



Area Planning Committee (South and West)

Date Thursday 20 June 2013
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. The Minutes of the Meeting held on 18 April 2013 (Pages 1 - 4)
4. Declarations of Interest (if any)
5. Applications to be determined
 - a) 6/2013/0026/DM/OP - Land South of HMYOI Deerbolt, Startforth Park, Barnard Castle (Pages 5 - 22)
Outline application for residential development (all matters reserved except for access)
 - b) 3/2012/0134 - Former Fire Station, Watling Road, Bishop Auckland (Pages 23 - 34)
Erection of health centre with pharmacy and associated parking and landscaping
 - c) 7/2012/0397 - Land East of Bradbury Services, Bradbury (Pages 35 - 50)
Veterinary hospital and associated works including access and landscaping
 - d) 3/2013/0074 - Units 5 and 8 Teescraft Engineering, Longfield Road, South Church Enterprise Park, Bishop Auckland (Pages 51 - 58)
Two single storey extensions to northern elevation

- e) 6/2010/0188/DM - Land West of Victoria Cottages, Butterknowle, Bishop Auckland (Pages 59 - 82)

Outline application with some matters reserved for the erection of 12no. dwellings

- f) 3/2013/0060 - Land at East End, Stanhope (Pages 83 - 96)

23no. affordable dwellings including landscaping and access

6. Appeal Updates (Pages 97 - 102)

7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
12 June 2013

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

Councillor M Dixon (Chairman)
Councillor J Buckham (Vice-Chairman)

Councillors L Armstrong, D Boyes, J Clare, K Davidson,
E Huntington, S Morrison, G Mowbray, H Nicholson, G Richardson,
L Taylor, R Todd, C Wilson and S Zair

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 18 April 2013 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

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

Apologies:

Apologies for absence were received from Councillors D Burn, G Holland and M Williams

Also Present:

A Caines – Principal Planning Officer
A Inch – Principal Planning Officer
N Carter – Legal Officer
D Stewart – Highways Officer

1 Declarations of Interest (if any)

6/2013/0028/DM – Teesdale Barnard Castle Club Site, Lartington Lane, Barnard Castle

Councillor Davidson stated that he was a member of the Caravan Club and was advised by the Legal Officer that this was not a registerable or non-registerable interest and he was able to take part in the discussion and decision.

2 Minutes

The Minutes of the meeting held on 21 March 2013 were confirmed as a correct record and were signed by the Chair.

3 Applications to be determined

3a 6/2013/0028/DM - Teesdale Barnard Castle Caravan Club Site, Lartington Lane, Barnard Castle

The Committee considered a report of the Principal Planning Officer regarding an application for the extension to Teesdale Barnard Castle Caravan Club site to provide 54 new pitches, erection of toilet block and associated infrastructure (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier that day and were familiar with the location and setting.

In presenting the report the Officer advised that condition 12 should be removed as the works to lay the geosynthetic overlay matting on the highway verge of the B6277 had already been paid for and programmed to be carried out by the Council in the week commencing 28 May 2013.

Councillor R Bell, local Member was not in attendance but had provided detailed representations against the application. In summary the local Member's main concerns were about the further intrusion into open countryside, the impact on other existing caravan sites and the safety of pedestrians on the B6277 to and from Barnard Castle. He also questioned the figures submitted by the applicant in relation to the benefit to the local economy, and the lack of information on the need for additional sites within Teesdale. A copy of Councillor Bell's full submission was circulated to Members, Officers and the objectors for consideration (for copy see file of Minutes).

Ian Jerred spoke on behalf of Lartington Parish Council against the application. The Parish Council's objections related to road safety, the effect on the natural and historic landscape and the level of economic benefits claimed by the Caravan Club.

Road safety issues were of concern not only to the local County Councillor, Cotherstone Parish Council and the residents of Eggleston, Startforth and Brignall, but also to the users of the site. There were a number of reviews on the Caravan Club's website about the dangers the road posed for pedestrians and also from traffic backing up onto the highway. The Parish Council acknowledged the commitment to improve the verge but it was narrow in many places, there were blind corners, narrow bridges and awkward crossing points.

The Parish Council also regretted the further loss of land of high landscape value and were concerned about the impact of the development on the rich heritage of the area, an area described as "an important historic landscape that provided a notable gateway to the upper dales of Teesdale and the AONB." The location of the existing site adjacent to an important tourist route into Teesdale was already detrimental to the quality of the landscape and its tranquillity, and further development would make the situation worse.

In terms of economic benefits the Parish Council believed that the £3.2m annual benefit to the local economy claimed by the applicant could not be substantiated. Whilst there would be some benefit to local shops, catering outlets, tourist venues and transport providers, the Parish Council did not believe that they would be as great as promised.

Mr N Hammond, local resident reiterated the views expressed by the local Member and the Parish Council. He considered that the figures provided by the Caravan Club in terms of economic benefit were largely anecdotal and based on poor and little site specific information. Whilst there would be some benefit to the local economy much of this would be accrued to the applicant. Lartington and

Cotherstone already had well established locally owned caravan sites which were well positioned and away from roads and public view. The proposed 56 new pitches would affect the income of these sites.

If approved the site would effectively create a settlement greater in size and larger in population than Lartington village, with minimal screening immediately adjacent to the main road into Teesdale.

Mr Hammond continued that he was concerned with the comments in the report relating to the setting of designated heritage assets and impacts on archaeological remains which he believed were contrary to the NPPF and Planning Policy. The archaeological assessment was inadequate and the applicant should be required to provide the results of a trial excavation. The proposals were inconsistent with an application at a caravan site at Bolam when an appropriate condition had been attached. If the application was approved he asked that Planning Officers give consideration to including a condition requiring archaeological works.

To conclude he stated that residents had been consulted on a Parish Plan for Lartington in 2005. At the time residents and their families had expressed the view that they did not want new or drastically enlarged caravan sites.

D Stewart, Highways Officer responded to the concerns expressed in relation to road safety. Whilst he acknowledged the observations made about the safety of pedestrians walking to and from Barnard Castle, in highway terms it was considered proportionate to reinforce the highway verge with geosynthetic matting. Concerns expressed in relation to traffic queuing back onto the B6277 would be addressed by the proposed improvements to the existing site entrance.

The Principal Planning Officer addressed the comments made in relation to the impact on heritage assets. The application accorded with paragraph 128 of the NPPF and had been accompanied by a desk based archaeological assessment. The site was likely to consist of a historic field system with some identified earthworks linked to ridge and furrow, however these were not as pronounced or of the same quality as those within Lartington Hall's parkland. This had been evident on the Member's site visit earlier that day. The application was an extension to an existing site which had not been subject to such a stringent archaeological assessment. It would therefore not be proportionate to request further archaeological works.

In deliberating the application Councillor Richardson concurred with the views of the Parish Council stating that the B6277 was an extremely fast and dangerous road. If approved the application would also have a detrimental impact on other local caravan site businesses.

Councillor Dixon referred to the recent report by Lord Adonis which highlighted the need to promote tourism in the North East. It was pleasing to note that there were a number of caravans on the site mid-week and that the site was well-maintained and well-screened. This was the type of facility needed to encourage tourism. Should there be a need for archaeological works in future these could be carried out with minimal intrusion. The extension to the site would create additional employment

and the concerns in relation to road safety had been addressed by the Highways Officer.

Councillor Campbell supported Councillor Dixon's views in relation to supporting tourism in the area. In his submission Councillor Bell had made reference to the impact on existing local businesses but there had been no evidence provided to support this, nor had the other caravan sites offered any objections.

Having listened to the representations made by the local Member, objectors and Officers, Councillor Davidson stated that in his experience visitors to the caravan site would purchase their supplies from the local area. The Caravan Club had 375,000 members and as a listed Club site a lot of extra business would be brought into the area. He also felt that the views of the Highways Officer should be taken into account.

Following discussion it was **Resolved:**

That the application be approved subject to the conditions outlined in the report with condition 12 being removed.

3b 7/2013/0087/DM - Former Tetley Distribution Depot, Unit N791, Grindon Way, Aycliffe Industrial Estate, Newton Aycliffe

The Committee considered a report of the Principal Planning Officer regarding an application for the change of use from general storage (B8) to general industrial use (B2) including external alterations and the formation of new access (for copy see file of Minutes).

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

In discussing the application Councillor Dixon who was a local Member in the neighbouring division welcomed the proposals and congratulated the applicants on their increased productivity. He noted the comments of Great Aycliffe Town Council in relation to landscaping but agreed with Officers that existing planting already existed in the location and it was not necessary to include any additional landscaping measures.

Councillor Wilkinson also welcomed the proposal stating that it would bring an empty factory unit back into use and Councillor Boyes added that it was pleasing that staff numbers had grown from 5 to 68 since 2008.

Resolved:

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

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0026/DM/OP
FULL APPLICATION DESCRIPTION:	Outline application for residential development (all matters reserved except for access)
NAME OF APPLICANT:	Ministry of Justice
SITE ADDRESS:	Land south of HMYOI Deerbolt, Startforth Park, Barnard Castle, County Durham
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Chris Baxter 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 2.6 hectares and is located to the south of Her Majesty's Young Offenders Institute (HMYOI) Deerbolt in Startforth Park at Barnard Castle. The boundary of the Deerbolt site is directly to the north with an existing residential estate to the west and the A67 Bowes Road to the south. Agricultural fields are located beyond the A67. The residential estate to the west was formerly Prison Officer accommodation but is now in private ownership. This residential estate is accessed via a road which runs through the application site. Part of the site is brownfield land as there are some existing buildings on the site, but they are proposed to be demolished as part of the development. The site falls just beyond the development limits for Barnard Castle as defined in the Teesdale Local Plan and is located within an Area of High Landscape Value.

The Proposal

2. Outline planning permission is sought for residential development of approximately 75 dwellings with all matters reserved for future consideration with the exception of access, which is to be considered under this application. The existing access road is proposed to be utilised as the access into the development. The access is proposed to be improved to increase the visibility splays.
3. The application is supported by various documents and assessments including an indicative masterplan which shows how the general layout of the site can be mapped out to accommodate 75 dwellings and a recreation area. The masterplan shows a main spine road running through the site linking the A67 with the existing residential estate to the west. Residential properties would be located either side of the spine road with landscape and recreation areas mixed

with the housing. The masterplan shows substantial landscaping treatment along the north boundary of the site with the Deerbolt complex.

4. This application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

5. There is no recent planning history on this site relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. The NPPF emphasises that housing applications should be considered in the context of the presumption in favour of sustainable development and proposals should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, while also recognising that good design is a key aspect of sustainable development and is indivisible from good planning.

LOCAL PLAN POLICY:

8. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:
 - *Policy GD1 (General Development Criteria)*
 - *Policy ENV1 (Protection of the Countryside)*
 - *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value)*
 - *Policy ENV15 (Development Affecting Flood Risk)*
 - *Policy H1A (Open Spaces Within Developments)*
 - *Policy H12 (Design)*
 - *Policy H14 (Provision of Affordable Housing within Developments)*

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

9. *Coal Authority* has not raised any objections.
10. *Highways Authority* is satisfied that the highway network external to the site can accommodate the estimated net generated traffic. To serve the proposed dwellings the internal road system will have to be improved to an adoptable standard including widening and new footway, and bus turning facility, etc.
11. *Environment Agency* has no objections to the proposals providing conditions are attached ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment; and a scheme is submitted which provides a buffer zone around the watercourse.
12. *Startforth Parish Council* has not raised any objections.
13. *Barnard Castle Town Council* has indicated that no objections are raised. Points have been raised requesting that the existing highway for Startforth Park should be fully adopted; consideration should be given to the provision of bungalows; 30% of the proposed dwellings should be affordable; and acknowledgement that there is a lack of public transport services in the area.

INTERNAL CONSULTEE RESPONSES:

14. *County Spatial Policy Team* has recommended that the proposal is given support as a departure to the Teesdale District Local Plan as the scheme meets the requirements of the current and emerging planning policy framework and to paragraph 54 of the NPPF with the provision of market and affordable housing units. The application also consolidates the built up form of the settlement in respect to the current divorced residential estate.
15. *County Ecology Section* raises no objections to the proposed development. A condition is requested for the mitigation methods within the ecology survey to be adhered to.
16. *County Sustainability Section* have stated that consideration should be given to additional provision and/or additional investment to bus services which currently score poorly in relation to frequency of service and linkage to main centres, and a condition should be imposed ensuring that a scheme to minimise energy consumption is submitted.
17. *County Design and Conservation* have indicated that there are no designated and non designated heritage assets identified within the proposed site boundary, but the site, given its position alongside the A67 Bowes Road can be considered to be within the setting of the designated Barnard Castle Conservation Area and also the setting of the scheduled monument of Barnard Castle. As the scheme is yet to be fully designed it is not possible to fully consider its impact at present. Through the appropriate and creative use of quality design it is considered that

any impact can be appropriately mitigated and this should be addressed in any future detailed application.

18. *County Landscape Section* has not raised any objections. The invitation to comment at this stage is an opportunity to emphasise the importance of providing generous and robust landscaping along the A67 frontage. The building line shown on the masterplan is currently too close to the Bowes Road and it is recommended that 5 metre building re-alignment is made with the retention of the mature birch trees.

19. *County Public Transport Section* has indicated that the level of housing proposed would require improvements to local bus services serving the site. These improvements would have to include the following requirements:

- Increase of bus services on school days, afternoons and Saturdays;
- Introduction of a formal bus turning area and bus shelter within the site;
- New bus stop on the A67 westbound.

20. *County Tree Officer* has raised no objections.

21. *County Public Rights of Way Section* has not raised any objections.

22. *County Archaeology Section* has not raised any objections to the principle of development.

23. *County Education Section* has not raised any objections.

PUBLIC RESPONSES:

24. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 12 letters of objection have been received. A petition with 45 signatures has also been received from the Startforth Park Residents Association objecting to the proposals.

25. Concerns have been raised with regards to highway issues, including that the access would be dangerous with the increase in traffic resulting from the proposed development. The bus service is currently poor and the potential bus turning area would replace some of the open space recreational area. It has been questioned whether access will be maintained during construction and also concerns are raised over there being no access for emergency vehicles. A number of objectors have also requested that the existing estate road within Startforth Park should be fully adopted.

26. There are other concerns that there could be security and noise issues with residential properties being close to the HMYOI and also concerns about the impact of the development on existing residential properties in term of loss of privacy, loss of light and restriction of access to neighbours' boundaries.

27. One objection considers the development would not protect and enhance the natural and historic environment and would not preserve the quality and character of the countryside and existing communities.

28. Issues have been raised in relation to the lack of infrastructure to support the development, which includes the lack of employment opportunities in Barnard Castle, the lack of utility services in and around the application site, and whether there is sufficient capacity in local schools to accommodate the development.
29. Flooding and surface water run off concerns have been raised and the loss of the open space and recreational land is considered unacceptable.
30. Questions have been raised about the demand for new housing and whether a retail supermarket would be more beneficial on this site.
31. Although devaluation of existing properties has been raised by a number of objectors, this is not a material planning consideration to which weight can be afforded in the determination of the application.

APPLICANTS STATEMENT:

32. This outline planning application has a close correlation with national and local planning guidance.
33. The application site is very well related to the surrounding areas of Barnard Castle and Startforth and associated services and amenities. The site is situated in a sustainable location with local services and community facilities being readily accessible by sustainable modes of transport.
34. The scheme has been informed by consultation with both the community and wider important stakeholders, wherever possible the views of the community have been listened to and responded to in the proposals.
35. It is considered by the Ministry of Justice that this application and its supporting documents provide evidence that the site can be developed without any demonstrable harm to issues of acknowledged importance but at the same time provide a high quality residential development that has a high regard for the existing pattern and character of development.
36. This site has an extensive positive planning context, from which it is possible to summarise that this site:
 - Represents a suitable option for the re-use of a previously developed (brownfield) site where the proposals are not constrained by any identified Transport, Flood Risk, Ground Contamination, Arboricultural, Archaeological or Ecological issues;
 - Presents a suitable location for residential development well related to the wider built framework / development limits;
 - Is situated in a sustainable location;
 - Presents an acceptable opportunity for the development of approximately 75 new dwellings, as recognised by the emerging County Durham Plan;
 - Provides the opportunity to deliver a significant proportion of affordable housing stock to the Town;
 - Secures the long term retention of a recreation area for the local community;

- Provides the opportunity to support public transport provision in the area through support to an existing bus service and the inclusion of a bus turning area within the site;
- Has been identified as suitable for residential development in a previously published Urban Capacity Study;
- Represents a recognised and supported development by Barnard Castle Vision; and,
- Has been identified as suitable in the latest review of the SHLAA document.

37. In accordance with the guidance prescribed by the National Planning Policy Framework, where proposals accord with wider development plan policies accordingly planning permission should be granted for development “without delay”. It is concluded that in terms of the application site, this presumption should apply and permission should be granted with appropriate conditions.

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/FA>

PLANNING CONSIDERATIONS AND ASSESSMENT

38. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site, highway and access issues, affordable housing and section 106 contributions, impact on the surrounding area and other issues.

Principle of residential development of the site

39. The site lies outside of the settlement boundary of Barnard Castle as defined in the Teesdale District Local Plan and as a result, the proposal is for residential development in the countryside, contrary to Policies H3 and ENV1 of the Teesdale Local Plan. The proposal is therefore a departure to the Teesdale District Local Plan and consequently, for this application to be considered favourably, there will need to be other material considerations which override the normal presumption against development outside of the settlement envelope.

40. The NPPF is an important material consideration in the determination of this application. The NPPF seeks to significantly boost the supply of housing and local planning authority’s are expected to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities which meet local requirements and demand. In this respect, the development of new homes within the Barnard Castle area, which is identified by the Council as an area for growth, would help to sustain the vitality and viability of Barnard Castle as the main town in the west of the County.

41. The NPPF in paras.14 and 49 highlights that there is a presumption in favour of sustainable development. With regards to housing delivery, Para 47 states that Local Planning Authorities should maintain a five year housing land supply, as

well as a 5% buffer to ensure choice and competition. It further recommends that a buffer of 20% should be maintained where there is a record of persistent under delivery.

42. The application site is included in the 'Preferred Options' of the emerging County Durham Plan as a housing allocation to accommodate 75 dwellings. The County Durham Plan is unlikely to be adopted before 2014 and whilst significant material weight cannot be attributed to the Plan in view of its current status, it nevertheless indicates that the Council has agreed in principle to the concept of residential development on the site and that the dwellings proposed would play a strategic role in contributing to the Council's identified 5 year housing supply.
43. In a difficult economic climate, the contribution of the development to identified local needs would be material to the consideration of the proposal, as this might present an opportunity to facilitate the delivery of a range of benefits that would otherwise not be delivered. In this case, it is considered that the proposed development would help to meet current housing needs and contribute to improved facilities in the locality, while also helping the economy with related construction jobs. The proposal would also offer improved bus services, and consolidated recreational areas. In addition, 25% of the dwellings to be constructed on the site would constitute affordable housing, in accordance with the current Strategic Housing Market Assessment (SHMA) requirement.
44. There has been some local objection, nevertheless, many of these concerns are related to specific details of the proposals which either have been or can be addressed through the detailed design of the scheme.
45. Locationally, the site can be considered detached from the main area of Barnard Castle because of the geographical terrain. However the shops and services in Barnard Castle are just 1 mile walking/cycling distance from the application site, and Barnard Castle and the surrounding area offers a wide range of services, facilities and employment. There are currently bus services which serve this area however, the Public Transport Section have identified a need for improvements as a result of this proposal. Accordingly, there is a developer commitment to provide improved bus services to the site to help make the development more sustainable, which would be covered in a proposed Section 106 agreement. In physical terms, with the existing Startforth Park housing estate to the west of the site and the HMYOI to the north, in addition to being partly previously developed, the proposals would not encroach into the open countryside and would consolidate the existing built environment in the Startforth area. The site is therefore considered to be a sustainable location for the scale of development proposed and accords with the aims of the NPPF to promote sustainable patterns of development.
46. Given the above, and subject to addressing detailed issues and concerns that are discussed below, it is considered that the proposal would offer benefits that would justify a departure from Policies H3 and ENV1 of the Teesdale Local Plan, and would accord with the aims of the NPPF to promote sustainable patterns of development.

