31 sheltered accommodation flats) would have generated a certain level of traffic and, although it was anticipated that the proposed use would nearly double that, the peak flow could be expected between 5 and 6pm rather than at school drop-off/pick-up times. In the circumstances it was not possible to recommend a refusal on highway grounds.

Councillor Richardson indicated that he shared the views of objectors in this case and, whilst he would like to see affordable housing built, he was unable to support this proposal; he moved that the application be refused but this motion was not seconded.

Councillor Boyes moved that the application be approved subject to conditions; he was seconded by Councillor Todd.

RESOLVED:

That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the prior completion of a satisfactory Agreement under Section 106 of the Town & Country Planning Act 1990 to ensure that the housing remains affordable.

6/2010/0429/DM & 6/2010/430/DM/LB – Conversion of barn and byre to dwelling, including extension and demolition works, formation of access and erection of garage (part retrospective) at West Barn, Mickleton

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit

had taken place earlier that day. She noted that 22 letters of support had been received in respect of the Listed Building application.

The Committee was addressed by Mr K Walton (applicant); he explained the background to the current situation and emphasised that he had been under the impression that the applications made in 2008, and subsequently approved, had been properly implemented and conditions complied with. He felt that the current situation had arisen because he had dealt with three different conservation officers since submitting the original applications and it seemed that no written record had been kept of meetings held with the first two. As a consequence he had firmly believed that permission had been granted to use Bradstone tiles on the roof of the new extension but the current conservation officer was of the opinion that the use of such artificial materials was completely inappropriate. Mr Walton outlined the rationale behind using the Bradstone tiles and referred to another listed building in Mickleton where an extension had been roofed in the same materials, apparently without challenge from the local authority. He referred to the support he had received from the parish council and concluded by emphasising that he had acted in good faith and asked the Committee to approve the roofing materials for the extension, which was not listed.

The Senior Conservation Officer explained his position with regard to the roofing materials – he did not consider that this matter was just about aesthetics but a fundamental matter of good practice and core principles. With regard to the other listed building in Mickleton referred to by the applicant, the approved plans stated that Teesdale stone should be used and, as the wrong materials had been used, this matter would now be pursued by planning officers; any other buildings which had utilised artificial materials were not listed buildings and/or were outside the conservation area.

Councillor R Bell (local member) spoke in support of the applicant; he referred to the detrimental effect of applicants having to deal with a succession of different conservation officers and emphasised that the applicant was not to blame for this situation. He did not believe that the use of slates would be appropriate in this case – the Bradstone tiles were far superior. He mentioned the support offered to the applicant by the parish council and referred to other properties in the village which were similarly roofed. He noted that the extension was not listed and urged members to approve this application as it would not be detrimental to the listed building or to the conservation area generally.

Whilst members agreed that the Council had a duty of care towards listed buildings and conservation areas and appreciated the arguments put forward by officers, they also felt that the applicant was not to blame for the situation that he found himself in and that the materials that had been used would not be detrimental to either the listed building or the conservation area in this case.

Councillor Wilkinson moved that the application be granted; he was seconded by Councillor Burn.

RESOLVED:

That planning permission and listed building consent be granted on the following grounds:

In this instance the use of an artificial stone for the roof covering of the extension would not have a detrimental impact upon the historic character of the grade II listed building contrary to policies BENV1 and BENV3 of the Local Plan, Planning Policy Statement 5, Policy HE9 and Policy 32 of the Regional Spatial Strategy for the North East 2021.

6/2010/0278/DM – Erection of two storey extension to rear and alterations to roof at front (retrospective) at 13 Gordon Lane, Ramshaw

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Members expressed disappointment that the parish council, which had objected to the application, was not represented at the meeting.

Councillor Boyes moved that the application be approved, subject to conditions; he was seconded by Councillor Todd.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

6/2010/0337/DM – Change of use of redundant chapel to 3 bedroom dwelling at Lands Methodist Chapel, High Lands, Cockfield

The Legal Adviser noted that the objector's Solicitor, registered to speak on this application, was personally known to him.

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

In beginning his address to the Committee, Mr Wills (Solicitor for objector) queried whether members had been made aware of the contents of a letter he had recently submitted; the Development Control Manager confirmed that the letter had been received after the publication of the agenda for today's meeting. In the circumstances it was agreed to defer consideration of the application to the next meeting of the Committee.

7/2011/0034/DM – Erection of general purpose building for storage (retrospective) in field at Salter's Lane, Trimdon Grange

The Development Control Manager (Spennymoor) reported that this application had been withdrawn from the agenda.

7/2011/0019/DM – Construction of footpath link to Ferryhill Carrs Nature Reserve (retrospective) at Duncombe Cemetery/land to rear of Cleves Avenue, Ferryhill

The Development Control Manager (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which

included photographs of the site. It was noted that a site visit had taken place earlier that day.

The Committee was addressed by Councillor D Farry (local member) and Councillor B Avery (member for Chilton division); both members objected to the application on health and safety grounds. The new path was sited at the top of a steep embankment and was not currently fenced on that side. It was suggested that, if the application was to be approved, the existing cemetery fence should be extended along the length of the new footpath to protect walkers. The adequacy of the wooden post and rail fence on the other side of the new path was also questioned. It was noted that the nature reserve already had two access points and there had been complaints about youths congregating in the area, giving rise to anti social behaviour.

The Clerk to Ferryhill Town Council (applicant) was unable to attend the meeting but had submitted a statement, which was duly read out. He referred to the Town Council's own risk assessment of the footpath, which had categorised the risk as 'very low'. In the circumstances the Town Council did not believe that installing additional fencing would be a prudent use of public funds, although it intended creating some natural mounds along the edge of the path when soil became available.

Members felt that it was unfortunate that the Town Council had not applied for planning permission before creating this footpath; members agreed that this was a potentially dangerous location and suggested that a suitable condition be applied requiring the provision of fencing.

Councillor Boyes moved that the application be approved, subject to a condition regarding a means of enclosure; he was seconded by Councillor Campbell.

RESOLVED :

That the application be approved subject to a suitable condition being agreed (by the Development Control Manager in consultation with the Chair and Vice-chair of the Committee) with regard to a means of enclosure for the path.

7/2011/0027/DM – Erection of 20m joint telecommunications tower with 2x3g antennas and associated head frame, 2x300mm transmission dishes, 3 equipment cabinets, 1 meter cabinet, associated ancillary development and erection of compound fence at Unit 19, Tudhoe Industrial Estate, Spennymoor

The Development Control Manager (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Councillor Boyes moved that the application be approved, subject to conditions; he was seconded by Councillor Wilkinson.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

7/2010/0260/DM – Erection of 149 dwellings, associated landscaping and access on land east of A167 and south west of Millwood, Chilton

The Principal Planning Officer presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day. He noted that 3 further representations had been received since the agenda had been circulated.

The Committee was addressed by Mrs Wright, who objected to the application on the grounds that her neighbouring property would be overlooked and dominated by the development. Whilst accepting that the land would be developed, she wanted to ensure that any development was appropriate and complied with planning regulations. She felt that the separation distance between her property and part of the proposed development was already inadequate and could worsen if extensions/conservatories were then added to some of the dwellings. She was also concerned about the access to the development and the possibility of traffic congestion. She referred to the construction period, which could last up to 10 years, and the possible adverse impact of noise etc.

Ms J Hunter (applicant's agent) spoke in support of the proposal; she emphasised that this was a suitable and deliverable site for the proposed development and would assist in meeting the County's housing needs. She noted that the applicant had worked with Council officers to deliver an acceptable application; there had been a number of amendments to the layout and design of the proposal and all separation distance requirements had been met in the current application.

The Highways Officer confirmed that there were no objections on highway grounds; traffic calming features would be included on the estate roads and parking standards would be exceeded.

Members sought assurances from the Principal Planning Officer about separation distances but considered that the application was generally acceptable.

Councillor Taylor moved that the application be approved, subject to conditions; he was seconded by Councillor Todd.

RESOLVED :

That the application be approved subject to the prior completion of an acceptable Agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the payment of a commuted sum for off site enhancements to existing play equipment and environmental enhancements to existing amenity open space and subject also to the conditions detailed in the officer's report to the Committee (revised drawing numbers as shown below)

CD/PSL/01 Proposed Layout Rev. H
CD/BTEH/01 Boundary Treatment & External Hard Landscape Rev. F
CD/PSL/01 Proposed Site Layout Page 1 of 2 Rev. H
CD/PSL/02 Proposed Site Layout Page 2 of 2 Rev. H

and to the following additional condition:

23. *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 gable wall of the kitchen in the Glamis house type on Plot No. 99 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.*

3/2011/0025 – Single storey extension to rear and double garage to adjoining land at 1 Durham Road, Wolsingham

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

Members again expressed disappointment that the parish council, which had objected to the application, was not represented at the meeting.

Councillor Boyes moved that the application be approved, subject to conditions; he was seconded by Councillor Todd.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the following additional condition:

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

3/2010/0560 – Two V-shaped advertising boards located at either side of the entrance to Oakley Manor development site on Darlington Road, West Auckland

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

Councillor Richardson moved that the application be approved, subject to conditions; he was seconded by Councillor Boyes.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer's report to the Committee

The meeting closed at 4.20pm

CHAIR

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0040/DM
FULL APPLICATION DESCRIPTION:	Change of use from former coal stocking depot to storage of caravans, containers and B8 storage and distribution uses (Retrospective)
NAME OF APPLICANT:	Mr John Newton
ADDRESS:	Westerton caravan storage, The Old Coal Depot, Westerton, Co Durham
ELECTORAL DIVISION:	Spennymoor and Middlestone Moor
CASE OFFICER:	Mark O'Sullivan Tel. 01388 816166 Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Retrospective permission is sought for the change of use from a former coal stocking depot to a caravan, storage and distribution facility on land at the former coal depot site, Westerton. Planning permission was granted in 2004 for a 2-year temporary period to allow caravan storage on a smaller part of the current application site. For the past 5 years however, the use of the land for storage has continued and expanded, despite refusal of planning permission in 2009 and dismissal of an associated appeal in 2010. This site is therefore in use without any form of existing planning consent and comprises a number of separate storage compounds containing caravans, containers, motor vehicles, scrap material and other goods.
2. The application site is located to the south of the A688 highway between Spennymoor and Bishop Auckland, some 400m to the South West of the Middlestone Moor residential settlement. Access is secured directly from the A688 highway to the north.
3. The application site is located outside of the settlement boundary for Spennymoor and not within any defined industrial area saved within Sedgefield Borough Local Plan polices. This application site is therefore considered to be located within the open countryside, in an isolated location, surrounded by open countryside in all directions. This site is relatively fragmented from other similar uses, with no intrinsic links to existing rural activities in this locality.
4. Owing to the topography of this area, this site is extremely prominent in the local landscape, particularly when viewed from the south where the land is higher.
5. This application would normally be determined under the Officer scheme of delegation but has been referred to committee at the request of a local member.

PLANNING HISTORY

6. **Detailed applications:**

- 7/2008/0635/DM (Change of use from coal depot (sui generis) to outside storage of caravans, containers, motor vehicles (B8 storage) and alterations to existing access - Retrospective application) - REFUSED

- 7/2007/0167/DM (Landscaping work to replace topsoil) - APPROVED
- 7/2004/0082/DM (Change of use of part of site to caravan storage) – APPROVED (Temporary consent – 2 years)
- 7/1999/0258/DM (Change of use from coal stocking ground to worm breeding and compost production facility) - REFUSED
- 7/1996/0101/DM (Renewal of temporary planning permission 7/93/0030/DM for installation of portable office block) - APPROVED
- 7/1993/0030/DM (Installation of portable office block, relocation of weighbridge, car park and internal access road) - APPROVED
- 7/1987/0070/DM (Erection of weigh cabin and store) - APPROVED
- 7/1982/1367/DM (Erection of garage for Michigan shovel) - APPROVED

7. **Informal enquiries:**

- P/2008/0636/DM (Change of use from former coal stocking ground to various forms of storage) - Strongly resisted. Inappropriate location.
- P/2008/0136/DM (Building supply business) - Concerns. May be some scope but site will need to be carefully screened, with possible environmental improvements works also required.
- P/2008/0111/DM (Increasing caravan storage) - Concerns over whether site could support intensified use. Site access improvements required. Strong concerns over any other proposed uses.
- P/2007/0783/DM (Dwelling house and office to provide security and 7day access to caravan and container storage) – Strongly discouraged. Caravan use is presently unlawful after temp permission expired.

