



## Area Planning Committee (South and West)

**Date** Thursday 20 October 2011  
**Time** 2.00 pm  
**Venue** Council Chamber, Crook

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### Business

#### Part A

1. Declarations of Interest
2. Minutes of the Meeting held on 15 September 2011 (Pages 1 - 8)
3. Applications to be determined
  - a) 7/2011/0301/DM - Hackworth House, Cheapside, Shildon (Pages 9 - 22)  
Redevelopment of former Hackworth House Aged Persons Home to provide 19 dwellings.
  - b) 7/2011/0281/DM - Shafto House, Shafto Way, Newton Aycliffe (Pages 23 - 36)  
Development of former Shafto House Aged Persons Home to provide 19 dwellings.
4. Appeal Update (Pages 37 - 40)

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
12 October 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 Hopgood, E Paylor, G Richardson, J Shuttleworth, P Taylor,  
R Todd, J Wilkinson, M Williams and R Yorke

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**Tel: 0191 370 6250**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 15 September 2011 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chair)**

**Members of the Committee:**

Councillors E Tomlinson (Vice-Chairman), D Burn, M Campbell, K Davidson, P Gittins, A Hopgood, E Paylor, G Richardson, J Shuttleworth, R Todd and J Wilkinson

**Apologies:**

Apologies for absence were received from Councillors D Boyes, P Taylor, M Williams and R Yorke

**Also Present:**

J Byers – Licensing Team Leader (South and West)  
A Inch – Principal Planning Officer  
A Caines – Principal Planning Officer  
D Taylor – Property, Planning and Projects Manager  
D Stewart – Principal Development Control Engineer

**1 Declarations of Interest**

There were no declarations of interest received.

**2 Minutes of the Meeting held on 27 July 2011**

The Minutes of the Meeting held on 27 July 2011 were confirmed as a correct record, subject to Councillor M Campbell's apology for absence being noted.

With the agreement of the Committee, the order of business on the Agenda was amended to allow items with registered speakers, as listed at 3(d) to (f) on the Agenda to be considered first.

**3 Applications to be determined**

**3a 6/2011/0189/DM - Land West of Marden House, Darlington Road, Barnard Castle  
Outline Permission for Erection of Detached Dwellinghouse**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch, Principal Planning Officer gave a detailed presentation which included photographs of the site. It was noted that a site visit had taken place that day.

M Peat, the applicant, stated that he was born in Barnard Castle and had lived on Darlington Road for the majority of his life, returning to the area after university to work as a vet in Teesdale. He wanted to continue living in Barnard Castle and proposed to build a house on this site that would respect the architecture and rural character of the area. He wanted to live on this site in particular, as in the coming years he would take a greater role in the running of Marden Farm. He replied to some of the points raised in the Planning Officer's report, as follows:-

**The proposal would not fit in with the rural surrounding**

The site was between two existing dwellings, with a road to the north, and a further dwelling and farm buildings to the south.

**The scale of the building would overshadow the adjacent bungalow**

The report stated that there was enough scope within the size and proportions of the site to arrive at a design that would not compromise the amenity or privacy of the occupiers of Roseberry.

He respected any comments made by the occupiers of Roseberry and if permission was granted would consult with them further.

**Good quality agricultural land would be lost**

The area was mainly used as a holding area after sheep had been through the pens at the farm buildings. The remainder of the field would still fulfil this purpose.

**The proposal was outside the development limits of Barnard Castle**

If a fence had been erected in line with the proposed development, in all probability the site would have been included as it adjoined 3 existing properties to the east.

**There were many houses for sale in the town**

He considered that there was a lack of this type of development in Barnard Castle.

**Loss of privacy and amenity to the adjoining property**

The comments stated in relation to Roseberry were even more true for the other adjoining property.

**Increase in traffic**

He already passed the site in order to travel to work on a daily basis so there would be no increase in traffic.

**Low mains water pressure**

Darlington Road had good water pressure. A Northumbrian Water officer had informed him that there was a 4 inch plastic main supply from the Stainton Booster Station that went along Darlington Road terminating at the footpath entrance to Churchill Road. If any house had low pressure it could only be that there was a problem between the mains and the house.

**The letters of support were from relatives of the applicants**

Letters asking for a response were sent to these people by Planning Officers as they owned land or property adjacent to the site.

Eight residents of Darlington Road who lived very close to the site had signed a form stating that they had no objection to a dwelling being built to the west of Marden house.

**Historical records suggested that Marden was the original farm house**

Marden was not built as a farm house and had not been owned by a farmer for 24 years.

**Marden House terminated the built environment of Barnard Castle**

This was incorrect as there were a further 2 houses, a caravan site and a stone built farm building to the east of Marden along Darlington Road. One of these houses was the most recent to be built on Darlington Road.

He added that it should be noted that a gap of over 10 metres would still remain allowing views of the countryside beyond.

To conclude M Peat stated that he believed that a sensitively positioned, well built house in this residential area would add to the unique character of Darlington Road.

A Inch responded that the site was located outside the settlement limits of Barnard Castle, and so its development would not be in accordance with the adopted Teesdale District Local Plan. There was clearly a gap between the site and the more densely developed parts of Barnard Castle. It terminated the built environment and was the start of the countryside, despite there being a few buildings beyond the site.

In response to questions A Inch advised that policies in relation to new housing in Barnard Castle only favoured those sites that had previously been developed. This was an outline application and if approved details of access, layout etc would form part of reserved matters. He confirmed that the Highways Section would be consulted as part of this.

A Member commented that because of the other properties and caravan site in the location, he considered that as long as the development did not affect the amenity value of Roseberry, the application should be approved. A further Member considered that in his opinion, as there were properties either side of the proposed dwelling, it did not constitute development in the open countryside.

The local Member stated that whilst it was a greenfield site he considered that it represented infill development and the application should be approved, subject to the development being carried out sensitively.

**RESOLVED that**

- (i) the application for outline planning permission be approved on the grounds that, although recognised as a Greenfield site outside of the development limits of Barnard Castle, the proposed development, while departing from Policy H6 of the Teesdale District Local Plan, would infill a

gap between Roseberry and Marden House and would not therefore encroach harmfully into the open countryside. The scheme was considered acceptable in terms of highway safety, landscape impact and residential amenity.

**3b 6/2011/0208/DM - 67 Winston Road, Staindrop  
Erection of Sun Room to Front**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Caines, Principal Planning Officer gave a detailed presentation which included photographs of the site. It was noted that a site visit had taken place that day.

J Copeland, applicant addressed the Committee and commenced by explaining that since the images displayed had been produced, neighbouring properties had been extended, one of which had doubled in size. Therefore he considered that his application for a sun room would not have any impact on the street scene.

At the time he had submitted the planning application, he had referred to the proposed development as a sun room but unfortunately his medical health was deteriorating and therefore the room would be of vital importance to him as a bedroom.

He was prepared to reduce projection from the existing elevation to 2.5m, would provide an escape in case of fire and install less glazing if required. However the suggestion that he be asked to consider a side extension was not feasible. A footpath would be required and this would reduce the size of the internal space, which would make it impossible for him to manoeuvre his wheelchair around.

A Member stated that whilst she sympathised with the applicant's personal circumstances, the extensions referred to were in character with the remaining properties in the street.

A further Member reiterated concerns in relation to the health of the applicant but added that if approved this development would set a precedent for other applications and would bring about a decline in the appearance of the village. He had witnessed this in his own ward and referred to Grange Villa which had been cited as an example of a village where the appearance of terraced houses had been spoilt by indiscriminate development.

With regard to the site visit, a Member commented that having viewed the property on site, the proportions of the extension were vast and he felt that it would be detrimental to the area. He suggested that other options should be discussed which would best suit the applicant's needs.

The local Member considered that the application should be approved as submitted to assist the needs of the applicant who had lived there for 50 years. In his opinion the proposals were not detrimental to the area.

**RESOLVED** that the application be refused for the reasons outlined in the Officer's report.

At this point Councillor Richardson left the meeting.

**3c The Batts, Wear Chare, Bishop Auckland  
Three Proposed Detached Dwellings and Detached Garages**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

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

Mrs Aspinall, an objector to the application addressed the Committee. She stated that a previous planning application for 12 dwellings on the site had been refused by Wear Valley District Council, which had also been refused on appeal. She understood that when the site was sold it had been subject to a covenant restricting the use of the land to a garden/allotment area.

With regard to a previous application to fell 33 trees which had been approved, she understood that this was to accommodate works to the sewer. There were also problems with the pumping station after heavy rain and the addition of three properties would exacerbate this.

The proposal for 3 large, 3 storey 5 bedroom houses was over development and was totally out of keeping with the area which was mainly made up of 2 bedroom terraced houses. As this was a conservation area the application should not be permitted.

With regard to the road, the approach from the town centre was narrow and 2 vehicles could not pass at the same time in some places. There was a very dangerous corner at 1 Wear Chare and the road was very busy in peak periods. The gap created by the proposed development site helped visibility.

To conclude she stated that she understood that if approval was granted the removal of the covenant would need to be considered but she believed that it should be honoured.

J Lavender, the applicant's agent addressed the Committee, stating that Planning Officers had undertaken a detailed examination of the application which had been submitted after extensive discussions and following the withdrawal of an earlier application.

The report demonstrated that consideration had been given to all relevant issues and Planning Officers were satisfied that the proposal would deliver high quality housing, preserve the character of a conservation area and that it represented a sustainable development.

The covenant on the land was not a material planning consideration.

An application had been refused 15 years ago but this was because of the number of units proposed. The design of the houses in the current proposal had been discussed in detail with Officers and their comments taken on board.