Highway and access issues

47. The capacity of the local road network and the safety of the site access have been questioned by several objectors. The County Highways Authority has considered these issues along with the supporting transport statement and has concluded that the existing highway network can adequately accommodate the proposed development and the extra traffic which would be generated. The access into the site is proposed to be improved and widened allowing for improved visibility splays. The Highways Authority have raised no objections to the proposed access improvements and therefore it is considered that the matter of access would be acceptable and would not compromise highway safety.
48. As the application is submitted in outline there are no specific details in terms of estate layout, adoption, parking etc; and these would be dealt with at a reserved matters stage. The illustrative masterplan shows a spine road running through the site which would also access the existing Startforth Park housing estate, as it does at present. This road would be made to adoptable standard however the highway adoption would stop at the entrance to the Startforth Park estate. Residents of the Startforth Park estate have requested that their estate roads should also be upgraded to adoption standard as part of the proposal. However, given the Startforth Park housing estate is in private ownership and beyond the red line boundary of this application, it would not be possible to insist on the upgrade of the roads in that existing housing estate. In addition Circular 11/95: Use of Conditions in Planning permission stresses that conditions should only be imposed where they are necessary and reasonable for the development to be permitted and do not place unjustifiable burdens on applicants. In considering whether a condition is necessary authorities have to ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. In this case it is considered that the proposal could not be refused if it did not include upgrading of the roads in the Startforth Park estate and therefore any request for those works to be carried out would not meet the tests of Circular 11/95.
49. In addition to financial contributions to bus service improvements, the Public Transport Section have also indicated that a bus turning area with bus shelter within the site, as well as a new bus stop on the A67 westbound would be required. This is necessary to improve accessibility to the site and therefore a condition is recommended to ensure these requirements are provided.
50. In view of the above, it is considered that the proposed development would be served by a suitable access, and the surrounding highway network can accommodate the additional traffic. The proposals would not, therefore, compromise highway safety. The proposed development is considered to promote sustainable modes of transport as existing public transport services are to be improved. It is therefore considered that the proposed development would be in accordance with policies GD1 of the Teesdale local plan.

Affordable housing and other section 106 contributions

51. Teesdale Local Plan Policy H14 states that the local planning authority will seek to negotiate an element of affordable housing based on need. This is consistent with Paragraph 50 of the NPPF which recognises that affordable housing

contributes to widening opportunities for home ownership and the objective of creating mixed and balanced communities. The Durham County Strategic Housing Market Assessment (SHMA) states that the target for the Barnard Castle area is to provide 25% affordable housing within proposed residential schemes. The applicant has indicated that it is the intention to provide 25% affordable housing on this site, which would be secured by way of a Section 106 legal agreement. The specific details of the affordable housing provision would be agreed through the completion of the Section 106 agreement. It is therefore considered that the proposed development would provide a mix of housing which would support the local community needs.

52. There have been objections to the loss of recreational opportunities that are currently possible on the site (informal play and dog walking). It is accepted that the site has been utilised as recreation space for local residents however, this land is private land, not formal open space and access to the land could be restricted at any time. The illustrative masterplan identifies that part of the existing open space area will be incorporated into the site as a recreational area, which would retain and secure for the future a level of open space for community use. It is also proposed that a financial contribution of £4,000 will be made towards maintenance of the open space open space for 10 years, which would be secured through a Section 106 agreement. The proposal is therefore considered to be in accordance with Teesdale Local Plan policies GD1 and H1A, as well as Section 8 of the NPPF.
53. The site currently has a bus service of 5 buses per day, Monday-Friday, all between school times; plus two buses per day pass on the A67 (westbound -only, as the bus comes back from Bowes via Boldron and Boldron Lane). There is also an hourly service at the stop on the B6277 at the bottom of Startforth, which is some 720m from the entrance to the site, and hence beyond the recognised walking distance used in assessing accessibility.
54. This level of service is somewhat less than DCC is seeking for new housing sites in the rural west area. To ameliorate this, s.106 funding is required to improve the local bus service serving the site. The Public Transport Section have calculated that a sum of £55,500 will be required to bring the service to the required standard. This improved bus service would not only be beneficial to future residents of the proposed site, but also to existing residents in the area.

Impact on the surrounding area

55. The site falls within the Area of Landscape Value, however, it is positioned between the existing residential estate to the west and the HMYOI to the east. There are existing buildings on the site and the site in general does not have the appearance, or form part of the countryside. Development of the site would be an infill between existing development and the A67 and therefore would not result in encroachment into the open countryside. It is therefore considered that the proposal would not detract from the landscape setting of Barnard Castle or the quality and appearance of the Area of Landscape Value. The proposal does not therefore conflict with Teesdale Local Plan Policies GD1 and ENV3 in this respect.
56. Although the application is submitted in outline, an illustrative masterplan has been submitted showing the general layout and design parameters. This

indicates how the proposed residential properties can be positioned sensitively to take advantage of existing boundary treatment and open spaces whilst respecting the amenities of existing residential properties. An area of recreational land to the north west of the site is to be retained which would be easily accessed by all properties on the housing estate, as well as existing properties to the west. The illustrative plans show separation distances of over 30 metres between the proposed properties and existing houses with garden areas backing up against the existing properties. These separation distances demonstrate that adequate levels of privacy could be maintained and that no overbearing or overshadowing impacts would be created. Several objectors have indicated that the proposed development would result in the loss of access for general maintenance of existing boundary treatment. It is accepted that home owners may have current access to their existing boundary treatment however this will be across private land. There is no planning requirement to allow residents to have access to their boundary treatment over privately owned land and subsequently this is not a material planning consideration.

57. The illustrative plan shows a suitable hierarchy of movement through the site with a main spine road through the centre of the site linking to the existing residential estate, and secondary roads leading to cul-de-sacs of residential properties. The masterplan also shows landscaping along the A67 frontage and the implementation of this is considered important to maintain an attractive appearance along the south boundary of the site. Amendments to the building line can be made in the reserved matters application when the layout is finalised. It is considered that the illustrative masterplan layout has the potential to provide a high quality scheme which would offer future residents a pleasant living environment without adversely compromising existing residential amenities.
58. Information in the design and access statement provides an indication of the type of properties which would be built on the site. A mix of 2, 3 and 4 bedroom houses would be constructed, most of which would be two storeys. In terms of the finished design and materials of the proposed buildings, these have yet to be determined but the design and access statement states that the desire is to ensure that the appearance of the dwellings and the built form will provide a scheme with distinct character that makes a positive contribution to its surroundings. It will be expected that the proposed house designs and materials would take cues from surrounding properties with the properties having varying roof types, pitches and finishes to create visual interest across the site. The Design and Conservation Section has not raised any objections to the principle of development on this site, but care will be needed in the final details to ensure that a high quality scheme can be provided which does not detract from the character of the nearby conservation area, or the setting of the Barnard Castle Scheduled Ancient Monument.
59. Objections have raised concerns that the HMYOI, which is located directly adjacent to the site, could be a source of noise that would adversely impact on residential amenity for future occupiers of the new dwellings. It appears the concerns relate mainly to vocal noise and behaviour of the young offenders. While this may be a problem for some, it is not a source of noise that could justify refusal of the application. It is a factor that potential purchasers would have to take into account when deciding to live there. The design of the masterplan nevertheless appears to note this issue, as there is a thick landscape belt proposed along the boundary which adjoins the HMYOI to provide some

separation and physical intervention. Security issues with the HMYOI being adjacent to the site have also been raised by objectors, but there is nothing to substantiate that the introduction of new houses would increase any security risks from the HMYOI and the HMYOI is already adjacent to existing residential properties.

59. Given the above, it is considered that the proposed site parameters shown on the illustrative masterplan and the details provided with the design and access statement indicate that a high quality residential scheme can be provided on this site. The amenities of existing residential properties and other adjoining uses would not be adversely compromised. It is therefore considered that the proposals would be in accordance with policies GD1, ENV3 and H12 of the Teesdale local plan.

Other issues

60. The Ecology Section has raised no objections to the proposed ecology survey that has been submitted with the application and it is considered that the proposal would not have an adverse impact on protected species or ecology. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations. Nevertheless, a condition is suggested for the mitigation measures detailed in the ecology survey to be adhered to.

61. The Low Carbon Section has outlined the need to improve energy efficiency in new development with the aim to achieve 10% energy efficiency reduction on all major development proposals. This accords with the aims of the NPPF and therefore a condition is recommended in this respect.

62. The County Archaeologist has not raised any objections to the proposal in principle. Initial concerns had been raised with regards to the demolition of the existing buildings on site as it was not certain whether these buildings formed part of the World War Two Deerbolt Military Camp. However, these buildings are modern buildings which are unlikely to date back to pre-World War 2. It is also noted the main functional element of the Deerbolt Military Camp was situated to the east of the site, which is now occupied by the HMYOI. Therefore any significance of Military buildings being on the application site has now been lost. It is therefore considered that the proposed development and the loss of the existing buildings on site are acceptable and would not adversely impact on any non-designated heritage assets.

63. The site is not within an area at risk of flooding. The Environment Agency has raised no objections to the proposals on flood risk and drainage grounds providing conditions are attached ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment; and a scheme is submitted which provides a buffer zone around the watercourse. These conditions are recommended accordingly.

64. The Coal Authority and the County Public Rights of Way Section have not raised any objections to the proposed development.

65. Issues have been raised by objectors in relation to lack of infrastructure and utility services, as well as lack of employment opportunities. It is considered that

with the proposed investment into the bus services and the close proximity to Barnard Castle, that the proposed development would be within adequate travel distance to employment opportunities. There have been no objections from statutory consultees and it is considered that adequate utility services can be provided for future residents of the housing estate. The capacity of schools has been raised by an objector, but the County Education Section has not objected and furthermore, the Council's Pupil in Schools Capacity Study indicates that there is sufficient capacity in schools for the future. It is also noted that objectors are concerned about access for emergency vehicles during construction stage. The general practice during construction stage is to ensure that access will be required for existing residents and for emergency vehicles however, this is not a material planning consideration in the determination of this application.

66. Objections have also been raised with regards to the inaccuracies of supporting information with plans not being to scale. The proposed plans are to a recognised scale and the information submitted with the application is sufficient and adequate to enable to make a decision on the principle of development and access. Detailed issues of layout, scale and design will be considered at reserved matters stage when detailed plans are submitted.
67. The question about whether a retail supermarket would be more beneficial on this site is not a material planning consideration because the site is not allocated for retail use, there is no proposal for a supermarket on the site, and the proposal must be considered on its own merits as submitted.

CONCLUSION

68. The application involves establishing the principle of development of up to 75 new dwellings on a site that has been identified for strategic housing purposes in the emerging County Durham Local Plan. This forms part of a changing policy context for the consideration of such proposals and within this it is acknowledged that the application is outside the defined settlement boundaries for Barnard Castle and therefore contrary to saved policies ENV1 and H3 of the Teesdale District Local Plan. Nevertheless, the proposal would largely meet the aims of the NPPF in terms of promoting sustainable patterns of development and protection of the countryside. Taking these matters into account it is considered that there is sufficient justification for allowing a departure from the relevant policies of the adopted local plan, which if accepted would not require separate referral to the Secretary of State.
69. In reaching this view and weighing the overall merits of the scheme it is noted that the site would deliver the full local requirement of affordable housing (25%) as well as presenting an opportunity to develop a mixed and sustainable community in the local area. A number of improvements would also be facilitated within the surrounding area arising from developer contributions that would enhance the overall sustainability of the site and the surrounding locality. These would be secured through a proposed Section 106 Agreement.
70. From a more detailed physical perspective the Highways Authority has confirmed that the surrounding road network can accommodate the proposed development and the proposed visibility improvements to the access into the site are acceptable. A formal bus turning area with bus shelter within the site and a new

bus stop on the A67 is also to be provided through the development of the site. The proposal therefore accords with policy GD1 of the Teesdale District Local Plan.

71. Although this is an outline application, it is considered that the parameters set out on the submitted masterplan provide sufficient confidence that a high quality layout, design and landscape framework can be provided and appropriately accommodated in amenity terms. The character, setting and appearance of the surrounding natural and built environment would be preserved. It is considered that a scheme can be achieved which would provide adequate levels of residential amenity to existing and future occupiers of neighbouring dwellings as well new properties. The proposal would not detract from the character and setting of the Area of High Landscape Value, the nearby Conservation Area or the Barnard Castle Scheduled Ancient Monument. The proposal would be in accordance with policies GD1, H12 and ENV3 of the Teesdale District Local Plan and relevant sections of the NPPF.
72. It is acknowledged that the proposal has generated some local opposition. These concerns have been considered in the report and notwithstanding the points raised, it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support as a justifiable departure from existing policy.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of 25% affordable housing; the payment of commuted sums of £55,500 towards local public transport service improvements; and £4,000 towards maintenance costs of the open space on site; and subject to the following conditions below;

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 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, layout and scale (herein called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Where relevant, the reserved matters submissions shall provide details of the following:

- a) The design and external appearance (including type of materials) of all dwellings; the number of which shall not exceed 75;
- b) Landscaping including areas of hard and soft landscaping;
- c) The energy efficiency measures to be incorporated into layouts and buildings,

- and renewable energy technologies to be incorporated;
- d) Details of the means of surface water drainage and the disposal of foul sewage including the outfall points and their connection to the site's main surface water drainage and disposal of foul sewage network;
- e) All boundary enclosures;
- f) Existing and proposed ground and floor levels;

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 and ensure that a satisfactory form of development is obtained..

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

Plan Ref No.	Description	Date Received
C9445.11.701 A	Site Location Plan	11/02/2013
Figure 9	Site Access Layout	11/02/2013

Reason: To define the consent.

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

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Teesdale District Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with policies GD1 and ENV3 of the Teesdale District Local Plan.

6. No development shall take place until all details of means of enclosure have been submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Teesdale District Local Plan.

7. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment by Watermans dated January 2013 and the mitigation measures in the Flood Risk Assessment which details limiting the surface water run-off generated by the site to the existing Greenfield run off limits. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with policy GD1 of the Teesdale District Local Plan.

8. No development shall take place until a scheme for the provision and management of a buffer zone alongside the watercourse has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To protect the environment along the watercourse and to comply with policy GD1 of the Teesdale District Local Plan.

9. Prior to the occupation of the dwellings hereby approved, the existing junction with the A67 shall be constructed in accordance with Figure 9 of the Transport Assessment by Watermans dated February 2013.

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

10. Prior to the occupation of the dwellings hereby approved, full details of bus stop infrastructure improvements within and external to the site, including a bus turning facility within the site, shall be submitted to and agreed in writing by the local planning authority and the agreed improvements shall be fully implemented and available for use.

Reason: In the interests of highway safety and to encourage sustainable modes of travel and to comply with policy GD1 of the Teesdale District Local Plan.

11. No development shall take place until full engineering details of the internal road layout, including vehicle swept path details and any areas of roads to be of adoptable standard have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

12. Prior to the occupation of the dwellings a final residential Travel Plan shall be submitted to and agreed in writing by the local planning authority. Once approved the Travel Plan shall be implemented and managed for the lifetime of the development.

Reason: To encourage sustainable modes of travel to comply with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and criteria within the NPPF.

13. No development shall commence until a scheme showing full drainage details of the site has been submitted to and agreed in writing by the local planning authority. The drainage shall be completed in accordance with the approved details.

Reason: To prevent flooding and pollution of the water environment in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

14. No development shall commence until a scheme to minimise energy consumption has been 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 in accordance with the aims of the National Planning Policy Framework.

15. No development shall take place unless in accordance with the mitigation, recommendations and conclusions within the Ecological Appraisal dated January 2013 by URS.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

REASONS FOR THE RECOMMENDATION

1. The proposed residential development would provide investment in terms of providing improvements to the highway access; public transport and open space/recreational areas ensuring that the development site is sustainable. It is considered that given the significant investment, a departure from policies H3 and ENV1 of the Teesdale District Local Plan is justified. The proposal would be considered acceptable in sustainability terms and in accordance with the principles of the National Planning Policy Framework.
2. The surrounding road network would be able to accommodate the additional traffic from the development site and highway safety would not be compromised. The proposed development would also improve the sustainability links in the surrounding area. The proposal would therefore be in accordance with policy GD1 of the Teesdale District Local Plan and comply with criteria detailed in the National Planning Policy Framework.
3. Provision of 25% affordable housing would be made along with significant investment to improve local recreation facilities and bus services. The proposal would be in compliance with criteria detailed in the National Planning Policy Framework and Teesdale Local Plan policies H1A and H14.

4. The illustrative layout gives confidence that a reserved matters scheme would be to a high standard and would not adversely impact on the Area of High Landscape Value, the surrounding area and nearby heritage assets, or residential amenity. The proposal accords with policies GD1, ENV3 and H12 of the Teesdale District Local Plan, and relevant sections of the NPPF.
5. In arriving at this recommendation, all consultation responses and representations received have been considered, however, on balance, the issues raised are not considered to be sufficient to warrant refusal of the application, and matters can be considered further both through the submission of subsequent reserved matters and through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and to ensure the development delivers wider public benefits.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan 2002
Internal and external consultation responses



Planning Services

Outline application for residential development (all matters reserved except for access) at Land south of HMYOI Deerbolt, Startforth Park, Barnard Castle, County Durham (6/2013/0026/DM/OP)

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Date 20th June 2013

Scale NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2012/0134
FULL APPLICATION DESCRIPTION:	Erection of Health Centre with Pharmacy and associated parking and landscaping
NAME OF APPLICANT:	Durham & Tees Community Ventures Primary Care Ltd
ADDRESS:	Former Fire Station, Watling Road, Bishop Auckland
ELECTORAL DIVISION:	Woodhouse Close
CASE OFFICER:	Mark O'Sullivan, Planning Officer 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises 0.35ha of vacant brownfield land that was formerly occupied by the Watling Road Fire Station, on the western side of Watling Road in Bishop Auckland. The site is bordered by residential development to the south and east (beyond Watling Road), to the west lies an Ambulance Station with the Bishop Auckland Police Station and Magistrates Court beyond. Bishop Auckland School of Chiropody and Woodhouse Close Leisure Complex are located to the north.

The Proposals

2. Planning permission is sought for the erection of a part two storey, part single storey building of some 1550sqm for use as a Health Centre and ancillary Pharmacy, together with associated office accommodation (relating to the operation of the Health Centre). The building would be flat roofed and would be constructed from a mix of both brickwork and render with aluminium fenestration. Nineteen parking spaces specifically for staff would be provided at the rear of the building, whilst 32 parking spaces would be provided to the south of the building for use by patients. The site would feature a number of areas of soft landscaping, including retained landscaping along the southern boundary, and shrub planting along the site frontage.
3. The proposals involve the relocation of Auckland Medical Group's existing practice on Cockton Hill Road, which is considered no longer adequate for the provision of modern health services and to the needs of staff. The relocation would facilitate an increase in staff numbers from 21 to 28.
4. The application has been referred to Planning Committee as the proposal comprises major development, being in excess of 1000sqm.

PLANNING HISTORY

5. In 2005, planning permission (3/2005/0171) was granted in outline for the redevelopment of the site for residential purposes.

PLANNING POLICY

NATIONAL POLICY

6. The National Planning Policy Framework (NPPF) is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process.
7. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
8. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
9. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:
 - be genuinely plan-led, empowering local people to shape their surroundings;
 - proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

10. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LOCAL PLAN POLICY:

11. The following policies of the Wear Valley District Local Plan are considered relevant:

12. *Policy GD1 (General Development Criteria)* requires all new development to be designed and built to a high standard, contributing to the quality and built environment of the surrounding area, showing regard to impact on the landscape and environment, and highway safety.

13. *Policy H20 (Alternative uses within residential areas)* identifies acceptable non-residential uses within residential areas including doctors surgeries and health centres, subject to a range of criteria.

14. *Policy C2 (Health Centres)* seeks to support proposals for new health centres subject to a range of criteria.

15. *Policy T1 (General policy)* sets a range of criteria which must be satisfied in relation to developments which generate additional traffic and where the Highway Authority would require additional highway works to be carried out.

The full text, criteria, and justifications of each policy may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *Highway Authority* raises no objections to this proposal subject to conditions imposed in the interests of highway safety.

17. *Northumbrian Water Limited* raises no objection, subject to adhering to discharge rates and points previously agreed with the applicant.

18. *Police Architectural Liaison Officer* has raised no objection.

INTERNAL CONSULTEE RESPONSES:

19. *Ecology Section* has raised no objections to the proposals.

20. *Design and Historic Environment Section* has raised no objections subject to control over materials and finishes and the submission of a landscaping scheme.

21. *Pollution Control Section* raises no objections to this proposal.

22. *Spatial Policy Section* raises no objections to this proposal.

23. *Archaeology Section* has raised no objections to this proposal.

24. *Arboriculture Officer* has raised no objections to this proposal.

25. *Environmental Health Section* has raised no objections subject to control over site working hours and sensitive working practices.

