



## Area Planning Committee (South and West)

**Date** Thursday 17 November 2011  
**Time** 2.00 pm  
**Venue** Council Chamber - Council Offices, Spennymoor

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### Business

#### Part A

1. Declarations of Interest
2. Minutes of the Meeting held on 20 October 2011 (Pages 1 - 6)
3. Applications to be determined
  - a) 3/2010/0213 - Fleming Way, Low Willington (Pages 7 - 16)  
Substitution of house types and additional 18 no. properties
  - b) 3/2011/0394 - Plots 1 and 2 Jobson Meadows, Stanley Crook  
(Pages 17 - 24)  
Substitution of house types for plots 1 and 2 of original approval ref:3/2007/0552 from 3 storey dwellings to 2 storey dormer bungalows
  - c) 3/2011/0349 - Land South East of William Street, Auckland Park, Bishop Auckland (Pages 25 - 36)  
Outline application for the erection of 20 dwellings (including 4 affordable bungalows)
  - d) 3/2009/0426 - Former Cemex Concrete Batching Plant, St Helen Way, St Helen Auckland, Bishop Auckland (Pages 37 - 56)  
Proposed redevelopment of former concrete batching plant for the construction of new housing (outline)
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

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

County Hall  
Durham  
9 November 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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**Contact: Jill Errington**

**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 20 October 2011 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chair)**

**Members of the Committee:**

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

**Apologies:**

Apologies for absence were received from Councillors A Hopgood, P Taylor and R Yorke

**Also Present:**

A Inch – Principal Planning Officer

A Glenwright – Highways Officer

**1 Declarations of Interest**

There were no declarations of interest received.

**2 Minutes of the Meeting held on 15 September 2011**

The Minutes of the Meeting held on 15 September 2011 were agreed as a correct record and were signed by the Chair.

**3 Applications to be determined**

**3a 7/2011/0301/DM - Hackworth House, Cheapside, Shildon  
Redevelopment of Former Hackworth House Aged Persons Home to Provide  
19 Dwellings**

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.

He advised that since the report had been prepared the following amendments were proposed to conditions numbered 9 and 11:-

9. 'The development hereby approved shall not be occupied until such time as the existing access to the site has been improved in accordance with the approved drawings referred to in condition 2.'

11. '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.'

E Alder, the applicant was in attendance and responded to a number of questions from Members.

He explained that the underground tunnel shown on the plan displayed as part of the presentation was a railway tunnel situated 29m below ground level. In addition an air shaft was located within the application site which had been capped some years ago. Construction works were to be carried out to safeguard the tunnel and air shaft, in accordance with details provided by Network Rail.

A Member commented that the provision of affordable housing on this site had been considered unviable based on the applicant's own viability assessment. He noted that this had been independently assessed and asked who had carried this out and what criteria was used to determine whether or not the inclusion of affordable homes was viable on development sites.

A Inch advised that the independent assessment was carried out by the Local Planning Authority using a nationally recognised toolkit which was endorsed by the Government. In determining viability the criteria used included the current economic climate and a developer's financial circumstances, however a lot of the information provided was commercially sensitive. A Member acknowledged that some information may be of a commercially sensitive nature but considered that it would be useful for detail on viability assessments to be included in reports. It was suggested that this be raised at the Planning Chairs and Vice-Chairs meeting.

E Alder appreciated the concerns expressed by Members and stated that the provision of affordable housing was at the heart of the company's ethos. However this was a brownfield site which required a lot of remedial works, including asbestos removal, mine shaft works and soil decontamination.

If affordable housing had been a requirement he considered that the land would have had a negative value. However they intended to provide low cost homes for local people, and would try to assist first time buyers by promoting home ownership and offering a range of incentives.

As developers, Gleeson's aim was to promote strong and sustainable communities by providing a mix of low cost housing, and at the request of a Member E Alder outlined the approximate selling prices for each unit type. He continued that they also ensured that properties were not purchased and then sub-let by the use of legal covenants. Sub-letting was a breach of the terms of the mortgage and the developers had successfully taken action against owners in the past.

N Carter, Legal Officer advised the Committee that as there was no planning justification for affordable housing on this site, in reaching their decision, Members should not have regard to issues such as legal covenants, plot sales etc.

Following consideration of the application, Members stated that the proposed development was welcomed, and the Chair thanked E Alder for responding to Members questions.

## **RESOLVED**

That the application be approved subject to

- (i) the conditions outlined in the report, including the following amendments to conditions numbered 9 and 11:-

9. 'The development hereby approved shall not be occupied until such time as the existing access to the site has been improved in accordance with the approved drawings referred to in condition 2.'

11. '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.'

- (ii) 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.

### **3b 7/2011/0281/DM - Shafto House, Shafto Way, Newton Aycliffe Development of former Shafto House Aged Persons Home to Provide 19 Dwellings**

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 presenting his report he advised that as with the previous application the following amendments were proposed to conditions numbered 9 and 11:-

9. 'The development hereby approved shall not be occupied until such time as the existing access to the site has been improved in accordance with the approved drawings referred to in condition 2'.

11. '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.'

A Glenwright, Highways Officer was asked to comment about the revised layout regarding access and car parking, and to respond to the concerns expressed by a resident of Greathead Close in relation to congestion.

He advised that the level of car parking provision within the scheme was deemed to be acceptable. The developers proposed 200% on-site provision which was 50% above current car parking standards for new developments.

In terms of congestion he anticipated that, including the additional 19 new properties, a total of 37 properties could utilise the access onto Shafto Way. Shafto Way was 5 metres wide and was therefore deemed to be acceptable in highway terms. To put this into context he explained that a road width of 4.8 metres was acceptable for up to 100 dwellings.

The Chair also commented that prior to closure the Aged Persons Home may have contributed to congestion as there was only a small car park on site for use by both staff and visitors.

In response to a question, A Inch confirmed that the issues raised by the internal consultees had been discussed with the developers who had taken on board the comments made, and as a result an improved scheme had been secured, details of which were outlined in the report.

With regard to the suggestion by Environmental Health that a noise and dust assessment be submitted by the applicant to safeguard residents, E Adler advised that they had submitted a construction plan with the planning application to mitigate against the potential for nuisance. This plan included a restriction on working hours as requested by Environmental Health. Other measures included a road sweeper and water bowser which would be permanently based on site, and a 'hotline' for residents to use if they had any concerns.

He reiterated the comments of the Principal Planning Officer that the representations made by consultees had been addressed through ongoing discussions. In accordance with planning condition 4 a scheme to minimise energy consumption had been submitted which would achieve at least 10% energy from renewable sources. He added that the average cost of running one of their homes was very low.

A Member commented that this was a much needed development in Newton Aycliffe, particularly in view of the new employment opportunities that were being created in the town.

Following consideration of the application it was

## **RESOLVED**

That the application be approved subject to

- (i) the conditions outlined in the report, including the following amendments to conditions numbered 9 and 11:-

9. 'The development hereby approved shall not be occupied until such time as the existing access to the site has been improved in accordance with the approved drawings referred to in condition 2.'

11. '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.'

- (ii) 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.

#### **4 Appeal Update**

**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**

The Inspector had allowed the appeal.

A Inch (Principal Planning Officer) reported that the Inspector had found that although the proposed development would be of manageable impact, it would be harmful to the character and appearance of the locality. He had 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 the Inspector had determined that these concerns were outweighed by other matters in favour of the development, including the need for sites for Gypsies and Travellers within the County.

He continued that in allowing the appeal the Inspector had imposed 12 conditions and Planning Officers would work closely with the applicants to ensure that these conditions were complied with.

Members discussed the matter at length and referred to the 2007 Gypsy and Traveller Accommodation Assessment which identified that approximately 60 sites were needed across the County. Concern was expressed that new Council sites were not expected to be allocated for some time and Members felt that this should be progressed as a priority.

#### **RESOLVED**

That the information given, be noted and Members' concerns in relation to the provision of Gypsy and Traveller sites be taken on board.

**5 Such other Business as in the opinion of the Chairman, is of sufficient urgency to warrant consideration.**

The Chair reported that Members had been given the opportunity to identify areas of 'blight' within their electoral divisions and were reminded that whilst the official deadline for response had passed, nominations were still being accepted.

**RESOLVED**

That the information given, be noted.





# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	3/2011/0213
<b>FULL APPLICATION DESCRIPTION:</b>	Substitution of house types and additional 18 No. properties
<b>NAME OF APPLICANT:</b>	Mark Richardson
<b>ADDRESS:</b>	Persimmon Homes Teesside Ltd Fleming Way, Willington East, Low Willington, Willington, Crook, DL15 0UB
<b>ELECTORAL DIVISION:</b>	Willington ED
<b>CASE OFFICER:</b>	Chris Baxter chris.baxter@durham.gov.uk 01388 761626

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### DESCRIPTION OF THE SITE AND PROPOSALS

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**SITE:**

1. The application site is currently a building site under construction which is known as Fleming Way in Low Willington. The site was previously Riding Hall Carpets site. There are residential properties to the south and west of the site with Willington Cricket ground to the north west.

**Proposal:**

2. Planning permission is sought for the substitution of house types to the previously approved residential scheme under planning permission 3/2006/0413. The proposals also include the erection of an additional 18 No. properties on the site as the proposals would replace 68 residential units with 86 units. 8 different house types are proposed incorporating 3, 4 and 5 bedroom accommodation. The proposed road layout would remain as approved through previous planning permissions.
3. This application is to be determined at a Planning Committee as the application is classed as a major application proposing 18 new residential properties, along with substitution of house types.