With regard to the reference to the sewer and the pumping station, he advised that Northumbrian Water had been consulted on the application and had offered no objections.

With regard to the comments about traffic, he acknowledged that the road was narrow in places but that this encouraged traffic to travel more slowly.

The applicant's statement referred to the development being 200m from the town centre. Bishop Auckland needed housing in and around the centre to support the sustainability of the town centre.

Therefore he concluded that the proposed development should be welcomed, particularly in view of its proximity to the town centre.

D Stewart, Highways Officer confirmed that the road was narrow but that the increased traffic generated by the development would be minimal. The road was a through road and Highways had no objections to the proposal.

A Member referred to the number of cars per property and asked if Highways views would have been any different if the application had been for a greater number of smaller houses as opposed to 3 large properties with double garages.

D Stewart responded that in terms of traffic generation the size and number of properties would make little difference. There would have been concerns if terraced houses had been proposed with no parking provision.

A Member spoke on behalf of the local Member and stated that the application should be refused because of the possible impact on the badger set and bats. The site had always been a place where people had picnics and walked, it was close to Auckland Park and she felt that it should be maintained as an amenity for recreation, being one of the few recreation areas in Bishop Auckland.

The Chair clarified that the report stated that the houses were situated well away from the badger set to ensure that there was no disturbance caused by the development.

A Member commented that he was concerned that this application was recommended for approval yet was in a conservation area. This was in contradiction to the earlier application considered in respect of Marden House.

A further Member concurred with this but felt that this application should be refused, as open space in a town centre was rare.



Following discussion it was **RESOLVED**

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

**3d 7/2011/0214/DM - Former Southerne Social Club, Hawkshead Place, Newton Aycliffe  
Demolition of Former Social Club and the Construction of 60 Bed Nursing Home**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

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

Members discussed the application and the Chair who was also a local Member stated that if the application was refused the site would be disposed of. This was a former social club and he noted that one response to the consultation had stated a preference for a well managed pub. He advised that a public house nearby had recently closed which demonstrated that there was no demand in the area for this type of establishment.

A further Member stated that a Gainford Carehome had opened in her area and she had been impressed by the quality of the facilities provided.

A local Member added that she had spoken to the residents affected who were all pleased with the proposals as Southerne Social Club was currently a blight in the neighbourhood.

In response to a question concerning parking facilities Members were assured that 19 spaces was sufficient to cater for staff and visitors. As a care home, car ownership of residents would be low.

**RESOLVED:**

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

**3e 7/2011/0245 - Aycliffe Young People's Centre, York Road, Copeland, Newton Aycliffe  
Proposed Centre for Autism Comprising New Build School and New Build Residential Units Plus Conversion of Existing Building to Form Administration and Residential Short Break Accommodation**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

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

In discussing the application the Chair stated that as with the previous application, if refused the site would be disposed of. He also made reference to the safety of pedestrians walking to the Centre who had to cross the A167.

D Stewart responded that there was a pedestrian refuge close to the junction access which meant that pedestrians crossed in 2 stages. There was also a controlled crossing facility at the nearby Central Avenue junction to the north. He considered that crossing provision was adequate and pedestrians were able to cross safely.

In response to a further question concerning the traffic lights at the top of Central Avenue, D Stewart stated that traffic was busy at peak periods but the development's traffic generation was modest in relative terms.

Members acknowledged the comments of the Highways Officer but asked for their concerns to be taken on board.

**RESOLVED:**

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

**3f 7/2011/0046/DM - Stiller Group, Ridgeway, Aycliffe Business Park  
Erection of New Industrial Building to Replace Fire Damaged Unit**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

**RESOLVED;**

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

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	7/2011/0301/DM
<b>FULL APPLICATION DESCRIPTION:</b>	Redevelopment of former Hackworth House Aged Persons Home to provide 19 dwellings.
<b>NAME OF APPLICANT:</b>	Gleeson Homes and Regeneration
<b>ADDRESS:</b>	Hackworth House, Aged Persons Home, Cheapside, Shildon.
<b>ELECTORAL DIVISION:</b>	Shildon West
<b>CASE OFFICER:</b>	David Walker, Senior Planning Officer 03000 261054, <a href="mailto:David.Walker2@durham.gov.uk">David.Walker2@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises the land and buildings associated with the former Hackworth House Aged Persons Home which closed in early 2010. The existing buildings on site is predominantly two storey with a single storey annex which have been secured to prevent vandalism. There are a significant number of existing trees within the site.
2. The site is bounded by Fulton Court to the north, Cheapside to the east, existing residential development to the west and commercial /retail development to the south. Vehicular access to the Aged Persons Home is gained from the one way system at Cheapside and a small car parking area is located to the rear / west of the building.
3. The application seeks planning permission for the erection of 19 low cost family dwellings. The proposed housing which would be two storeys consists of a mix of semi-detached and detached properties. The layout has been designed so that access for the new housing would also be taken from the existing one way system from Cheapside. The dwellings would be constructed from brickwork with tiled roofs of a similar colour to the neighbouring properties.
4. This application is supported by a Design and Access Statement, Planning Statement Phase 1 Ecological Survey and Bat Report, Statement of Community Involvement, Tree Survey, Affordable Housing Statement and Geoenvironmental Appraisal.
5. The application is reported to committee as it falls within the definition of major development.

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### PLANNING HISTORY

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6. As outlined above this site was formerly utilised as an Aged Persons Home. It has not been the subject of any other planning applications of relevance to this proposal.

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### PLANNING POLICY

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#### NATIONAL POLICY

7. Planning Policy Statement 1: Delivering Sustainable Development sets out the

Governments overarching planning policies on the delivery of sustainable development through the planning system.

8. Planning Policy Statement 3: Housing sets out the governments policies on housing development. Presumption in favour of development is given for schemes that are on brown field land within existing settlements.
9. Planning Policy Statement 9: Biodiversity and Geological Conservation: sets out planning policies on protection of biodiversity and geological conservation through the planning system.
10. Planning Policy Guidance note 13: Transport sets out the government's policies on transport with particular emphasis on reducing the dependence on the use of the private car.
11. Planning Policy Statement 22 (Renewable Energy) sets out the governments policies on the use of renewable energies

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:*

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

#### **REGIONAL POLICY**

12. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
13. 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 intension. The following policies are considered relevant.
14. Policy 2 (Sustainable Development) sets out that proposals should seek to promote sustainable development through social, economic and environmental objectives.
15. Policy 3 (Climate Change) sets out the regional policy on contributing to the mitigation of climate change and assisting adaptation to the impacts of climate change.
16. Policy 4 (Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
17. Policy 7 (Connectivity and Accessibility) seeks to minimize the need to travel by promoting public transport, travel plans, cycling and walking. Green Travel Plans are encouraged.
18. Policy 8 (Protecting and Enhancing the Environment) seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

19. Policy 24 (Delivering Sustainable Communities) seeks to ensure that all development within the Region should be designed and located to deliver sustainable communities.
20. Policy 35 (Flood Risk) requires consideration to be given to the flood risk implications of development proposals.
21. Policy 38 (Sustainable Construction) sets out the regional policy to support sustainable construction in planning proposals.
22. Policy 39 (Renewable Energy Generation) requires at least 10% of the energy requirements of development proposals to be met by decentralized and renewable or low carbon sources.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

### **LOCAL PLAN POLICY**

23. As this application is located within the former Sedgefield Borough Council area the Local Plan Policies are contained within the Sedgefield Borough Local Plan (1996).
24. Policy D1 (General Principles for the Layout and Design of New Developments) sets out several key principles for the layout and design of new developments.
25. Policy D2 (Design for People) requires developments to take account of personal safety and security of property, access needs of users and provision of appropriate facilities such as toilets, baby changing facilities, public seating etc.
26. Policy D3 (Designed with pedestrians, cyclists, public transport) aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
27. Policy D5 (Layout of New Housing Developments) sets out principles which should be applied to new housing developments to ensure they provide a safe and pleasant environment in which to live with access routes that are safe and accessible for all users.
28. Policy H19 (Housing for Particular Groups) encourages developers to provide an appropriate variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
29. Policy E15 (Proposals affecting Trees) expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
30. Policy L1 (Provision of Open Space) seeks to ensure that sufficient open space is provided to meet the needs of the former Sedgefield Borough.
32. Policy L2 (Open Space in Housing Developments) sets standards for provision of open space and play facilities within new residential developments.

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

33. *Shildon Town Council* supports the proposed development in principle and requested that affordable housing be included within the proposed development.
34. *The Environment Agency* has made no comment on this proposal.
35. *Northumbrian Water* has no objections.
36. *Police Liaison Officer* has commented that the overall crime risk for this development is medium and the site layout was considered acceptable. However it was suggested that security for vehicles would be increased if the garages were increased to a minimum of 3 metres to encourage secure parking with internal fencing being further improved.
37. *Network Rail* has no objection in principle to the development but has made a number of detailed comments in relation to how the construction works should be carried out in order to safeguard the railway tunnel under the site and air shaft within the application site. These comments have been forwarded onto the applicant.
38. *The Highway Authority* has confirmed that the level of car parking provision within the scheme and highway design is deemed acceptable subject to a small number of minor modifications to the internal layout, the new access road and modifications to the existing vehicular access being carried out under the appropriate highway legislation. It was also noted that modifications to the existing road markings would be required because of the alterations to the site access and these would need to be funded by the applicant.