PUBLIC RESPONSES:

26. The application has been publicised by way of press and site notices and individual neighbour notification letters. To date, five letters of objection and one letter expressing concerns have been received. In particular, matters raised include: doubts over highway safety/traffic management; site parking; the design/visual impact of the development, in particular its scale and flat roof appearance; opening hours and management of the gated access to the site, which could in turn influence anti-social behaviour; and, the loss of existing boundary vegetation/proposed boundary treatments. Concerns are also raised over proposed signage which could be illuminated and the overprovision of similar uses in the surrounding area.

27. Three letters of support have also been received noting that the proposed development would improve the look of the currently derelict site, delivering an opportunity for upgraded facilities and improved patient care within a modern building, whilst seeing an improvement in parking provision compared to the existing Cockton Hill site. The use of the site as a health centre is also favoured over potential residential development at the site.

APPLICANTS STATEMENT:

28. It has been identified that the current service delivery and administrative base for Auckland Medical Group is inadequate for the provision of modern health services and to the needs of staff. The building has insufficient space, limited clinical facilities, privacy, access and space issues. This application proposes a new facility to develop a good quality clinical service base for the patients and staff of the practice whilst positively contouring to the local context through good quality appropriate design.

29. The proposed development would:

- Provide a new community facility to Watling Road, adding to the civic and public buildings in the immediate vicinity;
- Provide modern and enhanced health facilities for the local community;
- Provide modern and contemporary designed buildings;
- Deliver a high quality design approach and layout which would integrate and link with surrounding uses;
- Enhance what is currently a derelict Brownfield site on a prominent corner of Watling Road.

30. The proposed development is designed to:

- Provide a sustainable health and pharmacy development to serve the local community and surrounding areas;
- Take account of neighbouring residential areas in the immediate vicinity;
- Ensure good linkage by pedestrians/cyclists to surrounding uses including the town centre, Watling Road and residential areas to the south and beyond;
- Limit the impact of the development within the existing setting especially on the residential properties to the south;
- Create active frontages along Watling Road, anchoring the development with the main street frontage;
- Create strong, accessible cycle and pedestrian links to Watling Road by locating the main entrance centrally along the Watling Road elevation;

- Incorporate sustainable design features;
- Provide a two storey scale in the prominent corner to the north of the site, reducing down to single storey to the south to reduce the impact on neighbouring residential properties.

31. The location of the site would ensure good access on foot as well as by car. Existing bus stops are located a short distance from the site enabling people to use the health facility and pharmacy to arrive at the site by a variety of modes of transport.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

32. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key issues are the principle of the development, impacts upon the character of the area and residential amenity, highway safety, impact on heritage assets, ecology, land contamination and arboricultural implications.

The principle of the development

33. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development in sustainable and accessible locations, and Local Plan Policy H20 sets out that Doctors Surgeries and Health Centres are likely to be acceptable uses within existing residential areas, subject to safeguarding the amenities and general living environment of existing neighbouring residents, controlling the scale and character of the proposed use and ensuring highway safety.

34. Meanwhile, Local Plan Policy C2 supports proposals for new health centres where they are located in, or close to, a residential area, are accessible to public and private transport means, are located on level sites for pedestrian access and fulfil the general development criteria as set out within Local Plan Policy GD1.

35. The proposed development would be located on a Brownfield site in a central, sustainable and accessible location, adjacent to residential properties to the east, south and west, and as such, the principle of the proposed development would satisfy the overarching principles of the NPPF and Local Plan Policies H20 and C2.

Impact on the character of the area

36. Local Plan Policies GD1 and H20, and section 7 of the NPPF all seek to encourage a good standard of design in all new developments, which contributes to the quality of the built environment and the surrounding area.

37. In terms of scale, the proposed building would occupy a footprint not dissimilar to the fire station which formerly occupied the site, whilst being of a relatively low density in relation to the extent of the site. The building itself would comprise a mix of single storey and two storey heights with the proposed two storey element to be located on the northern part of the site, where it would be adjacent to the School of Chiropody building, reducing to single storey where adjacent to neighbouring residential property to the south. The development would remain physically separated from the residential uses to the south by the proposed car parking and retained landscaping.

38. As such, the layout and design of the proposed building relates well to surrounding developments in terms of scale and massing without resulting in over-dominance. In addition, the siting of the building is such that the development would front Watling Road to the east, forming a visual frontage alongside adjacent developments to the north and south.
39. Although some concerns have been raised over the appearance of this modern building in relation to its context, and in particular, its flat roof design, it is considered that such design, whilst being contemporary, would not appear unduly incongruous, particularly, noting the number of flat roof buildings nearby, including the Magistrates Court and Woodhouse Close Leisure Complex. The use of a more traditional pitched roof would only increase the bulk and visual massing of the building to an unnecessary level.
40. Visually, the proposed development would be finished externally in brick and render incorporating large glazed areas with a flat parapet roof. Precise details of materials and finishes can, it is considered, be adequately controlled by way of condition.
41. The proposed development would therefore see the redevelopment of a presently vacant site, bringing it back into beneficial use in a form of development appropriate in scale and design to the character of the area, and in compliance with Policies GD1 and H20 and design guidance set out in the NPPF.

Residential amenity

42. Local Plan Policies GD1 and H20 seek to support applications of this nature where they would not disturb or conflict with existing adjoining uses, in particular, having no adverse impact upon the amenities and general living environment of existing residents.
43. In determining this application it should be noted that the site was previously occupied by a Fire Station which coexisted with neighbouring residential properties for many years, with the regular coming and going of emergency vehicles at all times of the day being commonplace prior to its closure. As such, the proposed development would be unlikely to result in such disturbance to residents, particularly during the night. Concerns have been raised by local residents regarding the proposed management of the site in terms of opening hours and control over the car parking area. The applicants have advised that the opening hours of the facility as a whole would be open from 7.30am until 8.00pm on weekdays and between 7.30am and 2.30pm on Saturdays, and that access to the car parking area would be directly linked to these opening hours, with the gates being locked. This would, it is considered, prevent access to the parking area and thus deter antisocial behaviour from occurring, as feared by some residents.
44. The main development footprint would be focused towards the northern part of the site, away from the nearest residential properties to the south, and separated by the proposed car parking area. This would create an accumulation of civic or public buildings to the north, with a clear divide from residential uses to the south. A separation distance of approximately 21m would be achieved from any windows which would face neighbouring residential plots in this direction, with this separation considered to be more than satisfactory to ensure that nearby residents privacy would not be adversely affected. In addition, in order to soften the appearance of this development from neighbouring uses, existing soft landscaping and enclosures along the southern boundary, would be retained, and in addition, the applicant will be submitting a detailed soft landscaping scheme, controlled by way of condition.

45. Whilst concerns have been raised over the likelihood of graffiti appearing on light coloured surfaces of the health centre, it is considered, that such matters are beyond the control of the planning system and would be insufficient to justify refusal of the application.
46. Finally, it is noted that concerns were also expressed over signage which if illuminated could affect neighbouring amenity. Illuminated advertisements would require advertisement consent, and the applicant has confirmed that such an application will be submitted at a later date, and any such application would be considered on its own merits at that time.
47. Given the scale and siting of the proposed development, its nature and the previous use of the site, it is considered that the proposed development would not significantly adversely affect the amenity of surrounding occupiers and would therefore accord with Local Plan Policies H20 and GD1.

Highway safety

48. Local Plan Policy T1 seeks to ensure that new developments which generate additional traffic would be required to provide for a satisfactory means of access to the development whilst not exceeding the capacity of the local road network and be located in a location accessible to public transport. The Highway Authority considers that the sight visibility at the junction with Watling Road is acceptable, and that parking provision is in full accordance with Council guidelines. In addition, they note that the site is close to bus stops served by regular bus services and is therefore in an accessible location.
49. Watling Road is a mixed use area serving residential, commercial, retail, and public service related activities. In relative terms, the likely vehicle movements associated with the proposed use are considered to not be significant and can be adequately served by Watling Road and the surrounding highway network.
50. The Highway Authority has raised concerns regarding the Pharmacy element of the development which could result in traffic parked on Watling Road outside of the pharmacy entrance. In order to overcome this, there would be a requirement for the installation of waiting restrictions in order to prevent parked vehicles impeding sight visibility for side road traffic joining Watling Road, and interrupting traffic flow on the approach to the nearby B6282/C130 traffic signals.
51. Subject to the imposition of conditions relating to ensuring highway safety on the surrounding highway network, the proposals are considered to accord with Local Plan Policies GD1 and T1.

Impact on heritage assets

52. Section 12 of the NPPF requires Local Planning Authority's to show regard to heritage assets with the level of detail provided in support of an application to be proportionate to an assets importance. The applicants entered into pre-application discussions with the Archaeology Section and have undertaken pre-determination evaluation works of the site to ascertain the potential for unrecorded archaeological remains related to the Roman Road of Dere Street which forms the eastern boundary of the site. An archaeological evaluation report was provided prior to the submission of the application, detailing that no significant archaeological heritage assets were recorded. Accordingly, the Archaeology Section has raised no objection the application and therefore, the proposals would not cause harm to the significance of heritage assets in compliance with guidance set out in the NPPF.

Ecology

53. Section 11 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. As explained, this development would occupy a previously developed, but now vacant site, and as such, the site of low ecological value and the Ecology Section has raised no objection to the scheme, and as such, the proposals would comply with the guidance set out in the NPPF.

Land contamination

54. Section 11 of the NPPF seeks to prevent unacceptable risks from pollution in new developments. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. A ground investigation report was submitted alongside the application. The Pollution Control Section have advised that given there are no former industrial uses on the site, there would be no significant risk to the end user, and accordingly, the scheme is compliant with NPPF guidance in this respect.

Arboriculture

55. Submitted plans originally showed the proposed development and ancillary parking area to involve the removal of some boundary landscaping to the south of the site which generated concern from local residents. Although none of this vegetation is protected, the applicant has worked with the Local Planning Authority in seeking to address such concerns by revising the site layout to retain existing landscaping and boundary treatments along the southern boundary.

56. The Arboriculture Officer has raised no objections, subject to a soft landscaping scheme. Such details can be controlled by way of condition, requiring the submission and approval of a detailed landscaping scheme prior to commencing site works.

CONCLUSION

57. The principle of developing this Brownfield, vacant site as a health centre and pharmacy, within the Bishop Auckland settlement is considered acceptable given its previous use and sustainable, central location. In arriving at this recommendation, particular consideration has been given to the scale and design of the proposed development, its impact upon neighbouring residential properties, highway safety, archaeology, ecology, land contamination and arboricultural implications.

58. The proposed development is considered to accord with the NPPF and Local Plan Policies GD1, H20, C2 and T1, and is therefore recommended for approval, subject to the imposition of appropriate planning conditions.

RECOMMENDATION

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

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

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 permitted shall be carried out in accordance with the following approved plans:

(00)300 rev K (Proposed ground floor layout), received 12 April 2013
(00)301 rev C (Proposed first floor layout), received 12 April 2013
(00)302 rev B (Proposed roof layout), received 12 April 2013
(00)310 rev F (Proposed site plan), received 23 May 2013
(00)400 rev B (Proposed sections), received 12 April 2013
(00)500 rev C (Proposed elevations), received 12 April 2013

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

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

Reason: In the interests of the appearance of the area and to comply with Policy GD1 (General Development Criteria) of the Wear Valley Local Plan.

4. 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 hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, and means of enclosure.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 (General Development Criteria) of the Wear Valley Local Plan.

5. 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.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 (General Development Criteria) of the Wear Valley Local Plan.

6. No development shall commence until full details of the following highway works have been submitted to and agreed in writing by the Local Planning Authority: the yellow box marking on Watling Road, opposite the former Fire Tender egress position, shall be removed; a scheme to restrict traffic from waiting on Watling Road abutting the site; and, the section of redundant vehicular access crossing on Watling Road shall be constructed as footway to an adoptable standard including kerbed upstands. The agreed highway works shall be carried out prior to the development hereby permitted being brought into use.

Reason: In the interests of highway safety in accordance with policy T1 (General policy) of the Wear Valley Local Plan.

7. No development shall commence until details of tree protection measures for retained trees to the southern boundary of the site have been submitted to and agreed in writing by the Local Planning Authority. The tree protection measures as agreed shall be erected prior to any site works commencing and shall remain in place for the duration of construction works.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 (General Development Criteria) of the Wear Valley Local Plan.

8. No construction activities, including the use of plant, equipment and deliveries shall take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturdays. No work shall be carried out on a Sunday or Bank Holiday.

Reason: In order to safeguard the amenity of neighbouring residents and to comply with policy GD1 (General Development Criteria) of the Wear Valley Local Plan.

9. The building hereby approved shall not be open outside of the hours of 7.30am to 8.00pm Monday to Friday, and between 7.30am and 2.30pm on Saturdays. The premises shall not be use on Sundays and Bank Holidays.

Reason: In order to safeguard the amenity of neighbouring residents and to comply with policy GD1 (General Development Criteria) of the Wear Valley Local Plan.

REASONS FOR THE RECOMMENDATION

1. The proposal is considered acceptable in relation to Policies GD1, H20, C20 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within the National Planning Policy Framework.
2. In particular, the proposed development is appropriate to the scale and character of the surrounding area, makes adequate provision for car parking and access, and would not cause significant harm to the living conditions of nearby residents.
3. In arriving at this recommendation, the public consultation responses received have been considered, however, on balance, the issues raised are not considered sufficient to warrant refusal, and matters can be considered further through the submission of reserved matters and through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority has worked with the applicant in a positive and proactive manner in an attempt to resolve problems which arose during the determination of this application. In particular clarification was requested over a number of the concerns expressed by local residents with a compromise sought where possible, particularly with regard to site landscaping and boundary screening.

BACKGROUND PAPERS

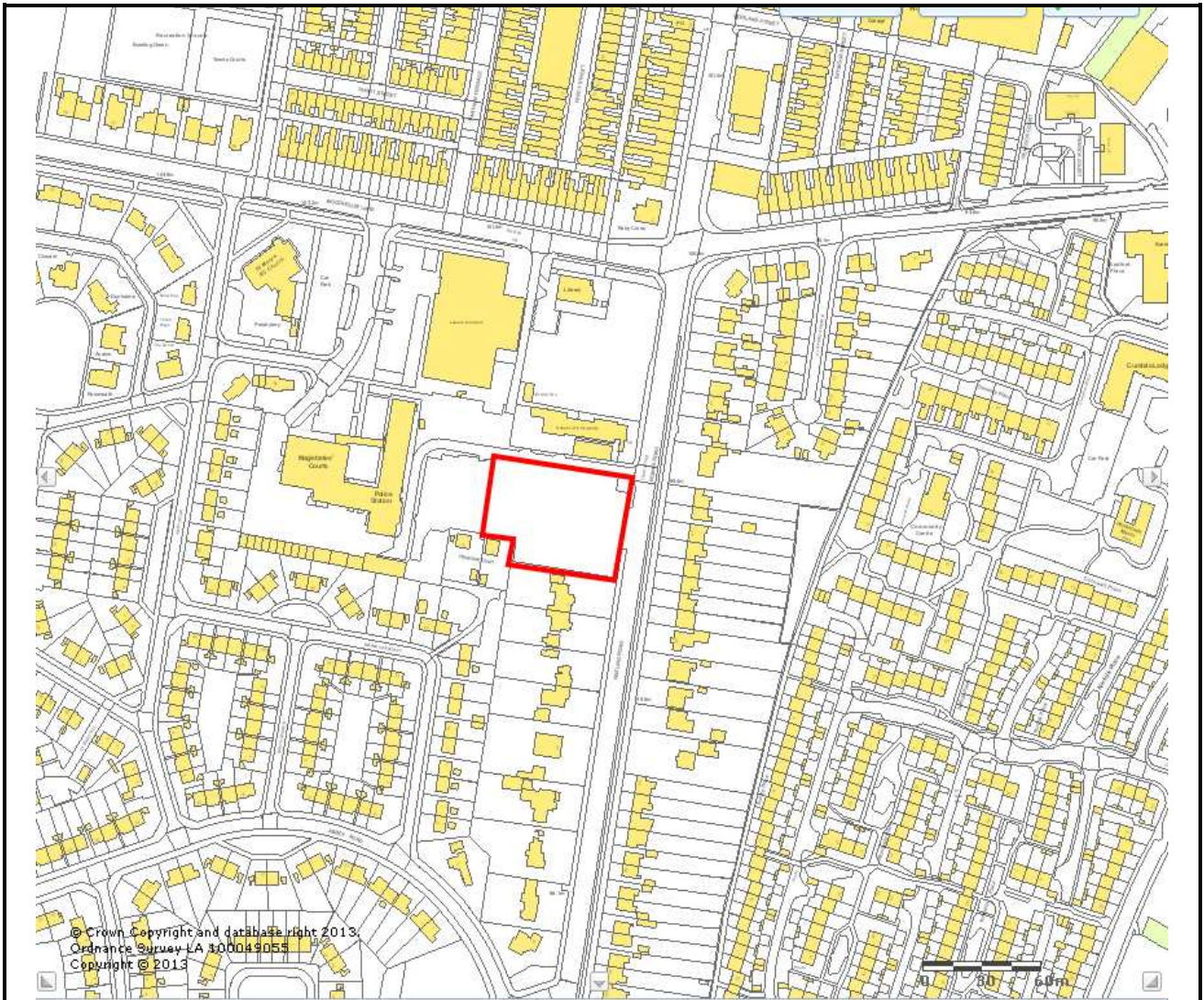
Submitted Application Forms and Plans


National Planning Policy Framework (NPPF)

Wear Valley District Local Plan (March 1997)

Consultation response from Northumbrian Water, Highway Authority and Police
Architectural Liaison Officer

Internal responses from the Ecology, Design and Historic Environment, Pollution Control,
Environmental Health, Spatial Policy, Archaeology and Arboriculture Section's.



 <p>Planning Services</p>	<p>Erection of Health Centre with Pharmacy and associated parking and landscaping at Former Fire Station, Watling Road, Bishop Auckland (3/2012/0134)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 20 June 2013</p>	<p>Scale 1:2500</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0397
FULL APPLICATION DESCRIPTION:	Veterinary hospital and associated works including access and landscaping
NAME OF APPLICANT:	Cottam and Co.
ADDRESS:	Land east of Bradbury Services, Bradbury, County Durham, TS21 2ES
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	David Walker, Senior Planning Officer 03000 261054, David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site lies on the eastern outskirts of Bradbury village and extends to some 1.26ha, forming the eastern section of a linear parcel of land to the east of Bradbury Services. The site is bound to the north by the A689, to the east by a railway embankment serving the East Coast mainline, whilst to the south are agricultural fields. Although the central section of land between the proposed veterinary hospital and the services is included within the application site, it is not proposed to develop this area at this point in time.
2. The nearest residential property, Maplewood, is approximately 110 metres to the west of the proposed building, whilst the roundabout serving the A689 and the A1(M) lies approximately 400 metres to the west of the site.

The proposal

3. The proposed veterinary hospital would provide a new hospital for specialist diagnostics, treatment and surgery facilities for referral from other veterinary practitioners from the north of England and Scotland. The building itself is broadly rectangular and would provide 1173sqm of floorspace. The central core of the building, constructed in buff brickwork, would be two storeys in height, and would be bound to the north and south by single storey elements in buff render. The central core would have a curved standing seam metal roof up to a height of 8.6m, while the southern section would have a mono-pitch standing seam metal roof up to a height of 5.6m. The northern section, facing the A689, would have a mono-pitch sedum roof, curved at each end and up to a height of 5.6m.

4. The proposed building would be set back from the site boundary by 6m and therefore, between 15m and 19m from the A689. Around the site, provision has been made for a 40 space car parking area to serve both staff and visitors to the west and south of the building, while an area of wild flower meadow would be provided to the east of the proposed building and tree planted mounding developed along the northern boundary of the site.
5. The proposed veterinary hospital would be accessed via the existing road which serves the existing Petrol Filling Station and also provides access to the agricultural fields to the south and the East Coast railway line.
6. The application has been referred to Planning Committee as the proposal comprises major development, being in excess of 1000sqm.

PLANNING HISTORY

7. This application site has a lengthy planning history with the following more recent history of relevance:
8. An application (7/2009/0068) for the demolition of the existing forecourt shop and replacement by a larger shop with parking provision; new cafe in a separate free-standing building associated parking to the east of the forecourt area; a secured park and share parking facility; closure of the existing and formation of a new entrance to the site from the A689 – approved.
9. A proposal (7/2009/0424) for the erection of 90 bed hotel with associated parking and landscaping was withdrawn to allow a sequential test to be carried out to assess the suitability of the site for hotel development and in order to allow the scale, height and siting of the hotel to be re-assessed.
10. More recently, an application (7/2010/0344) for the erection of 80 bed hotel with associated parking and landscaping and relocation of previously approved park and share facility was approved.