8. **Appeal History:**

- AP/2009/0012 (Pins ref: APP/X1355/A/09/2111643/NWF)
Change of use from coal depot (sui generis) to outside storage of caravans, containers, motor vehicles (B8 storage) and alterations to existing access (retrospective application) – APPEAL DISMISSED

9. **Enforcement History:**

- H/2007/122 (Failure to renew permission for caravan storage)

PLANNING POLICY

10. **National Policy:**

- **Planning Policy Statement 1 (*Delivering Sustainable Development*)** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 4 (*Planning for sustainable economic growth*)** sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas, seeking to protect the open countryside for the benefit of all.
- **Planning Policy Statement 7 (*Sustainable development in rural areas*)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- **Planning Policy Statement 23 (*Planning and pollution control*)** is intended to complement the pollution control framework under the *Pollution Prevention and Control Act 1999* and the *PPC Regulations 2000*

11. Regional Policy:

- There is no regional policy specific to this development proposal.

12. Local Plan Policy: Sedgefield Borough Local Plan:

- **E1 (Maintenance of landscape character)** – Seeks to encourage the maintenance of distinctive landscape areas by resisting proposals or works which would prove detrimental to these areas.
- **L22 (Storage of caravans)** – Seek to control sites for the storage of caravans, approving only where they are satisfactorily screened all year-round, are well related to an existing settlement without harming the living conditions of nearby residents, and where they have a satisfactory means of access.
- **D1 (General principles for the layout and design of new developments)** – 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, that where necessary satisfactory landscaping be incorporated in the design and layout of the site, that this accommodates the needs and users of the development and provides satisfactory and safe provision for pedestrians and the private car.
- **D3 (Design for access)** – Highlights the importance of securing satisfactory means of access for new developments and satisfactory and safe provision for pedestrians and cyclists.

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 www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

13. EXTERNAL/STATUTORY RESPONSE

- **Spennymoor Town Council** – Have raised no objections to this proposal,
- **Northumbrian Water Ltd** – Have raised no objections to this application.
- **The Ramblers** – Identify Public Rights of Way around some two thirds of the application site and on the site access road. If considered for approval, it is stressed that these rights for the general public must not be detrimentally affected.

14. INTERNAL CONSULTEES

- **Durham County Council Highways Engineers** have raised no objections to this proposal, subject to construction of proposed highway improvement works shown in submitted plans. Concerns raised over the applicant's resistance to Southern Area Office's attempts to remove illegal signs from the public highway verge which would require advertisement consent.
- **Durham County Council Environmental Health** – have raised no objections to this proposal (see planning considerations for a detailed explanation).
- **Durham County Council Forward Plans** – have objected to this proposal on policy grounds.
- **Durham County Council Landscape Architect** – has provided a comprehensive and

critical view of the proposed works, highlighting concerns over this application.

15. PUBLIC RESPONSES

Two site notices were displayed in close proximity to the application site, with all neighboring properties also notified in writing. Forty four separate letters of support were received in response to this exercise.

16. APPLICANT'S STATEMENT

The applicant has provided the following detail in support of this application:

- “The site is not generally visible or noticeable from the A688 because of heavy tree belts and woodland on the west, north and south sides of the site”
- “The site is reasonably prominent when viewed from the village of Westerton, approximately half a mile away, but residents of this village also have views over Spennymoor immediately to the north of the site and highly prominent allotments at Binchester, to the North West”.
- “The applicants have gradually cleared and leveled the site to its present state, to satisfy a strong demand for storage in this area that would otherwise have to be accommodated elsewhere, including storage of units on driveways in urban areas, unless it proved possible to accommodate other similar facilities on existing or proposed industrial sites in this part of the county”.
- “A number of sundry businesses operate within the site, mainly for storage and distribution. They include removals, van storage and caravan servicing. These businesses and their applications are very much subservient to the main use of the site for caravan and related storage”.
- “These businesses not only provide valuable local employment, but they deliver services which are entirely appropriate and relevant to the main business activities on the site, facilitating its sustainable use”.

PLANNING CONSIDERATIONS AND ASSESSMENT

17. Retrospective planning permission was sought and subsequently refused in April 2009 for the change of use of land at the former Westerton Coal Depot site for a range of storage facilities including:

- Caravan storage
- Container storage
- Scaffolding storage
- General storage compounds for hire
- Lorry operators parking facility

18. Prior to submitting the 2009 application, the applicant was advised on a number of occasions informally that such an application would be unlikely to be viewed favorably. Following refusal an appeal was made to the Planning Inspectorate, which was dismissed in April 2010. In considering this appeal, the main issues the Planning Inspectorate considered were:

- Whether the development is appropriate to a rural location by reference to national policy
- The effect of the development on the character and appearance of the countryside
- Whether the development would result in pollution or harm to public health
- The effect on highway safety

These issues are considered again, together with changes to the proposal.

19. Whether the development is appropriate to a rural location by reference to national policy,

Following the deletion of local plan policy IB10 (*Industrial and business developments in the countryside*), this application is considered against PPS7 (*Sustainable development in rural areas*) which aims to safeguard the open countryside. With the application site falling outside of any defined settlement boundary for Sedgefield borough and not being classified as an industrial area under Local Plan policy IB2 (*Designation of type of industrial areas*), strong concerns are expressed over whether such uses are entirely suitable for this rural location. It is appreciated that permission was historically granted (on a temporary basis) for limited caravan storage at this site. However, this current proposal relates to a more extensive and intensive use, and not just to caravans, with the proposed uses considered to have a detrimental impact upon the countryside setting.

20. Furthermore, very little information has been submitted in support of these proposed uses, with little supporting justification for the need to locate in this rural location, outside of any established settlement for Sedgefield Borough, and with no perceived benefits to the rural economy. PPS7 stipulates that such uses may be appropriate in or adjacent to existing towns and villages, with some storage uses unsuited to some modern industrial estates. However, little reasoning has been provided as to why such uses proposed here cannot be located in existing industrial areas nearby, with this site isolated from any other similar use, and with the proposed uses having no intrinsic link to existing rural activities in this locality.
21. In the Planning Inspector's initial considerations it was explained how the proposal was contrary to the principles of national planning policy for rural areas with national policies contained in Planning Policy Statement 7 (*Sustainable Development in Rural Areas*) and PPS4 (*Planning for Sustainable Economic Growth*) applicable. In dismissing the initial appeal for this site, the Planning Inspectorate summarised:
22. *"PPS4 (Policy EC6.2a) says that, in rural areas, Local Planning Authorities should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans. Rather, they should identify local service centres and locate most new development in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together. This reflects the Government's objectives of delivering more sustainable patterns of development and of protecting the countryside. In this case, the site lies between Bishop Auckland and Spennymoor; and in the vicinity of the smaller settlements of Westerton, Binchester and Middlestone Moor. But it is separated by undeveloped land from all of these and does not fall within any formally defined settlement boundary. Moreover, it has not been allocated or otherwise identified for development in any development plan".*
23. *Furthermore, "PPS4 Policy EC12 lists a number of matters to be taken into account when considering planning applications for economic development in rural areas. In relation to those which are relevant, there is no evidence to show that this development enhances the vitality or viability of market towns or other rural service centres; or that it provides the most sustainable option in a location that is remote from local service centres".*
24. Evidently little has changed since the Inspector's initial considerations in this respect. Despite the Brownfield status of this land, preference for its re-use should be viewed in the wider context of promoting developing in sustainable locations and protecting the countryside. Although Policy EC2 of PPS4 states how development plans should seek to

make the most efficient and effective use of land, prioritising previously-developed land which is suitable for re-use, a clear balance must be established between re-using land and the subsequent impact on the surrounding countryside.

25. In determining this current application, the applicant again argues a need for this development, supported by a number of letters of support from users of this site. There is no doubt that this site is a valuable facility to some individuals, and this detail was picked up by the Planning Inspectorate previously. However, no credible information about the location, availability or suitability of alternative provision has been provided by the applicant. In the absence of any information justifying this particular location or the availability or suitability of alternative provision, it remains unclear whether the need could be met in or adjoining urban areas where national policy seeks to direct development.
- 26. *The effect of the development on the character and appearance of the countryside***
Policy EC6.1 of PPS4 indicates that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.
27. In previously dismissing an appeal for the continued operation of this site, the Planning Inspectorate considered how a substantial proportion of the site can be seen from higher land on the westerly approach to Winterton. "From that viewpoint, it is seen as a large, intrusive, visually discordant feature in an otherwise mostly green and rural landscape. In particular, the large quantity of densely-parked white caravans is prominent."
28. It was appreciated that the site was in industrial use for many years and that in itself, it does not have a rural character. It was also acknowledged how the appellant may have gone some way to improving its appearance. However, the visual impact of that part of the site which is in active use for storage is significantly greater than that which is unused or neglected, giving an urbanised and commercial appearance. In this respect, previous applications for this site were considered harmful to the character and appearance of the countryside, contrary to PPS4 Policy EC6.1.
29. In considering this current application, little has changed. The applicant has submitted a detailed landscape and visual impact assessment prepared by MD² Planning Consultants, also identifying possible future enhancement measures. However, the fact remains that this site is in operation now, and the harmful visual impact of this site in the rural landscape is clearly evident. Any long term plan to enhance this site represents a long term vision which fails to tackle the current issue – that being the existing impact on the rural setting which the Planning Inspectorate has objected to.
30. As previously explained, the Durham County Landscape Architect has also provided a comprehensive response to this application. It is summarised that this application is clearly in conflict with saved Sedgfield Borough Local Plan Policies E1, L22 and D1, as well as saved Wear Valley Policies GD1(xi) and Durham County Landscape Strategy objectives WL1, WI11, WL15, WL16 and finally, PPS4 (Policy EC1.6). No mention is given to the majority of these policies within the submitted landscape assessment, nor the County Durham Landscape Strategy or Spatial Strategy. In view of the foregoing, the applicant has failed to address any of the previous concerns relating to the perceived impact on this rural landscape.
- 31. *Whether the development would result in pollution or harm to public health:***
The application site is located on a Brownfield site formerly used as a coke works. With this former use likely to have introduced contaminants onto the land, there is a possibility that any disturbance of this land could result in pollution to the surrounding landscape and water course.

32. When determining the original application for this site, concerns were previously raised over the originally submitted desk study and environmental risk assessment which failed to properly assess the potential risks of contamination of the application site and the full extent of any mitigation and remediation measures required. As such, it was considered that the original proposal for this site conflicted with Planning Policy Statement (PPS) 23 (*Planning and pollution control*). This view was endorsed by the Inspector on the subsequent appeal.
33. Further survey work has however been carried out in support of the current application. Durham County Council's pollution control team has stated that they have no objections to the proposal, and that "*because this land is of a commercial/light industrial type activity, there is no significant risk of significant harm This would be re-assessed if a more sensitive receptor was introduced by a change of planning use*". In view of this, no further consideration of this aspect of the proposal is required.
- 34. The effect on highway safety:**
Previously objections were raised over the need for improvements to the A688 Highway junction. In dismissing the previous appeal for this site, the Planning Inspector concluded that if permission were to be granted this matter could be covered through the imposition of an appropriate condition.
35. This current application has sought to address this issue through the submission of an accompanying transportation statement. Highways engineers have raised no objections to the details provided in accordance with adopted Sedgefield Borough Local Plan Policy D3 (*Design for access*), and would be happy to condition this detail if approval were granted.
36. As previously explained however, concerns continue to be raised over the presence of unauthorised signage within the public highway verge which has not been removed despite a number of requests being made by the highways authority.