### INTERNAL RESPONSES:

39. *Environmental Health* has no objection to this proposal but has suggested that the applicant submit a noise and dust assessment to safeguard residential amenity during construction works and that working hours during the construction works be restricted.
40. *Design and Conservation* stated that although this is a prime residential site with good redevelopment opportunities for residential use this scheme is considered to be unacceptable in its present form. It was felt that the layout should be revised and the number of houses reduced so that the layout takes into account both the existing trees and the character of the original townscape off Shildon which is characterized by Victorian terraced houses. It was felt that the units were too large for this site and these were suburban in nature presenting a disjointed building line and a poor street scene.
41. *The Landscape Section* has raised concern about the removal of a large number of B category trees within the site to accommodate the development and the new access. It was noted that several of these trees contribute to the existing street scene. In addition to the direct loss of trees concern was expressed that the close proximity of retained trees to the housing and internal roadway would lead to future pressure for these to be pruned or felled because of leaf fall and overshadowing. It was, therefore, recommended that the layout be redesigned if possible to enable the retention of as many of the good trees as possible and allow them enough space to develop without constant pressure for pruning.

42. *The Ecology Section* originally raised a number of concerns regarding the

methodology used for the bat survey works undertaken. However, additional information has subsequently been provided in respect of these matters. There is therefore no objection although it is recommended that the mitigation detailed within the supporting ecological report be the subject of a planning condition.

43. *The Low Carbon Section* has stated that this scheme would need to satisfy the RSS requirement of 10% renewable energy within this type of development proposal.

#### **PUBLIC RESPONSES:**

44. This planning application has been advertised via a press notice, site notices and direct neighbour notification. Two written representations have been received regarding this proposal.
45. The occupant of 'Up Yonder' has stated that they have no objection to the re-development but do not want to lose the large mature Horse Chestnut trees which are located within the application site and lie to the east of this property. It was requested that before the property is sold a Tree Preservation Order be made in order to protect these trees.
46. A resident of Phonenix Place also raises no objections to the proposal and that the houses look very pleasing and will be an asset to this part of the town. However, assurances were sought that the houses will be kept for local people as stated by the developer.

#### **APPLICANTS STATEMENT**

47. This proposal seeks planning consent for the residential redevelopment of the former Hackworth House Aged Persons Home. The sustainable location of the site and its position within an existing residential area means that it is considered to be entirely suitable for the proposed residential use.
48. The planning application seeks consent for 19 low-cost family dwellings. Given the site area of 0.49 hectares, 19 dwellings would result in a net density of approximately 39 dwellings per hectare (dph). This density is considered appropriate given the location of the site, the type of housing proposed and the nature of existing adjacent housing.
49. The layout has been designed to ensure that the proposed housing interacts well with adjacent development, whilst also creating an attractive environment within the site itself. The development will use the existing access from the road adjacent to the east boundary, with the five properties nearest the entrance facing out of the site. Within the site, the remaining properties will be laid out around the internal access road, with private parking to be provided for each property.
50. There will be a mix of 2, 3 and 4 bedroom houses, comprising 10 semi-detached properties and 9 detached properties. The scale would be in keeping with the majority of nearby housing, all of the proposed dwellings will be two storeys in height. As the existing buildings present on the site are predominantly two storeys, it is considered that the scale of the proposed dwellings is in keeping with the development they will replace. The separation distances between the proposed and existing dwellings will ensure that the development does not have any detrimental impact on adjacent housing with regard to loss of amenity.

51. The proposed layout seeks to retain as many of the existing trees as possible, particularly along the site boundaries between the site and neighbouring properties. Replacement tree planting will take place around the internal access road.
52. It has been stated that it is proposed to use a variety of contemporary house designs within the site. The two-storey dwellings will all have pitched roofs with gable ends, and will be constructed using a traditional palette of materials. The dwellings will use uPVC windows, doors and rainwater goods, with detailing to include canopies over the front doors and soldier brick courses to frame the window openings.
53. The proposed garages will reflect the appearance of the houses, being constructed from matching materials and with traditional pitched-roof design. The front gardens facing Cheapside are to be enclosed with 900mm high railings, with a 1.8m high wall and vertical boarded fence fronting onto Fulton Court .
54. Vehicular access to the site will use the existing access on the eastern boundary of the site. Within the site, a total of 30 designated parking spaces are to be provided within the site, with an additional 7 garage spaces provided. The site is in a highly accessible location, being adjacent to the northern boundary of Shildon Town Centre.
55. With regard to public transport, the bus stops adjacent to the site provide direct services to Bishop Auckland, Crook, Darlington and Spennymoor.
56. It is maintained that the residential development will improve the character of the area by providing modern forms of low-cost housing, and redeveloping what is currently a derelict and vandalized site. Within this context we consider that the proposals accord with the Government guidance relating to design, since it will deliver an opportunity to improve the character and quality of an area in a manner that would protect the amenity of the existing residential area.
57. The overall aim of the design proposals has been to create a modern, diverse, aesthetically pleasing residential environment where the residents will feel a sense of 'belonging' and this will impact positively on the broader community. Furthermore, as set out in the Statement of Community Involvement, the development has the strong support of the local community.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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58. In assessing the proposals against the requirements of the aforementioned planning policies, and having regard to all material planning considerations the main planning considerations in this case concern the principle of the development, the layout and design of the proposal including the loss of tree cover, the impacts on the neighbouring properties,

### **Principle of the development**

59. Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Planning Policy Statement 3 (PPS3) Housing both seek to facilitate and promote sustainable and inclusive patterns of housing development. The key principles include addressing the causes of potential impacts of climate change by



encouraging patterns of development which reduce the need for travel and seeking to make best use of limited resources, such as, building housing at higher densities on previously developed land rather than at lower densities on Greenfield sites.

60. These principles are also supported by a range of policies set out within the Regional Spatial Strategy (RSS). Policies 2, 3, 4, 7 and 24 seek to provide a sequential approach to the identification of land for development giving priority to previously developed land and buildings in the most sustainable locations.
61. The application site is well served by a range of retail, leisure, and community facilities available in Shildon, many of these facilities are in walking distance. This site is also well served by public transport.
62. The redevelopment of this existing brownfield site, bounded by residential development, for residential purposes therefore accords with sustainable development principles set out in both National and Regional Policy.

### **Layout and Design**

63. PPS1 Sustainable Development states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. It is therefore of key importance that new development should be of a high quality of design.
64. These sentiments are re-iterated in Policy 8 of the Regional Spatial Strategy which seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.
65. Policies D1, D5 and SPG3 of the Local Plan seek to ensure the layout and design of new developments are in keeping with the surrounding area and achieve satisfactory privacy and amenity for neighbouring residents.
66. The overriding principles of the design policies of the Local Plan requires new housing development to have an attractive appearance, be durable, function well for their users and be designed to relate well to the surroundings of the site and the landscape setting.
67. Although the applicant has been unable to fundamentally revise the initial layout as suggested by the Design and Conservation Section, so that this reflected the historic urban street pattern of Shildon and retain a greater number of trees fronting onto Cheapside, modifications have been agreed to the layout and house types to present a more defined building line facing onto Cheapside and provide an active frontage. The number of house types proposed within the site has also been reduced and the layout fronting Cheapside modified to have three uniform house types in this central section of the frontage.
68. The original means of enclosure have also been revised and improved so that these better reflect the style and appearance of the existing means of enclosure at Fulton Court.
69. Notwithstanding the initial concerns of the Design and Conservation Section it is considered that the improvements negotiated in relation to the siting and design of the proposed housing is such that it accords with PPS1, PPG3, RSS Policy 8 and Policies D1 and D5 of the Local Plan.

## **Impact on Trees**

70. Concern has been raised from both the Design and Conservation and Landscape Sections insofar as the layout does not pay sufficient regard to the retention of key trees within the site which contribute to the visual amenity of the site.
71. The retention of the mature Horse Chestnuts at the south western corner of the site adjacent to 'Up Yonder' was also requested by the adjacent resident who requested that these trees be protected by a Tree Preservation Order.
72. A tree survey has been carried out for the 61 trees in and around the site and of these, 14 are to be removed, either to facilitate development directly or to minimise potential conflict between the trees and future occupants concerned with overshadowing and leaf fall.
73. Whilst the positive contribution that several of the trees, particularly those located along the eastern frontage, make to the street scene is acknowledged, these trees are not protected by a Tree Preservation Order and could therefore be removed at any time. Although the removal of these trees would have an impact on the visual amenity of the area in the short to medium term, it has been suggested that new planting opportunities are available within the site and within the existing parcel of land between the access road and Cheapside. The applicant has offered a financial contribution towards this off site planting.
74. Specific reference has been made to the mature Horse Chestnut trees at the western boundary of the site adjacent to 'Up Yonder'. Both these trees are to be retained within the development, although crown lifting on the north and south sides are proposed to reduce the risk of branch failure. A planning condition could be attached so that further works to those trees to be retained after development would require the consent of the Local Planning Authority.
75. Whilst the loss of existing tree cover within the site is regrettable it is felt that the revised layout and potential for off site planting together with the benefits arising from the redevelopment of this vacant brownfield site would outweigh these concerns.

## **Privacy and Amenity**

76. SPG3: Layout of New Development, gives general advice which states that gable walls should be located at least 14 metres from the nearest habitable room window and window to window distances should be in excess of 21 metres. These distances are given as guide only and can be adjusted depending on the characteristics of the site.
77. The application site is bounded by housing to the north and west and although some of the new housing would be closer than the existing Aged Persons the layout of the housing has also been specifically designed to respect the separation distances outlined within the SPG so as to safeguard privacy between the proposed housing and the existing properties.
78. Bearing in mind that the distances involved comply with SPG3, it is considered that this proposal is acceptable and any loss of residential amenity for existing householders would not be so significant as to justify the refusal of planning permission.