PLANNING POLICY

NATIONAL POLICY

11. The National Planning Policy Framework (NPPF) is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process.
12. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
13. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

14. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:

- be genuinely plan-led, empowering local people to shape their surroundings;
- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

15. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LOCAL PLAN POLICY:

16. *Policy T13 (Roadside Facilities at Motorway Interchanges)* states that the provision of a full range of roadside facilities, including hotel development, at the Bradbury interchange will normally be approved, as the site is considered an appropriate location for such development to serve motorists on the A1(M) and adjacent routes.

17. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out several key principles for the layout and design of new developments.

18. *Policy D3 (Design for Access)* states that developments should make satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.

19. *Policy D4 (Layout and Design of New Industrial and Business Development)* requires development to be of a standard appropriate to its location, that traffic generated by the development can be accommodated without causing danger or inconvenience to other road users and the developments has an appropriate standard of landscaping.

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://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Sedgefield Town Council* raised no objection in principle but concerns were raised regarding the proposed access.
21. *The Meeting of the Bradbury and The Isles Parish Meeting* have confirmed that they support the application in principle because of the potential employment that this could create. However, they pointed out that a right of access exists along the private road to access both the adjacent agricultural land and the railway line. It was suggested that lighting details be modified to reduce light spill from the site in the interests of residential amenity and to minimise any effects upon bats who roost or forage in this area. Serious concerns were expressed regarding the drainage arrangements for both foul and surface water. Concern was also raised that the application failed to make reference to the need to dispose of effluent from animals treated on site or clinical waste and that if the proposed bio mass boiler were to be used inappropriately this could give rise to air pollution.
22. *Highways Agency* has no objection to this proposal.
23. *Highway Authority* stated that the proposed access arrangements were satisfactory in highway safety terms, however, concern was raised that the proposed veterinary hospital appears to demonstrate an over reliance upon the private car. In order, to ensure that the opportunities to utilise public transport are fully explored it has been suggested that if planning permission is granted, conditions be imposed requiring the submission of a framework travel plan, that a travel plan co-ordinator be appointed and contact details be provided prior to the first use of this development and that within 6 months of occupation a final travel plan is submitted to and approved by the Local Planning Authority. It was also suggested that in order to avoid pedestrians having to walk through the busy services, a planning condition also be imposed requiring improvements to the pedestrian access links between the site and the A689. Following negotiations with the agent / applicant the provision of a footpath link between the public footpath alongside the southern boundary of the A689 and the proposed site have been agreed.
24. *Environment Agency* has advised that, following discussions with the agent and Northumbrian Water, that they accept that connection to the public foul sewer is practicable and, as such, do not object, subject to a condition requiring details of surface water disposal to be submitted to and agreed by the Local Planning Authority.
25. *Northumbrian Water* has raised no objection.
26. *Police Architectural Liaison Officer* has reviewed the design and layout and has stated that this proposal would have a low crime risk.

INTERNAL CONSULTEE RESPONSES:

27. *Environmental Health Section* has no objection to the proposal.
28. *Ecology Section* has no objection subject to a condition to ensure that the mitigation measures outlined within the ecological survey are implemented, including the protection of the single ash tree on site.

29. *Design and Historic Environment Section* is supportive of the scheme, being an improvement in terms of proportions and architectural quality when compared with the approved hotel scheme. Conditions are proposed in relation to the materials to be utilised for both the brickwork and render.
30. *Landscape Section* is supportive of the scheme advising that it is of a high quality of built design that integrates the building into the landscape to ensure it less conspicuous and yet provides a strong design. Although the building is only 0.2m lower than the approved hotel, the design of the roof and use of sedum is such that the building will be a lot less dominant in the wider landscape. The landscaping and the boundary treatments have been improved following negotiations, and the revised scheme is considered to be acceptable subject to the imposition of conditions relating to landscaping implementation, hedgerow protection, and the submission of further details regarding site levels and means of enclosure.
31. *Spatial Policy Section* considers that the site is not a sustainable location, that the use could be accommodated on an industrial estate, and that the development would prejudice the existing land use allocation for the site.

PUBLIC RESPONSES:

32. As the application represents a departure from the development plan this planning application has been advertised via direct neighbour notification, a press notice and via the posting of site notices adjacent to the site. As a result, two letters of support have been received with regard to this proposal. Both respondents thought that this was a good location for the proposed veterinary hospital because of the site's close proximity to the road network including the A1. It was stated that most visitors attending the hospital would travel by car or pet ambulance; the proposed economic benefits arising from the additional jobs to be provided were also welcomed.

APPLICANTS STATEMENT:

33. The proposed business is a highly specialist veterinary practice which has a wide clientele base ranging from Glasgow/Edinburgh to the north and Liverpool/Leeds/Hull to the south and this site has been specifically selected because of its good communication links to the national and regional road network.
34. The development of a veterinary hospital at Bradbury would comply with the NPPF in that this would help to build a strong and competitive economy and provide an additional 17 full time and 4 part time posts and facilitate the expansion of the business which is now seeking to expand from its existing base in Bishop Auckland.
35. The proposed building has been sensitively designed so that this demonstrates good design, positively addresses the challenges of climate change and flooding and that this is designed with intent to conserve and enhance the natural environment.
36. It has been stated that the applicant has investigated 35 sites which are located between junctions 59 and 61 of the A1 (M). Eleven of these sites were then short listed for further consideration and considering a range of factors including the size of the site, access to and from the site, the availability of the site and the desire to create a landmark building in a prominent location this site was considered to best suit the functional and aspirational needs of the applicant.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key issues are the principle of development; design and layout; access, car parking and highway safety; residential amenity; foul and surface water disposal; ecological interests; and, other matters raised during the consultation exercise.

Principle of Development

38. The proposal does not accord with Policy T13 of the Sedgefield Borough Local Plan, which seeks to safeguard the site for roadside facilities, including hotel development to serve motorists on the A1(M) and adjacent primary routes.

39. The application site which has long been identified as a site for roadside facilities has been a number of planning applications including a motel, dining facility and an 80 bed hotel dating between 1987 and 2010. To date none of these proposals have been implemented because of the lack of viability of this type of use in this location. Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

40. General veterinary practices would normally be best located within existing urban centres which are centrally located for their clientele and in areas which are normally well served by a range of transport options including public transport, cycle and pedestrian routes. However, because of the specialist nature of this proposed practice as a second referral practice the proposed veterinary hospital unlike smaller veterinary practices would have a substantial catchment area from Glasgow / Edinburgh to the north and Liverpool /Leeds/Hull to the south. As such, it is considered that the proposed veterinary hospital would be appropriately located at this site because this would be well situated for both the national and regional road network.

41. Not only would this proposed development safeguard the long term future of the existing veterinary practice which has now outgrown its existing premises, but it would also allow the business to expand and flourish, leading to the creation of an additional 17 full time posts and 4 part time posts. As such, the proposal would comply with Paragraphs 18 and 21 of the NPPF which seek to secure economic growth in order to create jobs and prosperity and support existing businesses.

42. The Spatial Policy Section raised concerns about the sustainability of the site, and that such a use could be accommodated on existing industrial estates, for example. To this end, the applicants considered a range of other potential sites, however, it has been adequately demonstrated that the alternative sites identified, were either not available, too expensive, or do not meet the functional requirements of the veterinary hospital.

43. It is, therefore, considered that in this particular case, the other material considerations contained within the NPPF outlined above, would outweigh the conflict with Policy T13 of the Local Plan, and would therefore represent a justified departure from that policy in this case.

Design and Layout

44. Local Plan Policies D1 and D4 require that developments includes a co-ordinated approach which takes into account of the site's natural and built features and its relationship to adjacent land uses and activities, that attention to the design of buildings and their spatial relationships to open spaces and includes suitable landscaping and boundary treatment to help create a sense of space. The importance of good design is also a key element of the NPPF and Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

45. The proposed veterinary hospital has been sensitively designed so as to provide a modern land mark building that, although prominent within the landscape, is seen in the context of its countryside setting. The building has been sensitively designed so that it incorporates a variety of low profile curved roof forms and includes a graduated height with a single storey element located along the site frontage with the central two storey element located behind this. The curved nature of the roofs and the use of a sedum living roof on the northernmost section of the roof facing onto the A689 play an important role in ensuring that the building would appear to be set within the wider landscape of the site.

46. The layout has been designed so that excavated material will be retained on site and used to form mounding along the northern boundary of the site fronting onto the A689 Not only will this provide noise and visual screening between the building and the proposed car parking area but this will also help to frame the building. Additional landscaping works including the formation of a wild flower meadow along the eastern edge of the site, new native hedge planting along the southern boundary of the site and additional tree planting along the eastern and northern site boundaries and within the proposed car parking areas.

47. Both the Design and Historic Environment Section and Landscape Section are supportive of the scheme and they are of the opinion that the proposed design would be more striking but also more sympathetic to this countryside location than the approved hotel scheme. Although the site is currently undeveloped the amenity value of this part cleared site is limited and it is considered that the sympathetic development of the site, as proposed, would enhance the character and appearance of the area when viewed both from the A689 which abuts the northern boundary of the site and the main East Coast railway line which abuts the eastern boundary.

48. The design and layout of the building and associated car parking area is therefore considered to be in accordance with Local Plan Policies D1 and D4 and the NPPF.

Access, Parking and Highway Safety

49. The access to the proposed veterinary hospital mirrors that previously approved in relation to the hotel and 'Park & Share' facility. These arrangements have been assessed and found to be satisfactory by both the Highways Agency and the Highway Authority.

50. The level of onsite car parking has been deemed to be sufficient to cater for a development of this nature and size. Whilst it is acknowledged that most animal owners visiting the hospital would travel by private car because of practical concerns relating to the transport of sick or injured animals (often over long distances), the premises could potentially also be a significant employer with up to 35 staff employed in a range of roles within the proposed hospital, and as such, significant opportunities would therefore exist to encourage employees to travel via a range of transport modes rather than relying solely on the private car. Accordingly, a number of planning conditions are recommended in order to promote sustainable travel via the implementation of travel plans and by improving physical linkages between the existing public transport facilities in Bradbury and the application site.
51. The issue of a right of access over the private road serving both the proposed development and the agricultural fields to the south and the railway was brought up by the Parish Meeting. This right of access has been acknowledged, and although a 'private' matter between the parties concerned, the agent has confirmed that this arrangement will be unaffected by this proposal.
52. The proposed access and parking provision is deemed satisfactory and would accord with Local Plan Policies D1, D3 and D4, and the NPPF.

Residential Amenity

53. The application site is located to the east of the existing Petrol Filling Station site which stands on the outskirts of Bradbury. The nearest residential property is approximately 110m to the west of the proposed veterinary hospital. The proposed building would be visible from this property and the rear garden although these views are partially screened by existing planting. Because of the distances involved and the orientation of the proposed veterinary hospital it is considered that privacy and residential amenity would not be unduly affected by the proposed development.
54. Whilst the proposed development of the site would inevitably lead to additional traffic generation to this site it is considered that the levels of traffic generation would be lower than generated by the approved 80 bed hotel scheme. It is also considered that bearing in mind the significant distances between the application site and the nearest residential properties any noise or air pollution arising from this increased traffic generation would not have such a significant detrimental impact so as to justify refusal of the application.
55. The Bradbury and the Isles Parish Meeting raised concern that the proposed development may give rise to light spill and clarification was sought regarding the disposal of effluent from animals treated on site or clinical waste and concern was raised that the proposed bio mass boiler were to be used inappropriately this could give rise to air pollution.
56. Although it is considered that the proposed use would not by its nature create a significant degree of light pollution some light spill would may result in order to ensure that external car parking areas are suitably lit and safe to use. However, this matter can be suitably controlled via the imposition of a suitably worded planning condition.
57. It is, therefore, considered that this proposal would accord with Local Plan Policy D1 and the NPPF, in this regard.

Foul and Surface Water Disposal

58. It is proposed that foul sewerage from the veterinary hospital will be disposed of via existing public sewers; this being an acceptable arrangement to both Northumbrian Water and the Environment Agency.
59. The applicant has submitted a Flood Risk Assessment and this states that the surface water from the roof and from areas of hard standing will be directed to the existing culvert via an attenuation / hydro brake which will limit overall outflows to that of a green-field equivalent rate. The Environment Agency has raised no objection to this proposal subject to the imposition of a suitably worded planning condition requiring the mitigation measures being implemented prior to occupation.
60. Therefore, subject to the imposition of planning conditions relating to both foul and surface water disposal it is considered that this proposal would comply with NPPF.

Ecology

61. The application is accompanied by an extended Phase 1 ecological survey, which has been assessed by the Ecology Section who advised that the supporting documentation adequately addresses the protected species considerations, however, if planning permission is granted, a should condition be imposed to ensure that the mitigation measures outlined within the ecological survey, including the protection of the single ash tree on site were implemented.
62. Subject to the imposition of suitably worded planning conditions regarding the mitigation measures it is considered that this proposal would comply with the NPPF.

Other Matters Raised

63. In response to those concerns raised by the Parish Meeting the agent has confirmed that clinical waste generated on site will be stored and managed in accordance with appropriate regulatory requirements and that the proposed biomass heating system will be fired by chips / pellets procured specifically for this purpose.
64. The Environmental Health Section is satisfied that the proposal would not generate unacceptable levels of light pollution, noise, dust or odour. In order to minimise light glare it has been suggested that a planning condition is attached to ensure that the lighting proposals for the site are suitably controlled to minimise glare from the site.
65. Subject to the imposition of planning conditions relating to lighting it is considered that this proposal would comply with NPPF.

CONCLUSION

66. In conclusion, it is considered that although this site has previously been identified as being suitable for roadside facilities to serve motorists on the A1(M) and adjacent primary routes the alternative development of this site as a veterinary hospital would accord with the NPPF in that this would enable the productive alternative development of this site which has proven not to be viable for the allocated usage.
67. Not only would this proposal safeguard the employment of the 14 staff already working at Bishop Auckland this would enable the veterinary hospital to further expand potentially leading to the creation of a further 17 full time staff and a further 4 part time staff.

68. This proposal would enhance the visual appearance of the site and lead to the development of a well designed landmark building at this prominent location situated adjacent to the main East Coast railway line and A689.
69. The proposed access and parking arrangements are considered to be acceptable. Whilst it is acknowledged that because of the specialist nature of this veterinary hospital and the large catchment area which this facility serves the vast majority of animals attending the hospital would be brought by private vehicles or pet taxis. However, significant opportunities do exist to encourage staff to travel to and from the site in a sustainable way so as to minimise carbon emissions and it is suggested that a planning condition be attached requiring a travel plan to be drawn up and pedestrian access linkages between this site and the existing bus stops in the area laid out.
70. It is considered that this proposal would not, subject to the imposition of suitably worded planning conditions, detrimentally affect foul or surface water disposal, residential amenity or ecological interests.

RECOMMENDATION

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

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

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 complete accordance with the following plans:

Site Location Plan	10 01
Ground Floor Plan – Tender Issue	20 01 Rev. 1
First Floor Plan – Tender Issue	20 02 Rev. 1
Roof Plan	20 03
Elevations –Tender Issue	30 01 Rev. 1
Sections – Tender Issue	40 01 Rev. 1
Landscaping Proposal	90 01 Rev. B
Proposed Site Plan	90 02 Rev. B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies D1 and D4 of the Sedgfield Borough Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with Policies D1 and D4 of the Sedgfield Borough Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with Policies D1 and D4 of the Sedgefield Borough Local Plan.

5. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the building hereby approved.

Reason: In the interests of the appearance of the area and to comply with Policies D1 and D4 of the Sedgefield Borough Local Plan.

6. No development shall take place unless in accordance with the mitigation detailed within section F – Mitigation and recommendations of the extended phase 1 report (E3 Ecology December 2012) including Appendix 1, but not restricted to adherence to timing of vegetation clearance outside the nesting season, site lighting and planting mix and tree protection measures.

Reason: In the interests of maintaining and enhancing biodiversity interests in accordance with Paragraph 109 of the NPPF.

7. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO₂ reduction and energy efficiency measures will be incorporated into the approved development has 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 scheme thereafter.

Reason: In order to minimise energy consumption and to comply with Paragraphs 95 and 97 of the NPPF.

8. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any) shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

Reason: In the interests of the appearance of the area and to comply with Policies D1 and D4 of the Sedgefield Borough Local Plan.

9. All planting, seeding and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the appearance of the area and to comply with Policies D1 and D4 of the Sedgfield Borough Local Plan.

10. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until those trees and hedgerows along the southern boundary of the site and referred to in the Tree Assessment dated 19th November 2012 are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

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

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

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

Reason: In the interests of the appearance of the area and to comply with Policies D1 and D4 of the Sedgfield Borough Local Plan.

11. No development shall commence until a framework travel plan has been submitted to and approved in writing by the Local planning authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to encourage sustainable modes of transport and to comply with Paragraphs 35 and 36 of the NPPF.

12. Prior to the bringing into use of the development a Travel Plan Coordinator shall be appointed and contact details for this person shall be provided in writing to the Local Planning Authority.

Reason: In order to encourage sustainable modes of transport and to comply with Paragraphs 35 and 36 of the NPPF.

13. Within 6 months of occupation a Final Travel Plan, conforming to the National Specification for Workplace Travel Plans PAS 500:2008 Bronze Level, shall be submitted to and approved in writing by the Local Planning Authority

Reason: In order to encourage sustainable modes of transport and to comply with Paragraphs 35 and 36 of the NPPF.

14. The car park shown on the plan hereby approved shall be constructed and marked out and made available for use prior to the development hereby approved being brought into operation, in accordance with details to be agreed with the Local planning authority. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.

Reason: In the interests of highway safety and to comply with policies D1 and D4 of the Sedgfield Borough Local Plan.

15. The footpath link from the site to the A689 illustrated on Drwg. No. 3286 90 01 Rev. B shall be properly consolidated and surfaced to the satisfaction of the local planning authority prior to the development hereby approved coming into first use.

Reason: In the interests of highway safety and to comply with policies D1 and D4 of the Sedgefield Borough Local Plan.

16. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk assessment (FRA) by BDN dated January 2013 and the mitigation measures detailed including limiting the surface water run off generated by the site to the existing Greenfield run off rate. The mitigation measures shall be fully implemented prior to occupation of the building.

Reason: to prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to comply with Paragraph 99 of the NPPF.