CONCLUSION

37. Since the initial application for this site was refused back in April 2009, the applicant has unsuccessfully attempted to appeal this decision, with the Planning Inspectorate agreeing with the arguments presented by the Local Planning Authority.
38. This latest submission fails to fully address all of the previous reasons for refusal or the planning inspectorate's reasons for dismissing the appeal. Significant concerns are still raised over the impact of this use on the rural landscape and character of this area. Although attempts have been made to improve screening of this site through improved structure planting along internal and perimeter boundaries of the site, the County Landscape Architect objects strongly to this proposal and the level of detail submitted.
39. On balance, the economic benefits of this facility cannot be seen to overcome the aforementioned concerns with respect to the sustainability and landscape impact of the development. The detrimental impact on the visual amenity and character of this rural setting considered to be significant. As previously explained, this application conflicts with National PPS4 in this respect.
40. In recommending refusal of the previous application for this site, the planning inspectorate concluded:

"In reaching this conclusion, I have had regard to all other matters raised by the appellant. I am aware that caravan storage on part of the site was permitted previously, but that was for a temporary period and does not indicate that permanent use is acceptable. I have some sympathy for the argument that the enterprise provides a useful

and secure service for caravan owners who otherwise would in most instances park them at their homes, with consequent adverse effects on the enjoyment of their dwellings and on the character and appearance of residential areas. I also note the support of the County Council's Traveller Liaison Service about the value of temporary caravan storage. I appreciate that a considerable amount of effort and investment has been put in to the enterprise; and I am sure that this has improved the condition of the site compared to the period before the appellant's ownership. But commercial use of the site is not the only way to ensure improvement; and the development itself is not without adverse visual impact. Finally, I acknowledge the lack of public objection to the development, despite it having been in operation for some 5 years. But neither this nor any other matter raised is sufficient to outweigh the conclusions reached in relation to my first 3 main issues. Consequently, the appeal fails".

41. In determining this current application, it is considered that the applicant has failed to address all of the previous concerns for this site, with this application still therefore considered to be unacceptable in line with the Planning Inspector's conclusions in respect of sustainability and landscape impact. This application is considered to conflict with National Planning Policies 1, 4, 7 and 23, as well as saved local lan policies E1, L22, D1 and D3.

RECOMMENDATION

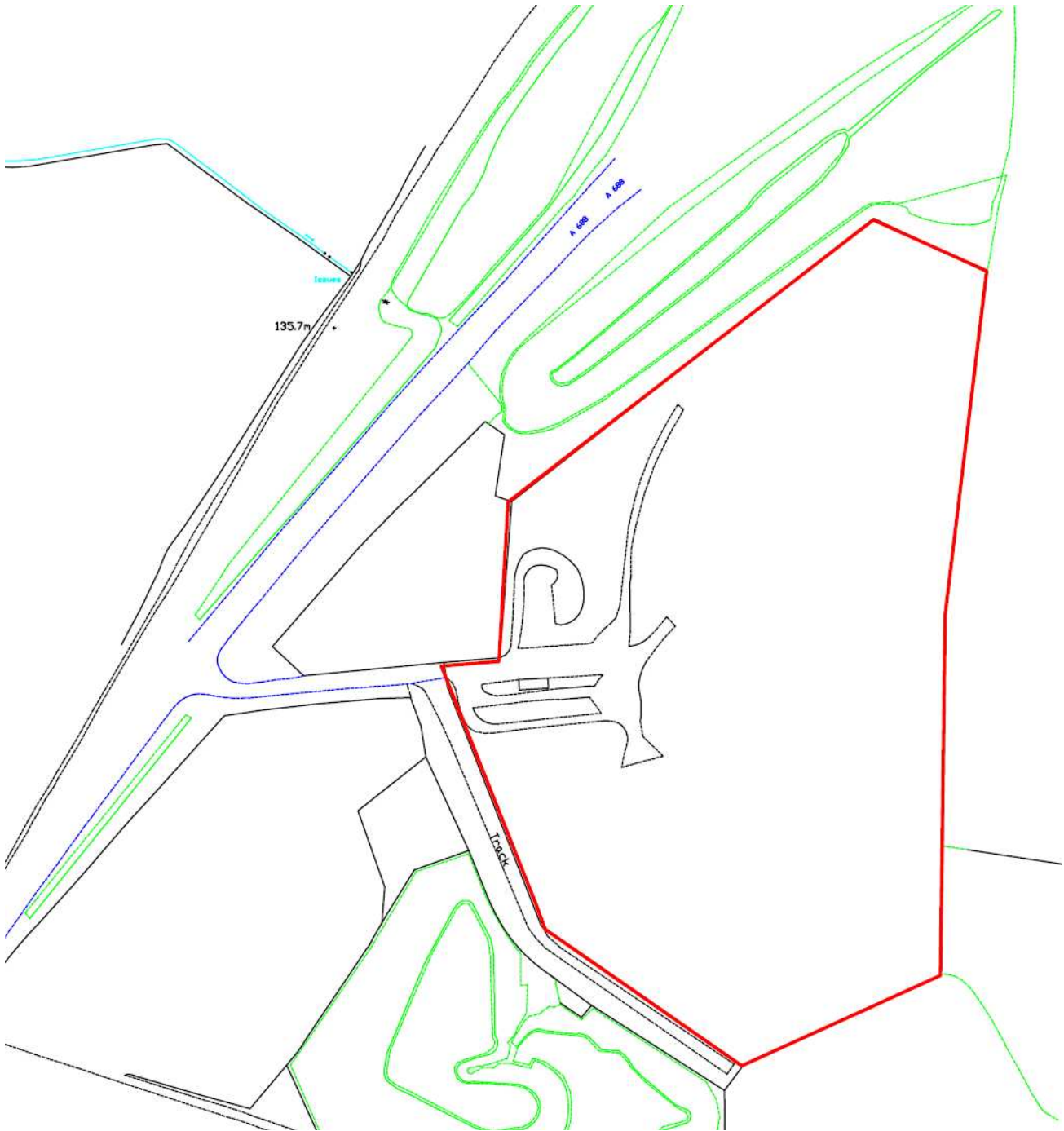
That the application be REFUSED for the following reason:

1. The proposal comprises land uses which have no intrinsic link with existing rural activities in the locality, and which could be alternatively located on suitably approved sites within the framework of an existing settlement. The application fails to demonstrate a need for a rural location and does not otherwise indicate any benefits to the rural economy. In the absence of any such justification, and as a result of the harmful visual impact of the proposal on the surrounding countryside, the Local Planning Authority is of the opinion that the proposal conflicts with rural development policy expressed in Planning Policy Statement 7 (*Sustainable development in rural areas*) and Planning Policy Statement 4 (*Planning for sustainable economic growth*), as well as saved Sedgefield Borough Local Plan policies E1 (*Maintenance of landscape character*), L22 (*Storage of caravans*) and D1 (*General principles for the layout and design of new developments*).

It is further recommended that the South West Area Planning Committee endorses the issue of an enforcement notice to remedy the breach of planning control that has occurred.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Sedgefield Borough Local Plan 1996
 - Planning Policy Statement 1 (*Delivering Sustainable Development*)
 - Planning Policy Statement 4 (*Planning for sustainable economic growth*)
 - Planning Policy Statement 7 (*Sustainable development in rural areas*)
 - Planning Policy Statement 23 (*Planning and pollution control*)
 - E1 (*Maintenance of landscape character*)
 - L22 (*Storage of caravans*)
 - D1 (*General principles for the layout and design of new developments*)
 - D3 (*Design for access*)
-



Application No.	7/2011/0040/DM
Location:	Westerton caravan storage, The Old Coal Depot, Westerton, Co Durham
Description:	Change of use from former coal stocking depot to storage of caravans, containers and B8 storage and distribution uses (Retrospective)

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2010/0548
FULL APPLICATION DESCRIPTION:	OUTLINE APPLICATION FOR 31 DWELLINGS (INCLUDING 9 AFFORDABLE BUNGALOWS), A1 RETAIL UNIT, PARKING AND ASSOCIATED ACCESS.
NAME OF APPLICANT:	MR T JACQUES C/O ENGLAND & LYLE LIMITED
ADDRESS:	LAND AT PARK ROAD, WITTON PARK, BISHOP AUCKLAND, DL14 0EL
ELECTORAL DIVISION:	WEST AUCKLAND
CASE OFFICER:	Adrian Caines adrian.caines@durham.gov.uk 01388 761619

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 This is a resubmission of refused application 3/2010/0028 for outline planning permission on the site. The proposal has been amended with a reduction in dwellings from 34 to 31 and now includes 9 affordable bungalows. The retail unit and car parking is still retained in the proposal. All matters apart from access have been reserved for future approval (appearance, landscaping, layout and scale). A revised indicative site layout has been provided to demonstrate how the development would fit the site.
- 1.2 The site is an agricultural field approximately 0.8 hectares in area and is greenfield land for planning purposes. It is also located outside the development limits of Witton Park and is therefore in the open countryside. Accordingly, the proposal is a departure from the development plan.
- 1.3 There are terraced dwellings lining Park Road to the north and west of the site, however, most of the site is surrounded by more agricultural fields. At present the site appears to be used for grazing horses. Historical maps show that in the past the land appears to have been used as allotment gardens. Those maps also show that there is no history of housing on the land dating back to 1894.

2.0 PLANNING HISTORY

2.1 Planning permission has previously been refused twice for residential development on the site:

3/2010/0028 outline application for 34 dwellings, retail unit, parking and access – Refused 16.10.2010
3/1989/0141 Erection of bungalow – Refused 10.04.1989.

3.0 PLANNING POLICY

3.1 **NATIONAL POLICY:**

3.2 **Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Climate Change** – Sets out the Government's overarching planning policies on the delivering of sustainable development through the planning system. The key principles include:

- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient;
- use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities in locations with good access to jobs and key services for all members of the community.

3.3 Planning and Climate Change is a supplement to PPS1 and sets out how planning should contribute to reducing carbon emissions and stabilising climate change, and how planning can best support achievement of the zero-carbon targets by 2016. Key principles include paying attention to the location of major generators of travel and the potential to build into new and existing development more efficient means of energy supply and increasing contributions from renewable and low-carbon energy sources.

3.4 **Planning Policy Statement 3 (PPS3) Housing** – Sets out the delivery of the Government's national housing objectives. New housing should be directed to sites within the development limits of towns and villages which offer access to a range of local facilities, jobs, services and public transport, with priority given to development on previously developed land (brownfield). Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations.

3.5 **Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth** – Proposals should also meet the key sustainable locational objectives of PPS1, PPS7 and PPG13.

3.6 **Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas** - Sets out the Government's planning policies for rural areas. The key objectives are for continued protection of the open countryside and to promote more sustainable patterns of development by:

- focusing most development in, or next to, existing towns and villages;

- preventing urban sprawl;
- discouraging the development of 'greenfield' land.

3.7 New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. In particular, when considering housing, house in the countryside will not normally be permitted and regard must be given to national housing policy requirements (PPS3).

3.8 Planning Policy Guidance 13 (PPG13) Transport - Aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.

3.9 Planning Policy Statement 22 (PPS22) Renewable Energy: Sets out Government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

3.10 Planning Policy Statement 23 (PPS23) Planning and Pollution Control: Sets out the Government's primary objectives for the protection of land, air and water quality which may be impacted by development. The onus is on the developer to demonstrate the site is not contaminated or to provide suitable remediation.

3.11 Planning Policy Statement 25 (PPS25) Development and Flood Risk - Sets out government policies for development and flood risk. Flood risk should be considered at all stages in the planning process to avoid inappropriate development in areas at risk from flooding and to direct development away from areas of highest risk using a sequential approach. In addition to considering the risk of flooding, consideration has to be given to managing surface water to prevent flooding elsewhere. Surface water drainage should conform to the hierarchy of preference with first priority given to Sustainable Urban Drainage systems (SUDS).