## **Access and Car Parking**

79. The access to the site would be taken from the highway to the east of the site parallel to Cheapside. All of the proposed houses would be accessed by a newly constructed internal access road. The access arrangements proposed are deemed acceptable in highway safety terms.
80. The 19 properties would be served by 30 parking spaces and 4 garages and the Highway Authority has confirmed that the on proposed level of on site car parking is satisfactory.
81. Although at the time of writing this report the views of the Highway Authority are awaited in terms of the revised layout, no objection was raised regarding the access or car parking arrangements in highway safety terms. The revised access to the site and new internal road are to be constructed to adoptable standards and the nearby road markings being repainted were necessary.
82. In conclusion, the access and car parking provision on site are considered satisfactory and accord with Policy D1 of the Local Plan.

## **Mix of Housing**

83. In order to promote strong and stable communities, PPS3 seeks provision of a wide mix of housing types and tenure which reflect local conditions and that a high quality of design is achieved in higher density developments.
84. The proposed development contains six house types including 2 & 3 bed semi-detached houses and 4 bed detached houses. This type of housing would help further diversify the housing mix in this area. It has been stated that Gleeson Homes specialise in providing low cost homes for local people and offer a range of incentives to both promote home ownership whilst also utilising legal covenants to ensure that these properties are not purchased speculatively and then sub let to third parties.
85. In respect of this application, it is felt that this proposal provides a suitable mix of housing types and sizes which would help diversify the housing stock available within this area and provide modern low cost homes for purchase by local people.

## **Affordable Housing**

86. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for a 20% requirement for affordable housing across the former district of Sedgefield area.
87. However, recent High Court judgments have underlined the need to consider factors such as economic viability in formulating policy targets, in accordance with Government guidance.
88. The applicants have submitted a viability assessment which demonstrated that the inclusion of affordable housing will make their scheme unviable. This has been independently assessed and found to be accurate.

## **Provision of Open Space and Play Areas**

89. Policy L2 of the Borough Local Plan stipulates that housing developments should provide for open space at a minimum rate of 100 sqm of informal play space and 500

sqm of amenity space for every 10 dwellings, together with a contribution towards the provision of new or improved equipped play areas and outdoor sports facilities to serve the development.

90. PPS3 which is more up to date generally, promotes higher housing densities, and it is rarely possible to meet the Policy L2 standards.
91. To assess the degree of open space that should be provided on this site, due regard has to be given to requirements of PPS3, to current planning policy on open space, and also to the Council's Open Space Needs Assessment (OSNA). Paragraph 16 of PPS3 states that when assessing the design quality of a developers proposed housing scheme, Local Planning Authorities are to consider the extent to which the proposed development provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
92. Whilst the quantity of open space is important it is also important to take into account the location of the existing open space within this settlement, the accessibility of this open space from the proposed development site and the actual needs arising from the development itself.
93. The application site is located within the Sunnydale Ward of Shildon. The OSNA has demonstrated that this ward is currently under represented in terms of Outdoor Sport Space and Semi Natural Green Space.
94. In this regard the applicants have acknowledged that the proposal to construct 19 dwellings on site would lead to additional demand on recreation and leisure facilities, however, they also point out that this demand needs to be considered in the context of the former use of the site – Hackworth House previously accommodated 40 aged persons.
95. The applicants have, therefore, offered to pay a commuted sum of £19,000 for use in either upgrading existing recreational facilities or providing off site planting within the area.
96. Bearing in mind the under provision of recreational / amenity open space within this part of Shildon it is considered that a contribution of a commuted sum by the developer could be put to good use to either create new facilities or to enhance existing facilities within the area which would be beneficial not only the occupants of the new dwellings, but also the existing residents within this area. As such, this proposal is considered to accord with the provisions of Policies L1 and L2 of the Local Plan.

### **Impacts on Protected Species**

97. As the now vacant Aged Persons Home is to be demolished as part of this proposal it was necessary to consider whether the proposal would have an impact on Bats, which are a species especially protected by law. PPS9 states that Local Planning Authorities need to ensure that developments do not have an adverse impact on protected species.
98. A Reasoned Risk Assessment was submitted with the application so the impacts of the development could be fully assessed, and following the submission of additional survey information the Ecology Section are satisfied that the development will not have an adverse impact on any protected species. A condition has been proposed, however, to ensure that the development is carried out in accordance with the

mitigation outlined in the risk assessment. This will ensure that the development is carried out in accordance with PPS9.

## Energy Efficiency

99. The applicant has acknowledged the need to reduce energy consumption and make use of embedded renewable energy generation; however, detailed arrangements are yet to be prepared in relation to this particular site. As such, it is recommended that a planning condition be attached requiring the submission of details showing how these measures are to be implemented in accordance with Policy 39 of the RSS.

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## CONCLUSION

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100. The proposal would involve the redevelopment of an existing brownfield site in a highly sustainable location that is well served by a range of retail, leisure and community facilities and public transport. The layout and design of the housing and means of enclosure for the development has been improved over that originally proposed and are now deemed satisfactory as are the means of access and car parking arrangements. The Proposal would not have an unacceptable detrimental impact on the amenity of neighbouring properties. A commuted sum, facilitated by way of a Section 106 agreement is also to be provided for the provision of off site recreational improvements and landscaping.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions and the applicant entering into a Section 106 Agreement in relation to the payment of a commuted sum to provide off site recreation provision and / or off site planting and the following conditions:

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## REASONS FOR CONDITIONS

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The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

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

A3) Planning Layout -	drwg.no.GH4: L: 01 rev.G (scale 1:500@A3)
(A4) Location Plan -	drwg.no.GH4: L: 02 (scale 1:1250@A4)
(A3) Soft Landscaping -	drwg.no.GH4: L: 03 rev.B (scale 1:500@A3)
(A3) Boundary Treatments -	drwg.no.GH4: L: 04 rev.A (
(A2) 201 -	drwg.no.201/1(B) (scale 1:100@A2)
(A2) 301 -	drwg.no.301/1(C) (scale 1:100@A2)
(A2) 309 -	drwg.no.309/1 (scale 1:100@A2)
(A2) 401 -	drwg.no.401/1(B) (scale 1:100@A2)
(A2) 403 -	drwg.no.403/1(B) (scale 1:100@A2)
(A2) 404 -	drwg.no.404/1(B) (scale 1:100@A2)
(A3) Single Garage -	drwg.no.SD701 (scale 1:50 &100@A2)
(A3) Twin Garage -	drwg.no.SD702 (scale 1:50 &100@A2)
(A3) Hipped Twin Garage -	drwg.no.SD705 (scale 1:50 &100@A2)

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial

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completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5 No development shall take place unless in accordance with the mitigation detailed within Section 8 of the Ecological Report (September 2011) including the use of the appended Method Statement submitted with the application including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance and adherence to precautionary working methods.

6. No scrub clearing or tree felling shall be undertaken during the bird breeding season(1 March -31 August inclusive) at any time during the construction phase unless a checking system has been undertaken by qualified ecologist prior to the commencement of works and no active nests are found.

7. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall pass through an oil interceptor designed and constructed in accordance with a scheme to be submitted to and approved in writing by the Local planning authority.

8. The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be implemented prior to the commencement of the development.

9. Notwithstanding the information shown on the submitted plans the development hereby approved shall not be occupied/brought into use until such time as the existing access to the site has been improved in accordance with a scheme to be submitted to and agreed in writing by the Local planning authority.

10. Before the dwellings hereby approved are occupied the garages, hardstandings and drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005 unless otherwise agreed by written consent of the local planning authority

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without the prior written agreement of the local planning authority.

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No removal of limbs of trees or other tree work shall be carried out unless approval has been sought and granted by the local planning authority.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan, without the prior written approval of the local planning authority. Any agreed works must be undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2005 'Trees in Relation to Construction'

The tree works hereby approved shall be carried out in accordance with BS 3998 : Recommendations (2010).

12. 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 and E of Part 1 of Schedule 2 of the said Order shall be carried out.

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## **REASONS FOR THE RECOMMENDATION**

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13. The proposed residential development would represent the efficient and effective use of previously-developed land in a highly sustainable and accessible location, close to local amenities, public transport and educational facilities. The proposals are of an appropriate design, scale, layout and materials which would not result in significant adverse affects upon the residential amenity of adjoining residents, fauna, or detriment to highway safety. As such the proposals are considered to comply with of Policies D1, D2, D3, D5, E15, L1 and L2 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), Policies 2, 3, 4, 7, 8, 24, 38, and 39 of the North East of England Plan - Regional Spatial Strategy to 2021.