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

Reason: to ensure proper drainage of the site in accordance with Paragraphs 109 and 120 of the NPPF.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal for a veterinary hospital would, because of the specialist nature of the proposed use and the extensive catchment area which it would serve, represents an acceptable alternative form of development, resulting in significant investment in the local economy and job retention and creation, consistent with the aims of the NPPF in this regard and therefore being an acceptable departure from Policy T3 of the Sedgefield Borough Local Plan.
2. The proposed access and parking arrangements are considered to be acceptable and it is considered that this proposal would not, subject to the imposition of suitably worded planning conditions, detrimentally affect foul or surface water disposal, residential amenity or ecology, and would therefore comply with the NPPF and Policies D1, D3 and D4 of the Sedgefield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority have worked with the applicant in a positive and proactive manner and have taken on board the specialist nature of the proposed use and the extensive catchment area and recognise that good road linkages are essential for this type of activity. The Local Planning Authority have also worked with the applicant in order to secure the provision of a well-designed landmark building and complimentary landscaping at this key site.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning and Employment Statement

Design and Access Statement

Archaeological Evaluation Report

Flood Risk Assessment

Phase 1 Ecological Survey

Renewable Energy Statement

National Planning Policy Framework

Sedgefield Borough Local Plan 1996

Responses from Sedgefield Town Council, Highway Authority, Highways agency,

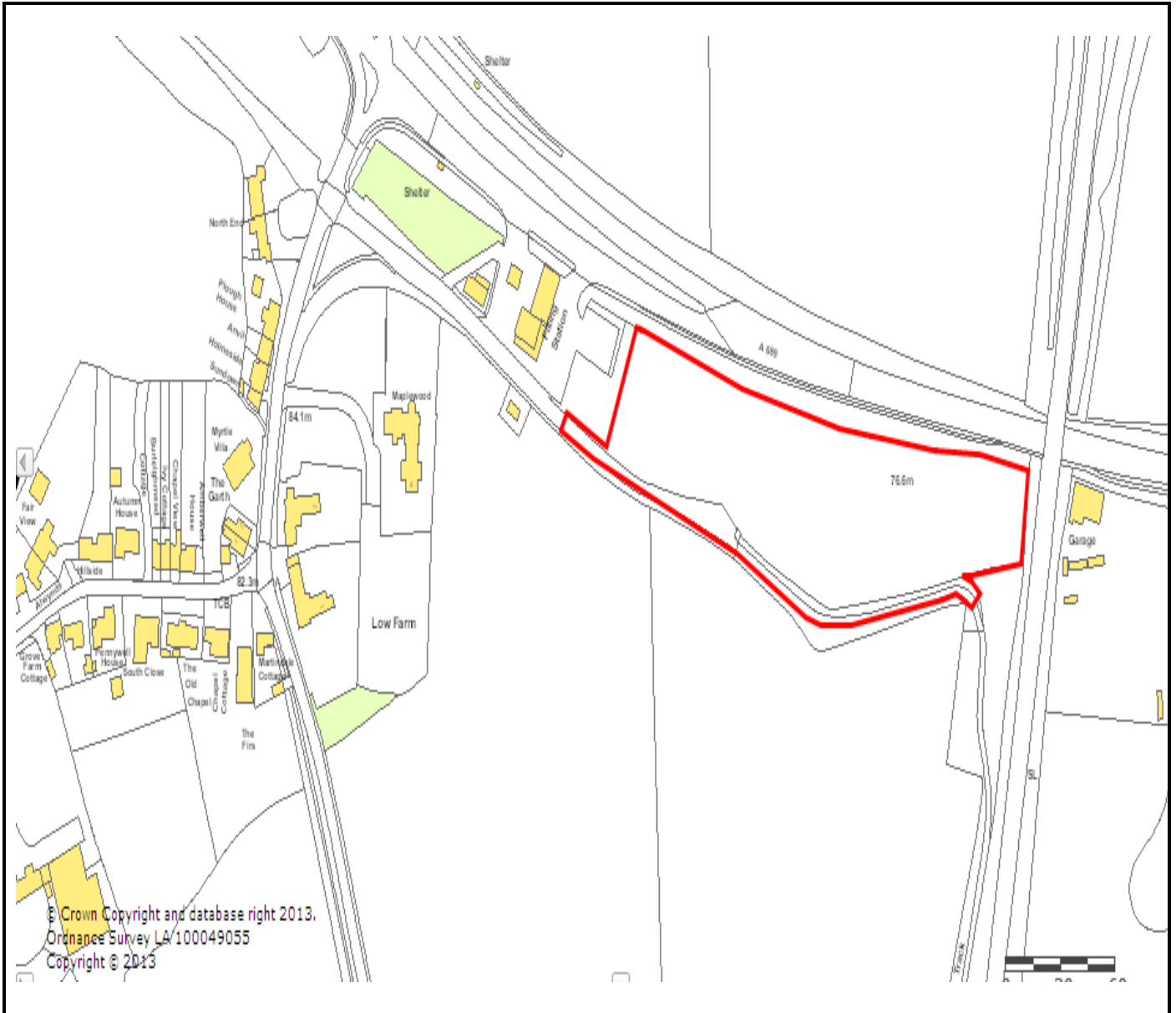
Environment Agency, Northumbrian Water Limited, Police Architectural Liaison Officer and


Internal responses from Spatial Policy Team, Ecology Section, Design and Historic

Environment Section, Environmental Health Section, and Landscape Section,

Response from Bradbury and the Isles Parish Meeting

Public Consultation Responses



 <p>Planning Services</p>	<p>Veterinary Hospital and associated works including access and landscaping at Land to the east of Bradbury Services, Bradbury, Co Durham TS21 2ES</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 20 June 2013</p>	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0074
FULL APPLICATION DESCRIPTION:	Two single storey extensions to northern elevation
NAME OF APPLICANT:	Mr S Yorke, Teescraft Engineering Limited
ADDRESS:	Units 5 & 8, Teescraft Engineering, Longfield Road, South Church Enterprise Park, Bishop Auckland
ELECTORAL DIVISION:	Shildon and Dene Valley
CASE OFFICER:	Paul Hopper, Planning Officer 03000 263946, paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a block of five existing industrial units with a total floor space of 1340m² located at Longfield Road, South Church Enterprise Park, Bishop Auckland. The units are currently occupied by Teescraft Engineering and are bounded by existing industrial units to the south and west with allotment gardens to the east and an area of undeveloped land to the north. The site is delineated by palisade steel security fencing with shrub planting to the east. Access is taken directly off Longfield Road, leading to 14 car parking spaces.

The Proposals

2. Planning permission is sought for the erection of two single storey extensions to the northern elevations of the existing industrial units, and would be approximately 14.5 metres wide by 9.2 metres deep with a maximum height of 4.4 metres, creating approximately 250m² of additional floor space. Each extension would have a flat roof finished in twin thermal cladding and external walls would be finished in a mix of concrete blockwork and profiled cladding positioned above facing brickwork and would incorporate metal security doors and roller shutters in the northern elevation.
3. The proposals would also include five additional car parking spaces located immediately to the north of the proposed extensions. In addition, the proposal would result in the creation of an additional 3 jobs at the site.
4. This application is being reported to planning committee as the applicant is an Elected Member of the Council.

PLANNING HISTORY

5. The application site forms part of an established block of industrial units, and has been subject to permissions for a testing station for micro wind turbines (3/2009/0278) and more recently, a single storey extension to units 1-3 (3/2012/0213).

PLANNING POLICY

NATIONAL POLICY

6. The National Planning Policy Framework (NPPF) is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process.
7. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
8. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
9. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:
 - be genuinely plan-led, empowering local people to shape their surroundings;
 - proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,

- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

10. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LOCAL PLAN POLICY:

11. The following policies of the Wear Valley District Local Plan are considered relevant:

12. *Policy I4 (Prestige Industrial Sites)* reserves land for development at South Church Enterprise Park for offices and business uses (Class B1) and general industry (Class B2) provided they fulfil the criteria, where relevant, set out at Policy GD1

13. *Policy T1 (General Policy – Highways)* states that all developments which generate additional traffic will be required to fulfil Policy GD1 and: provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. *Highway Authority* has no objections.

INTERNAL CONSULTEE RESPONSES:

16. *Ecology Section* has no objections.

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

18. This application relates to the land within the existing Teescraft Engineering factory premises units 5 & 8 at South Church Industrial Estate, Bishop Auckland. The business continues to expand and have recently purchased unit 8 meaning they now operate from seven of the eight units on the site. A very similar proposal for the units 6 & 7 was granted planning approval on 20/06/2011 and was completed in 2011.

19. A more recent application 3/2012/0213 to extend units 1-3 was granted approval on 20/07/2012 and has since been completed. The proposals are within the applicant's ownership. The business continues to expand and operates from seven of the 8 units on the site. The extension is fundamental in safeguarding Teescraft's future as client demands continue to increase. The business currently employs over 30 full time and 2 part time members of staff, additional staff will be recruited to assist with workload should the proposals be accepted.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

21. South Church Enterprise Park is an established prestige industrial site as defined by Local Plan Policy I4 and already hosts a number of manufacturing businesses playing an important role in the local economy. It is a location where expansion of existing businesses and development of new business is expected in order to meet the economic growth objectives and employment strategy of the Council.

22. The two units to which this application relates have been used for manufacturing for some time and extension to the existing buildings is a type of development which would be expected in an industrial location such as this. In this regard a planning permission was granted by this committee for a similar extension to units 1-5 Longfield Road in 2012. The proposal would safeguard the long term future of the existing engineering operation at the site and create an additional 3 jobs.

23. As this is an allocated industrial site and the proposal would create new jobs in the area, the principle of the extension is considered to be in accordance with Local Plan Policy I4, as well as guidance contained in the National Planning Policy Framework.

Impact upon the character and appearance of the surrounding area

24. The site is well contained within an existing industrial estate and is not directly visible from Dovecote Road to the south. The scale of the proposed extensions would not appear overly dominant when viewed in the context of the existing building and would occupy a well screened position on the northern elevation. While the extensions would create 250m² of additional floor space within what is a fairly compact site, it is considered that given the limited size of the extensions, their location to the rear of the building and the use of materials to match the host building, the proposal would not have any adverse impact upon the character and appearance of the surrounding area.

25. The proposals are therefore considered to be in keeping with the character and appearance of the surrounding area in terms form, mass, scale, layout and materials in accordance with Local Plan Policy GD1.

Impact upon adjoining occupiers

26. In terms of amenity, some additional noise and associated disturbance can be expected as the development would intensify operations at the site although this would be heard in the context of an established industrial area which hosts other similar uses, and the nearest residential properties on Bigland Terrace to the east are more than 100m from the extension to unit 8. As such, the proposals are considered to be acceptable and would not have any adverse impact on the amenity of surrounding occupiers in accordance with Local Plan Policies GD1 and I4.

Parking, Access and Highway Safety

27. The existing access into to the site would be retained post development and five additional parking spaces would be created, occupying an existing tarmac area and an incidental grass verge to the north and west of the proposed extensions. The Highway Authority has raised no objections to the application and is supportive of the additional parking. It is therefore considered that the proposals would not compromise highway safety and would accord with Local Plan Policies GD1 and T1.

CONCLUSION

28. The proposed extensions are located on an existing industrial estate and is already developed for industrial purposes, and the proposal would not have any adverse impact upon the character and appearance of the surrounding area, the amenity of adjacent land users or highway safety in accordance with Local Plan Policies I4, GD1 and T1 and guidance contained within the National Planning Policy Framework.

RECOMMENDATION

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

1. The development shall not be begun later than the expiration of three years from the date of this permission. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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:

<i>Plan Ref No:</i>	<i>Description</i>	<i>Date Received</i>
R1100 – 100	Site Location Plan	5 March 2013
R1100 – 103	Proposed Site Block Plan	5 March 2013
R1100 – 104	Proposed Ground Floor Plan	5 March 2013
R1100 – 105	Proposed Elevations	5 March 2013
R1100 – 200	Parking Arrangement	22 May 2013

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

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

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

REASONS FOR THE RECOMMENDATION

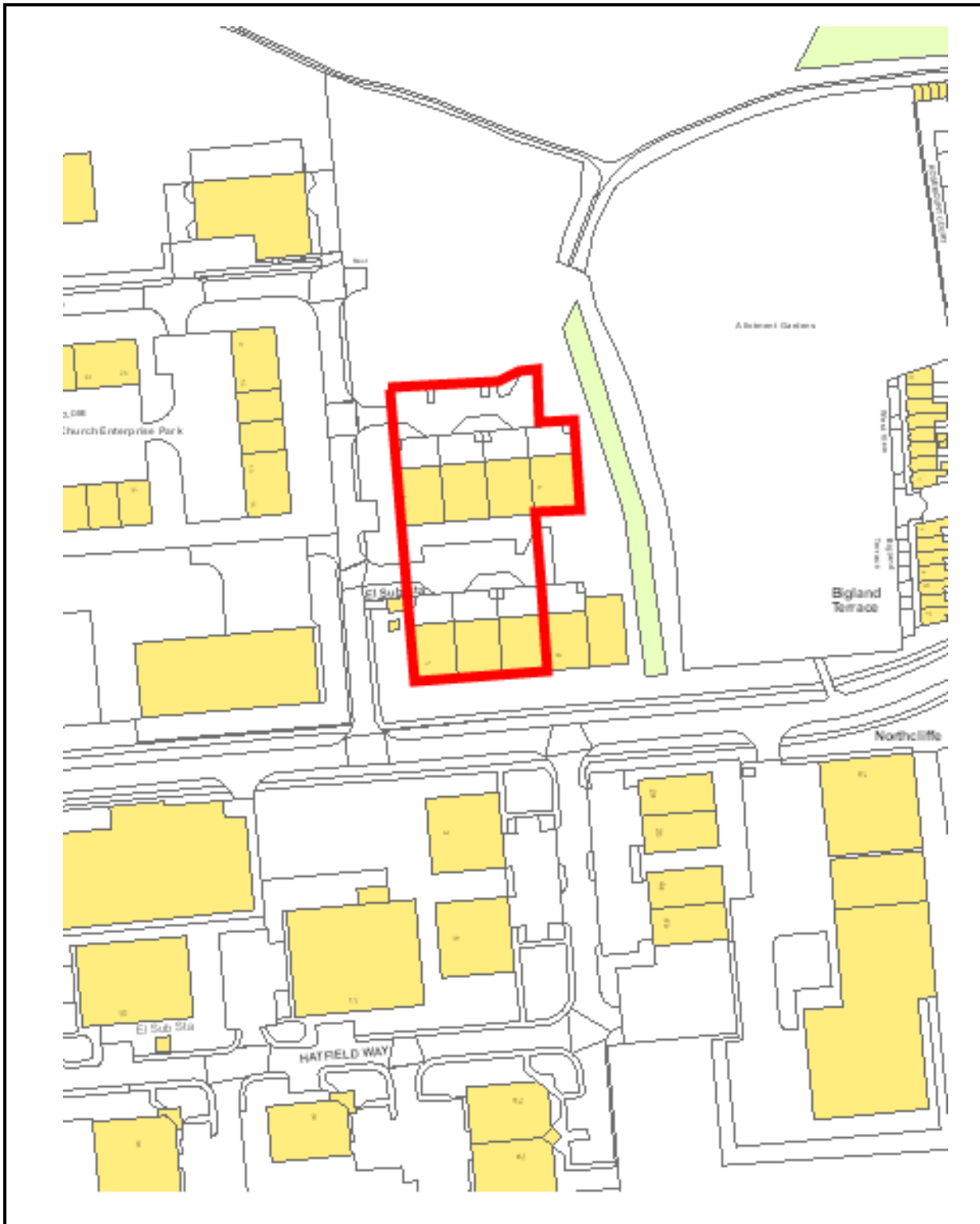
1. The proposal is considered acceptable having regard to policies GD1, I4 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The proposed extensions could be satisfactorily accommodated at the site in terms of scale, layout and materials, and as such, would not have any adverse impact on the character and appearance of the surrounding area or the amenities of neighbouring users. In addition adequate parking provision and access would be provided and highway safety would not be compromised.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority has acted in a positive and proactive manner in determining the planning application in an expedient manner.

BACKGROUND PAPERS

- Submitted application forms, plans and design and access statement
- National Planning Policy Framework
- Wear Valley District Local Plan
- Consultation responses from the Highway Authority and Ecology Section



Planning Services

Erection of 2 No Single Storey Extensions at Units 5 & 8, Teescraft Engineering, Longfield Road, South Church Enterprise Park, Bishop Auckland (3/2013/0074)

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Comments

Date 20 June 2013

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2010/0188/DM
FULL APPLICATION DESCRIPTION:	Outline application with some matters reserved for the erection of 12no. dwellings
NAME OF APPLICANT:	Mr A Bainbridge & Mrs D Dowson
SITE ADDRESS:	Land west of Victoria Cottages, Butterknowle, Bishop Auckland, County Durham
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adrian Caines 03000 263943 adrian.caines@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a linear strip of land along Pinfold Lane Butterknowle, approximately 0.33 Hectares in area. It runs the full extent along Pinfold Lane from the western end of Victoria Cottages to the western limit of the village and is part of a larger agricultural field. The site is classified as greenfield land, but it lies mostly within the development limits of the village. A public footpath (No.61) runs through the western end of the site and continues in a south west direction through the adjacent fields. Opposite, on the northern side of Pinfold Lane is a terrace of two storey dwellings known as West View, as well as a number of detached dwellings, all typically following the linear pattern of ribbon development that characterises Butterknowle.
2. The application seeks outline planning permission for residential development of 12 dwellings with access and layout considered. The dwellings would follow the linear pattern of development along Pinfold Lane and comprise 4 detached, 4 terraced and 4 semi-detached dwellings with a new vehicular access taken off Pinfold Lane. A small section of the site to the south would extend beyond the defined development limits in order to accommodate a shared driveway and parking area.
3. The application was originally submitted in June 2010 and in November 2010, Members of the SW Area Planning Committee were minded to approve the application subject to the signing of a Section 106 Agreement to secure 4 affordable dwellings within the scheme (30% affordable Housing). However, as the S106 agreement was not progressed, planning permission was never issued and accordingly, the applicant remains undetermined. The applicant is now seeking to argue that there should be no S106 affordable housing requirement on the basis that over 3 years have passed without any interest from Registered Social Landlords to take on the affordable housing and in addition, it is claimed the economic downturn has now made the development unviable with affordable housing.

4. The application is therefore being reported back to the Planning Committee to revisit the issue of the S106 affordable housing requirement and for a new resolution to be made so that the application can then be determined. The proposal itself in terms of the dwelling numbers, layout and access remains unchanged from the scheme Members previously resolved to approve in November 2010 subject to the S106 for affordable housing.

PLANNING HISTORY

5. As explained above, the proposal was submitted in 2010 and already has a minded to approve resolution from the Planning Committee. The previous Committee report is attached as an appendix for information.
6. The application is a resubmission of application 6/2007/0198, which was refused on 27th July 2007. The proposal made amendments to the layout, provision for the public right of way through the site, and offer of 4 affordable dwellings to overcome previous reasons for refusal.

PLANNING POLICY

NATIONAL POLICY

7. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

REGIONAL PLANNING POLICY

8. The Regional Spatial Strategy for the North East (RSS) was revoked on 15 April 2013 and therefore the RSS policies are no longer of any relevance to the determination of this application.

LOCAL PLAN POLICY:

9. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:
 - GD1 General Development Criteria
 - H1A Open space requirements
 - H12 High standards of design in new house and housing sites.
 - ENV1 Protection of the Countryside

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

CONSULTATION AND PUBLICITY RESPONSES

10. The following is a summary of the consultation responses to the original application in 2010, updated where any additional comments have been received from the reconsultation exercise.

STATUTORY RESPONSES:

11. *Lynesack and Softley Parish Council* – Having been reconsulted, the Parish Council have reiterated their previous objection to the scheme, minus the comments relating to affordable housing, which are:

- There are currently a large number of properties for sale in the area, therefore is there any need for further development in the Parish?
- The current application is 43% larger than the 2007 refusal. The identified plot also extends beyond the settlement boundary.
- The development is on a Greenfield site.
- Parking and traffic would be a problem.
- People living close to the development would have their views and living environment spoilt.
- The Parish Council would not be in favour of diverting the right of way.
- Concern regarding the vast infrastructural improvements that would be required.

12. *Northumbrian Water* – Had no objection

13. *Highways Authority* – Had no objection, however conditions were recommended to secure 4 visitor parking spaces on the access road between plots 4 & 5, a 1.8m wide footway, drainage details (a surface water attenuation tank is not acceptable if the access is to be adopted), and for all gates to be inward opening so they do not obstruct the highway. The potential displacement of informal parking from the highway verge is noted but it is not a material reason for refusal.

INTERNAL CONSULTEE RESPONSES:

14. *County Spatial Policy Section* – Had no objection, noting that the Durham County Council Settlement Study identifies Butterknowle as a Category 4 settlement, which is of a sufficient size and has sufficient services, facilities and infrastructure to accommodate the size of development proposed. The provision of affordable housing would be significant in improving the sustainability and viability of Butterknowle.

15. *County Estates Section* – Have considered the viability assessment and concur with the findings that the scheme as it stands is unviable with the inclusion of any affordable housing.

16. *County Public Rights of Way Section* – Had no objection subject to a Diversion Order under Section 257, Town and Country Planning Act 1990 being made for Public Footpath No61, Lynesack and Softley.

17. *The County Sustainability Section* – The Design and Post Construction Stage Assessment should be sent for consultation, together with an estimation of the total energy and carbon emissions from the development.

PUBLIC RESPONSES:

18. When the application was first considered in 2010 there were 18 objections and one letter of support received. All previous responses are summarised in the Committee report attached as an appendix to this report.

19. Following reconsultation on the proposal to remove the affordable housing there have been another 3 objections received, including one from the Open Spaces Society.

20. The following is a summary of the concerns raised, some of which repeat concerns raised previously:

- The application was only passed previously because the positives of the affordable housing were considered to outweigh the negatives of building on a Greenfield site and outside the development limits.
- There is a national shortage of affordable houses and affordable housing is viable.
- Butterknowle has very few amenities.
- Traffic and parking impact.
- The development is on greenfield land.
- The area has drainage problems and the development might increase flooding.
- Loss of views for the dwellings opposite
- Any diversion of footpath 61 would be detrimental for users because of loss of a direct route, loss of view of the countryside, loss of a firmer surface.

APPLICANTS STATEMENT:

21. The present application was reported to Committee on 18th November 2010, when Members were minded to approve the application subject to the completion of a Section 106 Agreement relating to the provision of 4no. affordable dwellings. A draft S106 Agreement was issued by the Council's solicitor on 4th January 2011. Enquiries were made on behalf of the applicant to potential RSL's and despite meetings with one in particular, 4 Housing, no level of interest was actually registered. There were also considered to be issues with the structure of the draft S106.