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### PLANNING HISTORY

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4. Planning permission was granted in 2003 for a residential estate of 210 dwellings. In 2006 a substitution of house types application was approved for alterations to house types of the previous approved permission.
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## PLANNING POLICY

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### NATIONAL POLICY:

5. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
6. *Planning Policy Statement 3: Housing (PPS3)* underpins the delivery of the Government's strategic housing policy objectives.
7. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth, particularly where it is within a Local Plan identified centre and below a certain scale. This draft guidance is a material consideration in determining planning applications, and this proposal is considered to be in general conformity with the NPPF.

### REGIONAL PLAN POLICY:

8. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
9. 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 position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.
10. *Policy 2: (Sustainable Development)* seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
11. *Policy 3: (Climate Change)* The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
12. *Policy 7: (Connectivity and Accessibility)* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

13. *Policy 8: (Protecting and Enhancing the Environment)* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
14. *Policy 24: (Delivering Sustainable Communities)* refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
15. *Policy 38: (Sustainable Construction)* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.
16. *Policy 39: (Renewable Energy Generation)* seeks to generate at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.

#### **LOCAL PLAN POLICY:**

17. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the determination of this application:
18. *Policy GD1 (General Development Criteria):* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
19. *Policy H3 (Distribution of Development):* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
20. *Policy H24 (Residential Design Criteria):* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
21. *Policy T1 (General Policy – Highways):* All developments which generate additional traffic will be required to fulfil Policy GD1 and :
  - i) provide adequate access to the developments;
  - ii) not exceed the capacity of the local road network; and
  - iii) be capable of access by public transport networks.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

#### **STATUTORY RESPONSES:**

22. Northumbrian Water: No objections.

23. County Highways Authority: No objections subject to the doors of the garage between plots 50 and 49 being roller shutter type doors.

**INTERNAL CONSULTEE RESPONSES:**

24. None

**PUBLIC RESPONSES:**

25. Neighbouring properties were notified in writing and a site notice was posted. A notice was also placed in the local press. Two letters of objections have been received. The contents of these letters relate to the proposed houses looking cheaper which will devalue surrounding properties and there being no green areas to make the area more pleasing and provide areas for children to play.

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**APPLICANTS STATEMENT**

26. Applicant declined the offer to submit a statement.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Crook Area Office.*

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**PLANNING CONSIDERATIONS AND ASSESSMENT**

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27. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 the development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, visual impact, highway issues and observations/objections.

Principle of development

28. The principle of development for residential on this site has already been established through previous planning permissions. The site is located within the Willington settlement limits which are considered a sustainable location within close distance to shopping facilities and community services. Approximately half of the site has either been completed or is under construction. There is no alteration to the road layout which has previously been approved. The principle of development is accepted and is in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within Planning Policy Statement 3.

Residential amenity

29. Adequate privacy distances are maintained between the proposed properties and existing houses surrounding the site which are in accordance with the criteria detailed in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. It is acknowledged that some properties do not have rear garden depths of 10 metres however in general the overall area of the proposed rear gardens are acceptable and will provide sufficient private and useable amenity areas for future occupiers. Given the separation distances between the properties, there would be no adverse overbearing or overshadowing issues. It is therefore considered that the proposed new dwellings and the substitution of house types would not have an adverse impact on the residential amenities of existing and
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future occupiers of neighbouring properties or the proposed properties. The proposal would not be contrary to the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### Visual impact

30. The proposed properties and the substitution of house types would provide a good range of different properties given 8 house types are proposed. There is also a mix of detached and semi-detached properties which provides a visual mix of properties within the streetscape of the estate. It is accepted that the design details on the rear of the properties are minimal, however the rear of the properties would not be noticeable from the main public vantage points within the street scene. The fronts of the properties provide adequate design details, for example using heads and cills above window and doors; providing canopies above doors. It is considered that the visual appearance of the site would be a typical modern housing estate and the design details incorporated within the properties would make the estate a quality housing development. The proposed development would fit in nicely with the existing estate which is currently under construction. Overall, it is considered that the proposed new dwellings and the substitution of house types would not adversely impact on the visual amenity of the surrounding area. The proposal would be in accordance with policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.

#### Highway issues

31. The road layout has not been altered from previous schemes and the Highways Officer has not objected to this. Garages and driveways are proposed to provide off street parking for each property within the site. The Highways Officer is generally satisfied that the parking arrangements are acceptable however a query has been raised with regards to the triple garage situated between plots 49 and 50. The driveway for this triple garage only measures 5 metres in length. The Highways Officer has commented that a 5 metre driveway length is only acceptable if a roller shutter door is installed. The applicant has confirmed that a roller shutter door would be installed on this triple garage and a condition would be attached to any permission ensuring that a roller shutter door is installed. It is considered that the proposed new dwellings and the substitution of house types would not have a detrimental impact on highway safety and the proposal would accord with policies GD1 and T1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.

#### Observations/objections

32. Two letters of objection have been received to this application. The first comment relates to the proposed house types appearing cheap and thus impacting on valuation of neighbouring properties. It is noted that the valuation of properties is not a material planning consideration. However as discussed in the 'visual impact' section above, it is considered that the proposed house substitutions would not have a detrimental impact on the visual amenity of the area. The second comment relates to the site having no green play areas. It is noted that there were no play areas included within the original planning permission (which could still be implemented) it is considered that it would be difficult to refuse the application on the grounds that there is limited green play area space.

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## CONCLUSION

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33. The application site is within the settlement limits for Willington which is considered a sustainable location within close distance to shops and services. The site also has an extant permission for residential permission which can still be implemented. The principle of development is considered acceptable.
34. The proposals would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties or the proposed properties.
35. The proposed properties would be of a standard which would be in keeping with the existing housing surrounding the site. The design of the properties are of a standard modern housing estate style and would represent a quality residential estate.
36. Adequate off street parking provision is provided within the estate for residents. The proposed highway layout remains as previously approved and therefore no highway safety concerns are raised by the County Highways Authority.
37. Accordingly, it is recommended that this application be approved.

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## RECOMMENDATION

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Recommendation that the application is:

### **APPROVED subject to the following conditions**

#### **Conditions:**

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
RHC/W/SLP/01	Location Plan	14/06/2011
RHC/W/HTS/01 Rev D	Sketch Layout	30/06/2011
A/PL/BurgessE/01	Planning Plans & Elevations	14/06/2011
A/PL/LewisE/01	Planning Plans & Elevations	14/06/2011
A/PL/KeatingE/01	Planning Plans & Elevations	14/06/2011
A/PL/DanbyE/01	Planning Plans & Elevations	14/06/2011
A/PL/PotterE/01	Planning Plans & Elevations	14/06/2011
A/PL/TurnerE/01	Planning Plans & Elevations	14/06/2011
A/PL/HogarthE/01	Planning Plans & Elevations	14/06/2011
A/PL/HilliardE/01	Planning Plans & Elevations	14/06/2011

SD/TSD/05	Standard Detached Double Garage	14/06/2011
SD/TSD/11	2no. Attached Double Garages	14/06/2011
SD/TSD/14	Triple Single Garages	14/06/2011
SD/TSD/08	Standard Single Garage	14/06/2011

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

3. The triple garage between plots 49 and 50 shall be fitted with roller shutter type doors.

*Reason: In the interests of highway safety and in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

4. No development shall take place until samples of the materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

5. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.

*Reason: To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

6. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, an arboriculturalist's report indicating essential tree works to be carried out, and details of trees and hedgerows to be retained together with measures for their protection in the course of the development.

*Reason: To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously 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.

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*Reason: To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

8. All trees and shrubs to be retained on site shall be protected for the duration of construction operations by appropriate protective fencing minimum 1 metre height. Protection to trees should be positioned around the crown spread to prevent any access, disturbance or contamination within the rooting zone.

*Reason: To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

9. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and all works shall be carried out in accordance with such approved details before the buildings hereby approved are first occupied.

*Reason: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

10. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points to the satisfaction of the local planning authority. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.

*Reason: In the interest of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

11. Before the dwellings hereby approved are occupied the garages and hardstandings/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.

*Reason: To ensure that adequate provision is made within the site for vehicles likely to visit it, and maintained to the satisfaction of the local planning authority. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

12. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles for purposes incidental to the enjoyment of the dwellinghouse; no trade or business shall be carried out therein.

*Reason: To safeguard the occupiers of adjacent premises from undue noise, traffic generation or other loss of amenity arising from the use of the proposed garage for trade or business purposes. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

13. No construction activities shall be carried out on the site on any Sunday or Bank



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Holiday or outside the hours of 8.00 a.m. to 6.00 p.m. Mondays to Fridays, 8.00 a.m. to 12 noon Saturdays.

*Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **REASONS FOR THE DECISION**

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- I. The proposal for the creation of 18no. additional properties and the substitution of house type are acceptable in relation to policies GD1, H3, H24 and T1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007 for the following reasons:
- The principle of development has been agreed through previous planning permissions;
  - Residential amenities of existing and future occupiers of neighbouring properties and the host dwellings would not be compromised;
  - There would be no adverse impact on the visual amenity of the surrounding area;
  - Highway safety would not be compromised.