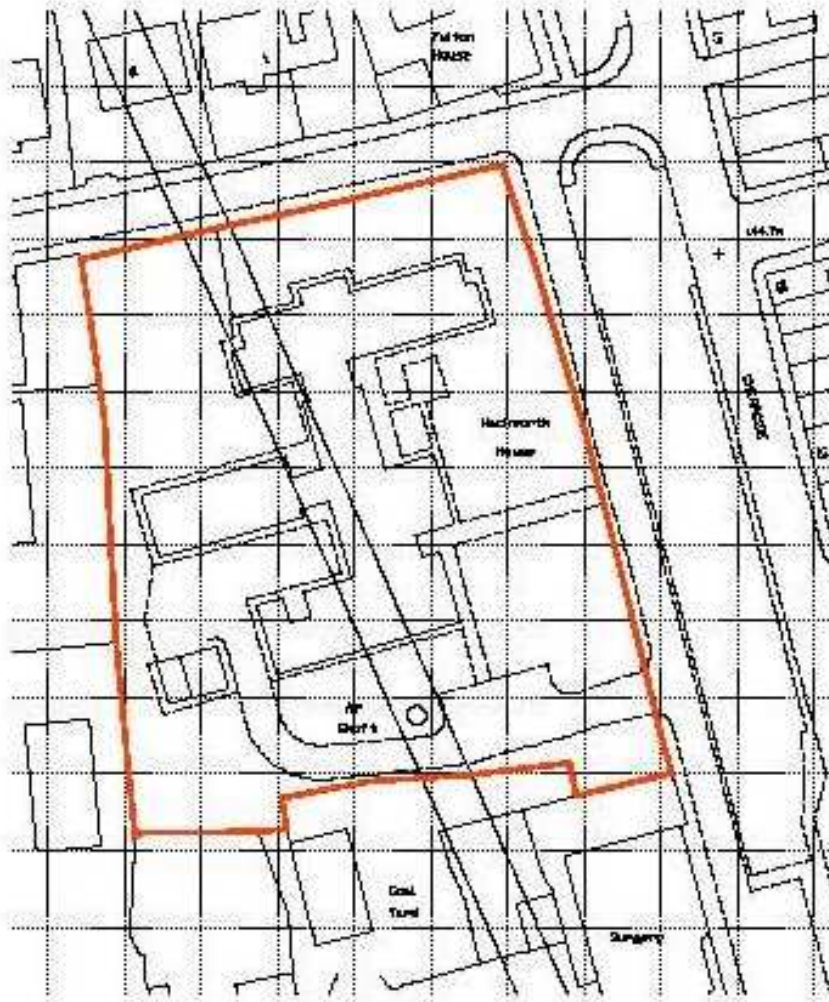
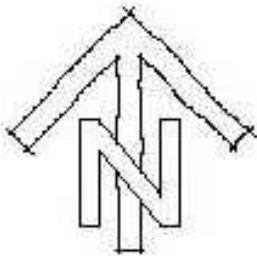
In particular those objections and concerns raised regarding the loss of tree cover within the site are not considered to be sufficient so as to justify refusal of this planning application bearing in mind the positive benefits of this scheme including the commuted sum which is to provide off site recreation provision and / or off site planting

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans and supporting documents
  - Planning Policy Statement / Guidance Notes 1,3,9 13 and 22
  - Regional Spatial Strategy
  - Sedgfield Borough Local Plan 1996
  - Consultation Responses
  - Public Consultation Responses
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Application No:	7/2011/0301/DM
Location:	FORMER HACKWORTH HOUSE AGED PERSONS HOME CHEAPSIDE SHILDON CO DURHAM DL4 2HP
Proposal:	REDEVELOPMENT OF FORMER HACKWORTH HOUSE AGED PERSONS HOME TO CONSTRUCT 19 NEW HOUSES AND REVISED ACCESS AND ASSOCIATED WORKS



# Planning Services

## COMMITTEE REPORT

### APPLICATION DETAILS

**APPLICATION NO:** 7/2011/0281/DM  
**FULL APPLICATION DESCRIPTION:** Development of former Shafto House Aged Persons Home to provide 19 dwellings.  
**NAME OF APPLICANT:** Gleeson Homes and Regeneration  
**ADDRESS:** Shafto House, Shafto Way Newton Aycliffe, County Durham DL5 5QR  
**ELECTORAL DIVISION:** Aycliffe East

**CASE OFFICER:** David Walker  
 Senior Planning Officer  
[David.Walker2@durham.gov.uk](mailto:David.Walker2@durham.gov.uk)

03000 261054

### DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises the land and buildings associated with the former Shafto House Aged Persons Home which closed in August 2010. The existing buildings on site which consist of a mix of two storey and single storey development have been secured to prevent vandalism. There are a number of existing trees within the site and a hedgerow is located along the eastern boundary of site.
2. The site lies to the east of Shafto Way and the remaining three sides are bounded by two storey housing. Vehicular access to the Aged Persons Home is gained from a road to the north of Greathead Crescent and a small car parking area is located to the rear / east of the building.
3. The site is located approximately 475 metres to the east of Newton Aycliffe Town Centre whilst a small parade of shops at Neville Parade are approximately 300 metres to the south. The site is well served by public transport.
4. The application seeks planning permission for the erection of 19 low cost family dwellings. The proposed housing which would be two storeys consists of a mix of semi-detached and detached properties. The layout has been designed so that access for the new housing would be taken from the existing road to the rear of Greathead Crescent. The dwellings would be constructed from brickwork with tiled roofs of a similar colour to the neighbouring properties.
5. This application is supported by a Design and Access Statement, Planning Statement Phase 1 Ecological Survey and Bat Report, Statement of Community Involvement, Tree Survey, Affordable Housing Statement and Geoenvironmental Appraisal.
6. The application is reported to committee as it falls within the definition of major development.

### PLANNING HISTORY

7. As outlined above this site was formerly utilised as an Aged Persons Home, however, this site

has not been the subject of any other planning applications of relevance to this proposal.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system.
9. Planning Policy Statement 3: Housing sets out the governments policies on housing development. Presumption in favour of development is given for schemes that are on brown field land within existing settlements.
10. Planning Policy Statement 9: Biodiversity and Geological Conservation: sets out planning policies on protection of biodiversity and geological conservation through the planning system.
11. Planning Policy Guidance note 13: Transport sets out the government's policies on transport with particular emphasis on reducing the dependence on the use of the private car.
12. Planning Policy Statement 22 (Renewable Energy) sets out the governments policies on the use of renewable energies

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **REGIONAL POLICY**

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 of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
14. 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 intension. The following policies are considered relevant.
15. Policy 2 (Sustainable Development) sets out that proposals should seek to promote sustainable development through social, economic and environmental objectives.
16. Policy 3 (Climate Change) sets out the regional policy on contributing to the mitigation of climate change and assisting adaptation to the impacts of climate change.
17. Policy 4 (Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
18. Policy 7 (Connectivity and Accessibility) seeks to minimize the need to travel by promoting

public transport, travel plans, cycling and walking. Green Travel Plans are encouraged.

19. Policy 8 (Protecting and Enhancing the Environment) seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.
20. Policy 24 (Delivering Sustainable Communities) seeks to ensure that all development within the Region should be designed and located to deliver sustainable communities.
21. Policy 35 (Flood Risk) requires consideration to be given to the flood risk implications of development proposals.
22. Policy 38 (Sustainable Construction) sets out the regional policy to support sustainable construction in planning proposals.
23. Policy 39 (Renewable Energy Generation) requires at least 10% of the energy requirements of development proposals to be met by decentralized and renewable or low carbon sources.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:  
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

## **LOCAL PLAN POLICY**

24. As this application is located within the former Sedgefield Borough Council area the Local Plan Policies are those 'saved' Policies contained within the Sedgefield Borough Local Plan (1996).
25. Policy D1 General Principles for the Layout and Design of New Developments sets out several key principles for the layout and design of new developments.
26. Policy D2 Design for People requires developments to take account of personal safety and security of property, access needs of users and provision of appropriate facilities such as toilets, baby changing facilities, public seating etc.
27. Policy D3 Designed with pedestrians, cyclists, public transport aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
28. Policy D5 ( Layout of New Housing Developments) sets out principles which should be applied to new housing developments to ensure they provide a safe and pleasant environment in which to live with access routes that are safe and accessible for all users.
29. Policy H19 (Housing for Particular Groups) encourages developers to provide an appropriate variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
30. Policy E15 (Proposals affecting Trees) expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
31. Policy L1 (Provision of Open Space) seeks to ensure that sufficient open space is provided to meet the needs of the former Sedgefield Borough.
32. Policy L2 (Open Space in Housing Developments) sets standards for provision of open space and play facilities within new residential developments.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

33. *Great Aycliffe Town Council* has expressed disappointment that no provision has been made for bungalows within the scheme and has noted local residents concern about the lack of parking provision in this area a situation that would be exacerbated by the additional housing proposed. Apart from those observations the Town Council has no objection to the proposal.
34. *The Environment Agency* has made no comment on this proposal.
35. *Northumbrian Water Limited* has no objection to this proposal.
36. *Police Liaison Officer* has commented that the overall crime risk for this development should be low and the site layout was considered acceptable. It was, however, suggested that security for vehicles would be increased were the garages to be increased in width to a minimum of 3 metres to encourage secure parking with internal fencing being further improved.
37. *Highway Authority* has confirmed that the level of car parking provision within the scheme and highway design is deemed acceptable subject to the new access road and abandonment of the existing vehicular access being carried out under the appropriate highway legislation.

### INTERNAL RESPONSES:

38. *Environmental Health* has no objection to this proposal but has suggested that the applicant submit a noise and dust assessment to safeguard residential amenity during construction works and that working hours during the construction works be restricted. The Geoenvironmental Appraisal submitted with the application has been checked and found to be acceptable.
39. *Design and Conservation* has stated that although this is a prime residential site with good opportunities to redevelop for residential use this scheme was considered to be unacceptable in its present form. It was felt that the layout should be revised so that the layout presents a stronger building line along Shafto Way and reflects the traditional character of the New Town. It was also felt that the house type design should be improved and simplified the layout revised so that more of the existing trees within the site which contribute to the street scene are retained with more planting encouraged in the prominent front garden.
40. *The Landscape Section* has stated that he is unable to support this proposal. Concern has been raised that the layout has taken no regard to the existing trees on site and it is feared that the loss of tree cover proposed would detrimentally affect the visual appearance of the area when viewed from Shafto Way and the adjacent housing. Concern was also raised that the design and layout should be improved to allow greater planting along Shafto Way and to ensure that the mean of enclosure on the prominent frontages be improved.
41. *Tree Officer* objects to this proposal re-iterating those concerns of the Landscape Officer regarding the layout and proposed loss of trees within the site. It was stated that the tree survey undertaken failed to identify the better trees on site so that the layout can be designed to incorporate these into the development.