22. Discussions moved towards the provision by our client of a viability assessment for the site as a means of identifying a basis for the provision of affordable housing or an off-site contribution. This assessment was discussed with officers prior to a meeting on 21st September 2012, as well as being discussed again at that meeting, after which it was formally issued for examination by the Council and duly acknowledged in November 2012 as being correctly prepared. It was confirmed, therefore, that on the scheme as submitted no justification existed for requiring affordable housing on-site or an off-site contribution. This remains the position as at this date and the planning application remains undetermined.

23. All that the applicant is seeking to achieve is the establishing of the principle of development on her land, and by the resolution of the Committee in November 2010, it is clear that the development of the land was accepted in principle, i.e. it could be physically built upon. No viability assessment was undertaken at the time of making the application, but it is almost certainly the case, given the stagnant market of the past 2-3 years or more, that the scheme proposed would not have been viable at the time of submission.
24. To turn to the prevailing policy framework, both NPPF, and in particular the 'Growth and Infrastructure Bill' which is likely to gain Royal Assent in April this year, highlight the presumption in favour of sustainable development, and the latter Bill is explicit in reducing Section 106 requirements where they are shown to be economically unviable. In the case of this site, once the Local Planning Authority accepted the principle of development (as it did in November 2010), it is difficult to sustain arguments on the basis of affordable housing requirements which have been proved to be unviable, and have been accepted as such through the viability assessment.

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/PA>

PLANNING CONSIDERATIONS AND ASSESSMENT

25. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including previous committee resolutions and additional representations received, it is considered that the main planning issues in this instance relate to whether the requirement to enter into a S106 Agreement to secure 4 affordable dwellings in the scheme should be removed. Apart from the request for removal of the affordable housing requirement, the application has not changed and therefore matters of the layout and means of access, along with other related issues of drainage, flooding, impact on the footpath, impact on adjacent properties, traffic and parking impact, have already all been considered to be acceptable when Members of the Planning Committee were minded to approve the application on 18th November 2010, as detailed in the attached 2010 Committee Report.

Whether the requirement to enter into a S106 Agreement to secure 4 affordable dwellings in the scheme should continue to be imposed

26. Since the application was last considered in 2010, there has been a change in planning policy with the National Planning Policy Framework replacing all PPS and PPG documents, however, the NPPF does not change the statutory status of the development plan as the starting point for decision making and the weight to be attached to relevant saved local plan policies depends on the degree to which they accord with the NPPF. Paragraph 50 of the NPPF recognises that affordable housing contributes to widening opportunities for home ownership and the objective of creating mixed and balanced communities. Policies to secure affordable housing should be based on a demonstrable need, but there is recognition of the need for flexibility to take account of changing market conditions over time. Teesdale Local Plan Policy H14, which states that the local

planning authority will seek to negotiate an element of affordable housing based on need, is therefore still relevant as it accords with the NPPF.

27. When the application was originally considered in 2010 the local requirement for affordable housing in the whole of the former Teesdale area was 30%, hence the requirement for 4 affordable dwellings in the scheme. This requirement has more recently been revised to 25% for the West Durham Market Delivery Area as a result of the Strategic Housing Market Assessment (2012), which forms the evidence base for the emerging County Durham Plan. This immediately suggests the current requirement should be for just 3 affordable dwellings in the scheme. Butterknowle is however located on the eastern perimeter of the West Durham Market Delivery Area where it is less closely associated, in terms of house prices and land values, to those of Barnard Castle and west Teesdale, and more closely associated with those of the Bishop Auckland/West Auckland area in the adjacent South Durham Market Delivery Area, which has a much lower affordable housing requirement of 15%. There could therefore be an argument that the affordable housing requirement should be somewhere between 25-15% when taking into account specific local context and need, which would lower the requirement further.
28. The applicant however suggests that since November 2010 there has been no interest from Registered Social Landlords (RSLs) to take on any affordable houses in the scheme and in addition, the effect of the economic downturn has now made the development unviable with any affordable housing. The NPPF does recognise the need for flexibility to take account of changing market conditions over time and more recently regard can be given to the Growth and Infrastructure Act of 25th April 2013, which aims to get building going on stalled housing sites by allowing the reconsideration of economically unviable S106 requirements. The applicant has submitted a viability appraisal which has been appraised by the Council's Estates Section in consultation with the Planning Policy and Housing Sections. They have carefully examined the projected sales revenues, build costs, other costs and profit margins, and concur with the findings that the scheme as it stands is unviable with the inclusion of any affordable housing, noting that securing affordable housing is always going to be difficult on small sites in this market area where sales revenues are relatively low and required building materials are likely to be stone. Because the applicant has demonstrated the scheme is unviable with affordable housing it is not appropriate to seek an off site financial contribution for affordable housing.
29. Having accepted that the provision of any affordable housing is unviable on this site consideration must then be given to whether the scheme could still be approved without any affordable housing and whether this triggers the consideration of any other material considerations. The 2010 Committee Report did suggest that the provision of affordable housing was a factor to outweigh development of a greenfield site, including land outside the development limits of Butterknowle and would contribute to meeting the aims of PPS3 to create sustainable mixed communities.
30. Looking at the proposal in the current policy context under the NPPF, Butterknowle contains a number of important services including a school, doctors, village hall, pub, and post office. There is a bus service and bus stop within 300m of the site. The site therefore remains a sustainable location for the scale of development proposed. The site is greenfield land, but most of it is within

the development limits. It is also of note that the RSS which contained the sequential approach to development has been revoked and the NPPF does not carry forward a sequential approach to site identification, the key criteria of NPPF being sustainability. The greenfield/brownfield dichotomy is therefore much less important than it was when the application was considered previously. The fact the site was included in the development limits when it could easily have been excluded is an indication of its development potential, mostly because the presence of dwellings across the road means it is a natural extension of the village without causing intrusion into the countryside. All proposed dwellings would be located within the development limits with only the access and parking area falling outside, which would be adequately screened by a new hedgerow to replace the one lost to the front of the site. Affordable housing would have contributed to the objective of creating mixed and balanced communities, but for the reasons above, is not viable on this site. There would still be 2 bungalows within the scheme to meet the needs of older people, or those with disabilities, and with the loss of the affordable housing it is even more important that these bungalows are retained in the scheme so a condition is recommended accordingly. It is therefore considered that in the current policy context under the NPPF, the justifiable absence of affordable housing does not make the site unsuitable in principle for housing development, subject to other material considerations.

31. The scheme previously did not include any contribution towards recreational open space in the area because the delivery of a high amount of affordable housing (30%) was seen as a more pressing need, and an open space contribution in addition to the affordable housing on such a small site may have potentially threatened deliverability of the affordable housing. Now that it is proposed to remove the affordable housing from the proposal there is no longer any reason why the proposal should not comply with Teesdale Local Plan Policy H1A, which states development of 10 or more dwellings should either provide or contribute to play and amenity space in the area. In addition, the Council has since produced an Open Space Needs Assessment (OSNA), which is a new material consideration to be taken into account. The OSNA identifies that Lynesack Parish, within which Butterknowle falls, is deficient in recreational open space and therefore there is added justification for this development proposal to make an open space contribution towards provision/improvement in the locality in lieu of there being no open space proposed within the scheme. This is entirely in accordance with Section 8 of the NPPF, which recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities and that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Accordingly, the applicant has agreed to an open space contribution of £12,000 which can be used for provision and improvement of recreational open space in the local area. This would be secured through a S106 Agreement. This is a public benefit that would not have been delivered previously and therefore it would provide some compensation for the loss of the affordable housing from the scheme and in respect of meeting the aims of creating sustainable, inclusive communities.

Other issues

32. Objections have again been received on matters in respect of impacts on neighbouring properties, flood risk, highway safety and impact on the public

footpath, however the scheme is physically unchanged from the one Members of the Planning Committee previously considered acceptable in these respects. The acceptability of these issues are covered in the 2010 Committee Report and planning policy relevant to these matters and site circumstances have not changed materially to justify coming to any different view.

CONCLUSION

33. This is an outline application with matters of layout and access being considered. The layout and access, along with other related issues of drainage, flooding, impact on the footpath, impact on adjacent properties, traffic and parking impact, have already all been considered to be acceptable when Members of the Planning Committee were minded to approve the application on 18th November 2010. Planning policy relevant to these matters and site circumstances have not changed materially to be able to justify coming to any different view.
34. The key issue is whether the development should be approved without a S106 Agreement to secure 4 affordable dwellings. While the policy justification for seeking affordable housing in the development remains relevant, albeit at a reduced amount, the advice from the Government in the NPPF and through the Growth and Infrastructure Act 2013, is that there should be flexibility to take account of changing market conditions and reconsideration of economically unviable S106 requirements. In this case it has been demonstrated and accepted that the provision of any affordable housing would not be economically viable on the site and there has been no interest from RSLs to take on the amount of affordable houses in this location.
35. When considered under the changes in policy context of the NPPF the site remains, in principle, a suitable site for the scale of development proposed. With a proposed contribution now of £12,000 towards recreational open space in the local area, the proposal would accord with Teesdale Local Plan Policy H1A and the related provisions of the NPPF, and this would provide some compensation for the absence of affordable housing.
36. Given all of the above, it is considered that the proposal accords with the NPPF and Teesdale Local Plan Policies GD1 and H1A, while a minor departure to policies ENV1 and H14 of the Teesdale Local Plan is justified to deliver an acceptable scheme. The proposal can therefore be approved without any affordable housing requirement, but it should still be subject to a S106 Agreement to secure the open space contribution of £12,000.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a new S106 Agreement for a contribution of £12,000 towards the provision and maintenance of recreational open space in the local area, and subject to the following conditions;

1. The development hereby approved shall be carried out in strict accordance with the following approved plans in so far as access and site layout is concerned:-

Plan Reference Number	Date received
1612 - Site location plan	29/06/10
1612/05 F - Proposed site layout	29/06/10

Reason: To define the permission.

- 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.

- Approval of the details of appearance, landscaping, and scale (hereinafter called the reserved matters) shall be obtained from the local planning authority before the development is commenced.

Where relevant, the reserved matters submissions shall provide details of the following:

- The design and external appearance (including type of materials) of all dwellings; the number of which shall not exceed 12;
- Landscaping including areas of hard and soft landscaping and the new hedgerow along the southern boundary;
- The energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated;
- Details of the means of surface water drainage and the disposal of foul sewage including the outfall points and their connection to the site's main surface water drainage and disposal of foul sewage network;
- All boundary enclosures;
- Existing and proposed ground and floor levels;

Reason: To achieve a satisfactory form of development.

- The scheme hereby approved shall contain no less than 2 bungalows which shall be constructed prior to the occupation of the 4th dwelling on the site.

Reason: To ensure the proposal provides a choice and mix of house type, particularly for older people and people with disabilities, and to contribute to meeting the aims of creating inclusive, mixed communities. In accordance with the aims of the NPPF.

- Notwithstanding any details of materials submitted with the application the walls of the dwellings hereby approved shall be constructed in stone. No development shall commence until samples of the external 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 Policies GD1 and H12 of the Teesdale District Local Plan.

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

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

7. No development shall commence until full engineering details of all new roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details. These details shall include provision of the following:
- A new 1.8m wide footway, which shall be continued around the radius into the road between plots 4 & 5;
 - The provision of four visitor parking spaces on the access road between plots 4 & 5.
 - Details of highway drainage.

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

8. Any on-site vegetation clearance should avoid the bird breeding season (March to end of August), unless an ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of any vegetation during the bird breeding season.

Reason: In order to ensure ecological interests are safeguarded in accordance with policy GD1 of the Teesdale Local Plan.

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

Reason: In the interests of the amenity of nearby residents in accordance with policy GD1 of the Teesdale Local Plan.

REASONS FOR THE RECOMMENDATION

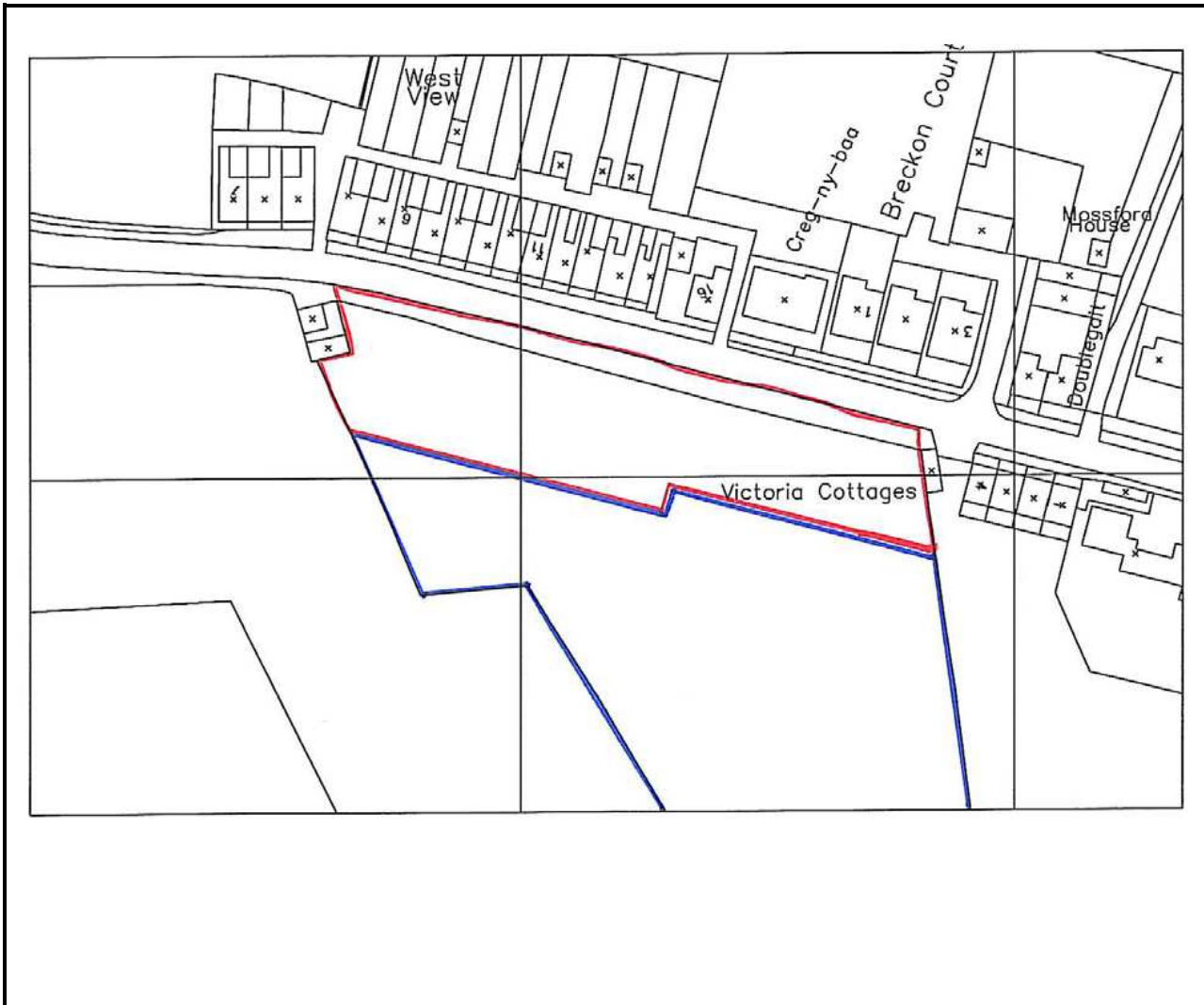
37. The proposal is considered acceptable in relation to policies GD1, H1A and H12 of the Teesdale Local Plan and guidance contained within the National Planning Policy Framework.
38. In particular, the development is considered acceptable in principle, despite not including any affordable housing on the grounds of viability, and the layout and access, along with other related issues of drainage, flooding, impact on the footpath, impact on adjacent properties, traffic and parking impact are all also considered acceptable.
39. In arriving at this recommendation, all consultation responses received have been considered, however, on balance, the issues raised are not considered to be sufficient to warrant refusal of the application, and matters can be considered further both through the submission of subsequent reserved matters and through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

40. In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and taking a flexible approach to renegotiating the requirements of the S106 Agreement.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan 2002
Consultation responses and representations



	<p>Outline application with some matters reserved for the erection of 12 no dwellings</p>	
<p>Planning Services</p>	<p>Site</p>	<p>Land west of Victoria Cottages, Butterknowle. Bishop Auckland, County Durham</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 20/06/2013</p>	<p>Scale 1:1250</p>



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO: 6/2010/0188/DM

FULL APPLICATION DESCRIPTION: Outline application with layout and access considered for the erection of 12no dwellings (including 4 affordable units)
Land west of Victoria Cottages, Butterknowle

NAME OF APPLICANT: Mr A Bainbridge & Mrs D Dowson

ADDRESS: 3 Breckon Hill
Butterknowle
Bishop Auckland
Co Durham
DL13 5QA

ELECTORAL DIVISION: Evenwood

CASE OFFICER: **Matthew Gibson**
Planning Officer
01833 696244
matthew.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

This application site is a strip of agricultural land mostly within the development limits of the village of Butterknowle located at the western end of the village. The site is classified as greenfield for the purposes of planning and covers approximately 0.33 Hectares.

The village follows a pattern of ribbon development along a single main road that runs from east to west. The application site is bounded by housing to the north and east and development on this site would form the southern and western boundary to the village.

Outline planning consent is sought for the erection of 12 dwellings. The proposal seeks

consent for 8 open market houses and 4 affordable dwellings.

This outline application has been submitted with details of layout and access with matters related to landscaping, scale and appearance reserved.

This application is being reported to committee due to scale of housing proposed.

PLANNING HISTORY

2009/0370 – Previous application withdrawn

2007/0198 – Outline application for 14 houses refused

PLANNING POLICY

NATIONAL POLICY:

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

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- ensuring high quality development through good and inclusive design, and the efficient use of resources;
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities.

Planning Policy Statement 3 (PPS3) Housing – Sets out the delivery of the Government's national housing objectives. New housing should be directed to sites within the development limits of towns and villages which offer access to a range of local facilities, jobs, services and public transport, with priority given to development on previously developed land (brownfield). The PPS defines affordable housing and suggests proposals in excess of 15 dwellings should have an appropriate affordable housing commitment.

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

- focusing most development in, or next to, existing towns and villages;
- preventing urban sprawl;
- discouraging the development of 'greenfield' land.

New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. In particular, when considering housing, house in the countryside will not normally be

permitted and regard must be given to national housing policy requirements (PPS3).

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 into new developments.

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

LOCAL PLAN POLICY:

- GD1 General Development Criteria
- H12 High standards of design in new house and housing sites.
- H1 Allocated sites for residential development
- H4 Small scale housing development on sites less than 0.4 Hectare
- ENV1 Protection of the Countryside

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Lynesack and Softley Parish Council – Recommend that the proposal be rejected for the following reasons:

- Two further permissions have been granted in the village for housing. The Parish Council believes that these sites could quite easily accommodate any affordable housing need.
- The Parish Council requests proof of an affordable housing need. If a need is demonstrated then the Parish Council would like to see the housing being made available to those already living in the locality.

- Previous affordable housing in the area led to substantial anti social behaviour problems. The Parish and parishioners would not wish to see a repeat of those issues.
- There are currently a large number of properties for sale in the area, therefore is there any need for further development in the Parish?
- The current application is 43% larger than the 2007 refusal. The identified plot also extends beyond the settlement boundary.
- The development is on a Greenfield site.
- Parking and traffic would be a problem.
- People living close to the development would have their views and living environment spoilt.
- The Parish Council would not be in favour of diverting the right of way.
- Concern regarding the vast infrastructural improvements that would be required.

Northumbrian Water – No objection

INTERNAL CONSULTEE RESPONSES:

Public Rights of Way Officer – No objection subject to a Diversion Order under Section 257, Town and Country Planning Act 1990 being made for Public Footpath No61, Lynesack and Softley.

Low Carbon Officer – requests that a copy of the Design and Post Construction Stage Assessment is sent for consultation, together with an estimation of the total energy and carbon emissions from the development.

Highways Officer – No objection however included detailed comments to be taken into account at reserved matters stage regarding visitor parking, layout and legal matters.

PUBLIC RESPONSES:

This application was advertised and a total of 18 objections were received. The following concerns were raised:

- The application does not contain the minimum information required for outline permission.
- The ownership of land, covenants and rights of access are questioned.
- The site is prone to water logging and flooding.
- The drainage is unsuitable for a development of this scale.
- The application has not altered significantly since the previous refusal in 2007.
- The development will look like a small, modern housing estate which would be totally inappropriate to the village.
- The development will lead to parking problems and highway safety issues.
- There is no need for affordable or low cost housing in the village
- The site is Greenfield.
- The removal of the hedge would lead to a loss of wildlife.
- The development will have an environmental impact.