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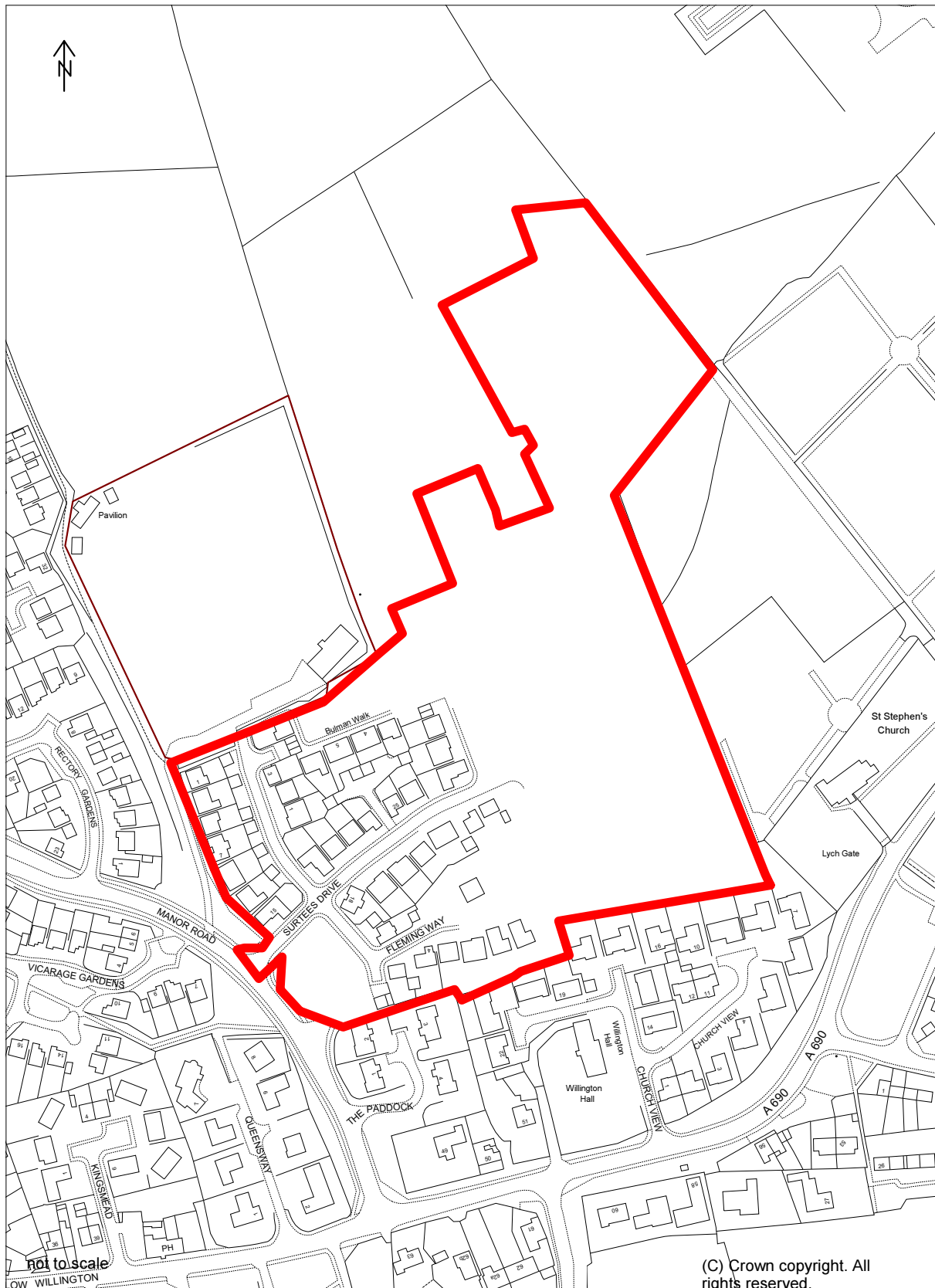
## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3
- Consultation Responses
- Public Consultation Responses



**3/2011/0213 - Substitution of house types and additional 18 No. properties at Fleming Way, Willington East, Low Willington for Persimmon Homes Teesside Ltd**



Not to scale  
LOW WILLINGTON

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## Planning Services

# COMMITTEE REPORT

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### **APPLICATION DETAILS**

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<b>APPLICATION NO:</b>	3/2011/0394
<b>FULL APPLICATION DESCRIPTION:</b>	Substitution of house types for Plots 1 and 2 of original approval ref: 3/2007/0552 from 3 storey dwellings to 2 storey dormer bungalows
<b>NAME OF APPLICANT:</b>	Mr Jack Walker
<b>ADDRESS:</b>	Plots 1 and 2 Jobson Meadows, Stanley, Crook, DL15 9SN
<b>ELECTORAL DIVISION:</b>	Crook North and Tow Law ED
<b>CASE OFFICER:</b>	Chris Baxter (Senior) Planning Officer 01388 761626 chris.baxter@durham.gov.uk

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### **DESCRIPTION OF THE SITE AND PROPOSALS**

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#### The Site

1. The application site is currently laid out as plots on a building site located at Jobson Terrace, Stanley Crook. There are existing residential dwellings situated to the west on High Road and open land is directly to the north. Houses to the east are currently under construction. The access road is immediately to the south of the site with a playground situated beyond.

#### The proposal

2. Planning permission is sought for the substitution of house type to plots 1 and 2 of planning approval 3/2007/0552. It is proposed to substitute a pair of semi-detached two and half storey dwellings for a 2 No. detached dormer bungalows. The proposed bungalows would have a footprint of 11 metres by 9 metres, a height to eaves level measuring 2.8 metres and to the ridge level measuring 7.4 metres. The ground floor would include living room, kitchen/dining area, sunroom, utility and a bedroom. Three bedrooms and a bathroom would be provided at first floor level. The properties would be constructed from Ibstock Hadrian Antique brickwork to the walls and Marley Modern plain grey roof tiles. Upvc windows are proposed for the windows and doors. 1800mm and 1200mm close timber boarded fencing is proposed for boundary treatment along with tarmac and block paving for the hardstanding areas. Detached garages are also proposed for each property which would be situated to the south of the plots.
3. This application is reported to the Planning Committee as the applicant is a relation of an officer of the Regeneration and Economic Development Service.

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## **PLANNING HISTORY**

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4. Outline planning permission (ref: 3/2006/0099) for residential development on this site was granted in April 2006. An application submitted in early 2007 for 8 No. dwellings on the site was withdrawn and subsequently resubmitted for 12 dwellings (ref: 3/2007/0552) and approved in October 2007.
5. Two applications for substitution of house types on plots 11 and 12 were approved in 2010 which involved the substitution of bungalows for two and a half storey houses. Another application which substituted a pair of semi-detached properties for a detached property on plots 7 and 8 was approved at Planning Committee in July 2011.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 3: Housing (PPS3)* underpins the delivery of the Government's strategic housing policy objectives.
8. *Planning Policy Statement 22: Renewable Energy (PPS22)* sets out the Government's policies for renewable energy, which planning authorities should have regard to when taking planning decisions.
9. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development. This draft guidance is a material consideration in determining planning applications.

### **REGIONAL PLANNING POLICY**

10. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
11. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.

12. *Policy 38 (Sustainable Construction)* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.
13. *Policy 39 – (Renewable Energy Generation)* seeks to generate at least 10% of the Region’s consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.

**LOCAL PLAN POLICY:**

14. The following saved policies of the Wear Valley District Local Plan (WVLP) are relevant in the determination of this application:
15. *Policy GD1: General Design Criteria* states that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
16. *Policy H3 (Distribution of Development)*: New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
17. *Policy H24 (Residential Design Criteria)*: New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
18. *Policy T1: Highways – General Policy* states that all developments which generate additional traffic will be required to fulfill policy GD1 and:
  - i) provide adequate access to the developments;
  - ii) not exceed the capacity of the local road network; and
  - iii) be capable of access by public transport networks.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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**STATUTORY RESPONSES:**

19. *Northumbrian Water* has no objections.
20. *County Highways Authority* has no objections.

**INTERNAL CONSULTEE RESPONSES:**

21. *County Ecologist* has no objections.

## PUBLIC RESPONSES:

22. Neighbouring properties have been notified individually in writing on the proposal and a site notice was also posted. No representations have been received.

## APPLICANTS STATEMENT:

23. Declined to submit comments.

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

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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24. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, visual impact, and access/parking issues.

### Principle of development

25. It is acknowledged that the site is located outside the development limits of Stanley Crook. However the principle of development has previously been established through earlier planning permissions which have now been implemented.

### Residential amenity

26. The nearest neighbouring properties to the proposed property would be positioned to the east and west. As the primary windows of the proposed properties would face north and south this would ensure that the residential amenities of these residents would not be adversely affected. Given the size of the proposed dormer bungalows it is considered that neighbouring properties would not be adversely affected in terms of overshadowing and overbearing impacts. Sufficient levels of private amenity space would be created to the rear of the properties. It is considered that the proposals would not compromise residential amenity and would be in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### Visual impact

27. The design details of the dormer bungalows and materials to be used would tie in with neighbouring buildings which would help the proposed properties blend in with their surroundings. An indication of the boundary treatment and hardstanding has been provided within the application but has not been fully detailed on plan. Therefore in order to ensure that the finished details do not compromise the overall development of the street, it is recommended that these are covered by planning conditions.
28. It was stated in the previous committee report for the substitution of house types on plots 7 and 8 that; *'The original planning application ref: 3/2007/0552 for the overall development of 12 plots provided a range of different house types including a mix of semi-detached houses, detached houses and bungalows. There are no longer any bungalows within the development and should Members be minded to grant*

*permission for what is now proposed, there would be only one pair of semi-detached properties within the overall scheme. It is essential that a good range of different house types remains on this development and any future applications for substitution of house types should reflect this.'*

29. Whilst the proposal involves further changes to the scheme originally approved it is considered that the reintroduction of bungalows onto the site would maintain a good range of different house types as part of the overall residential development.

#### Access/parking issues

30. Access to the properties would be taken from the highway to the south of the site. The Highways Officer has raised no objections to the access and parking arrangements. The proposal would therefore accord with Saved policies GD1 and T1 of the Wear Valley District Local Plan.