42. *The Ecology Section* welcomed that an ecological assessment had been undertaken in respect of this proposal. But a number of concerns were originally raised regarding the methodology used for the bat survey works undertaken. Additional information has subsequently been provided satisfying these earlier concerns. No objection is raised although it is recommended that the mitigation detailed within the supporting ecological report be the subject of a planning condition.
43. *The Low Carbon Section* has stated that this scheme would need to satisfy the RSS requirement of 10% renewable energy within this development proposal.

#### **PUBLIC RESPONSES:**

44. This planning application has been advertised via a press notice, the posting of site notices and via direct neighbour notification. As a result one written representation has been received objecting to this proposal.
45. The householder from No. 5 Greathead Close has expressed major concerns regarding the proposed access serving the proposed development. This road lies to the rear of Greathead Close and it has been stated that this is already heavily congested and is potentially dangerous particularly at weekends. It was, therefore, suggested that the development opens out directly onto Shafto Way. If the access is to be taken from the rear of Greathead Close that the road be upgraded to include a pavement on each side of a single carriage road with further designated parking places for the present residents. It was also stated that a number of similar houses are already for sale within Newton Aycliffe and it was suggested that smaller homes suitable for older couples would be more appropriate in this location.

#### **APPLICANTS STATEMENT**

46. This proposal seeks planning consent for the residential redevelopment of the former Shafto House Aged Persons Home. The sustainable location of the site and its position within an existing residential area means that it is considered to be entirely suitable for the proposed residential use.
47. The planning application seeks consent for 19 low-cost family dwellings. Given the site area of 0.41 hectares, 19 dwellings would result in a net density of approximately 46 dwellings per hectare (dph). This density is considered appropriate given the location of the site, the type of housing proposed and the nature of existing adjacent housing.
48. The layout has been designed to ensure that the proposed housing interacts well with adjacent development, whilst also creating an attractive environment within the site itself. The properties on plots 1 to 4, at the junction between Shafto Way and Backhouse Walk, face out of the site across a shared driveway. In conjunction with the two detached dwellings at the site entrance off Backhouse Way, this helps to ensure a good level of integration with the site's surroundings. Within the site, the remaining 15 dwellings are laid out around the internal access road. The majority of dwellings are semi-detached, with dedicated parking facilities for each house.
49. In keeping with the majority of nearby housing, all of the 19 proposed dwellings will be two storeys in height. The separation distances between the proposed and existing dwellings will ensure that the development does not have any detrimental impact on adjacent housing with regard to loss of amenity.
50. The proposed layout seeks to retain as many of the existing trees as possible, particularly along the northern and eastern boundaries between the site and neighbouring properties. In addition,

the majority of the existing hedgerow along the eastern boundary is to be retained and managed. Replacement tree planting will take place around the internal access road, as well as along the main site frontage with Shafto Way.

51. In keeping with the relatively modern New Town design of Newton Aycliffe, it is proposed to use a variety of contemporary house designs within the site. The two-storey dwellings will all have pitched roofs with gable ends, and will be constructed using a traditional palette of materials. The dwellings will use uPVC windows, doors and rainwater goods, with detailing to include canopies over the front doors and soldier brick courses to frame the window openings.
52. The proposed garages will reflect the appearance of the houses, being constructed from matching materials and with traditional pitched-roof design. The gardens will be enclosed with a combination of a kick rail fence for the four properties facing the shared access fronting Shafto Way and a 1.8m wall and vertically boarded fencing. With post and wire fencing used to separate the individual plots.
53. Vehicular access to the site will be taken from Backhouse Walk to the south, which in turn links to Shafto Way. Within the site, a total of 34 designated parking spaces are to be provided within the site, with an additional 4 garage spaces provided. The site is in a highly accessible location, being less than 475m from Newton Aycliffe Town Centre and 300m from the local shopping facilities on Neville Parade.
54. With regard to public transport, the bus stops adjacent to the site provide direct services to Newton Aycliffe Town Centre, as well as Darlington and Bishop Auckland.
55. The proposed development will make use of modern building techniques to ensure that the highest standards of construction are achieved. Through a combination of high quality materials and good levels of insulation, the housing will seek to minimise energy use to at least the levels required by Part L of the Building Regulations.
56. In summary it is maintained that throughout the preparation of the scheme for the regeneration and redevelopment of the former Shafto House site, careful regard has been had to issues of design, access and sustainability. As a result the proposals will serve to create an attractive residential development which will integrate with the surrounding area.
57. That this development will improve the character of the area by providing modern forms of low-cost housing, and redeveloping what is currently a derelict and partly vandalized site. Within this context we consider that the proposals accord with the Government guidance relating to design, since it will deliver an opportunity to improve the character and quality of an area in a manner that would protect the amenity of the existing residential area.
58. The overall aim of the design proposals has been to create a modern, diverse, aesthetically pleasing residential environment where the residents will feel a sense of 'belonging' and this will impact positively on the broader community. Furthermore, as set out in the Statement of Community Involvement, the development has the strong support of the local community.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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59. In assessing the proposals against the requirements of the aforementioned planning policies, and having regard to all material planning considerations the main planning considerations in this case concern the principle of the development, the layout and design of the proposal

including the loss of tree cover, the impacts on the neighbouring properties, access and car parking issues and protected species.

### **Principle of residential development**

59. Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Planning Policy Statement 3 (PPS3) Housing both seek to facilitate and promote sustainable and inclusive patterns of housing development. The key principles include addressing the causes of potential impacts of climate change by encouraging patterns of development which reduce the need for travel and seeking to make best use of limited resources, such as, building housing at higher densities on previously developed land rather than at lower densities on Greenfield sites.
60. These principles are also supported by a range of policies set out within the Regional Spatial Strategy (RSS) Policies 2, 3, 4, 7 and 24 seek to provide a sequential approach to the identification of land for development giving priority to previously developed land and buildings in the most sustainable locations.
61. The application site is well served by a range of retail, leisure, and community facilities available in Newton Aycliffe Town Centre, many of these facilities are in walking distance. This site is also well served by public transport.
62. The redevelopment of this existing brownfield site, bounded by residential development, for residential purposes therefore accords with sustainable development principles set out in both National and Regional Policy.

### **Layout and Design**

63. PPS1 Sustainable Development states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. It is therefore of key importance that new development should be of a high quality of design.
64. These sentiments are re-iterated in Policy 8 of the Regional Spatial Strategy which seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.
65. Policies D1, D5 and SPG 3 of the Local Plan seek to ensure the layout and design of new developments are in keeping with the surrounding area and achieve satisfactory privacy and amenity of the neighbouring residents.
66. The overriding principles of the design policies of the Local Plan requires new housing development to have an attractive appearance, be durable, function well for their users and be designed to relate well to the surroundings of the site and the landscape setting.
67. Although the applicant has been unable to fundamentally revise the initial layout to safeguard the existing planting fronting Shafto Way modifications have been agreed to the layout and house types to present a more defined building line facing onto Shafto Way and provide an active frontage to those houses facing onto Shafto Way and the highway to the rear of Greathead Close. The number of house types proposed within the site has been reduced with those retained being more akin to the style of the existing terraced housing in this area, as suggested by the Design and Conservation Section.
68. The original means of enclosure have also been revised and additional planting incorporated along the frontage of the site to further improve the visual appearance of the proposed

development.

69. Concern has been raised that the proposed layout does not pay sufficient regard to the retention of key trees within the site which contribute to the visual amenity of the site. Whilst the positive contribution that several of the trees make is acknowledged, however, it should be noted that the trees in question are not protected by a Tree Preservation Order and these could be removed at any time. The applicant has stated that to modify the layout to safeguard the four white beam trees fronting Shafto Way would alter the layout to such a degree that this already marginal site would become wholly unviable. It has, however, been suggested that both on and off site planting could in time help compensate for the loss of these trees and make a valued contribution to the street scene of the area. As such, it has been suggested that a commuted sum be provided to the Local Planning Authority to facilitate off site planting. This suggestion is considered to be an acceptable solution which makes best use of this vacant brown field site whilst also helping to ensure a high quality street scene.
70. Notwithstanding the initial concerns of the Design and Conservation and Landscaping Section it is considered that the improvements negotiated in relation to the siting and design of the proposed housing accords with PPS1,PPG3, RSS Policy 8 and Policies D1 and D5 of the Local Plan. It is also felt that the mitigation of the additional tree planting is satisfactory and the benefits arising from the redevelopment of this vacant brownfield site would outweigh these concerns.

### **Access and Car Parking**

71. The access to the site would be taken from the highway to the rear of Greathead Close, this would be a modified version of the access into the existing Aged Persons Home. Four of the properties would be accessed from a shared access fronting Shafto Way, one property would have an individual access whilst the remaining 14 properties would be accessed by a newly constructed internal access road. The access arrangements proposed are deemed acceptable in highway safety terms.
72. The 19 properties would be served by 34 parking spaces and 4 garages and the Highways Authority has confirmed that the on proposed level of on site car parking is satisfactory.
73. The occupiers of 5 Greathead Close have expressed concern regarding this proposal and the impact that this would have on the road to the rear of Greathead Close which is already congested particularly on an evening or weekend. It was therefore, suggested that either the main access be taken from Shafto Way or that additional parking be provided within the Shafto House site to provide car parking for existing residents.
74. Whilst Officers sympathise with the point made regarding on street car parking it should be noted that the Aged Persons Home itself prior to closure would have generated a significant degree of traffic as staff and visitors to the nursing home competed to use the small car park to the rear of the building. It is therefore considered than the proposed residential development which has been purposely designed to meet modern standards of vehicle ownership would be likely to cause less on street car parking to the rear of Greathead Close than the former Aged Persons Home.
75. Although at the time of writing this report the views of the Highway Authority are awaited in terms of the revised layout no objection was raised regarding the access or car parking arrangements in highway safety terms. It was commented that the works required to create the revised access and close up the existing access to the site and new internal road needed to be constructed to adoptable standards and the nearby road markings being repainted were necessary.