3.12 REGIONAL POLICY:

3.13 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 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.

3.14 In July 2010 the Local Government Secretary signaled 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 the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each

Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant:

- 3.15 Policy 3 Climate Change** – Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.
- 3.16 Policy 4 Sequential Approach to Development** – Priority is given to previously developed land in the most sustainable locations, avoiding areas at risk from flooding. Sites should be selected in the following priority order:
1. Brownfield sites within urban areas.
 2. Other suitable locations within urban areas not protected for environmental, heritage or recreational purposes.
 3. Brownfield sites adjoining urban areas.
 4. Brownfield sites in settlements outside urban areas.
- 3.17 Following this sequential approach, all suitable Priority 1 sites should be developed before Priority 2, 3 or 4 sites within urban areas are released for development. Any sites beyond those specified above will not be permitted.
- 3.18 LOCAL PLAN POLICY:**
- 3.19 The Local Plan is the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
- 3.20 Policy GD1 General Development Criteria** – New development should be well designed, appropriate to the setting, not conflict with adjoining uses, have adequate drainage, be energy efficient, deter crime, protect and enhance the environment and biodiversity, not be within the floodplain, have safe vehicular access and adequate parking, not create levels of traffic that exceed the local road network, and be well linked to public transport, pedestrian and cycle networks.
- 3.21 Policy H3 Distribution of Development** – Identifies the settlement limits of the towns and villages within which new development should be directed.
- 3.22 Policy H15 Affordable Housing** – The Council will seek to negotiate an element of affordable housing where required.
- 3.23 Policy H20 Alternative uses in Residential Areas** – Small shops up to 100sqm may be acceptable in residential areas subject to consideration of the amenities of residents; scale and character; traffic generation.
- 3.24 Policy H22 Community Benefit** – A financial contribution towards community recreational facilities is required for all sites of 10 or more dwellings.
- 3.25 Policy H24 Residential Design Criteria** – Sets out the criteria to which all new residential units should be assessed to ensure proposals are appropriate in terms of private and usable amenity space and relationships between windows.
- 3.26 Policy ENV1 Protection of the Countryside** – Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.

- 3.27 **Policy T1 Highways General Policy** – Developments which generate additional traffic must provide adequate access, be accessible to public transport networks and not exceed the existing highway capacity.

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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

- 4.2 Coal Authority – Objection withdrawn following supply of further information and subject to conditions requiring intrusive site investigation prior to commencement of development.
- 4.3 Environment Agency – The development would only be acceptable subject to a condition requiring a surface water drainage scheme incorporating sustainable drainage principles.
- 4.4 Northumbrian Water Ltd – No objection.
- 4.5 Highways - The internal road as shown on the illustrative layout plan is not acceptable. I have concerns regarding both internal road geometry and the proposed residential parking arrangements. The six parking spaces shown on Park Terrace on the illustrative layout plan are essential to ensure adequate visibility at the site access.

4.6 INTERNAL CONSULTEE RESPONSES:

- 4.6 Policy – Objection still stands. This proposal is earmarked for unallocated greenfield land that is located outside of the existing residential framework for Witton Park (as shown on Inset Map 5). The village is poorly served by services and there is therefore a requirement for residents of the village to make trips to work, and to access health, secondary school, shopping and leisure facilities in higher tier settlements. In view of this the Planning Policy Team considers that there is significant conflict with the Wear Valley Local Plan and permitting housing development of this scale on this site within Witton Park is inconsistent with Policy 4 of the RSS, and the role the village plays in the County Durham settlement hierarchy.
- 4.7 Public Rights of Way – No PROW affected.

4.8 PUBLIC RESPONSES:

- 4.9 A site notice was posted, letters were sent to neighbours and the application was advertised in the local press. To date 3 observations have been received from members of the public. There have been 2 objections and 1 supporting observation. The main points of observation are summarised below:
- a) At PACT meetings some Park Road residents were concerned about car parking on the pavement causing a hazard on the narrow bus route. Those arriving to shop would add to this problem if parking bays are allocated to new residents.
 - b) When the developments at Lightfoots and New Road are complete the infrastructure in Witton Park would struggle to cope with more housing. How will sewage be dealt with?

- c) The provision of car parking would greatly benefit the Rose and Crown Public House. The provision of social housing bungalows is endorsed and will reduce the need for an ageing population to leave Witton Park for suitable accommodation.

5.0 APPLICANT'S STATEMENT

- 5.1 The application proposes a modern residential development incorporating a 250sqm retail unit. The scheme will tidy up a site which significantly detracts from Witton Park and has the support of the local community, particularly the retail element. The layout of the scheme has been amended significantly since the previous application and is less dense and includes an area of open space. As part of the development, it is proposed that 30% of dwellings will be 'affordable' in accordance with the PPS3 definition. This equates to 9 dwellings. The indicative layout includes the provision of 9no. bungalows at the southern end of the site and it is envisaged that these dwellings will provide the 'affordable' element of the scheme.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 6.1 The key issues for consideration are:

- The Effect on the Creation of Sustainable Patterns of Development in the Area
- Affordable Housing
- The Effect on the Character of the Area
- Flood Risk and Drainage
- Highway Safety
- Sustainability
- Land Stability

- 6.2 The Effect on the Creation of Sustainable Patterns of Development in the Area and Character of the Area

- 6.3 As this is an outline application the key issue for consideration is whether or not development of the site would be in accordance with the development plan, which comprises national planning policy, the North East of England Regional Spatial Strategy 2008 (RSS) and the Wear Valley District Local Plan (as amended by Saved and Expired Policies September 2007). The relevant policies are outlined on the preceding pages of this report.

- 6.4 The application site is an agricultural field located outside the development limits of Witton Park as defined in policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The application site is therefore greenfield land in the open countryside. Accordingly, both housing and retail development on the site would not be in accordance with local plan policy H3, nor would it meet any of the priority 1-4 categories set out in RSS Policy 4 Sequential Approach to Development and more importantly, would be in direct conflict with the locational aims of PPS1, PPS3, PPS4, PPS7 and PPG13.

- 6.5 In addition, the Council's Settlement Study scores Witton Park in the lowest category of sustainability because residents of the village mainly have to travel by car to work, and to access health, secondary school, shopping and leisure facilities in higher tier settlements. It is acknowledged that the provision of a small convenience shop would

on its own be a welcome addition to the village and would help to reduce some travelling for day to day convenience goods. Given the location of the site adjacent to the development limits, this element of the scheme could be considered as an acceptable departure on its own, however the amount of open market housing proposed alongside would lead to a significant increase in general car journeys to access essential services that would cause more conflict with development plan policies than the shop would address in terms of securing sustainable patterns of development.

- 6.6 In so far as the open market housing is concerned, PPS3 requires Local Authorities to adopt a plan, monitor and manage approach to housing land release and to demonstrate a continuous 5 year housing supply to ensure the required level of housing is delivered. When a continuous 5 year housing supply can be demonstrated, there is no presumption to release windfall sites if it can be shown that the level of oversupply would be unacceptable. The Strategic Housing Land Availability Assessment (SHLAA) also classes this site as unsuitable for housing development.
- 6.7 Accordingly, there is already sufficient land with planning consent to satisfy the former districts open market housing targets and therefore the Council can safely demonstrate a 5 year housing supply. There are also nearly 40 dwellings with planning permission yet to be built within Witton Park. Therefore, there is no justification at this time to support development of more open market housing beyond the existing defined development limits of Witton Park. In this case, there would be 22 open market houses on the site. The affordable housing though can be considered under general exceptions policy which can permit up to 9 affordable dwellings adjacent to existing development limits, as considered below.
- 6.8 Affordable Housing
- 6.9 Normally, for schemes over 15 dwellings on sites within the development limits of Bishop Auckland and surrounding areas, having regard to PPS3 and The County Durham Strategic Housing Market Assessment (SHMA), it would be appropriate for the council to request between 20-30% affordable housing. The application site is however outside the development limits of Witton Park.
- 6.10 For sites outside the development limits, PPS3 does suggest that Local Planning Authorities can consider the use of Rural Exception Policy to release normally unsuitable small sites solely for affordable housing. Such sites should comprise 100% affordable housing of under 10 dwellings.
- 6.11 Of the 31 dwellings proposed in this application, 9 would be bungalows and it is envisaged that these will provide a 30% affordable housing element in the scheme to be delivered by a Registered Social Landlord.
- 6.12 With just 30% affordable housing proposed on this site located outside the development limits, the proposal as a whole still fails against exceptions policy requirements for 100% affordable housing, although it is the remaining 70% market housing that is contrary to policy in this respect as the affordable housing can be considered small scale.
- 6.13 The amount of affordable housing and particularly the bungalow type of housing is certainly a welcome and commendable element of the application as there is local interest for that type of accommodation. The 9 affordable dwellings are therefore deemed acceptable; however the 22 market dwellings are contrary to local plan policies ENV1 and H3, as well as national planning guidance in PPS1, PPS3 and

PPS7.

- 6.14 However, it is not possible to dissect the application by approving the parts which are acceptable in planning terms. The Application as submitted must be considered and it is contrary to the planning policies mentioned above.
- 6.15 The effect on the Character of the Area
- 6.16 Members agreed that the previously refused proposal was poor in terms of high density, poor mix of dwelling types and poor quality of layout.
- 6.17 Although matters of appearance, layout, landscaping and scale are still reserved for future approval, the illustrative layout provides sufficient detail to assess the potential impact of the scale of development on the character of the area.
- 6.18 Officer suggestions in terms of locating the retail unit to the front of the site, fronting a terrace of dwellings onto Park Road, reducing the density of the development, creating a better mix of house types and creating a less car-dominant road surface have been suitably incorporated into the new layout. In addition, there would be an area of public open space and a potential pedestrian link to the village green.
- 6.19 Garden sizes would be very small with none of the properties meeting the 10m depth requirement of policy H24, however, with the provision of an area of open space within the development and a potential link to the village green, this is not a major concern and the onus would be on the developer to sell those properties. Also, the affordable bungalows would not require the same level of amenity space as family dwellings if targeted at elderly residents.
- 6.20 The size and shape of the site are still at odds with the narrow linear character of development along Park Road, however, subject to some minor changes to road geometry and parking provision, previous concerns in respect of the potential design quality of the development have been satisfied by the amendments. The maintenance costs of the open space would be secured by S106 Planning Obligation, a draft of which is under consideration.
- 6.21 Flood Risk and Drainage
- 6.22 The site does not fall within a floodplain; however, because of the scale of development proposed, it is appropriate for consideration to be given to managing surface water runoff to prevent flooding elsewhere. This is in accordance with PPS25: Development and Flood Risk. These policies require surface water drainage systems to conform to the Hierarchy of Preference contained within the building Regulations 2000, Part H. Following this hierarchy, first priority must be given to Sustainable Urban Drainage systems (SUDS) with disposal to sewer being a last resort.
- 6.23 A Flood Risk Assessment (FRA) has been submitted to address surface water management. The site slopes steeply down away from the road and is therefore unlikely to affect Park Road with surface water runoff, however, attenuation will be required through surface water management systems for the land to the north and east. It is essential that the details of a surface water drainage scheme are provided at the detailed planning stage and so a condition should be applied if the application is approved. The drainage scheme should be designed on the principles of SUDS and the provision of an area of open space within the site represents an opportunity for it to be incorporated into a SUDS drainage scheme.