#### Other matters

31. The previous planning permission 3/2007/0552 had conditions attached in relation to landscaping and renewable energy measures.
32. To ensure that the landscaping proposed on these particular plots matches in with the rest of the development it is considered appropriate to cover this by a landscape condition. PPS1 and PPS3 place an emphasis on achieving sustainable development and there is now a statutory requirement to reduce carbon emissions and promote renewable energy and energy efficiency measures in new development. This is also reflected in policies 38 and 39 of the RSS. A condition is therefore recommended for details of energy efficiency measures within the development to be submitted and agreed by the local planning authority.

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## **CONCLUSION**

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33. The proposed substitution of house type would not compromise the residential amenities of neighbouring occupiers in terms of loss of privacy or overshadowing impacts. In visual terms, the proposed property would not appear out of keeping within the street scene and would blend in with neighbouring dwellings. There are no highway objections and it is considered that the proposed access and parking provision are acceptable. The submission of further details in relation to soft and hard landscaping, boundary treatment and renewable energy measures through the use of planning conditions would ensure that the property is constructed to a suitable standard. The proposal is considered to be in accordance with the relevant saved policies in the Wear Valley District Local Plan and national planning documents.

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## **RECOMMENDATION**

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

#### **Conditions:**

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	23/09/2011
11 46 02	Proposed Housing	23/09/2011
11 46 01 B	Proposed Replacement House Type	23/09/2011

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

3. Before the development hereby approved is commenced, a scheme of hard and soft landscaping, to include details of location and species of planting, and types of surfacing, shall be submitted to and approved in writing by the local planning authority.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

5. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all boundary treatment and means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the dwellings hereby approved are first occupied.

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

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

*Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statement 1 and 3.*



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## **REASONS FOR THE RECOMMENDATION**

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- I. The proposal is acceptable in relation to policies GD1, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, policies 38 and 39 of the RSS and guidance within PPS1, PPS3 and PPS22 for the following reasons:
- Neighbouring amenities would not be adversely compromised.
  - The properties would not appear out of keeping within the street scene.
  - Adequate access and parking provision would be provided.

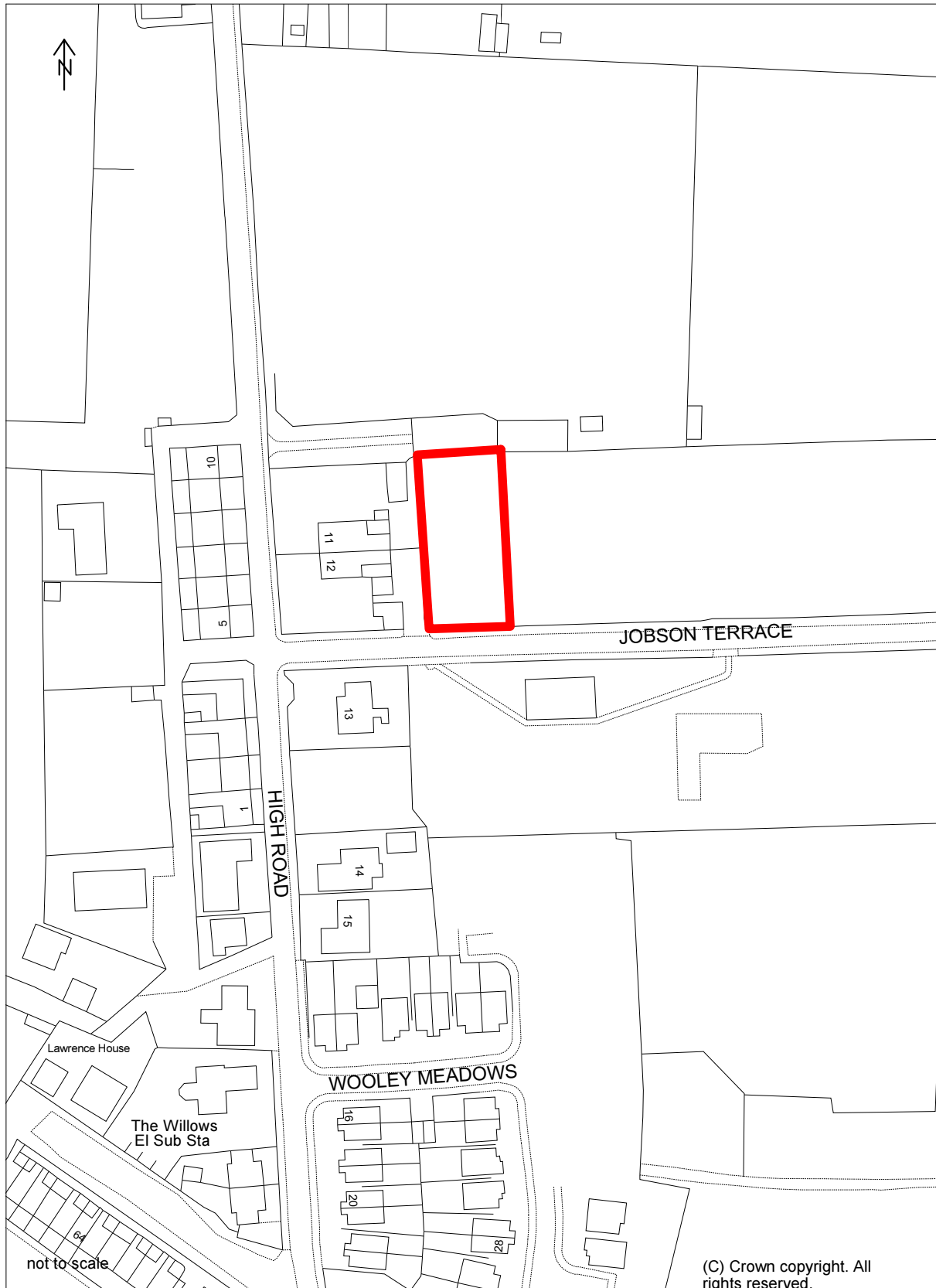
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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements, PPS1, PPS3, PPS22
- Consultation Responses
- Public Consultation Responses

**3/2011/0394 - Substitution of house types for Plots 1 and 2 of original approval ref: 3/2007/0552 from 3 storey dwellings to 2 storey dormer bungalows at Plots 1 and 2 Jobson Meadows, Stanley, Crook for Mr Jack Walker**



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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	3/2011/0349
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for the erection of 20 dwellings (including 4 affordable bungalows)
<b>NAME OF APPLICANT:</b>	Mr J Watson c/o Howson Developments
<b>ADDRESS:</b>	Land south east of William Street, Auckland Park, Bishop Auckland, DL14 8RJ
<b>ELECTORAL DIVISION:</b>	Coundon ED Chris Baxter (Senior) Planning Officer
<b>CASE OFFICER:</b>	01388 761626 chris.baxter@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a rectangular parcel of land (0.65 hectares) situated to the south east of William Street in Auckland Park. The site is currently open grazing land with a stable building located to the south east. The housing development of St. Phillips Close bounds the site to the south west and Morton Close lies to the west. Open fields and grazing land is situated directly to the north. The site borders a further parcel of land used as a paddock to the south east and beyond this, on the opposite side of an unmade road, there is a recently approved housing development which is currently under construction.

#### The proposal

2. Outline planning permission is sought for the erection of 20 dwellings on the site, including 4 affordable bungalows. Access and layout are to be assessed through this application with scale, appearance and landscaping to be reserved for future consideration. Access is to be taken from the road which runs between St. Phillips Close and Morton Close. The layout shows a central estate road with properties on either side or a turning head to the south of the site. Submitted plans indicate that the proposal would provide a mix of 2, 3 and 4 bedroom detached properties.
3. This application is reported to the South West Area Planning Committee as it represents major development.

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## **PLANNING HISTORY**

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4. No specific history relevant to this application site, although a housing development has been previously approved to the south east of the application site. This application was approved in 2010 and is currently under construction.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
6. *Planning Policy Statement 3: Housing (PPS3)* underpins the delivery of the Government's strategic housing policy objectives.
7. *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)* sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
8. *Planning Policy Guidance Note 13: Transport (PPG13)* sets out objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
9. *Planning Policy Statement 22: Renewable Energy (PPS22)* sets out the Government's policies for renewable energy, which planning authorities should have regarded to when taking planning decisions.
10. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development. This draft guidance is a material consideration in determining planning applications.

### **REGIONAL PLANNING POLICY**

11. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.

13. *Policy 2: (Sustainable Development)* seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
14. *Policy 3: (Climate Change)* The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
15. *Policy 4 (Sequential Approach to Development)* seeks to adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations.
16. *Policy 7: (Connectivity and Accessibility)* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
17. *Policy 8: (Protecting and Enhancing the Environment)* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
18. *Policy 24: (Delivering Sustainable Communities)* refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
19. *Policy 38: (Sustainable Construction)* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.
20. *Policy 39: (Renewable Energy Generation)* seeks to generate at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.
21. *Policy 54: (Parking and Travel Plans)* seeks to support the delivery of improved public transport throughout the Region, the promotion of travel plans and the provision and pricing of parking will be essential. Key elements include the marketing of public transport, cycling, walking and car sharing in trying to influence travel behaviour.

**LOCAL PLAN POLICY:**

22. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the determination of this application:
23. *Policy GD1 (General Development Criteria):* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

24. *Policy H3 (Distribution of Development)*: New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
25. *Policy H22 (Community Benefit)*: On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
26. *Policy H24 (Residential Design Criteria)*: New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
27. *Policy T1 (General Policy – Highways)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and:
  - i) provide adequate access to the developments;
  - ii) not exceed the capacity of the local road network; and
  - iii) Be capable of access by public transport networks.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

28. *Environment Agency* has no objections.
29. *Northumbrian Water* has no objections.
30. *County Highways Authority* has stated that the available carriageway width of the unnamed street leading to the application site has recently been increased along its length and a 1.3m wide footway provided on the western side. This was done to improve highway access arrangements for existing residents of William Street on what hitherto was a poorly maintained section of private road.