76. In conclusion, bearing in mind that the access and car parking provision on site are considered satisfactory by the Highway Authority and the previous use of this site as a 30 bed Aged Persons Home with restricted on site car parking it is considered that on street congestion arising from this proposal would not be so significant so as to justify refusal of this planning permission.

### **Privacy and Amenity**

77. SPG3: Layout of New Development gives general advice which states that gable walls should be located at least 14 metres from the nearest habitable room window and window to window distances should be in excess of 21 metres. These distances are given as guide only and can be adjusted depending on the characteristics of the site.

78. The application site is bounded by housing on three sides with Creighton Crscent to the north, Backhouse Walk to the east and Greathead Close to the south.

79. Although some of the new housing would be closer than the existing Aged Persons the layout of the housing has also been specifically designed to respect the separation distances outlined within the SPG so as to safeguard privacy between the proposed housing and the existing properties.

80. Bearing in mind that the distances involved comply with SPG3 it is considered that this proposal is acceptable and any loss of residential amenity for existing householders would not be significant.

### **Mix of Housing**

81. In order to promote strong and stable communities, PPS3 seeks provision of a wide mix of housing types and tenure which reflect local conditions and that a high quality of design is achieved in higher density developments.

82. The proposed development contains three house types including 2 & 3 bed semi-detached houses and 4 bed detached houses. This type of housing would help further diversify the housing mix in this area where the majority of the adjacent housing is terraced. It has been stated that Gleeson Homes specialise in providing low cost homes for local people and offer a range of incentives to both promote home ownership whilst also utilising legal covenants to ensure that these properties are not purchased speculatively and then sub let to third parties.

83. Although both the Town Council and one local resident suggested that the development would be suitable for Aged Persons accommodation it is considered that the development costs of the site which include the demolition of the existing building together with the reduction in unit numbers required to accommodate the larger foot print required for single storey accommodation would make this scheme unviable.

84. In respect of this application, it is felt that this proposal provides a suitable mix of housing types and sizes which would help diversify the housing stock available within this area and provide modern low cost homes for purchase by local people.

### **Affordable Housing**

85. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for a 20% requirement for affordable housing across the former district of Sedgfield area.

86. However, recent High Court judgments have underlined the need to consider factors such as economic viability in formulating policy targets, in accordance with Government guidance.
87. The applicants have submitted a viability assessment which demonstrated that the inclusion of affordable housing will make their scheme unviable. This has been independently assessed and found to be accurate.

### **Provision of Open Space and Play Areas**

88. Policy L2 of the Borough Local Plan stipulates that housing developments should provide for open space at a minimum rate of 100 sqm of informal play space and 500 sqm of amenity space for every 10 dwellings. Plus a contribution towards the provision of new or improved equipped play areas and outdoor sports facilities to serve the development.
89. PPS3 which is more up to date generally, promotes higher housing densities, and it is rarely possible to meet the standards set out in Policy L2 of the Local plan.
90. To assess the degree of open space that should be provided on this site, due regard has to be given to requirements of PPS3, to current planning policy on open space, and also to the Council's Open Space Needs Assessment (OSNA). Paragraph 16 of PPS3 states that when assessing the design quality of a developer's proposed housing scheme, Local Planning Authorities are to consider the extent to which the proposed development provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
91. Whilst the quantity of open space is important it is also important to take into account the location of the existing open space within this settlement, the accessibility of this open space from the proposed development site and the actual needs arising from the development itself.
92. The application site is located within the Shafto St Marys Ward of Newton Aycliffe close to the common boundary with the Neville and Simpasture Ward. The OSNA has demonstrated that the Shafto St Marys is currently under represented in terms Parks and Gardens, Play Space, Semi Natural Green Space and Allotments. Neville and Simpasture being under represented in terms Parks and Gardens, Semi Natural Green Space and Allotments.
93. In this regard the applicant have acknowledged that the proposal to construct 19 dwellings on site would lead to additional demand on recreation and leisure facilities, however, they also point out that this demand needs to be considered in the context of the former use of the site - Shafto House previously accommodated 30 aged persons.
94. The applicants have, therefore, offered to pay a commuted sum of £19,000 for use in either upgrading existing recreational facilities or providing off site planting within this area.
95. Bearing in mind the under provision of recreational / amenity open space within this part of Newton Aycliffe it is considered that a contribution of a commuted sum by the developer could be put to good use to either create new facilities or to enhance existing facilities within the area which would be beneficial not only the occupants of the new dwellings, but also the existing residents within this area. As such, this proposal is considered to accord with the provisions of Policies L1 and L2 of the Local Plan.

## Impacts on Protected Species

96. As the now vacant Aged Persons Home is to be demolished as part of this proposal it was necessary to consider whether the proposal would have an impact on Bats, which are a species especially protected by law. PPS9 states that Local Planning Authorities need to ensure that developments do not have an adverse impact on protected species.
97. A Reasoned Risk Assessment was submitted with the application so the impacts of the development could be fully assessed and following the submission of additional survey information the Ecology Section are satisfied that the development will not have an adverse impact on any protected species. A condition has been proposed, however, to ensure that the development is carried out in accordance with the mitigation outlined in the risk assessment. This will ensure that the development is carried out in accordance with PPS9.

## Energy Efficiency

98. The applicant has acknowledged the need to reduce energy consumption and make use of embedded renewable energy generation, however, detailed arrangements are yet to be prepared in relation to this particular site. As such, it is recommended that a planning condition be attached requiring the submission of details showing how these measures are to be implemented in accordance with Policy 39 of the RSS.

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## CONCLUSION

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99. It is considered that the proposal will constitute the redevelopment of this existing brownfield site in a highly sustainable location that is well served by a range of retail, leisure and community facilities and public transport. The layout and design of the housing and means of enclosure for the development has been improved over that originally proposed and are now deemed satisfactory as are the means of access and car parking arrangements. The proposal will not have an unacceptable detrimental impact on the amenity of neighbouring properties. A commuted sum facilitated by way of a Section 106 agreement is also to be provided for the provision of off site recreational improvements and landscaping.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions and the applicant entering into a Section 106 Agreement in relation to the payment of a commuted sum to provide off site recreation provision and / or off site planting.

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) Planning Layout -	drwg.no.GH5: L: 01 rev.F (scale 1:500@A3)
(A4) Location Plan -	drwg.no.GH5: LOC: 01 (scale 1:1250@A4)
(A3) Soft Landscaping -	drwg.no.GH5: L: 02 rev.B (scale 1:500@A3)
(A3) Boundary Treatments -	drwg.no.GH5: L: 03 rev.B (scale varies@A3)
(A2) 201 -	drwg.no.201/1(B) (scale 1:100@A2)
(A2) 301 -	drwg.no.301/1(C) (scale 1:100@A2)
(A2) 401 -	drwg.no.401/1(B) (scale 1:100@A2)

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(A3) Single Garage -	drwg.no.SD701	(scale 1:50 &100@A2)
(A3) Twin Garage -	drwg.no.SD702	(scale 1:50 &100@A2)
(A3) Hipped Twin Garage -	drwg.no.SD705	(scale 1:50 &100@A2)

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

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

5 No development shall take place unless in accordance with the mitigation detailed within Section 8 of the Ecological Report (September 2011) including the use of the appended Method Statement submitted with the application including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance and adherence to precautionary working methods.

6. No scrub clearing or tree felling shall be undertaken during the bird breeding season(1 March -31 August inclusive) at any time during the construction phase unless a checking system has been undertaken by qualified ecologist prior to the commencement of works and no active nests are found.

7. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall pass through an oil interceptor designed and constructed in accordance with a scheme to be submitted to and approved in writing by the Local planning authority.

8.The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be implemented prior to the commencement of the development.

9. Notwithstanding the information shown on the submitted plans the development hereby approved shall not be occupied/brought into use until such time as the existing access to the site has been improved in accordance with a scheme to be submitted to and agreed in writing by the Local planning authority.

10. Before the dwellings hereby approved are occupied the garages, hardstandings and drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with

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No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without the prior written agreement of the local planning authority.

No removal of limbs of trees or other tree work shall be carried out unless approval has been sought and granted by the local planning authority.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan, without the prior written approval of the local planning authority. Any agreed works must be undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2005 'Trees in Relation to Construction'

The tree works hereby approved shall be carried out in accordance with BS 3998 : Recommendations (2010).

12. 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 and E of Part 1 of Schedule 2 of the said Order shall be carried out.

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## **REASONS FOR THE RECOMMENDATION**

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88. The proposed residential development would represent the efficient and effective use of previously-developed land in a highly sustainable and accessible location, close to local amenities, public transport and educational facilities. The proposals are of an appropriate design, scale, layout and materials which would not result in significant adverse affects upon the residential amenity, fauna, or detriment to highway safety. As such the proposals are considered to comply with of Policies D1, D2, D3, D5, E15, L1 and L2 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), Policies 2, 3, 4, 7, 8, 24, 38, and 39 of the North East of England Plan - Regional Spatial Strategy to 2021.