- The application makes no reference to renewable energy.
- The parking provision provided is inadequate.
- The services, such as water, electricity and telephone are inadequate and are not sufficient for any new development.
- There are a number of other sites in the village which could be viewed as infill.
- Peoples views would be restricted which will drastically reduce quality of life for residents.
- Residents paid a premium for views across countryside and this development would reduce house prices dramatically.
- The development would spoil the countryside and create urban sprawl.
- The doctors and school are fully subscribed and do not require any additional clients.
- The grass verge and hedge have been maintained by the residents due to lack of maintenance by the owners.
- The village has few amenities and a limited bus service.

In addition, an objection was received in direct response to the submitted planning statement however it is considered that these points have been summarised above.

One letter of support was received for the application stating that they require a bungalow in the village and there are none for sale, so would like to see the application passed.

APPLICANTS STATEMENT:

- 1 In April 2007 the applicants had made an outline planning application for the residential development of their land west of Victoria Cottages, Butterknowle, this being land identified within the settlement limits of the village as set out in the adopted Local Plan. Planning permission was refused, however, in July 2007 for three reasons, and since that refusal, the applicants, through different agents, have set about addressing the concerns of the Local Planning Authority expressed in the reasons for refusal.
- 2 The result was that in October 2009 a new planning application was submitted, following discussions with the case planning officer. This application addressed the issues previously raised in respect of the physical arrangements of the proposed site and its design (albeit at an outline stage), and further it acknowledged the issue of an affordable housing provision, in which regard negotiations had taken place with what was then known as Three Rivers Housing Group. However, as a result of ongoing discussions with the case planning officer and with the Council's Design and Conservation officer, it was requested by the officers that the application be withdrawn. This was to enable time to be afforded to the preparation of a Design Brief by the Council's officers, by which further guidance and improvement could be made to the design and indicative layout of the proposed site.
- 3 The Council's Design Brief was duly prepared and issued, and following further liaison and discussions, a revised application was prepared following the advice and guidance provided in the Brief, and this application was submitted on 28th June 2010 and is now before the Committee for consideration. Importantly, and after a gestation period of some 3 years since the original application, the present application satisfactorily addresses the issues originally raised, in that:-

- It is now acknowledged that the proposal is appropriate in general policy terms
- It provides a quota of affordable housing for the village
- It makes satisfactory provision for public footpath arrangements
- It responds to the advice and guidance contained in the Council's Design Brief

4 At the heart of this application is a proposal for ensuring attractive, well-designed and sustainable growth for the village of Butterknowle, which is classed as a Category 4 village in the Draft Local Development Framework Settlement Study. It meets all reasonable requirements in terms of planning policy, potential layout and good design, and as such it is a proposal which should be seen as an example of sound planning correctly enabling development for the future of the village.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19295>

PLANNING CONSIDERATIONS AND ASSESSMENT

In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the principle of development, impact on countryside, impact on neighbouring properties, affordable housing, flood risk and highway safety, represent the principle material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the statutory Development Plan unless material considerations indicate otherwise.

Principle of development

This application seeks outline planning permission for the erection of 12 dwelling on land adjacent to Victoria Cottages, Butterknowle. The application reserves some matters for the next stage of the process apart from access and layout. However, in response to a design brief produced by the Council the applicant has submitted an indicative layout with sufficient detail to show how the site may function in terms of scale, appearance, layout and landscaping.

The application site lies partly within the development limits of Butterknowle and there is existing housing to two sides of the site. It is therefore a location where new residential development would normally be deemed acceptable in principle, subject to compliance with other relevant planning policies and considerations.

National Policy in the form of PPS1 and PPS7 highlights the need to ensure that development proposals are based on sustainable development principles. Consideration needs to be given to: social inclusion - recognising the needs of everyone; effective protection and enhancement of the environment; prudent use of natural resources and maintaining high and stable levels of economic growth and employment. Development in the countryside away from existing settlements or outside areas allocated for development in the development should be strictly controlled. The government's aim is to protect the countryside for the sake of its own intrinsic character, heritage, landscape and wildlife so that it can be enjoyed by all.

Planning Policy Statement 3: Housing (PPS3) sets out the national planning policy framework for delivering the Government's housing objectives. PPS3 states: *'that the planning system should deliver:*

- *High quality housing that is well designed and built to a high standard.*
- *A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.*
- *A sufficient quantity of housing taking into account need and demand and seeking to improve choice.*
- *Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.*
- *A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.'*

In assessing the proposal in this application it is important that the above points are taken into consideration.

Both PPS1 and PPS3 advocate delivering sustainable development. Planning should facilitate and promote sustainable and inclusive patterns of urban development by ensuring that proposed developments support existing communities and contribute to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

The site is identified as being greenfield. New housing is normally directed towards previously developed land, which is the approach supported by both local and national policy. Policy H4 is a policy aimed at encouraging the redevelopment of previously developed land for housing in key settlements of which Butterknowle is one. Policy H4, however, does not discuss the incidents where the land is predominately greenfield and is within the development limits. In fact there is no policy which dictates the approach to such sites as this at Meadow Close. It is therefore important to assess the principle related to a wider balance of material considerations when considering justification for this particular site.

It is considered that there are more than adequate services and community facilities within close distance to the site and there are good transport links to neighbouring communities. The application site is therefore a sustainable location for development and in that respect the proposal is in accordance with guidance contained within PPS1 and PPS3.

Since the submission of the application the Council's planning policy department have been in the process of producing a number of new documents, one of which is an important consideration in the determination of this application. The Draft Settlement Study, prepared as part of the County Durham LDF Core Strategy sets out a categorisation of settlements within the County and identifying what would be appropriate levels of development in each. It is acknowledged that this study is in draft format however, it is anticipated that this will not alter significantly but will remain relative. The Settlement Study identifies Butterknowle as a Category 4 settlement, which is of a sufficient size and has sufficient services and facilities to accommodate sustainable growth for a development of up to 25 dwellings. Also in accordance with the provisions of PPS1 and 3 the study emphasises the importance of development in sustaining existing services and facilities in villages (and contributing to the establishment of new community facilities). This particularly relates to the provision of affordable/low cost housing and the opportunity for population increases to sustain other services such as schools, shops, health and leisure centres.

In conclusion, it is accepted that the site does not conform specifically to the provisions of

local policies for small scale housing and any decision is finely balanced based on the individual merits associated with these proposal. Therefore, subject to this assessment of principle based on the relevant policies and up to date studies, the development of this site for 8 market houses and 4 affordable dwellings is considered acceptable.

Impact on countryside

The land to which the application relates occupies a prominent position within the village and the local area and there is no doubt that the development of this site for housing will have an impact on this. The site is currently agricultural field adjacent to the existing built form within Butterknowle and the development of housing will extend the housing further to the west. Butterknowle is mostly a village that follows traditional ribbon pattern development therefore these proposals will continue this building line and it is considered that the housing will become a natural extension to the village that would not extend beyond the western most limit that the properties directly adjacent create.

The site is mostly contained within the existing development limits as set out within the adopted local plan however a relatively small strip of land outside the development limits has been included in the application site. It is accepted from the indicative site layout that the inclusion of this land would allow for an improved layout in terms of access whilst retaining adequate amenity space for the prospective residents. Without the depth proposed it would undoubtedly be necessary to provide the majority of parking for the proposed residences adjacent to the highway. This would not only be visually harmful but would also potentially present a large problem in terms of parking. Therefore, on balance the inclusion of land outside the defined development limit is considered acceptable.

Impact on neighbouring properties

The proposal includes layout and indicative design details to allow some impact on neighbours to be assessed. On the basis of these details it is considered that the development could be designed to respect the privacy and amenity of existing neighbouring dwellings. The indicative plans in particular demonstrate that reasonable separation can be retained in character with the rest of the existing development and therefore the living conditions of the neighbours opposite are unlikely to be unacceptably harmed. Further assessment of room layout and window position will be possible at reserved matters stage.

There will undoubtedly be a large impact on the views from properties directly adjacent to the site. It is appreciated that these properties located along West View have always enjoyed an open aspect across the road and to the open countryside beyond. This proposed development would affect the views of those properties over the site, however the loss of view is not a material planning consideration and cannot therefore be taken into consideration. Similarly, the effect on values of those neighbouring houses cannot be taken into consideration.

For the above reasons, the development complies with Policy GD1 of the TDLP.

Flood risk

A number of objections have been received related to current level of standing water on the site during periods of rainfall and the potential of the site to exacerbate the flooding issues at The Slack, further down the valley. Northumbrian Water were consulted on the proposals and have raised no objections and it is proposed that conditions to require further drainage

details be submitted at the reserved matters stage for both surface and foul drainage. It is not considered that the development of 12 additional properties in this location, outside the flood risk areas, with adequate drainage provision would directly worsen the existing flooding problems further down river.

Highway safety

The occupiers of the properties have also benefitted from the use of the adjacent grass verge for parking and general amenity use. A history of use of the grass verge for parking is not sufficient reason to refuse an application. The Council's highways officer states that "if the street does not have parking restrictions on it, there is space, no obstruction is being caused then people can park outside their homes, but generally there is no right to park there".

Therefore, in conclusion the Highway Officer has raised no objection to the proposed access subject to some minor amendments which can be addressed by condition and will be incorporated and assessed at the reserved matters stage.

Affordable Housing

In response to the realised need for affordable housing within Teesdale and the lack of a robust policy framework to determine need and an approach to delivery, the Council produced a Draft Affordable Housing Supplementary Planning Document (SPD). This recognises a specific need in the more rural parts of the Dale. This site within Butterknowle falls within the threshold for a 30% requirement for affordable housing. Therefore, the developer proposes 4 of the 12 dwellings to be secured for affordable uses. The provision of these units in response to a recognised need adds further justification in the balance of suitability of the site. This approach is considered to comply with advice contained within Planning Policy Statement 3 – Housing (PPS3) and for this reason the proposals appear to be acceptable in principle.

A number of objections were received relating to a previous development of social housing within the village and occurrences of anti-social behaviour that resulted from that development. This is not a material planning consideration and will not be considered as part of this application. The creation of mixed communities is a key element of securing sustainable communities and is at the forefront of government planning policy in PPS1 and PPS3.

CONCLUSION

This application has been assessed in relation to relevant national and local policies and takes into account existing and emerging studies and policy frameworks. It is acknowledged that the proposals, being on a Greenfield site including land outside the development limit, do not benefit from the full support of planning policy. However, when considering the proposed provision of affordable housing and the positive contribution additional housing will make to the viability and sustainability of the village and the location of the site in relation to the existing built form, these factors outweigh the potential negative impacts on the landscape and on nearby residents.

Therefore, on balance the application is considered acceptable in accordance with the

relevant policies and material considerations.

RECOMMENDATION

That the application is APPROVED subject to the following conditions;

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

Plan Reference Number	Date received
1612 - Site location plan	29/06/10
1612/01 A - Existing site layout	29/06/10
1612/05 F - Proposed site layout	29/06/10

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

2. 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.

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. Approval of the details of appearance, landscaping, and scale (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before the development is commenced.

Where relevant, the reserved matters submissions shall provide details of the following:

- a) The design and external appearance (including type of materials) of all dwellings; the number of which shall not exceed 12;
- b) Landscaping including areas of hard and soft landscaping;
- c) The energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated;
- d) The provision of sustainable surface water drainage (SUDS) and the disposal of foul sewage including the outfall points and their connection to the site's main surface water drainage and disposal of foul sewage network;
- e) Water conservation measures including recycling;
- f) Confirmation of the Code for Sustainable homes rating;
- g) All boundary enclosures;
- h) Existing and proposed ground and floor levels;

To achieve a satisfactory form of development.

4. The development hereby approved shall achieve a Code for Sustainable Homes rating of level 3 or above. Evidence shall be provided to the Local Authority that:

- (i) 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 or above; and
- (ii) Prior to the occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3 or above, or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS3 and PPS22.

5. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external 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.

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

6. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any) shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

In the interests of the amenity of nearby residents/appearance of the area in accordance with policy GD1.

7. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

To prevent pollution of the water environment in accordance with GD1.

8. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

To prevent pollution of the water environment in accordance with GD1.

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

In the interests of highway safety and to comply with policy GD1.

10. No development shall commence until full engineering details of all new roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details. These details shall include

provision of the following:

- A new 1.8m wide footway to be continued around the radius into the road between plots 4 & 5;
- The provision of four visitor parking spaces on the access road between plots 4 & 5

In the interests of highway safety and to comply with policy GD1.

REASONS FOR THE DECISION

1. The development was considered acceptable having regard to the following development plan policies: -
 - GD1 General Development Criteria
 - H12 High standards of design in new house and housing sites.
 - H1 Allocated sites for residential development
 - H4 Small scale housing development on sites less than 0.4 Hectare
 - ENV1 Protection of the Countryside
 2. In particular the development was considered acceptable having regard to consideration of the principle, the impact on countryside, impact on residents, highway safety and flood risk.
 3. The nature of the objections received from the general public and the impact of the development on the area were not considered sufficient to outweigh the positive contributions this development will make in terms of the provision of affordable homes and the sustainability of the village.
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BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement, additional comments on objections and planning statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPG13, PPS22, PPS25
- Responses from County Highways, Northumbrian Water, Lynesack and Softely Parish Council, PROW Officer, Low Carbon Officer
- Public Consultation Responses
- Code for Sustainable Homes

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0060
FULL APPLICATION DESCRIPTION:	23no. affordable dwellings including landscaping and access
NAME OF APPLICANT:	Partner Construction Ltd
ADDRESS:	Land at East End, Stanhope
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site relates to an area of grazing land of approx. 0.61 hectares located at the south eastern end of Stanhope which adjoins the built up area of the settlement and lies within the defined settlement boundary. The Wear Valley District Local Plans identifies the site as part of a wider industrial allocation to the east of Stanhope.
2. To the north of the site lies Weardale Motor Services Garage, to the west Astrum Manufacturing and open farmland. To the east the site is bounded by the A689 and to the south by farmland adjoining the River Wear.
3. The nearest residential properties can be found to the north and east of the site on the A689, and also to the rear of Weardale Motors.

The proposal

4. The application seeks full planning permission for the erection of 23no. affordable dwellings. On completion, the development would be managed by Riverside Housing Association and would offer rental accommodation capped at 80% of market rental value. The development is being partially funded by the Homes and Communities Agency (HCA).
5. The housing mix of the proposal has been informed by the Council's Strategic Housing Market Assessment and comprises 10no. two bedroom bungalows, 8no. 3 bedroom houses and 5no. 2 bedroom houses.
6. Access to the site will be taken directly from the A689 and parking provision is provided within the site.
7. The application is being reported to the Planning Committee because it is classed as a major development proposal.

PLANNING HISTORY

8. There is no planning history for this site.

PLANNING POLICY

NATIONAL POLICY:

9. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

LOCAL PLAN POLICY:

10. The following saved policies of the Wear Valley District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

- *GD1 (General Development Criteria)*
- *H3 (Distribution of Development)*
- *H15 (Affordable Housing)*
- *H22 (Community Benefit)*
- *H24 (Residential Design Criteria)*
- *I2 (New Industrial Allocations)*
- *I6 (Local Industrial Sites)*
- *T1 (General Policy – Highways)*

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://www.durham.gov.uk/Pages/Service.aspx?ServiceId=8716> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

11. *Highways Authority* raise no objections to the proposal following the submission of amendments to some elements of the internal layout of the estate.
12. *Northumbrian Water* raise no objections to the proposals.
13. *Natural England* whilst recognising the site's proximity to several SSSIs, raise no objections to the proposals

INTERNAL CONSULTEE RESPONSES:

14. *County Tree Officer* raises no objections to the proposals, but suggests that tree protection measures be secured by condition in order to protect existing trees during construction
15. *County Archaeology Section* has raised no objections to the proposal
16. *County Spatial Policy Section* has identified that the site lies within an area of longstanding industrial allocation and is currently proposed to be retained as employment land within the emerging County Durham Plan, although allocations have yet to be finalised. They acknowledge that otherwise, the site is suitable for residential development and that the provision of affordable housing within Stanhope should carry significant weight. Despite being a departure from the existing local plan, they offer no objection to the proposal.
17. *County Ecology Section* has no objections and suggests that a nesting bird checking survey be carried out prior to commencement of development.
18. *County Pollution Control Section* has not commented.

PUBLIC RESPONSES:

19. The application has been publicised; site notices have been displayed at the site and letters were sent to neighbours.
20. *Stanhope Parish Council* have offered no comment on the application itself, instead contributing their thoughts towards the contents of the s.106 agreement. These concerns mainly involve ensuring that the properties remain available for local people.
21. One letter of objection has been received from a local resident. The concerns relate to the potential highway safety issues due to the access point to the development being on a hill, in close proximity to the petrol station, that there is no demand in Stanhope for this type of housing, that there is sufficient empty housing in Stanhope and that the proposed properties would be tenanted by people not currently residing in Weardale.

APPLICANT'S STATEMENT:

22. The applicant has not offered any additional supporting 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 Spennymoor Council Offices..

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, affordable housing, design

and layout of development, residential amenity, sustainability, landscape impact, highway safety and other issues.

Principle of development.

24. The application site lies within the defined settlements limits (Policy H3) of Stanhope, where housing development is permitted provided that it accords with other policies of the Wear Valley District Local Plan. This land however, is part of a longstanding employment allocation (East of Blairs – Local Industrial Estate) within the Wear Valley District Local Plan. The proposal is therefore a departure to the Wear Valley District Local Plan in this respect.
25. Whilst it is accepted that the Wear Valley District Local Plan is now somewhat dated in terms of employment allocations, the site's protection for employment uses is reaffirmed within the emerging County Durham Plan in which it is proposed to retain the site as an employment allocation. However, the County Durham Plan is unlikely to be adopted before 2014 and therefore significant material weight cannot be attributed to the Plan in view of its current status.
26. The proposal must therefore be considered in the context of the National Planning Policy Framework (NPPF). The NPPF states the long term protection of sites allocated for employment use should be avoided where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
27. The Spatial Policy Team is currently refining the stock of proposed employment sites as the emerging County Durham Plan moves towards "Publication Version" in September 2013, and this includes revisiting the proposed allocations to ensure that they are deliverable.
28. While further work is being undertaken regarding its attractiveness to the market to determine the likelihood of take-up over the new Plan period, this information will not be available prior to the determination of this application. A decision must therefore be taken on current evidence and in this respect it is recognised that the employment site has not been developed for business uses in all the years it's been allocated throughout the entire lifespan of the Wear Valley District Local Plan. In addition, the location of Stanhope within the County and its limited accessibility to more strategic employment areas and transport routes suggests that this site is not likely to perform a significant role in the County's Employment Land Portfolio or its aspirations for development over the new plan period. Notwithstanding the potential implications that granting permission for housing on part of the site would have on the rest of the site due to the proximity of the potentially conflicting uses (industrial and residential), the proposal would not result in loss of the entire employment allocation and there would be other significant public benefits delivered through provision of affordable housing. On this basis it is considered appropriate to further examine the suitability of the site for housing under the framework of the NPPF.
29. A key strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs.

30. Local Planning Authorities are expected to create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The provision of affordable housing where a need has been identified is encouraged and would assist in the creation of sustainable, inclusive mixed communities.
31. The key issue in this respect is whether this is a sustainable location for new residential development, and also the impact on the character and appearance of the area. This site is located within the existing settlement limits to development for Stanhope. The County Durham Settlement Study identifies Stanhope as a tier 2 Secondary Settlement which indicates it has a wide range of local services and facilities. Although the site would be situated on the periphery of the town, it would still be within walking/cycling distance of the services and facilities in the town and the development would aid the vitality and viability of those services, which play an important role in supporting the wider rural area. In view of this it is considered that the scale of housing proposed in this location is appropriate and sustainable in the context of the NPPF.
32. The Council's own evidence base in the form of the Housing Strategy 2010 2015 has demonstrated that net population increase in West Durham in recent years has led to a housing affordability issue. Furthermore, the Strategic Housing Market Assessment has identified an annual shortfall of 968 affordable dwellings across the county, particularly with regards to the provision of bungalows. The local resident's assertion that Stanhope does not require this form of development is disputed.
33. Accordingly, it is considered that the addressing of this requirement for affordable housing in Stanhope should be afforded significant weight in the decision making process. This should be balanced against the longstanding and potential future allocation of the site for industrial purposes, however it is acknowledged that the fact the site has attracted no interest for such purposes within the last 15 years and that it forms only a small element of the countywide employment land portfolio. In this context, it is considered that the loss of part of the allocation to a development of affordable housing in a sustainable location is acceptable in this instance, despite being contrary to the provisions of Local Plan policy I6.
34. A point of concern raised by both the Parish Council and the local resident relates to the availability of the homes to local residents. Negotiations taking place with relation to the legal agreement concerning the affordable element have sought to restrict qualifying occupants to those who have lived in the local area. This will ensure that the affordable provision serves a local need.
35. Given the above, and subject to addressing detailed issues and concerns that are discussed below, it is considered that the proposal would offer benefits that would justify a departure from Policy I6 of the Wear Valley Local Plan, and would accord with the aims of the NPPF to promote sustainable patterns of development.