Whilst it is considered that there are some deficiencies in the connecting access road layout, these are not of overriding concern and some developer funded improvements are intended. Subject to a condition requiring full engineering details no objection is made. However, it is stressed that this access route would be unsuitable to serve any further residential development.

31. *Architectural Liaison Officer (Police)* recommends measures to be incorporated into the scheme which will reduce the opportunity for crime and help create a safer place.

### **INTERNAL CONSULTED RESPONSES:**

32. *County Ecologist* has no objections.
33. *Landscape Section* has no objections.

34. *Planning Policy Team* has no objections as the proposal is not considered to be of a scale which would undermine emerging housing number plans; and the development would consolidate the settlement of Auckland Park.
35. *Sustainability* recommends that the standard 10% renewable energy condition is attached to any permission granted.

**PUBLIC RESPONSES:**

36. The application has been advertised on site, in the press and the closest residents notified in writing.
37. Four letters of objection have been received from local residents raising the following concerns:
  - i) The development has a poor access, and would give rise to loss of privacy issues and that there are legal covenants on the land which restricts buildings being constructed.
  - ii) It has been identified that the site is not within settlement boundary for Dane Valley and is in the countryside. Therefore the proposal is contrary to policy H3 of the Local Plan and also guidance contained within PPS1 and PPS7.
  - iii) There are other more suitable sites which are in more sustainable locations.
  - iv) The neighbouring development site to the south east was approved contrary to officer recommendation, which was believed to have been granted permission as the developer promised low cost housing.
  - v) There used to be housing on the land previously in the 1960's but has been grassed over for over 50 years and is used for grazing land and has green field status.
  - vi) Issues are raised with regards to the lands status within the Strategic Housing Land Availability Assessment (SHLAA) and that the time frame is 11 to 15 years. This time frame suggests that this land is allocated for housing but is in a weaker market and unlikely to deliver housing in the next 10 years.
  - vii) The land is classified as Green Belt.

**APPLICANTS STATEMENT:**

38. The Committee may be aware that this parcel of land sits between housing on three sides, and represents a natural extension of the settlement. We have shown a relatively low key development of 20 dwellings and included within that 4 bungalows that would be available as affordable units. It is likely these would be for elderly people and help to meet the shortage of this type of accommodation in the area. At the moment this is an untidy piece of land and its development would 'round off' housing in the area. Added to this, we are happy to make a contribution of £10,000 towards the delivery of a play area on a piece of land next to the site that I know the parish council have been hoping would be completed for local people in the near future.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### Principle of development

40. This application proposes the residential development of land to the south east of William Street that is outside the defined settlement limits for Dene Valley. In strict planning policy terms the development of the site would conflict with Policy H3 of the Local Plan. It is therefore necessary to establish whether there are any material considerations which justify making a decision other than in accordance with the development plan.
41. It is considered in this case that there are locality specific issues which need to be taken into account, including the presence of new or intended development nearby. A new housing estate has been completed on the western corner of the site (within the settlement limits) and planning permission has been granted for residential development on land to the south east located outside of the settlement limits. These developments have and will change the character and appearance of the locality.
42. When viewed in this context it is not considered that the proposal would harm the scale and form of this part of the settlement, and that modest and appropriately designed dwellings would integrate well with existing pattern of development that is now established
43. In terms of housing numbers, is not considered that a development of 20 units would undermine or prejudice the aims of the emerging County Durham plan if the site is released now. Whilst is acknowledged that the former Wear Valley area is maintaining a 5-year supply of deliverable housing sites in accordance with PPS3, the proposal is not of a scale that would compromise the Council's ability to bring forward other sites, or plan accordingly bearing in mind Bishop Auckland is a main town within the County.
44. It is recognised that sequentially preferable sites located within the settlement boundary were identified within the Strategic Housing Land Availability Assessment (SHLAA). However, the neighbouring site (which is further removed from the settlement boundary) was recently granted consent for housing. It is considered that this site would consolidate the settlement in this location, rather than cause harm. PPS3 places great emphasis on delivery, and this site is available and could achieve housing in the short term in line with this objective.
45. For these reasons, it is considered that the proposal is acceptable in principle and in accordance with guidance contained within Planning Policy Statement 3 and that a departure from policy H3 of the Local Plan can be justified.



## Impact on residential amenity

46. The proposed layout plan shows that there would be adequate separation distances between the proposed properties to ensure that sufficient levels of privacy are achieved. Separation distances of at least 21 metres would be achieved between the proposed properties and the rear of the houses on St. Phillips Close is in accordance with criteria set out in policy H24 of the Local Plan. Given the orientation of the proposed properties in relation to neighbouring dwellings it is considered that no adverse impact would be created in terms of overbearing and overshadowing. Adequate levels of private and useable garden amenity space are provided with each property in terms of residential amenity. The proposal would therefore comply with the aims of saved policies GD1 and H24 of the Wear Valley District Local Plan

## Visual impact

47. The proposed layout would have a linear form which is mainly dictated by the shape and size of the site and would generally reflect the new housing estates which have been developed recently in the immediate area. Although the final design, appearance and scale of the properties is reserved for future consideration, the illustrative plans show two storey properties and bungalows of a modern design that would blend in with neighbouring properties and not appear out of keeping within the street scene.
48. The proposed development is therefore considered to be acceptable in terms of layout and in keeping with the surrounding area and would be in accordance with saved policy GD1 of the Wear Valley District Local Plan.

## Highway issues

49. The proposed internal road layout and car parking provision for the site are considered acceptable.
50. The site is to be accessed via an unnamed access road off the main highway to the south. This has recently been improved following resurfacing works and the introduction of a footpath on one side. There is inadequate width to install a footway on both sides of the road.
51. Despite the lack of a second footpath the Highways Officer has considered that the unnamed road would be acceptable to accommodate additional traffic arising from the development providing that alterations to the southern junction entry radius and removal of the telegraph pole are undertaken. These alterations can be covered through a planning condition, which is recommended accordingly.
52. It is considered that the proposed development would not compromise highway safety and would be in accordance with saved policies GD1 and T1 of the Wear Valley District Local Plan.

## Affordable housing and financial contribution

53. There are no current Local Plan policies that can require the provision of affordable housing units within proposed developments. Nevertheless, the developer in this instance has proposed 20% affordable housing which equates to four bungalows. To ensure that these affordable housing units are provided within the scheme, the developer has agreed to enter into a Section 106 legal agreement which details the delivery of the affordable units. This Section 106 legal agreement also includes a financial contribution which the developer has to pay for the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

## Other Matters

54. Most of the concerns raised by objectors have been covered in the sections above. The land is not Green Belt, although it is classified as greenfield land. The issue raised in relation to legal covenants on the land restricting building works is not a material planning consideration in assessing the merits of the scheme.

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## CONCLUSION

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55. The proposed housing site is not within the settlement boundaries for Dene Valley. However its development would not adversely impact on the overall form of Auckland Park or undermine the deliverability of housing numbers within the area. The site is therefore considered acceptable in principle for a scheme of the size envisaged.
56. From a more detailed perspective the layout demonstrates that adequate separation distances would be achieved between properties. The residential amenities of existing and future occupiers of the proposed properties and neighbouring dwellings would not be adversely compromised.
57. The proposal would be in keeping with the visual amenity of the surrounding and would relate adequately to neighbouring housing that has been permitted in the area.
58. On the basis that improvements are made to the southern junction of the access road, which can be covered by a planning condition, there would be no adverse impacts on highway safety.
59. The developers have agreed to sign up to a Section 106 legal agreement which would ensure that affordable housing provision is incorporated into the development and ensure that financial contribution is provided for provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the applicants first entering into of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) setting out:

- (a) contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
- (b) affordable housing provision.

and the following conditions and reasons;

**Conditions:**

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

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

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
004	Block Plan	01/09/2011
	Proposed Site Plan	01/09/2011

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

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

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

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

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

6. 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 wityhin a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7. Prior to the commencement of development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details.

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

8. Construction works on the site shall be restricted to the hours of 08:00 hrs to 18:00 hrs Monday to Fridays and 08:00 hrs to 13:00 hrs Saturdays. Construction works shall not be undertaken on Sundays and Bank Holidays.

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

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

*Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.*

10. Prior to the commencement of development hereby approved, full highway engineering details for improvements to the access road shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of highway safety in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **REASONS FOR THE RECOMMENDATION**

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- i. The proposal is acceptable in relation to policies GD1, H22, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within PPS1, PPS3 and PPS22 for the following reason:
- The development would consolidate the settlement of Auckland Park without compromising its character and form or the ability to bring forward other housing sites in the area
  - Residential amenities of existing and future occupiers of the proposed development and neighbouring houses would not be adversely affected;
  - Highway safety would not be compromised.