- 6.24 Public concern has been raised over the capacity of the existing sewage infrastructure, although Northumbrian Water have been consulted and have no objection.
- 6.25 Highway Safety
- 6.26 The application is asking for access to be considered. DCLG Circular 01/2006 defines access as "accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network."
- 6.27 The Council's Highways officer has no objection to the point of vehicular access into the site, or to the effect on the existing highway network, subject to securing the six parking spaces shown on Park Terrace, however, the internal road as shown on the illustrative layout plan is not acceptable. There are concerns regarding both internal road geometry and the proposed residential parking arrangements. However, this issue could be adequately addressed by way of an appropriately worded condition.
- 6.28 Sustainability
- 6.29 In accordance with PPS1, PPS3 and PPS22, a scheme should demonstrate commitment to sustainability, and the onus is on the applicant to explain how this might be achieved.
- 6.30 The information submitted with the application suggests that typical features of insulation, air tightness, low energy materials, low water use and on site renewables could potentially be incorporated into the scheme, depending on viability (yet to be determined).
- 6.31 The applicant's aim is to meet level 3 of the Code for Sustainable Homes (CSH) for the private housing element of the scheme. It is currently mandatory for affordable dwellings to meet level 4.
- 6.32 This would meet the standards that the Council would expect for most major new housing development. This is however a greenfield site outside the development limits and therefore Officers would normally expect the applicant to put together a more exceptional case to provide special justification for departing from established locational planning policies by meeting a higher standard across the whole of the development.
- 6.33 Land Stability
- 6.34 The site lies within a coal mining referral area. A Coal Mining Risk Assessment has identified that the site has been subject to past coal mining activity. The recommendations of the Coal Mining Risk Assessment are that the coal mining legacy in the area potentially poses a risk to the proposed development and so intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining issues on the site.
- 6.35 The Coal Authority has suggested conditions for further site investigation works and potential remediation works to be carried out prior to development. This can be secured by conditions.

7.0 CONCLUSION

- 7.1 The application presents competing considerations. On one hand there are welcome

benefits in terms of the shop and 9 affordable bungalows, which are in their own right considered to be an acceptable departure from local plan policies H3 and ENV1. However, these favourable elements are part of a much larger proposal which includes a further 22 private dwellings that would be located on greenfield land outside the development limits of Witton Park, contrary to local plan policies H3 and ENV1 and the fundamental principles of sustainability in national planning guidance within PPS1, PPS3, PP7 and PPG13. It is not possible to dissect the application by approving the parts which are acceptable in planning terms.

- 7.2 The Strategic Housing Land Availability Assessment (SHLAA), which has been endorsed by Cabinet, classes this site as unsuitable for housing development. The SHLAA will be used as the basis for reconsidering the development limits in the LDF and therefore it is very unlikely that the site would be included when the development limits are redrawn for the LDF.
- 7.3 There are 38 dwellings with planning permission in Witton Park that still have to be built and another 7 still to be completed. It therefore cannot be said that this application would address a shortage of new housing permissions in Witton Park. In addition the Council can demonstrate a continuous 5 year housing supply to ensure the required level of housing is delivered throughout the area.
- 7.4 Despite the acknowledged improvements in the illustrative layout, apart from some minor adjustments required to the internal road and parking arrangements, it is the amount of private housing proposed (22) on this open countryside site that still render this proposal unacceptable as that level of development in a village with limited facilities would lead to a significant increase in car journeys to access essential services and this would cause more conflict with development plan policies than the shop or affordable housing would address in terms of securing sustainable patterns of development.

8.0 RECOMMENDATION

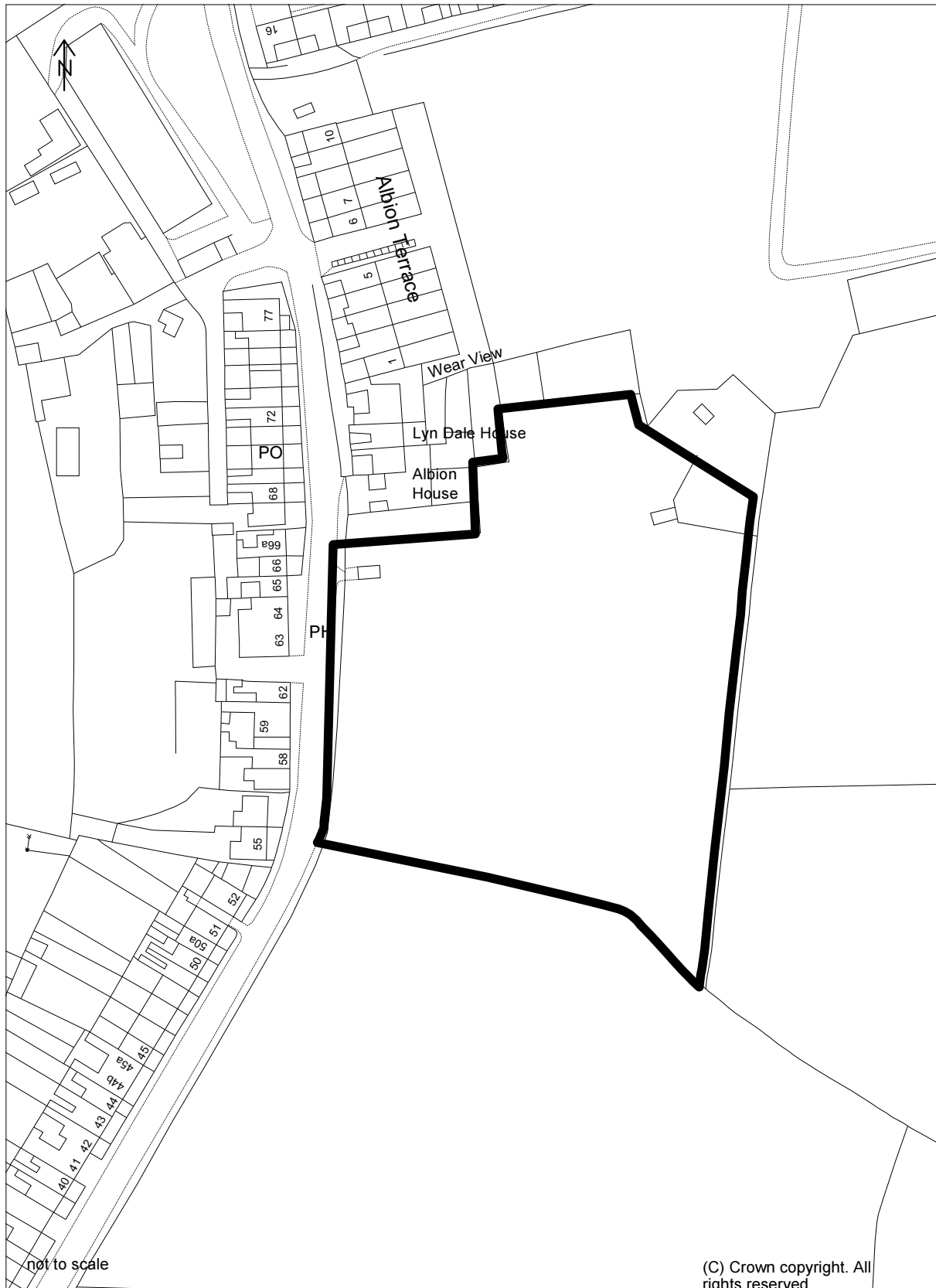
8.1 That the application be REFUSED for the following reason:

- 8.2 The proposal, by reason of its scale, as well as being located on greenfield land outside the development limits of Witton Park, would represent inappropriate development in the countryside and would prejudice the aims of achieving sustainable patterns of development in the local area. This would be contrary to policies GD1, H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; RSS policy 4 and national planning guidance in PPS1, PPS3, PPS4, PPS7 and PPG13.

8.3 BACKGROUND PAPERS

- Submitted Application Forms, Plans and Documents
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS4, PPS7, PPG13
- Consultation Responses
- Public Consultation Responses
- RSS

3/2010/0548 - OUTLINE APPLICATION FOR 31 DWELLINGS (INCLUDING 9 AFFORDABLE BUNGALOWS), A1 RETAIL UNIT, PARKING AND ASSOCIATED ACCESS AT LAND AT PARK ROAD, WITTON PARK, BISHOP AUCKLAND, DL14 0EL FOR MR. T. JACQUES



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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2010/0337/DM
FULL APPLICATION DESCRIPTION:	Change of use of redundant chapel to 3 No bedroom dwelling Lands Methodist Chapel, High Lands, Cockfield
NAME OF APPLICANT:	Bishop Auckland Methodist Circuit
ADDRESS:	23 Cockton Hill Road Bishop Auckland Co Durham DL14 6EN
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson Planning Officer 01388 761970 Adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

This application is reported to committee because of a Parish Council objection.

The application site consists of a rectangular stone former chapel located at High Lands, Cockfield. The building has a front entrance porch and a vestry/ meeting room to the rear. To the highway the porch abuts the footpath, with 500mm high dwarf stone walls forming the remainder of the front boundary. To the rear of the chapel is a stone built mono pitch outbuilding. To the north of the site is open space containing a children's play area, with the village hall beyond. To the south of the site is Sunnycrest, which is a bungalow and is approximately 15 metres from the application site. To the west of the site is open agricultural land. The site lies in the open countryside.

Planning permission is sought for the change of use of the chapel to form a three bedroom dwelling. Externally it is proposed to remove the window above the entrance porch, insert 6 rooflights, and demolish the outbuildings to the rear of the chapel. No extensions are proposed.

PLANNING HISTORY

None

PLANNING POLICY

NATIONAL POLICY

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing sets out the national policy and guidance on applications relating to the provision of housing.

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the national policies specific to planning in rural areas.

Planning Policy Statement 9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

REGIONAL POLICY

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 the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

LOCAL PLAN POLICY

GD1 General Development Criteria Sets out the General Development Criteria against which applications are determined.

BENV13 Change of use or conversion of a building in the countryside Identifies criteria which change of use or conversions of buildings in the countryside should follow.

BENV14 Change of use or conversion of a building in the countryside to residential use Demonstrates acceptable marketing criteria.

ENV1 Protection of the Countryside Seeks to protect the countryside from inappropriate development.

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 www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Natural England: No objection subject to:

No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Bat Survey for Development Purposes at: Lands Methodist Church,

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High Lands, Cockfield, County Durham', Dendra consulting Ltd., 14th October 2010' including, but not restricted to, adherence to spatial restrictions, provision of mitigation in advance, adherence to precautionary working methods, retention of existing roost space in loft, mitigation measures included on architects plans.

Evenwood Parish Council: "The residents believe that no planning application should be considered whilst the outstanding issue of how the chapel was classed as redundant and then sold. This dispute is ongoing and until resolved nothing should be actioned. There are also concerns over the 2 parking spaces, mentioned but not shown on the plans. Concern that the spaces could be on road in an area that will restrict access to the neighbouring property. Issues over the drainage and whether it could support a residential dwelling. "

Northumbrian Water: No objection

Highways Engineer: No objection

INTERNAL CONSULTEE RESPONSES:

None

PUBLIC RESPONSES:

The Parish Council's objection is also on behalf of 22 names.

4 separate letters of objection have also been received, the details of which are summarised below:

- a) No costings were taken for the work to put the building in order.
- b) The decision to close the building was taken without consultation with the congregation and wider community.
- c) We are concerned that the development of the site will lead to loss of privacy.
- d) We cannot see where the two parking spaces detailed on the planning application are, other than the main road outside the property.
- e) When the property was advertised in 2008 we contacted Smiths Gore to ask for information with a view to evaluating the potential as a holiday cottage. Smiths Gore said they did not wish to receive offers for business purposes as this was not the sellers wish.

APPLICANT'S STATEMENT:

On 30th October 2007 a decision was made by the Methodist Church to cease worship at the chapel and thereby rendering it redundant. The chapel has been marketed for 19 months with no offers received for its purchase.

Concerns have been raised with respect to the dangerous condition of the rear outbuildings to the chapel in the Quinquennial Inspection Report dated October 2007 and various attempts to gain access over adjoining land have been denied. The latter have continued to deteriorate as has the interior of the chapel.

As a registered charity the Methodist Church has a duty to seek best value for its property in offering it for sale, hence the pursuit of planning permission for conversion to a dwelling.