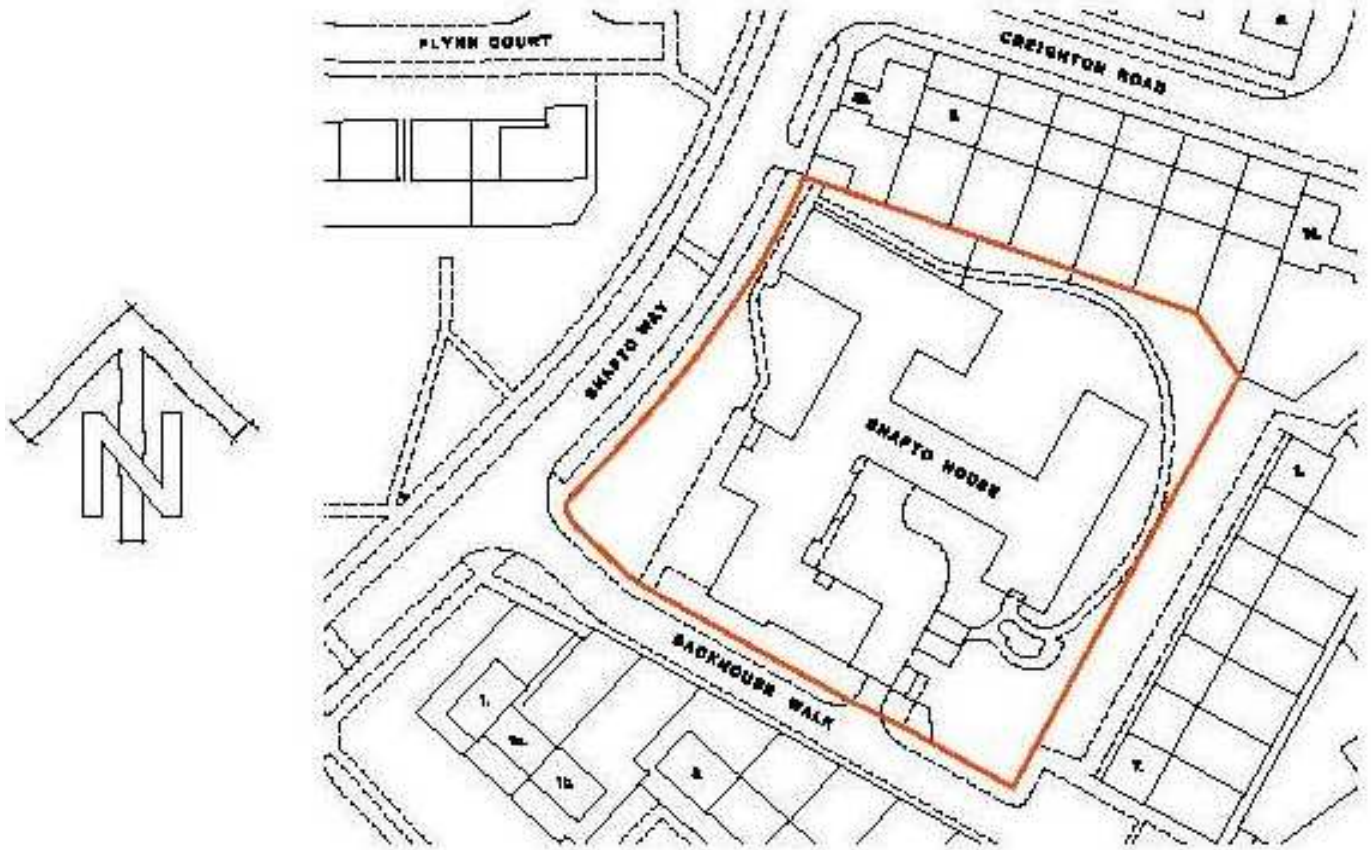
Notwithstanding the concerns raised regarding highway congestion in this area it is considered that the proposed development is satisfactory from a highway viewpoint and that the car parking arrangements would improve upon those conditions arising when the site was previously used as Aged Persons accommodation. The positive benefits of the scheme are, therefore, considered to outweigh any local congestion which may arise.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans and supporting documents
  - Planning Policy Statement / Guidance notes 1,3,9, 13 and 22
  - Regional Spatial Strategy
  - Sedgefield Borough Local Plan 1996
  - Consultation Responses
  - Public Consultation Responses
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Application No:	7/2011/0281/DM
Location:	SHAFTO HOUSE SHAFTO WAY NEWTON AYCLIFFE COUNTY DURHAM DL5 5QR
Proposal:	DEVELOPMENT OF FORMER SHAFTO HOUSE AGED PERSONS HOME TO PROVIDE 19 DWELLINGS

## Planning Services

# COMMITTEE REPORT

### APPEAL DECISION

APPEAL REF: APP/X1355/A/11/2149013

LPA REF: 7/2010/0348/DM

**APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION TO CHANGE THE USE OF AGRICULTURAL LAND TO A TRAVELLERS SITE FOR TWO CARAVANS, TWO TOURING CARAVANS, A MOBILE WASHROOM AND ASSOCIATED VEHICLE PARKING ON A FIELD ADJACENT TO SALTERS LANE, TRIMDON, CO DURHAM**

#### Background

The appeal planning application was referred to Planning Committee on 03 February 2011 at the request of Electoral Divisional Members. Officers recommended that planning permission be given for a 3-year temporary period on a personal basis. However on the balance of considerations, Members resolved to refuse the application for the following reasons:

- 1. While it is accepted that there is an unmet need for accommodation for Gypsy and Traveller families in County Durham, Circular 11/95 'The Use of Conditions in Planning Permissions' advises that temporary planning permission may be justified where it is expected that planning circumstances will change in a particular way at the end of the period of the temporary permission. As there is no reasonable prospect that new sites will become available in either the short or medium term, a time limited consent as suggested by Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' can not be justified in this case.*
- 2. The proposed development would intrude into the open countryside and have a significant detrimental impact upon its character and appearance, contrary to policy H23 of the adopted Sedgfield Borough Local Plan.*

An appeal hearing took place on 26 July 2011, which was attended by officers and Cllr M Dixon (Planning Committee Chair) who made representations on behalf of members.

#### Appeal Decision

The Planning Inspector **allowed** the appeal and granted planning permission for a temporary period of 5 years, subject to a number of conditions including those to mitigate visual impact, ensure adequate visibility at the site access and the provision of adequate services before the use is commenced. The Inspector also amended the application description to increase the scale of the approved development (as described above) based on evidence presented at the appeal.

No costs were awarded to either the appellant or the Local Authority. A copy of the Inspector's decision letter is available for inspection at the Spennymoor Area Office and can also be viewed online on the Planning Inspectorate's website.

#### Main Issues

In arriving at the decision the Inspector considered the following main issues:

- There is no reason to question the applicant's claims that the appellant and her family fall within the definition of gypsies as defined within ODPM Circular 01/2006 (*Planning for Gypsy and traveller caravan sites*).
- Existing draft policies relating to the replacement of Circular 01/2006 and the National Planning Policy Framework (NPPF) carry little weight at this time.
- The appeal site is clearly identified and excludes the adjacent land on which a barn building stands. This is separate issue and cannot influence the Planning Inspector's decision.
- There is a need for approximately 60 sites for Gypsies and Travellers within Durham County as assessed in the 2007 Gypsy and Traveller Accommodation Assessment (GTAA). This need carries significant weight in planning terms.
- It was noted that there were no current plans for new Council sites and that a Development Plan Document (DPD) regarding site allocation was not expected until mid 2014 at the earliest. However, the Inspector disagreed with the Council's conclusions that in light of any policy support, temporary permission would not accord with the advice of Circular 01/2006. He was of the view that the circular encourages the provision of private sites in appropriate locations and the consideration of time limited permissions where there is known need and reasonable prospect of future provision.
- The personal needs of the applicant attract significant weight. Access to healthcare and education would be made easier from a settled location. The appellant and her family have an immediate need for a site, with the Council unable to offer any alternative.
- In terms of landscape impact, the Inspector found that although the proposed development would be of manageable impact, it would be harmful to the character and appearance of the locality, and conflicts with the totality of adopted SBLP Policy H23 in this respect. The development would be seen to add a residential use into a rural area, having a degree of prominence which would result in it appearing incongruous to its setting.
- The Inspector concurred with the views of objectors that the Trimdon landscape was a valuable local asset and the proposed development was perceived to be harmful to this setting. However these concerns were considered to be outweighed by other matters in favour of the development.
- There would be no undue harm to highway safety as a result of the development. Junction visibility can be dealt with by of condition.
- Concerns that sewage could affect groundwaters and the River Skerne are negated by the Environment Agency withdrawing its concerns. The installation of a package treatment plant can be dealt with by of a condition.
- The site is not so remote from services that it should weigh against the proposal.
- The nearby SSSI to the east would not be harmed by the proposal.
- Arguments in favour of permanent permission are less than compelling. In order to allow a period in which new sites would be likely to become available, a 5 year temporary consent would be realistic.
- Dismissal of the appeal would have a disproportionate effect upon the rights of the appellant under Article 8 of the European convention of Human Rights.

## **Conclusion**



The Planning Inspector agreed with many of the points raised by the Council but reached a different conclusion based in particular on the current policy position regarding site allocations and national legislation and guidance. Members are requested to note the decision.

Now that planning permission has been granted, officers will proceed to deal with discharge of conditions issues.

*Report prepared by Mark O'Sullivan, Planning Officer*



APPLICATION NUMBER	7/2010/0348/DM
LOCATION	FIELD AT SALTERS LANE, TRIMDON, CO DURHAM
PROPOSAL	CHANGE OF USE FROM AGRICULTURAL LAND TO TRAVELLERS SITE FOR TWO CARAVANS AND ASSOCIATED VEHICLE PARKING

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