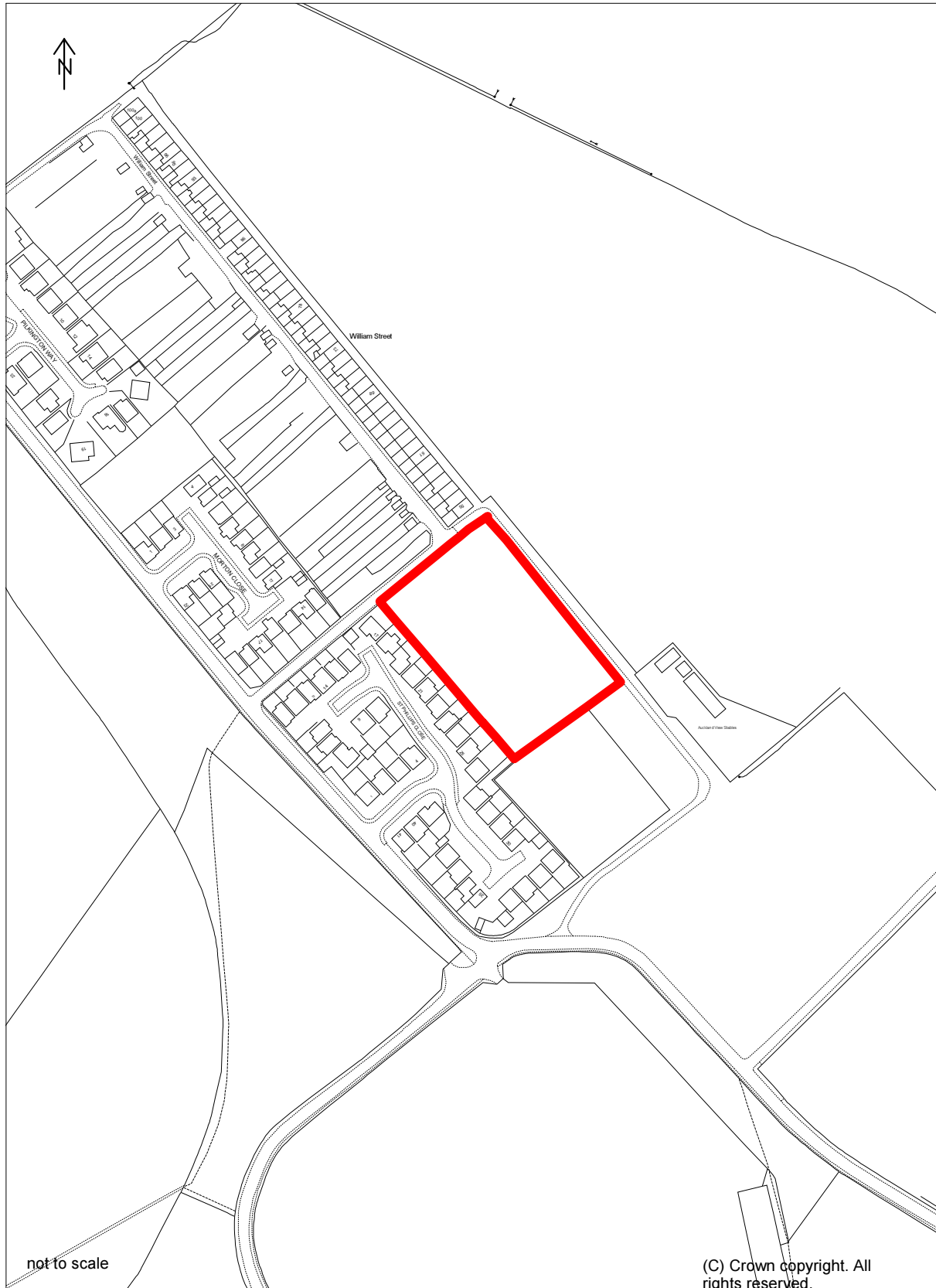
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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS7, PPS22, PPG13
- Consultation Responses
- Public Consultation Responses

**3/2011/0349 - Outline application for the erection of 20 dwellings (including 4 affordable bungalows) at Land south east of William Street, Auckland Park, Bishop Auckland for Howson Developments**



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	3/2009/0426
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed redevelopment of Former Concrete Batching Plant for the construction of new housing (outline)
<b>NAME OF APPLICANT:</b>	Tandum Properties Limited
<b>ADDRESS:</b>	Former Cemex Concrete Batching Plant, St. Helen Way, St. Helen Auckland, Bishop Auckland, DL14 9AJ
<b>ELECTORAL DIVISION:</b>	West Auckland ED
<b>CASE OFFICER:</b>	Chris Baxter (Senior) Planning Officer 01388 761626 chris.baxter@durham.gov.uk

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### BACKGROUND

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1. The South West Area Planning Committee in January 2010 resolved to grant outline planning permission for residential development on the Fomer Cemex Factory at St. Helens Auckland subject to conditions and the signing of a Section 106 Legal Agreement requiring:
  - i) a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
  - ii) a minimum 20% affordable housing provision.
2. The Legal Agreement was never signed and the planning permission has not been issued as the applicant has concluded that the development is not viable in the current economic climate when affordable housing is incorporated into the proposed residential scheme. It has therefore been requested that the Council review the application with a view to removing the requirement for a minimum 20% affordable housing provision. This request is supported by a written justification and viability assessment.
3. The statement argues that the site development costs, including the absorption of the value reduction to allow for 20% affordable housing, creates a position where there would be no value for a developer in the current market situation. It is also considered that there are a range of properties for sale within the local housing market at prices which are lower than the build costs for affordable housing units. The applicant is therefore of the view that there is a strong case to allow market housing to be built on the site, which would also help kick start the construction sector and its many related supply businesses, as well as the retail sector.
4. This matter is being reported to Planning Committee in view of the earlier decision that was taken on the application.

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## CONSULTATION RESPONSES

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### INTERNAL CONSULTEE RESPONSES:

5. *Planning Policy Team* has raised no objections subject to a condition requiring the situation to be reviewed/re-appraised periodically to test whether changing market conditions impact on whether affordable housing can be supported.
6. *Assets Team* has verified the viability assessment and confirm the conclusions that in the current market the scheme is not viable with affordable housing included.

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## PLANNING ASSESSMENT

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7. The key planning consideration is whether the viability of the proposed housing scheme with or without the inclusion of affordable housing has been adequately assessed and takes full account of market constraints.

### Viability

8. The previous committee report (annexed) states that *'in light of the fact that the loss of employment land is under consideration it is important that affordable homes are included'*. This was not disputed by the applicant at the time although the delivery of this requirement has not been possible over a period extending to nearly two years. It is accepted that the housing market has changed in certain areas in the current economic climate in terms of higher construction costs and lower housing prices. Government guidance *Greater Flexibility for Planning Permissions* also intimates that that a pragmatic and supportive approach should be taken to help bring developments forward in the current economic situation.
9. The site is located in an area which has undergone substantial regeneration in recent years, with adjacent housing developments and the nearby retail stores of Tesco's and Sainsbury's. The site contains some derelict buildings that are visually intrusive and its redevelopment would be beneficial to the surrounding area. It is also acknowledged that the site was previously occupied by a cement factory and that extensive remediation work is required in order to bring it into residential use. This can entail costs that are not required on other sites.
10. The viability assessment which has been submitted has been fully considered by the County Assets Team and has been processed through the Council's ProVal viability system. This appraisal system has verified the applicant's assessment that the proposed development is not viable with the inclusion of 20% affordable housing provision because of the extensive site remediation costs. However, it must be noted that officers are disappointed that other potential options and variations for the level of affordable housing provision, such as a lower amount of affordable housing provision, have not been fully reviewed or modelled by the applicant, particularly as this is just as outline scheme where scenarios might change in a detailed scheme and there is no certainty with the build cost.
11. The findings are simply a snap shot of the outline scheme as proposed within the current economic climate. These conditions may change and as the application is for outline planning permission an alternative residential scheme could potentially come forward which may prove to be viable, or the economic climate could change within the lifetime of the consent and the drawing up of a detailed scheme.



12. Should members be minded to remove the immediate requirement for 20% affordable housing provision within the legal agreement it is recommended that this is replaced with a condition in the agreement requiring a periodic review of the viability of the scheme in relation to affordable housing. This would mean that there remains a mechanism to introduce affordable housing into the residential scheme should circumstances change in the future and the appropriate amount would be determined at the time. This is important because the provision of affordable housing was an important consideration in the original resolution to grant permission. There is of course still the potential that if the scheme is brought forward in the near future that there would be no affordable housing provided under this arrangement.
13. No changes are proposed to the financial contribution of £93,900 for the provision and subsequent maintenance of related social, related community and/or recreational facilities in the locality; and there are no other changes to the scheme that was resolved to originally grant permission subject to the S106.

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## **CONCLUSION**

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14. The Council's ProVal viability system confirms the evidence provided by the applicant that if the proposed residential scheme was to be delivered in accordance with the outline proposal, it would not be viable with the inclusion of 20% affordable housing at this time because of the economic climate and the site remediation costs. This does not however take into account any potential reductions in the amount of affordable housing to be provided, and is based on assumptions for an outline scheme as opposed to a detailed scheme where the true build costs would be better known.
15. No other details of the proposed residential application are to be altered and the planning conditions and the commuted sum detailed in the previous report remains.
16. It is recommended that if the provision for 20% affordable housing is removed from the scheme, it should be replaced with a condition set out in the Section 106 Legal Agreement requiring the viability of the scheme in relation to affordable housing to be reviewed periodically.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the applicants first signing a Section 106 legal agreement setting out:

- a) contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
- b) a mechanism for the viability of the site in relation to affordable housing to be reviewed periodically.

And the following conditions and reasons:

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

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

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	OS Sitemap	06/10/2009
01 Rev B	Proposed Site Plan	06/10/2009

*Reason: To define the consent.*

4. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the local planning authority that:

Prior to the commencement of development , the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and

Prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative as agreed in writing by the local planning authority.

*Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.*

5. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved details. The submitted details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 25% will be achieved – the equivalent of Code level 3 of the Code for Sustainable Homes.

*Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.*

6. No development shall take place until a full schedule of all the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Development shall be carried out in accordance with the approved details.

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

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

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

8. Before commencement of development, details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details.

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

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.