PLANNING CONSIDERATIONS AND ASSESSMENT

The issues for consideration are:

- Principle of development
- Capability of conversion
- Residential amenity
- External appearance
- Highway issues
- Protected species

Principle of development

The policies which relate to this type of development include Policies BENV13, BENV14 and ENV1 of the Teesdale District Local Plan. The conversion of rural buildings is generally supported provided that there is no other more suitable use for the building, the building is attractive and suitable for conversion and the project complies with sustainability guidelines.

The applicant has advertised the building for more than 12 months in accordance with Policy BENV14 of the Teesdale District Local Plan and as such the use of the buildings for residential use may be acceptable in principle where it meets the requirements of other policies, including Policy BENV13 contained within the Plan.

Concerns have been raised highlighting a dispute over the closure of the chapel, in that there was no consultation with the congregation, and that a complaint has been made to the Charity Commission. The local planning authority has approached the agent in respect of the marketing of the Chapel, and it has been confirmed in writing that the chapel has been marketed in excess of 12 months for sale. It is considered that an adequate marketing exercise has been carried out with no other use for the chapel being identified. It is considered not appropriate for the planning system to replicate controls which exist under other statutory regimes. It is considered that the chapel could not be converted until other legal disputes have been resolved, even if this planning application were approved.

Capability of conversion

The agent has submitted a structural survey which concludes that the building is structurally sound and from my site visit this would appear to be the case. Little therefore needs to be done to the main original fabric to preserve its future and is considered a good example of a building capable of being revitalised without significant change of character or disturbance to the original fabric. The proposals do not seek to make vast alterations to this, other than to repair to its original form and make the building suitable for habitation. There are no extensions proposed to the building therefore it is considered that the chapel could be converted without significant impact on the landscape. The chapel has been marketed in accordance with Policy BENV14 of the Teesdale Local Plan without any interest being shown.

Residential amenity

The site is removed from nearby residential properties, the nearest dwelling is 15 metres to the south and 60 metres to the north, and the proposal for this reason would not have the potential to adversely impact upon the living conditions of occupiers of nearby dwellings.

The relationship between the application site and the existing dwelling to the south would remain unaltered. It is considered that the change of use to a dwelling would not compromise the residential amenity of neighbouring residents. The proposal accords with policy GD1 of the Teesdale District Local Plan.

The submitted block plan shows that the proposed dwelling would be served by a garden to the west of the building. The proposed garden would measure approximately 45 square metres. This is considered to be an adequate level of provision. The proposal accords with policy GD1 of the Teesdale District Local Plan.

Concerns have been raised that the increase in vehicular traffic will impact upon the amenity of neighbouring dwellings. It is considered that the level of vehicular movement created by the proposal would have minimal impact upon the residential amenity of neighbouring dwellings, when compared to the building's current use as a chapel.

External appearance

As the only external alterations are to remove the window above the entrance porch, insert 6 rooflights, and demolish the outbuildings to the rear of the chapel, it is considered that the ecclesiastical character of the building will be retained and the proposed alterations would be small scale in their impact upon the building, and would be in keeping with the existing building and the surrounding area. The proposal accords with policy GD1 of the Teesdale District Local Plan.

Highway issues

Lands Methodist Chapel is a large building with a limited amount of adjacent land. It will not be possible to provide off street parking within the curtilage. The conversion of this property will, therefore, undoubtedly lead to some on street parking. However, the C30 road at this location carries fewer than 500 vehicles per day. This is an extremely lightly trafficked road, and on-street parking occurs at the terrace to the north with no significant problems.

Representation 4 on the letter of objection from BHP Law makes reference to the possible highway impact of this proposal. It is suggested that the proposed conversion into a single residential dwelling will result in additional car journeys. The objection suggests that an increase in traffic would be unsustainable and that this issue must be addressed.

- A single residential property is likely to generate 6-10 (one way) vehicle movements per day (say 45-70 trips per week).
- This building was formerly a Methodist Chapel and falls into use class D1. I have no information regarding the traffic generated by the former use, however there are only some 77 properties within a 1km radius of the site, so I must assume that the catchment area for the chapel was large and that few people walked to the site.
- If the chapel was used only once per week for worship, it would require 24-35 vehicles to arrive and depart to equal that generated by a residential conversion. However, this would mean that the building was being used for only a few hours each week and for a limited number of worshippers.
- I do not wish to enter into any dispute about the viability of the chapel. However, it appears to me that if the chapel is viable then it would be open frequently, would be well attended and would therefore generate more traffic than the residential use.
- Use class D1 includes surgeries, nurseries, day centres, schools, art galleries, museums, libraries and halls in addition to churches. The hall could be converted to any one of these uses without the requirement for planning permission. Such uses

would likely generate significantly more traffic than a residential conversion.

It could be argued that the proposal is contrary to the objectives of PPG13, as this building is poorly related to local facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and therefore fails to reduce the need to travel, especially by car. However, a single residential use is one of the lowest traffic generators and I do not consider that this proposal would result in the number of car journeys exceeding those generated by an active D1 use.

For this reason I consider that, provided the building is considered to be worthy of retention, a refusal on PPG13 grounds would be difficult to sustain. A refusal would effectively blight the building, as conversion to residential would be likely to generate less traffic than any alternative use.

For the above reasons it is considered that the proposal accords with policy GD1 of the Teesdale District Local Plan.

Protected species

The presence of protected species such as bats and barn owls is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

As there was a danger that the roosting place of bats, which are a protected species, may be disturbed by the proposed development, the applicant has submitted a protected species survey. The survey has been forwarded to Natural England, who raise no objection to the proposed scheme as the survey has found that there are no protected species present in the building. Given this, there is no requirement to obtain a licence from Natural England and

therefore the granting of planning permission would not constitute a breach of the Conservation (Natural Habitats etc) Regulations 1994.

Other Issues Raised

Objections have been received in respect of the closure of the chapel without the proper consultation with the community and the congregation. This is not a matter for the planning system; this would be a civil matter.

CONCLUSION

1. The applicant has advertised the building for more than 12 months in accordance with Policy BENV14 of the Teesdale District Local Plan and as such the use of the building for residential use may be acceptable in principle where it meets the requirements of other policies, including Policy BENV13 contained within the Plan.
2. It is considered that the proposed external alterations would be sympathetic to the original building and would be in keeping with the building's character. The proposal accords with policies GD1 and BENV13 and BENV14 of the Teesdale District Local Plan.
3. The nearest dwellings to the application site are located approximately 15 metres to the south and 60 metres to the north of the site and this relationship will not alter as a result of the proposal. Given that it is considered that there would be no loss of privacy or overbearing impact created as a result of the proposal. The scheme accords with policies GD1 of the Teesdale District Local Plan.
4. There would be sufficient private amenity space created to serve the development. The proposal accords with policy GD1 of the Teesdale District Local Plan.

RECOMMENDATION

That the application be APPROVED subject to the following conditions and for the following reasons:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority:

Plan Ref No.	Description	Date Received
	Site Location Plan	20.10.2010
03	Proposed layout- Ground floor	20.10.2010

05	Proposed elevations	20.10.2010
04	Proposed layout- First floor	20.10.2010

3. All alterations to the elevational appearance of the existing building shall be made good using materials to match those of the existing building.
4. Prior to the commencement of any works, detailed drawings of the new and/ or replacement windows shall be submitted to and approved in writing by the Local Planning Authority. Window details shall include sections showing the positions of the windows in relation to the face of the wall, depth of reveal together with sill details. Where applicable details shall include sections of glazing bars and frame mouldings. The development shall thereafter be implemented in accordance with the approved details.
5. For the avoidance of doubt and to maintain the character of the building. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:
 - a) all external doors shall be natural timber doors the exact specifications for which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development including joinery details at a scale of 1:20 so that further consideration can be given to the detailing of these elements.
6. No development shall take place unless in accordance with the mitigation detailed within the protected species report '*Bat Survey for Development Purposes at: Lands Methodist Church, High Lands, Cockfield, County Durham, Dendra consulting Ltd., 14th October 2010*' including, but not restricted to adherence to spatial restrictions; provision of mitigation in advance, adherence to precautionary working methods; retention of existing roost space in loft; mitigation measures included on architects plans.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within classes A, B, C, D, E, F, G, and H of Part 1, and Classes A, B, and C of Part 2 of Schedule 2 of the said order shall be carried out without the prior written permission of the Local Planning Authority on an application submitted to it.

Reasons

1. To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
2. In the interests of visual amenity and in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
3. To retain the character of the building in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
4. For the avoidance of doubt and to retain the character of the building in accordance with policies GD1 and ENV1, BENV13 and BENV14 of the Teesdale District Local Plan.
5. To conserve protected species and their habitat. In accordance with policy GD1 of the

Teesdale District Local Plan.

6. In order that the local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with policy GD1 of the Teesdale District Local Plan.

REASONS FOR THE RECOMMENDATION

The decision to grant permission has been taken having regard to the policies and proposals in the County Durham Structure Plan and the Teesdale District Local Plan including the policies referred to below, and to all relevant material considerations, including Supplementary Planning Guidance, and the particular circumstances below:

GD1 General Development Criteria

ENV1 Protection of the Countryside

BENV13 Change of use or conversion of a building in the countryside

BENV14 Change of use or conversion of a building in the countryside to residential use.

The proposal is considered acceptable when assessed against the above policies contained in the Teesdale District Local Plan 2002.

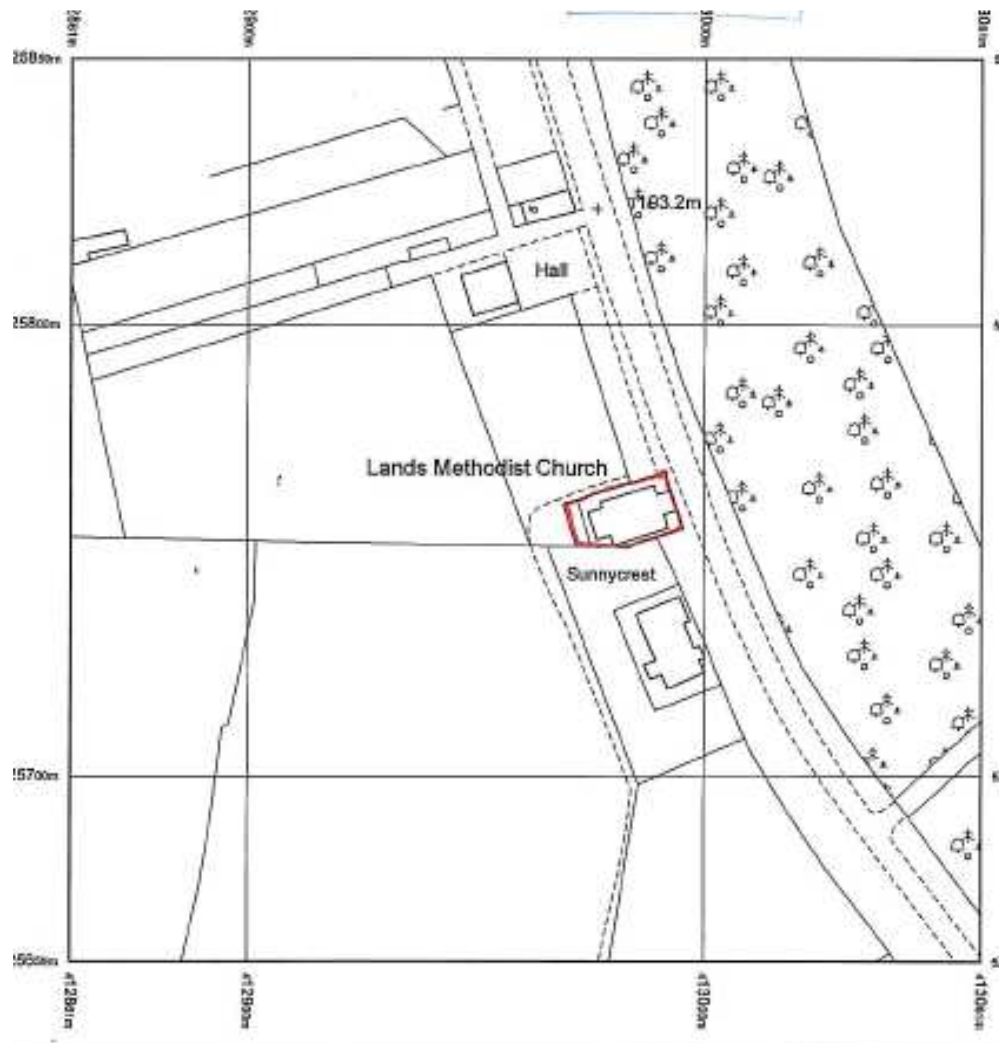
In particular the development was considered acceptable having regard to consideration of principle of development, design, highway issues, protected species and residential amenity

The objections which have been received have been given due consideration, however the issues raised do not provide sufficient justification for refusal of the application. On balance the scheme is considered to be acceptable. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPS9,
- Public Consultation Responses







Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0038/DM
FULL APPLICATION DESCRIPTION:	Application for renewal of extant planning permission 6/2008/0086/DM for erection of detached dwelling
	Brookside Hall, Evenwood
NAME OF APPLICANT:	Mr J Beadle & Miss E Foster
ADDRESS:	The Wynds Mount Pleasant Cockfield Bishop Auckland Co Durham DL13 5EW
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Matthew Gibson Planning Officer 03000 260826 matthew.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The application site forms part of the domestic curtilage of Brookside Hall (formerly 'Liosean') which is close to the centre of the village of Evenwood. The site is opposite and directly east of the Church of St Paul's. Currently the site is an untidy and unkempt piece of land directly in front of Yewden Cottage and adjacent to nos. 11 and 11a Brookside and measures 444 square metres.

A key feature of the site is a centrally located mature tree that is the subject of a preservation order.

Permission is sought to renew the existing planning permission for the erection of a detached dwelling.

This application is reported to committee because of an objection from Evenwood Parish Council.

PLANNING HISTORY

2008/0086 – Previous application approved

2003/0416 – A previous scheme for the conversion and extension of existing outbuildings to form a dwelling was approved.

2003/0415 – Approval was given for the erection of a dwelling on the site adjacent.

2002/0180, 2002/0077, 2992/0075, 2001/0267 – These are various applications relating to both the sites as mentioned above, all of which were initially refused.

PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3:** Housing: sets out the principles of new housing development.
- **Planning Policy Statement 7:** Sustainable Development in Rural Areas.
- **Planning Policy Guidance 13:** Sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- **Greater flexibility for planning permissions (Guidance):** A document providing practical guidance on the use of measures which have been introduced following consultation. It sets out the key features and statutory requirements for each procedure, provides a practical guide to their use, and explains how they differ from existing procedures.

REGIONAL POLICY:

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 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.

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 the forthcoming

Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs RSS.

TEESDALE LOCAL PLAN POLICY:

- GD1 General Development Criteria
- H4 Small scale housing development on sites less than 0.4 Hectare
- ENV10 Avoidance of unreasonable harm to important trees and hedgerows.
- H12 High standards of design in new house and housing sites.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Evenwood Parish Council – Request that their objections to the original scheme are carried forward. The objections were:

- Site does not warrant a four bedroomed property.
- The possibility of housing to the rear of Shirley Close combined with this will envelop Yewdon Cottage.
- Possible loss of privacy and “denied its aesthetic values”.
- Access route will be reduced.

There were also two points made that related to utility services within the site and the possibility of depreciation of value of Yewdon Cottage.

Highways – No objection subject to previous comments and requirements.

INTERNAL CONSULTEE RESPONSES:

None received

PUBLIC RESPONSES:

One letter of objection was received from the neighbouring property as a result of the public consultation. The letter included the following concerns:

- Sewerage system – The capacity of the mains system is full meaning sewerage is constantly overflowing and running onto the main street.
 - Yewden Cottage Services – The services for Yewden Cottage are located underground across the development plot adjacent to the shared drive. These services may need to be repositioned and any purchaser would need to be aware of a legal right to access these at all times.
 - Tree Preservation Order – There is a large Sycamore Tree in the centre of the site which is the subject of a TPO. The objectors feel the development is too close to the tree and will impact on its root system thus affecting the health and stability of the
-

tree. There may also be pressure from the occupiers of the new dwelling to have the tree removed due to its proximity to the house.

APPLICANT'S STATEMENT:

The points raised by Mr & Mrs Stout and The Parish Council in March 2011 are generally the same as the points raised by them in February / March 2008 and considered by the planning committee when planning permission was granted in April 2008.

However, in order to allay any concerns I can confirm below: -

1. Sewerage System. I will consult with the water board and building regulations before and during construction to ensure adequate foul water drainage is provided. I would note that any issue there has been with Joss House has been blown out of all proportion in Mr & Mrs Stout's letter.
2. Yewden Cottage Services. I will consult with the service providers to re-route any services if necessary.
3. Tree Preservation Order. The layout of the building is designed in such a way to accommodate and accentuate the tree. The tree will be cordoned / fenced off during construction and the Council will be consulted at all times.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19848>

PLANNING CONSIDERATIONS AND ASSESSMENT

This application is submitted under the procedure to apply for 'extensions to the time limits for implementing existing planning permissions'. The procedure was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI 2009 No.2261) and the Planning (Listed Building and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No.2262).

The advice from Central Government includes that "LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably."

The original permission was granted in 2008 at a planning committee of the former Teesdale District Council. As the statutory development plan for the area was adopted in 2002, the local policy considerations remain the same and therefore in this regard the proposal is considered acceptable.

The Government recently made an alteration to the wording of Planning Policy Statement 3: Housing, which removed former or existing garden land from the definition of previously developed land. As such, this site would no longer be considered previously developed and an assessment would be required as to the sustainable credentials of the site and the potential impact of the development on the character of the area. The site is considered to be in a sustainable location close to existing services and facilities within the village of Evenwood. In addition, the site is surplus garden land that was formerly attached to the property known as Brookside Hall. Past development within the site has restricted the use of

the site as a garden and since the demolition of the former outhouses on the site, the plot lends itself to residential development. Therefore, the principle of residential development on the site remains unchanged in accordance with policy and subject to the additional considerations of the previous application.

A copy of the original committee report has been included as an appendix to this report for member's information.

Evenwood Parish Council have maintained their original objection to the application. In addition, an occupier of the property directly adjacent to the proposed site has expressed concern. As members will appreciate from the original officer report the issues raised by the Parish Council and the neighbour regarding the access, tree and services were fully assessed at that time and accepted as satisfactory. Nothing has changed and these remain satisfactory.

The issues regarding sewerage are common when new development is proposed. To reflect this issue a condition was included with the original permission requesting details of foul and surface water drainage prior to the commencement of development. This would allow Northumbrian Water to assess the existing system and ensure that the proposed drainage systems for the property can be fully and safely integrated.

CONCLUSION

The proposal to extend the time limit for planning permission number 6/2008/0086/DM for the erection of a detached dwelling is considered acceptable when assessed against both the relevant policies and the recent guidance.

Taking into account the objections received, the principle of development remains acceptable as there have been no alterations to the development plan and no physical changes to the site that would indicate a change in material considerations that would lead to the application no longer being treated favourably.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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

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 only in accordance with the approved plans, specifications and conditions hereby imposed.

To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1.

3. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and C of Part 2 of Schedule 2 of the Town and Country Planning

(General Permitted Development) Order 1995 (as amended) none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.

In the interests of visual and residential amenity in accordance with Policies GD1 and H4 of the Teesdale District Local Plan 2002

4. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone with pointing to match and the roofs of natural slate. Prior to the commencement of the building works a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building shall be erected on site for inspection. The written approval of the Local planning authority for the sample panel and slates shall be received prior to the commencement of the building works and the sample panel shall be retained for reference on site throughout construction. The development shall be constructed in accordance with the approved details.

In the interests of the appearance of the area and to comply with Policy H12 .

5. All trees and shrubs to be retained on site [as shown on drawing number 08007-2] shall be protected for the duration of the construction of the development by appropriate protective fencing minimum 1 metre in height. Protection to trees will be positioned around the crown spread to prevent access to, disturbance or contamination/compaction within the rooting zone.

To ensure the protection of existing trees in accordance with Policies GD1 and ENV10 of the Teesdale District Local Plan 2002.

6. No development shall take place until there has been submitted to and approved in writing by the Local Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

To protect visual and residential amenity in accordance with policy GD1 of the Teesdale District Local Plan 2002.

7. Prior to the construction of the dwelling hereby approved, the existing vehicular access shall first be widened to a minimum of 4.1 metre width and improved in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety and in accordance with policy GD1.

8. Prior to the commencement of the development hereby approved, details of foul and surface water drainage runs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with such details as may be approved.

To ensure an adequate means of sewage disposal/drainage for the proposed development in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -
 - GD1 General Development Criteria
 - H4 Small scale housing development on sites less than 0.4 Hectare
 - ENV10 Avoidance of unreasonable harm to important trees and hedgerows.
 - H12 High standards of design in new house and housing sites.
2. In particular the development was considered acceptable having regard to consideration of principle, visual impact, impact on neighbouring properties and highway safety.
3. The objections received were not considered sufficient to lead to refusal of the application as the issues have previously been considered as part of the existing permission and were considered acceptable at that time. There have been no changes to the development plan or the material considerations that would indicate otherwise.

BACKGROUND PAPERS

- Submitted Application Forms.
- Teesdale District Local Plan 2002
- The North East of England Plan - Regional Spatial Strategy to 2021
- Planning Policy Statements / Guidance, PPS1, 3,7, 13 and 15
- Responses from consultees
- Public Consultation Responses

PLANNING COMMITTEE**Wednesday 30th April 2008**

This application is reported to members because Evenwood and Barony Parish Council objected to the application.

Case Officer - Matthew Gibson

EVENWOOD & BARONY - 6/2008/0086/DM

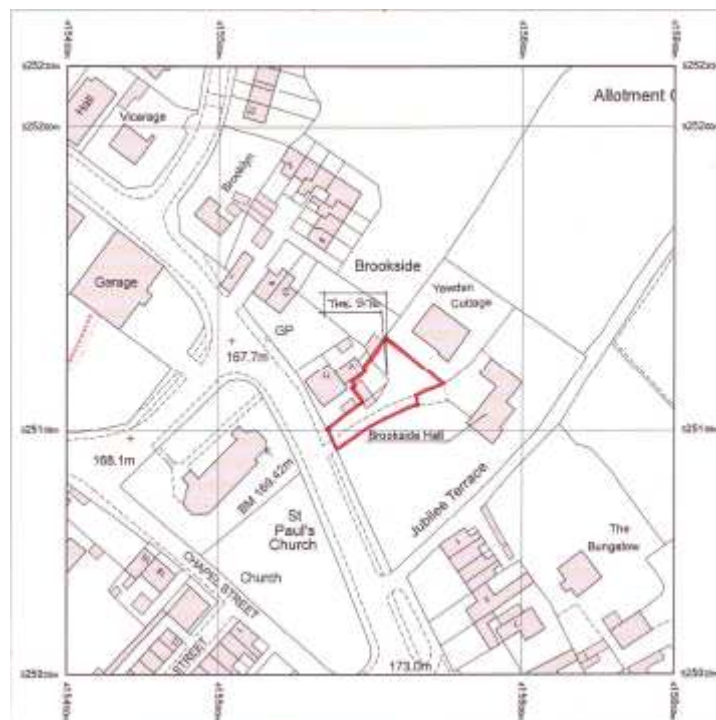
Members will recall that this application was deferred pending at site visit at the Planning Committee meeting on the 3rd April 2008. The officers recommendation remains the same and members should now be in a position to determine the application.

Erection of detached house in part garden area of Brookside Hall, Evenwood at Brookside Hall, Brookside, Evenwood for Mr J.R. Beadle (22 February 2008).