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

10. 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 (or occupation of buildings or commencement of use) 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.

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

11. Before the development hereby approved is commenced wheel washing equipment shall be provided at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.

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

12. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the local planning authority, and the buildings hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

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

13. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

*Reason: The water supply system is at capacity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

14. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

*Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25.*

15. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the surrounding industrial/commercial premises has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

*Reason: In order to prevent noise disturbance in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **BACKGROUND PAPERS**

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Previous committee report:

# Planning Services

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	3/2009/0426
FULL APPLICATION DESCRIPTION:	PROPOSED REDEVELOPMENT OF FORMER CONCRETE BATCHING PLANT FOR THE CONSTRUCTION OF NEW HOUSING, FORMER CEMEX CONCRETE BATCHING PLANT, ST. HELEN WAY, ST. HELEN AUCKLAND, BISHOP AUCKLAND, DL14 9AJ
NAME OF APPLICANT:	TANDEM PROPERTIES LIMITED
ELECTORAL DIVISION:	West Auckland Chris Baxter
CASE OFFICER:	chris.baxter@durham.gov.uk 01388 761987

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## DESCRIPTION OF THE SITE AND PROPOSALS

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The application comprises of the former Cemex Concrete Batching Plant situated on St. Helens Way in St. Helens Auckland. The site is allocated in the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 under policy 15 as a General Industrial Site. There is a residential estate (which includes houses on Warner Avenue and Elliot Way) situated directly to the west of the application site. The adopted highway is to the north from which the site is accessed from, and beyond this residential houses are located approximately 50 metres away. There is a community playground to the north west. The bypass is located to the south of the application site. Directly to the east of the site are industrial/commercial units on St. Helens Way industrial estate. There is also a commercial premises situated to the north west between the site and the highway.

Outline planning permission is sought for residential development. The means of access is to be considered in this application with all other matters reserved for future consideration. The proposed access is to utilise the existing access to the site from the north. The proposals incorporate the demolition of the existing units on the site. An indicative layout plan of the site has been submitted which shows the creation of 143 houses, and also includes an area of open space for a children's playground. The design and access statement provides information that the houses will be a mix of 2 and 3 bedroom properties and there will also be a mix of terrace, semi-detached, linked and detached properties. It is envisaged that the properties would be a traditional two storey type with brick walls and tiled roofs.

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## **PLANNING HISTORY**

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The following planning applications relate to this site:

3/1981/0288 – Inflam liquid store – Approved 18/05/1981

3/1981/0515 – Gravel shed – Approved 07/09/1981

3/1981/0657 – Notice board – Approved 11/11/1981

3/1984/0717 – Extension to mould shop – Approved 10/12/1984

3/2002/0501 – Extension of single storey industrial unit – Approved 03/10/2002

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

**Planning Policy Statement 3: Housing (PPS3)** - Underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

**Planning Policy Guidance 4 (PPG4) Industrial, Commercial Development and Small Firms** – Takes a positive approach to the location of new business developments. In considering mixed uses, it is recognised that it may not be appropriate to separate commerce-especially small-scale developments-from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale, which would not adversely affect residential amenity. Planning permission should normally be granted unless there are significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. On speculative development, planning applications should be considered on their land-use planning merits; authorities should not normally seek to investigate whether the developer already has particular prospective purchasers or tenants.

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

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

## REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 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.

**Policy 2 – Sustainable Development:** Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.

**Policy 3 – Climate Change:** Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.

**Policy 4 – The Sequential Approach To Development:** A sequential approach should be adopted for the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations.

**Policy 18 – Employment Land Portfolio:** The appropriate provision of general employment land and key employment locations should be made.

**Policy 38 – Sustainable Construction:** Planning proposals should ensure new developments minimise energy consumption; and encourage and promote buildings to achieve high energy efficiency and minimise consumption in terms of the BREEM rating and the Code for Sustainable Homes.

**Policy 39 – Renewable Energy Generation:** Planning proposals should facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources; aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020; and facilitate the achievement of minimum sub regional targets by 2010.

**Policy 40 – Planning for Renewables:** Plans should support and encourage renewable energy proposals and identify renewable resource areas. In assessing proposals for renewable energy development significant weight should be given to the wider environmental, economic and social benefits arising from higher levels of renewable energy.

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## LOCAL PLAN POLICY:

The following Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 are relevant in the determination of this planning application:

**General Development Criteria (GD1):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

**Distribution of Development (H3):** New development will be directed to those towns and villages best able to support it. Within the limits to development of town and villages, as shown on the Proposals Maps, development will be allowed provided it meets the criteria set down in Policy GD1.

**Community Benefit (H22):** On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

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**Residential Design Criteria (H24):** New residential development and/or redevelopments will be approved in accordance with criteria set out to ensure that proposals are appropriate and safeguard the amenities of the area and residents.

**General Industrial Sites (I5):** Land shown on the Proposals Maps will be reserved and developed as general industrial sites. Proposals for business uses (Class B1), general industry (Class B2) and warehousing and distribution (Class B8) will be permitted provided they fulfil the General Development Criteria.

**Sport and Recreation Target (RL5):** For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on or off site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.

**Highways General Policy (T1):** All developments which generate additional traffic will be required to provide adequate access to the development; not exceed the capacity of the local road network; and be capable of access by public transport networks.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at [www.durham.gov.uk](http://www.durham.gov.uk)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

#### **One North East:**

Full response on file. The consultation concludes that subject to the resolution of any policy, design, environmental and highway issues to the satisfaction of the local planning authority, One North East would raise no objection to the outline planning application.

#### **Northumbrian Water:**

No objections subject to the following conditions:

1. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
2. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

#### **Environment Agency:**

No objections to the proposal.

### **INTERNAL CONSULTEE RESPONSES:**

#### **Forward Plans (Planning Policy):**

The planning policy team support the proposal in principle subject to a legal agreement ensuring that an appropriate level of affordable homes is provided for. The full response is on the planning file however the majority of the comments are included within the 'Planning Considerations and Assessment' section.



**Highways:**

This application is in outline. The layout of the internal road is not to be determined at this time, although means of access is not reserved for future approval. Some alterations will be required to the internal road layout. This can be discussed and conditioned at the reserved matters stage.

It is considered that the proposed site access road must be 5.5 metres in width, not 4.8m as shown. This width, plus two 1.8m wide footways will require that the site access be 9.1m wide. According to the existing site plan (which appears to be 1:500 scale despite being labelled 1:1250) the existing access to be some 9.0m wide. For this reason I consider that an accurate survey plan of the access must be submitted prior to the granting of any permission in order to determine that adequate access can be achieved.

**Ecology:**

Following the submission of a risk assessment, no objections are made.

**Senior Low Carbon Officer:**

The applicant should be aware that building regulations are due to be updated in 2010 and for part L1A this should mean a 25% minimum carbon improvement on 2006 regulations. Whilst it is very much correct that the applicant can apply for a nil rated certificate, Durham County Council would very much encourage the applicant to apply for an assessment to ensure sustainability is embedded throughout the development and not just in terms of energy.

**PUBLIC RESPONSES:**

The neighbouring properties were consulted and a site notice was posted close to the site. A press notice was also placed in the local newspaper. No objections or observation have been received.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durham.gov.uk](http://www.durham.gov.uk)*

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**PLANNING CONSIDERATIONS AND ASSESSMENT**

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The key issues for consideration are:

- Sequential approach to development
- Loss of industrial/employment land
- Highway considerations
- Sustainability and renewable energy
- Affordable housing and community benefit
- Residential amenity
- Design and layout

**Sequential Approach to Development**

Policy 4 of the RSS states that locations for developments should be selected in the following order:

- a. Suitable previously-developed sites and buildings with urban areas, particularly around public transport nodes;
  - b. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
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- c. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
- d. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.

The application site is a disused concrete batching plant and is therefore clearly previously-developed land. The site is located within the settlement limits of Bishop Auckland which is classed as an urban area with easy access to services and community facilities.

The proposed development site is classed as a priority 1 site and is therefore a sequentially preferable location. The proposed development is in accordance with Policy 4 of the RSS and policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

#### Loss of Industrial/Employment Land

The key challenge for County Durham is to ensure a sufficient and appropriate supply of employment land and premises during the Local Development Framework period. The current position in regards to employment land supply in County Durham is contained in the Durham CC Employment Land Review – Draft Final Report dated November 2009 (ELR). The main emerging headline is that there is an over supply of employment land in County Durham with the exception of the A1 and A19 Corridors. This oversupply is evident in respect of office, industrial and warehousing land use. More specifically there is an oversupply of industrial land within the Bishop Auckland market area which includes Spennymoor “...relative to the demand identified which is largely localised in this context...”. Given the potential oversupply any employment sites that could be considered for alternative uses should be those that have constraints in terms of industrial use because for example of adjoining uses.

Turning to the application site itself, the site is currently allocated in Local Plan policy I5 as a General Industrial Site seeking B1, B2 and B8 use. However, PPS3 requires local planning authorities in para. 44 to consider “... whether sites that are currently allocated for industrial or commercial use could be more appropriately re-allocated for housing development.” This is reinforced in RSS para. 3.93 when it states that “PPS3 requires local authorities to consider the redevelopment of ‘unneeded’ employment land for housing.” although it goes on to state that “Employment land is essential for economic prosperity, the renaissance of the Region and in the delivery of sustainable communities. Therefore, whilst housing on previously developed land is important, the re-use of such land for employment is also important.”

It is understood that the former Cemex Concrete Batching Plant scaled down operations about 12 months ago and for the last 8 months the site has been marketed as a concrete batching plant or as an industrial site generally but there have been no interest.