THE SITE:

The application site forms part of the domestic curtilage of Brookside Hall (formerly 'Liosean') which is near the centre of the village of Evenwood. The site is opposite and directly east of the Church of St Pauls. Currently the site is an untidy and unkempt piece of land directly in front of Yewden Cottage and adjacent to nos. 11 and 11a Brookside and measures 444 square metres. Immediately adjacent to the application site there is a further site currently with planning permission and under construction for one dwelling.

A key feature of the site is a mature tree that is the subject of a preservation order.

**THE PROPOSAL:**

This application seeks approval for the erection of a single dwelling on land to the North of the existing private driveway serving Brookside Hall. The proposed dwelling is two storey double fronted with an additional element to the north west corner which will form an eventual 'L' shaped building.

The proposed materials include random stone brought to courses for the external walls with natural stone heads and cills and a blue slate for the roof. White pvc vertical sliding sash windows are proposed. The majority of windows that will serve habitable rooms are proposed for the South and East Elevations.

PLANNING HISTORY:

2003/0416 – A previous scheme for the conversion and extension of existing outbuildings on this site was approved.

2003/0415 – Approval was given for the erection of a dwelling on the site adjacent.

2002/0180, 2002/0077, 2992/0075, 2001/0267 – These are various applications relating to both the sites as mentioned above, all of which were initially refused.

PLANNING POLICY:

GD1 General Development Criteria

H4 Small scale housing development on sites less than 0.4 Hectare

ENV10 Avoidance of unreasonable harm to important trees and hedgerows.

PPS3 Planning Policy Statement 3 – Housing (PPS3)

REPRESENTATIONS:

Statutory and Internal Consultants:

Evenwood & Barony – Refuse, for the following reasons:

- Site does not warrant a four bedroomed property.
- The possibility of housing to the rear of Shirley Close combined with this will envelop Yewdon Cottage.
- Possible loss of privacy and “denied its aesthetic values”.
- Access route will be reduced.

There were also two points made that would not form material planning considerations related to utility services within the site and a possibility of depreciation of value of Yewdon Cottage.

Public Responses:

This application was advertised and a total of 2no. objections were received and 1no. letter of support for the proposals.

The first letter of objection was based on the potential impact of the development on utility services which currently run through the site. Unfortunately this is not a consideration which can be considered material to the decision of this application.

The second letter of objection raises a number of points as follows:

- That the proposed development will interfere with the root system of the protected tree on the site and therefore be a threat to the health of the tree. There would also be future pressure for works to the tree should the development be allowed due to its proximity to the house.
- The development would constitute undesirable tandem development as a two storey dwelling. The difference in levels and size of the proposed property will cause significant loss of amenity and privacy to Yewden Cottage. The proposed scheme will bring the structure nearer Yewden Cottage thus having a greater impact than previously. Having windows in the east elevation which faces Yewden Cottage will overlook a number of habitable rooms.
- Issues were raised about the requirement to widen the access for vehicles. Utilities and services were mentioned again but again these reasons would not form material planning considerations.
- Issues of increased vehicular flow on to and off the private access road with moderate visibility and the possibility of use by 4 private residences; this would lead to an unacceptably high level of vehicular access.

The letter of support for the application raises the point that the proposed development will enhance the area local to Brookside Hall. Also the removal of windows in the gable closest to Brookside Hall and Yewden Cottage has meant that any possibility of overlooking has been removed.

PLANNING CONSIDERATIONS:

The site is within the development limits of the village of Evenwood and is considered previously developed as it is within the curtilage of Brookside hall and currently contains outbuildings which are to be removed. This ensures that the site is suitable when making an assessment of the proposals with regard to the provisions of Policy H4 of the Teesdale District Local Plan and also is in line with guidance suggested in Planning Policy Statement 3 regarding the reuse of previously developed land.

The site currently benefits from an existing planning permission approved in 2003 for the conversion and extension of the existing outbuildings into a dwelling. This permission was for a smaller dwelling on a similar footprint. This proposal has been re-sited from the boundary with nos. 11 and 12 Brookside which brings the whole development slightly further forward on the plot but the gable in the east elevation that would project nearest to Yewden Cottage has been reduced slightly to maintain the separation distance at this point. There are no windows proposed for this gable to prevent overlooking. There is however a first floor window proposed which will serve what will be the master bedroom. This window will be a distance of over 20 metres from the nearest habitable room in the front elevation of Yewden Cottage which is considered to be an acceptable distance to avoid any loss of privacy or amenity to the occupiers of Yewden Cottage. The further windows in this elevation will serve a kitchen at ground floor level and a landing. There are no first floor windows proposed for the north elevation and the two windows arranged on the west elevation are to serve a bathroom and ensuite and are to be obscurely glazed. The majority of windows are proposed for the south elevation, there are ample distances between this property and the neighbouring property that is currently under construction to prevent loss of privacy in accordance with Policy GD1 of the adopted Local Plan. The comments of objectors in this respect are fully understood and it is acknowledged that there will be an impact on Yewden Cottage but the distances are considered to be sufficient to maintain the provisions of policy GD1 and would not constitute sufficient reason to sustain a refusal in this respect.

Previous refusals and appeals have been upheld purely because of the potential loss of a protected tree. This application, as with the previous approval (2003/0416), has considered the retention of the tree and the position of the house and the eastern gable has been designed to allow this. The specialist advice received from the Landscape section of Durham County Council remains, that so long as the development is carried out in accordance with good practice, the development would not endanger the continued well being of the tree. The presence of a Tree Preservation Order on this tree will eradicate any uncertainty surrounding any possibility of future work to the tree.

The design of the proposed dwelling is considered acceptable in its setting in terms of material and style. The use of traditional materials and principles of design will ensure that the character of the area will be preserved and enhanced and the quality of visual amenity will be upheld.

Issues surrounding access have been addressed via condition and the reason this has not previously been carried out is due to the fact the existing permission was never implemented.

The concerns expressed regarding drainage have been accepted but Northumbrian Water has submitted no objections to the scheme. It is to be conditioned that details are submitted prior to commencement regarding drainage to ensure acceptability.

RECOMMENDED: That Full Planning Permission be granted conditionally

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

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

2. Notwithstanding the provisions of Article 3 and Classes A and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.

To protect the residential amenity of neighbouring properties in accordance with policy GD1 of the Teesdale District Local Plan 2002.

3. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved samples.

To protect the visual amenity of the surroundings and the character of the building in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

4. A sample panel of stonework of minimum size one metre by one metre shall be constructed at the site, approved in writing by the Local Planning Authority prior

to commencement of walling works and thereafter retained until completion of the development hereby approved. All stonework relating to the development hereby approved shall match the approved sample panel of stonework.

In the interests of the visual amenity of the area and in accordance with Policy GD1 of the Teesdale District Local Plan.

5. All trees and shrubs to be retained on site [as shown on drawing number 08007-2] shall be protected for the duration of the development by appropriate protective fencing minimum 1 metre in height. Protection to trees will be positioned around the crown spread to prevent access to, disturbance or contamination/compaction within the rooting zone.

To ensure the protection of existing trees in accordance with Policies GD1 and ENV10 of the Teesdale District Local Plan 2002.

6. No development shall take place until there has been submitted to and approved in writing by the Local Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

To protect visual and residential amenity in accordance with policy GD1 of the Teesdale District Local Plan 2002.

7. Prior to the construction of the dwelling hereby approved, the existing vehicular access shall first be widened to a minimum of 4.1 metre width and improved in accordance with the details which shall be submitted for the written approval of the Local Planning Authority.

In the interests of highway safety and in accordance with policy GD1.

8. Prior to the commencement of the development hereby approved, details of foul and surface water drainage runs shall be submitted for the written approval of the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with such details as may be approved.

To ensure an adequate means of sewage disposal/drainage for the proposed development in accordance with Policy GD1 of the Teesdale District Local Plan 2002.



Planning Services

COMMITTEE REPORT

APPEALS UPDATE REPORT

APPEALS DETERMINED

APPEAL REF. NO. APP/X1355/A/10/2137253

LPA REF. NO. 7/2009/0426/DM

APPEAL BY BDW TRADING LTD. AGAINST THE NON-DETERMINATION OF A DETAILED PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 105 DWELLINGS WITH PUBLIC SPACE AND ASSOCIATED INFRASTRUCTURE ON LAND OFF HIGH ROAD, BISHOP MIDDLEHAM.

This appeal relates to a detailed planning application for residential development of land to the north-west of Bishop Middleham. The originally submitted application proposed the erection of 133 dwellings, but this was subsequently amended to 105 dwellings in August 2010. The applicant then appealed against non-determination of the amended application in September 2010.

The appeal meant that the Local Planning Authority could no longer make a formal decision on the proposal. However, in order to properly defend the appeal, South West Area Planning Committee considered a report on the matter on 28th October 2010, and resolved that it would have been minded to refuse the application for the following reasons:

1. *The application site is located outside the settlement boundary of Bishop Middleham, as defined in Policy H8 of the Sedgefield Borough Local Plan. The proposed development of this greenfield site adjacent to a village which has a limited range of community facilities would be unsustainable, it would fail to achieve high quality housing which would not be an efficient use of land. As such, the proposal is considered to be contrary to PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPS7 (Sustainable Development in Rural Areas).*
2. *The development of this prominent elevated site at a gateway to Bishop Middleham would introduce an urban style of development that would be out of context with the overwhelmingly rural character of its surroundings. The proposed layout is dominated by the road network, and its pedestrian links to the existing village are poor. The relationship between dwellings and open spaces would not provide passive surveillance and would not create pleasant and safe spaces to use. As such, the proposal is considered to be contrary to Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.*

The appeal was heard at an informal hearing held at the Spennymoor Area Office on 1st February 2011; the decision was published on 30th March.

The Planning Inspector **dismissed** the appeal. In arriving at this decision, the Inspector considered the main issue to be *“whether the site should be regarded as being suitable for housing development, having regard to the effect of the proposal on the character and appearance of the village and its surroundings and to other local and national planning policies concerned with the provision of housing land.”*

In the Inspector’s deliberations the following key points were made.

- The proposal would appear as a significant intrusion in the open countryside and would fail to take the opportunities available to integrate with the existing village. As a result, it would have a substantial adverse effect on the character and appearance of the village and its surroundings. It would also fail to satisfy Local Plan Policy D1 which sets out broad principles for design and layout including helping to create a sense of place.
- Future residents would be likely to place significant reliance on the car in order to access jobs and other services on a daily basis. Consequently, in this respect, the location does not accord with the general approach to development set out in PPS 1.
- Development of this site would cause substantial harm to the character and appearance of Bishop Middleham and its surroundings. Also, it would be located within a settlement which does not offer a good range of community facilities and where residents are likely to be highly reliant on the car as they go about their daily lives. Local and national policy attaches great importance to matters of design quality and achieving sustainable patterns of development so that they carry considerable weight. On the other hand, the appeal proposal would provide highly marketable land in an area where new housing has not been delivered in the required numbers. Whilst this is also given a high degree of priority, it is not of sufficient weight in this instance, to overcome the harm in terms of design and sustainability. On that basis, it is concluded that the site should not be regarded as suitable for housing.
- In lying beyond the settlement framework, the proposal would not accord with the spatial strategy as set out in the Local Plan. Whilst the site would assist in meeting the housing requirements of Regional Strategy policy 28, it has not been shown that Bishop Middleham should be regarded as a suitable settlement for this scale of development within the terms of the locational strategy in Regional Strategy policy 6. On balance therefore, it is concluded that the proposal is not in accordance with the development plan. In addition, although the absence of a five year supply of deliverable sites means that this proposal should be considered favourably, this has not been sufficient to outweigh the harm it would cause in terms of its visual impact and poor level of sustainability.

No costs were awarded to either the appellant or the local planning authority. Copies of the Inspector's decision letter are available at the Spennymoor Area Office and can also be viewed online at the Planning Inspectorate's website www.planning-inspectorate.gov.uk quoting case reference 2137253.

Report prepared by Steve Teasdale, Planning Officer.



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