The applicant has submitted an Employment Land Appraisal including a financial appraisal which states that the concrete batching plant cannot economically be adapted to another industrial use. Information submitted seeks to explain the non-viability of the site for continuing industrial use and it states that, given assumptions, further industrial use of the site given the remediation works required would make it unviable.

It is further considered that residential use for the site would be appropriate given that the former Cemex site is bounded on its western side by a fairly recent housing development and an existing residential development to the north. To the east there is a more modern industrial premises that visually provides an edge for the industrial estate. The site boundaries do not appear to have any buffer zones and there is potential for bad neighbour

issues to arise. With this in mind it is considered that at least part of this site may be unsuitable for industrial use especially if any future use were to be similar in nature to the previous use.

### Highway Considerations

The internal estate layout road is reserved for future consideration however it is noted that changes would have to be made to the plan which has been submitted. It is acknowledged at this stage that the internal road layout can be discussed and conditioned at the reserved matters stage.

The Highways Officer has indicated that the site access is required to be 9.1 metres wide. The submitted plans show the access to be 9.0 metres wide. Whilst the Highways Officer raises no objections, he has requested that a condition is imposed for details of the access to be submitted.

### Sustainability and Renewable Energy

Climate change is high on the global agenda and the Government's Climate Change Act 2008 has given a statutory requirement to reduce carbon emissions and sustainability is the overarching aim of all planning policy. In particular PPS1, including the Climate Change Supplement, PPS3, PPG13 and PPS22 all place an emphasis on achieving sustainable development by among other things: promoting sustainable patterns of development, making efficient use of land and securing renewable energy and energy efficiency measures in new development. This theme runs strongly through most RSS policies, but is particularly reinforced in policies 3 and 38. Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 requires new development to be designed to conserve energy. The Code for Sustainable Homes is also now mandatory for all new housing developments.

RSS policy 38 specifically requires all major developments to secure at least 10% of their energy supply from renewable sources and to achieve an appropriate high Code for Sustainable Homes rating. The current Government targets for all new dwellings are to achieve a 25% Dwelling Emissions Rate (DER) saving by 2010 (The equivalent of Code Level 3 of the Code for Sustainable Homes). This will increase to a 44% DER saving by 2013 (level 4) and ultimately Zero Carbon by 2016 (level 6). Code for Sustainable Homes though is about more than just energy efficiency. It also covers water, waste, pollution, health, management and ecology for which credits can be gained in each section.

It would therefore be appropriate to condition that the development should achieve Level 3 of the Code for Sustainable Homes and secure at least 10% of the energy supply from on-site renewable sources. In order to satisfy this requirement the developer will have to submit an assessment of how the proposal will meet 10% renewables.

### Affordable Housing and Community Benefit

In terms of affordability the developer is aiming for low cost high density dwellings. However, this does not mean that there is a specific commitment to affordability in planning terms. In light of the fact that the loss of employment land is under consideration it is important that affordable homes are included in order that such an action can be justified. Based on the County Durham Strategic Housing Market Assessment (2008) it is suggested that in the former Wear Valley District area the Local Authority could seek a minimum of 20% affordable housing provision, with a target that 80% of affordable housing should be social

rented and 20% intermediate housing (as per PPS3 Annex B definitions) as a starting point for negotiation. As part of any agreement it should be noted that there is also a need for larger affordable homes as well as two bed starter homes (as noted in the Wear Valley SHMA). There may need to be a flexibility clause in any section 106 legal agreement to suit the economic conditions of the time if and when a reserved matter application is submitted.

Policy H22 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 states that on sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality. This contribution is usually a financial contribution set at a pro rata rate of £30,000 per hectare which would be secured through a section 106 legal agreement.

It is also noted that policy RL5 of the Local Plan states that for every one hectare of land developed for residential purposes, at least 1300 square metres of land should be made available on or off site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.

Whilst the submitted layout plan does show an element of open space allocated for children's play area, it is noted that the layout is reserved for future consideration, therefore this open space allocation may not be included in a reserved matters application. In this situation it is considered flexibility is required to be written into a legal agreement which reduces the amount of financial contribution required should open space allocation be included within a reserved matters application.

### Residential Amenity

It is noted that this application is in outline and the full details of the proposed housing is not too be finalised however it is considered appropriate given the location that residential amenity is commented on.

There are existing residential properties to the west. The layout plan submitted shows adequate levels of separation distance between the proposed and existing properties. It is considered that sufficient residential amenity can be achieved between the proposed residential estate and the estate to the west.

Industrial units are located directly on the east boundary of the application site. Under general operations from industrial units, a significant amount of noise and disruption can be created. Should residential properties be allowed on the application site, it is important the future residents are protected from industrial noise and disruption and subsequently future businesses should not be put off by the location of residential properties being close to the industrial units. It is therefore recommended that a condition is appropriate in order to provide mitigation measures along the east boundary and part of the north boundary adjacent to the business premises.

It is considered that adequate levels of residential amenity can be achieved through a reserved matters application which will be able to meet the residential criteria set out in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

### Design and Layout

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As stated above, it is understood that the design and layout of the scheme would be considered under a reserved matters application however given a layout plan and description of the type of housing was submitted it is considered appropriate to comment on these issues.

The layout plan shows a ridged and uniformed appearance. The high number of terraced and linked type properties adds to the uniformed appearance and it is suggested that a reserved matters application should seek to overcome this issue to offer a more visually pleasing street scene. The design and access statement included with this application states that the type of houses would be a traditional two storey style and this is welcomed as it would be in keeping with the surrounding residential properties in the area. It is considered that a range of different types of housing should be explored, which would include detached properties. It is also noted that there are few footpath links through the site and this should be taken into consideration when submitting a reserved matters.

Acknowledging that the layout plan submitted with the application is not for consideration in this outline application, it is recognised that an acceptable scheme can be provided which meets the criteria for design and layout set out in policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

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## **CONCLUSION**

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In terms of location, the application site is considered to be sequentially preferable as it is the development of a previously-developed site in a sustainable location situated near to community facilities and services in the urban area of Bishop Auckland.

It is noted that this application is a departure from the Local Plan as it is the development of residential properties on allocated industrial land. An Employment Land Appraisal including a financial appraisal has been submitted with the application. The Bishop Auckland market area is considered to have an oversupply in industrial units at present. The application site does have constraints as it has been marketed for 8 months as business premises with no interest. In physical terms the site stands apart from the industrial estate to the east. On balance it is considered that although the proposal is a departure from the Local Plan, there would be no adverse impacts on the level of employment land in the immediate surrounding area.

A condition is recommended with regards to the means of access to ensure an adequate access is provided into the site.

Conditions are recommended which would ensure the required levels of sustainability and renewable energy requirements within the proposed scheme are brought forward.

Given the loss of industrial land, it is considered necessary to secure affordable housing for this scheme through a section 106 legal agreement. A minimum of 20% affordable housing provision, with a target that 80% of affordable housing should be social rented and 20% intermediate housing would be sought. The section 106 agreement would also incorporate a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality, whether this be through the inclusion of facilities on site or the payment of a financial contribution.

In general it is considered that adequate levels of residential amenity could be achieved through the submission of a reserved matters application. A condition is recommended for

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details of mitigation measures to be submitted to ensure the residential amenity is not adversely affected by activities from the adjacent industrial buildings.

The layout plan submitted with the application and the type of housing proposed is not considered acceptable. However it is noted that this is an outline planning application and these issues would be considered in a reserved matters application.

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## **RECOMMENDATION**

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**That the application be APPROVED subject to the applicants first signing a Section 106 legal agreement setting out:**

- (a) contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and**
- (b) affordable housing provision;**

**and the following conditions and reasons:**

1. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
2. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the local planning authority that:
  - Prior to the commencement of development , the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and
  - Prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative as agreed in writing by the local planning authority.
3. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved details. The submitted details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 25% will be achieved – the equivalent of Code level 3 of the Code for Sustainable Homes.
4. No development shall take place until a full schedule of all the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Development shall be carried out in accordance with the approved details.
5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by

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the Local planning authority. The development shall be undertaken in accordance with the approved details.

6. Before commencement of development, details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details.
7. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.
8. 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 (or occupation of buildings or commencement of use) 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.
9. Before the development hereby approved is commenced wheel washing equipment shall be provided at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.
10. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the local planning authority, and the buildings hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.
11. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
12. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
13. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the surrounding industrial/commercial premises has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

**Reasons:**

1. To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In order to minimise energy consumption and to comply with the aims of the Regional

3. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.
4. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. The water supply system is at capacity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
12. To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25.
13. In order to prevent noise disturbance in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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## **REASONS FOR THE RECOMMENDATION**

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The proposal is in accordance with policies GD1, H3, H22, H24, RL5 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007, policies 2, 3, 4, 38, 39 and 40 of the Regional Spatial Strategy and guidance contained in PPS3, PPG13 and PPS22 and would not conflict with the overall aims of I5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007, policy 18 of Regional Spatial Strategy and PPG4 for the following reasons:

- The site is in a sequentially preferable location as its previously-developed land, within the urban area of Bishop Auckland close to services and community facilities.
  - The loss of allocated industrial land would not compromise the availability of
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employment land within the area.

- The proposal would not compromise highway safety.
- The development would meet current sustainability and renewable energy standards.
- Affordable housing would be accommodated within the scheme along with a contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

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## **BACKGROUND PAPERS**

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



**3/2009/0426 - PROPOSED REDEVELOPMENT OF FORMER CONCRETE BATCHING PLANT FOR THE CONSTRUCTION OF NEW HOUSING, FORMER CEMEX CONCRETE BATCHING PLANT, ST. HELEN WAY, ST. HELEN AUCKLAND – TANDEM PROEPRITIES LIMITED**



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