Design and Layout of Development

36. The NPPF and Local Plan Policies GD1 and H24 seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development. The site is somewhat separated from other residential development, being located adjacent to Weardale Motors and therefore there is no immediate

character to the streetscene other than the scattering of detached properties and farm buildings located to the east of the site.

37. The site forms the eastern entrance to Stanhope and as a result, any development needs to be of sufficient quality for such a prominent position. The applicant has placed two storey properties addressing the A689, which is considered to be appropriate. Although clearly modern, these properties will incorporate traditional vernacular detailing including heads and cills. Notwithstanding details of materials submitted with the application further consideration will be needed to ensure the choice of building materials is appropriate for this important frontage.
38. Furthermore, the topography of the site, sloping away from front to rear and the proposed landscaping scheme which features an effective screen to the south eastern edge of the site means that the development will be more easily absorbed into the landscape and will not necessarily appear as prominent in its entirety. The landscaping scheme seeks the retention of existing trees on the site, wherever possible and the planting of a further 24 as part of the landscaping scheme.
39. All but two of the proposed properties would achieve 10m rear garden length, in accordance with Policy H24. Those which don't are two bedroomed bungalows, where it is unlikely that a large garden would be desirable. Also, these properties feature front gardens of some 8m in length. Having regards to this, it is considered that sufficient amenity space would be available to occupiers of these properties.
40. The proposal therefore accords with Wear Valley Local Plan policies GD1 and H24.

Residential amenity

41. The site is located in relatively close proximity to Weardale Motors Garage, which acts as both a petrol station and a depot for Weardale Coaches. The garage is a potential source of noise from coming and going of vehicles, and maintenance related noise. In addition, in the absence of a mains electricity supply, the garage is currently supplied with power from a generator which operates from early in the morning and at various times throughout the day. The application has been submitted with a noise study, which identifies that of all the noise from the garage and surrounding area, the generator at the bus depot is the dominant noise source impacting on the site. The study advises that at present, the use of the generator is likely to result in noise levels in the gardens of the proposed properties which would exceed those recommended by BS8233 and that noise attenuation measures alone are unlikely to address this issue.
42. Consequently, the applicant has entered into an agreement by deed incorporating restrictive covenants with the garage operators to provide a mains electricity supply and for the garage operator to cease the use of the generator, except on occasions if the mains electricity supply is ever interrupted, which is likely to be a rare occurrence and relatively short term. However, this agreement would not enable the Council to enforce the restriction on the use of the generator to safeguard the residential amenities of future occupiers of the units and therefore a S106 Agreement should be entered into which binds the garage site and restricts the future use of a generator. The S106 would require the owner of the development site to install the mains supply and cease use of the generator as already agreed between the parties. Subject to the implementation of the S106 it is considered that the external noise levels would be reduced to an acceptable level in combination with other measures like an acoustic fence on the boundary of the site and other construction measures like suitable double glazing. These additional measures of mitigation should be subject to final approval through a condition.

43. It is noted that no open space provision is provided within the site, and normally a development of this size would be expected to provide open space, or a financial contribution to off site provision. The County Durham Open Space Needs Assessment identifies that Stanhope has adequate provision of most forms of public open space, although it is identified that sports facilities and allotment provision could be improved.
44. Developments for affordable housing however, tend to operate with lesser margins than those for market housing, and whilst it has not been suggested that the scheme would become unviable if an open space contribution were sought, there is a chance that a financial contribution for open space, in addition to the requirements to install a mains electricity supply to the adjacent garage, could prejudice the delivery of some of the affordable housing in the scheme. When weighing up the potential benefits of the scheme in delivering a significant amount of affordable housing into Weardale against current levels of public open space provision in this location, as well as the costs of installing the mains electricity supply, it is considered that in this case, it would be excessively onerous to insist upon an open space contribution in addition. This scheme would be fully affordable, partially funded by public investment via Homes and Communities Agency grants, and would therefore deliver sufficient public benefit without requiring additional open space contributions.
45. The proposal therefore accords with Wear Valley Local Plan policies GD1 and H24 and there is sufficient justification not to comply with policy H22 in respect of open space provision.

Highways Issues

46. The potential safety of the proposed access has been questioned in the objection. The County Highway Authority have considered these issues along with the supporting transport statement and have concluded that the A689 road has sufficient capacity to accommodate the additional traffic that would be generated by the proposal. Furthermore, they consider that the proposed site access would be in a safe location and of an appropriate specification, in accordance with the County Council's requirements.
47. Consideration should be given to NPPF para.32 which states that development should only be prevented on transport grounds where the residual cumulative impacts of the development are severe. It is considered that in this instance any impacts would not be severe and it would therefore be unreasonable to resist the application on this basis. It is further considered that the application is in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan.

Other Issues

48. With regards to the protection of existing trees and hedgerows, it is considered that the highest value of these can be incorporated within the development. The nature of the field means that there are only a small number of mature trees on the site at present and these are shown to be retained and will be protected during construction.
49. With regards to water quality and flood risk, a sustainable drainage system is proposed and a flood risk assessment has been carried out. No concerns are raised with regards to these matters by Northumbrian Water providing conditions

are attached ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment.

50. Turning to potential archaeological interest, the County Archaeologist has acknowledged that there is potentially a former military camp in the vicinity of the site, but not within it. Accordingly no objection is raised.
51. Ecology Officers have confirmed that the submitted ecology survey adequately assesses the area in respect of protected species and habitats and the proposal would not have an adverse impact on protected species or their habitat. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations. However, conditions have been requested which would mitigate the loss of any ecological habitats. This takes the form of further checking for protected species prior to development commencing.

CONCLUSION

52. The main issue with regards to this application is one of principle, in that the proposal site forms part of an industrial allocation within the Wear Valley District Local Plan and it is currently proposed to retain this allocation within the emerging County Durham Plan.
53. However, the site has been allocated for a number of years and no industrial proposals have come forward in this time, suggesting that the site has historically held little attractiveness to the market. The Council's Spatial Policy Team acknowledge this and are re-assessing the potential future allocation of the site, however at the current time this work is not yet complete.
54. The Council's own evidence base identifies housing affordability as an issue within West Durham and there is a countywide shortfall of affordable dwellings. Therefore, it would appear that a fully affordable housing scheme, assisted by HCA funding would be of benefit to the population of Stanhope, and Weardale as a whole.
55. The proposal would therefore represent a sustainable form of development and although strictly a departure from the Development Plan, it is considered that in this instance there is a clear and demonstrable case for allowing the development of this site. The benefit to the community in terms of affordable housing in particular carries significant favourable weight for allowing a departure from the relevant policies of the adopted local plan, which if accepted would not require separate referral to the Secretary of State.
56. Furthermore, the applicant has pointed out that the proposal would also lead to a New Homes Bonus of around £27,653, with a further £135 per property per year due to their affordable status, which over the 6 year New Homes Bonus programme, could potentially lead to a total New Homes Bonus payment of around £185,000. Section 143 of the Localism Act 2011 states that local finance considerations now comprise material considerations in the determination of planning applications, however, as discussed, there are other material considerations that indicate the proposal should be treated favourably, regardless of this.
57. It is therefore considered, that on balance, the proposal accords with the objectives in the NPPF to locate an appropriate amount of housing, which meets the needs of all sectors of the community, in suitable locations which offer a good range of

community facilities and with good access to jobs, services and infrastructure. The quality of the design and layout, relationship with the surroundings, and sustainability credentials of the proposal would also be in accordance with Wear Valley Local Plan Policies GD1, H3, H15, H22, H24 and T1.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to ensure the dwellings remain affordable in perpetuity, and to secure the cessation of use of the generator and installation of a mains electricity supply at the adjacent garage site, in addition to the following conditions and reasons;

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Plan Reference Number:	Date received:
Site Location Plan	21 st February 2013
Proposed Site Layout 051 004 Rev I	24 th April 2013
Proposed Material Schedule 051 005 Rev F	24 th April 2013
Proposed Road Adoption Plan 051 006 Rev A	24 th April 2013
Tree Protection Plan TPP-A	21 st February 2013
Proposed Plans and Elevations 051 F114-1	21 st February 2013
Landscape Plan R/1372/1	21 st February 2013
Proposed Plans and Elevations 051 F112-1	21 st February 2013
Proposed Plans and Elevations 051 F104-1	21 st February 2013
Proposed Section/Streetscene 051 008	21 st February 2013
Aboricultural Method Statement Plan AMS TPP-A	21 st February 2013
Drainage Strategy Plan	21 st February 2013
Aboricultural Method Statement	21 st February 2013
Flood Risk Assessment & Surface Water Management Strategy	21 st February 2013
Extended Phase 1 Habitat Survey	21 st February 2013
Noise Assessment Report for Proposed Residential Development on Land off East End, Stanhope, Co. Durham	21 st February 2013

Reason: To define the permission.

3. No development shall take place until longitudinal section engineering drawings of the proposed internal roads have been submitted to and approved in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

Reason: In order to ensure internal roads are of the standard required to serve the approved dwellings. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan.

4. No development shall take place unless in accordance with the mitigation detail within the report "Extended Phase 1 and Protected Species Survey, E3 Ecology Ltd (September 2012)" including, but not restricted to a bird nesting survey being carried out prior to the clearance of the site should it commence between March and August.

Reason: In the interests of the conservation of protected species in accordance with the provision of the National Planning Policy Framework

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed unless it complies with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

6. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges are protected by the erection of fencing in accordance with Tree Protection Plan TPP-A and the All About Trees Arboricultural Impact Assessment received 21st February 2013 2012. All installed protection measures shall remain in situ until the development is complete.

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

7. Any excavation that is required within the root protection area of existing trees as identified on drawing TPP-A shall only be carried out by hand digging.

Reason: In the interest of the health and amenity value of existing trees in accordance with Policy GD1 of the Wear Valley District Local Plan 2002 (as saved and amended)

8. No development shall take place until the precise details of all noise mitigation measures for each property have been submitted to and approved in writing by the Local planning authority. The approved details shall be implemented prior to the occupation of any dwelling to which the details relate and thereafter retained in perpetuity through the life of the development.

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

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

Reason: In the interests of the appearance of the area and to comply with policies GD1 and H24 of the Wear Valley District Local Plan.

10. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment by iD Civils Design dated October 2012 and the mitigation measures in the Flood Risk Assessment. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with policy GD1 of the Wear Valley District Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development represents an acceptable use of the land in principle with no harm caused to the character or appearance of the area, the amenity of adjacent occupiers, highway safety or protected species. The development is considered to accord with relevant Policies GD1, H3, H15, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive brought into effect through the Conservation (Natural Habitats etc) Regulations 1994.

This decision has been taken having regard to the policies and proposals of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 where it is consistent with the National Planning Policy Framework.

2. Although the proposal represents a departure from the Wear Valley District Local Plan I6 it is considered that there is a clear and demonstrable case for allowing this development.
3. The objections and concerns raised by the local resident relate to a variety of issues. These matters have been discussed and assessed within the report and officers consider the impacts of the revised development remain acceptable, in accordance with the provisions of the Development Plan and NPPF.

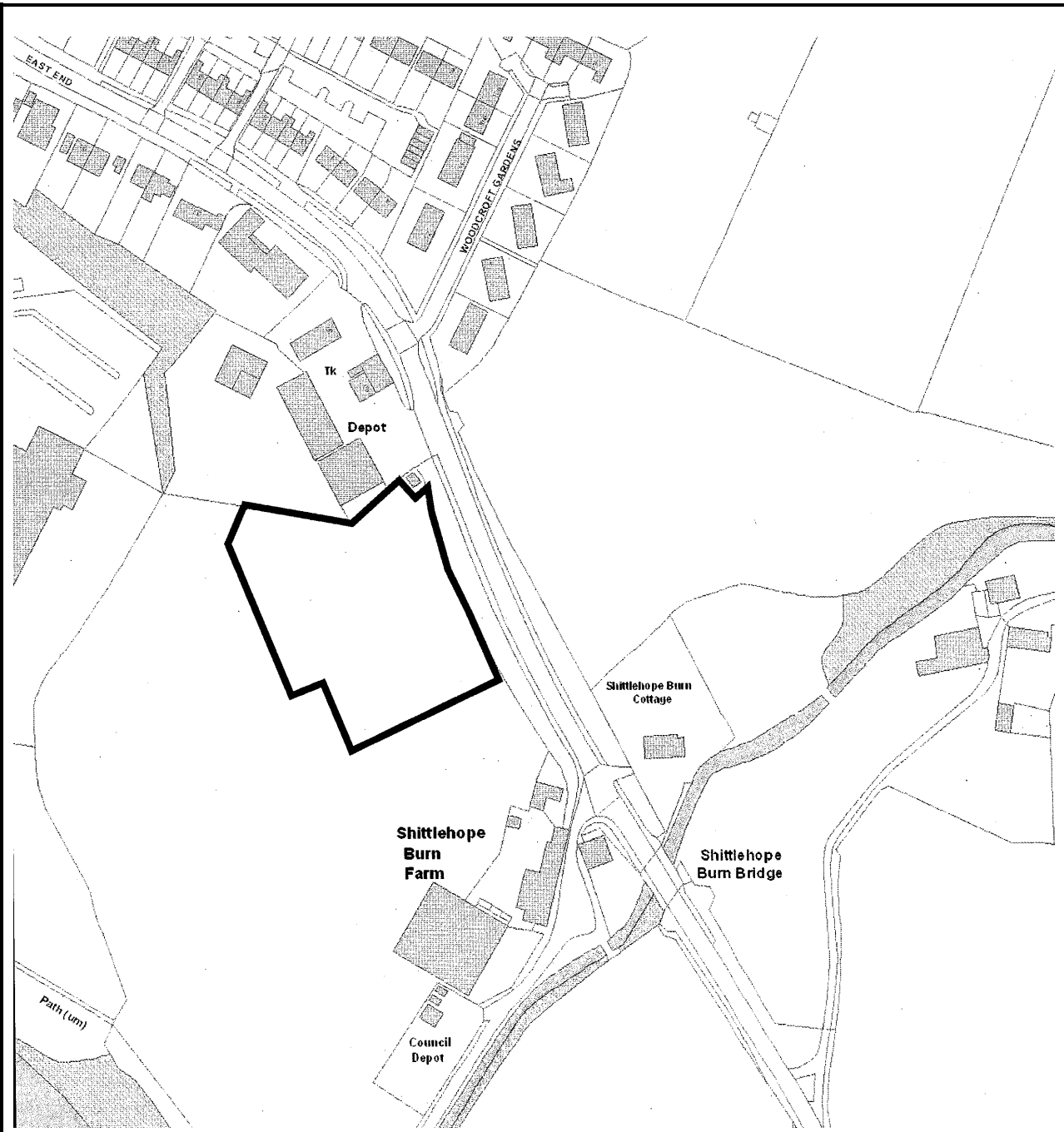
STATEMENT OF PROACTIVE ENGAGEMENT


In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and to ensure the development delivers wider public benefits.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

- National Planning Policy Framework.
- Consultation Responses and representations
- Strategic Housing Market Assessment
- Strategic Housing Land Availability Assessment
- Council Housing Strategy 2010 - 2015



 <p>Planning Services</p>	<p>Erection of 23no. affordable dwellings including landscaping and access</p>	
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	<p>Date 20/06/2013</p>	<p>Scale 1:2500</p>

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COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/C/12/2187968 - 9

LPA REF: ENF/7/2011/017


APPEAL AGAINST THE ISSUE OF AN ENFORCMENT NOTICE RELATING TO THE UNAUTHORISED CHANGE OF USE OF LAND AT 1 GLEBE HOUSES, FERRYHILL, CO DURHAM DL17 8LX

1. This appeal relates to the serving of an Enforcement Notice by the Council against the unauthorised change of use of land adjacent to the residential property which was lawfully un-adopted highway land to an enclosed area of land for residential use including parking.
2. The enforcement notice appeal was **dismissed**, the enforcement notice was **upheld** with correction of the description of use. In arriving at the decision, the Inspector considered the following issues:
3. The appeal was made on the basis that no breach of planning control had occurred.
4. The Inspector determined that the land subject of the Enforcement Notice was formerly part of a road access with pavements between Eamont Road and Church Lane, and that it had been enclosed by the erection of the gate and fencing and was being used for private residential purposes.
5. On the balance of probabilities, the land was still some sort of open amenity land which was laid out as a road prior to being used for residential purposes, and it was accessible to the public. As no planning permission was in place for a change of use of to private residential purposes and such a change of use is not permitted development, the appeal must fail.
6. The Inspector also considered the appellants' submission made relating to Article 8 of the Human Rights Act, recognising that dismissal of the appeal would interfere with their home and family life to some extent, however, this must be weighed against the wider public interest, whereby such changes of use of land require planning permission, and that dismissal of the appeal will not have a disproportionate effect on the appellants.
7. No costs applications were made.

RECOMMENDATION

8. That the decision is noted.



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Unauthorised change of use of land at 1 Glebe Houses, Ferryhill (H/7/2011/017)</p>	
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	<p>Date 20 June 2013</p>	<p>Scale</p>

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/C/12/2185950

LPA REF: ENF6/2007/082

APPEAL AGAINST THE ISSUE OF AN ENFORCEMENT NOTICE RELATING TO THE UNAUTHORISED ERECTION OF A BUNGALOW AND GARAGE/STORAGE BUILDING NEWMOOR YARD COTTAGE, EVENWOOD GATE, CO DURHAM DL14 9NN

1. This appeal relates to the serving of an Enforcement Notice by the Council against the unauthorised erection of a bungalow and a garage/storage building and their use for residential purposes on land in the countryside. The appeal was heard at an informal hearing.
2. The decision was – the enforcement notice appeal on grounds (c) (a) (f) and (g) **fails, the enforcement notice was upheld and the “deemed planning application on appeal” was refused.**

In arriving at the decision, the Inspector considered the following issues specific to the grounds of appeal:

Ground (a) that planning permission should be granted for the development alleged in the notice -

3. *Whether the development would represent a sustainable form of development* – the site is isolated and accessed via an unmade shared access lane 0.5k from the highway. The nearest settlement with services is Evenwood village approx 1.5km from the site. The nearest bus stop is 0.5km from the site. This will result in the occupiers relying on private transport to meet day-to-day needs, therefore in terms of sustainability and suitability the site performs very poorly due to its remoteness from local amenities. A presumption in favour of sustainable development is at the heart of the National Planning Policy Framework, but the development is at odds with this presumption because of its location. Taking all the points into consideration the scheme conflicts with Local Plan Policy GD1, ENV1 and H6 and the advice contained in paragraphs 14 to 17 of the NPPF because the development does not represent a sustainable form of development.
4. *The impact of the development on the character and appearance of the locality, with particular regard to the design and appearance of the buildings* - the erection of the bungalow and building is at odds with the established rural character of this part of the countryside, because the materials used in the construction of the buildings are visually incongruous to the landscape. The design and external architecture of the buildings is more akin to a suburban housing estate than an area of attractive open countryside. Accordingly the development fails to comply with LP Policy GD1(a) because the buildings are not of a high standard of design and do not contribute to the quality of the rural environment. The scheme fails to satisfy design advice contained in paragraph 56 of the NPPF.

5. *The effect of the development upon highway safety, having particular regard to the access track* – the access to the site is along a single track unmade and unlit with two passing places. The residential use of the track is likely to result in an increase in motor vehicle use and conflict with other vehicles and pedestrians using the track. The hazards would be accentuated at night. The development fails to comply with LP Policy GD1(c) because of inadequate access arrangements and is inconsistent with advice contained in paragraphs 29 to 32 of the NPPF because of its unsustainable location and unacceptable effect upon highway safety.
6. *Whether there are any other material considerations.* The evidence did not show that it was essential for an agricultural worker to live on or near this particular site to support a functional need. The provisions of LP Policy H4 do not apply (previously developed land) as it is in the countryside. The use of conditions would not overcome local and national planning policy objections to seek to control residential development in the countryside for its own sake.

Grounds (c) that development had not taken place –

7. The Inspector concluded that the erection of the bungalow and garage/storage building were development for which planning permission is required, and that in the absence of permission the matters alleged in the notice did constitute a breach of planning control and the ground (c) must fail.

Ground (f) that the steps required in the notice to remove the buildings were excessive –

8. The Inspector concluded that the removal of the two buildings in their entirety does not exceed what is necessary to remedy the breach of planning control – therefore the ground (f) fails.

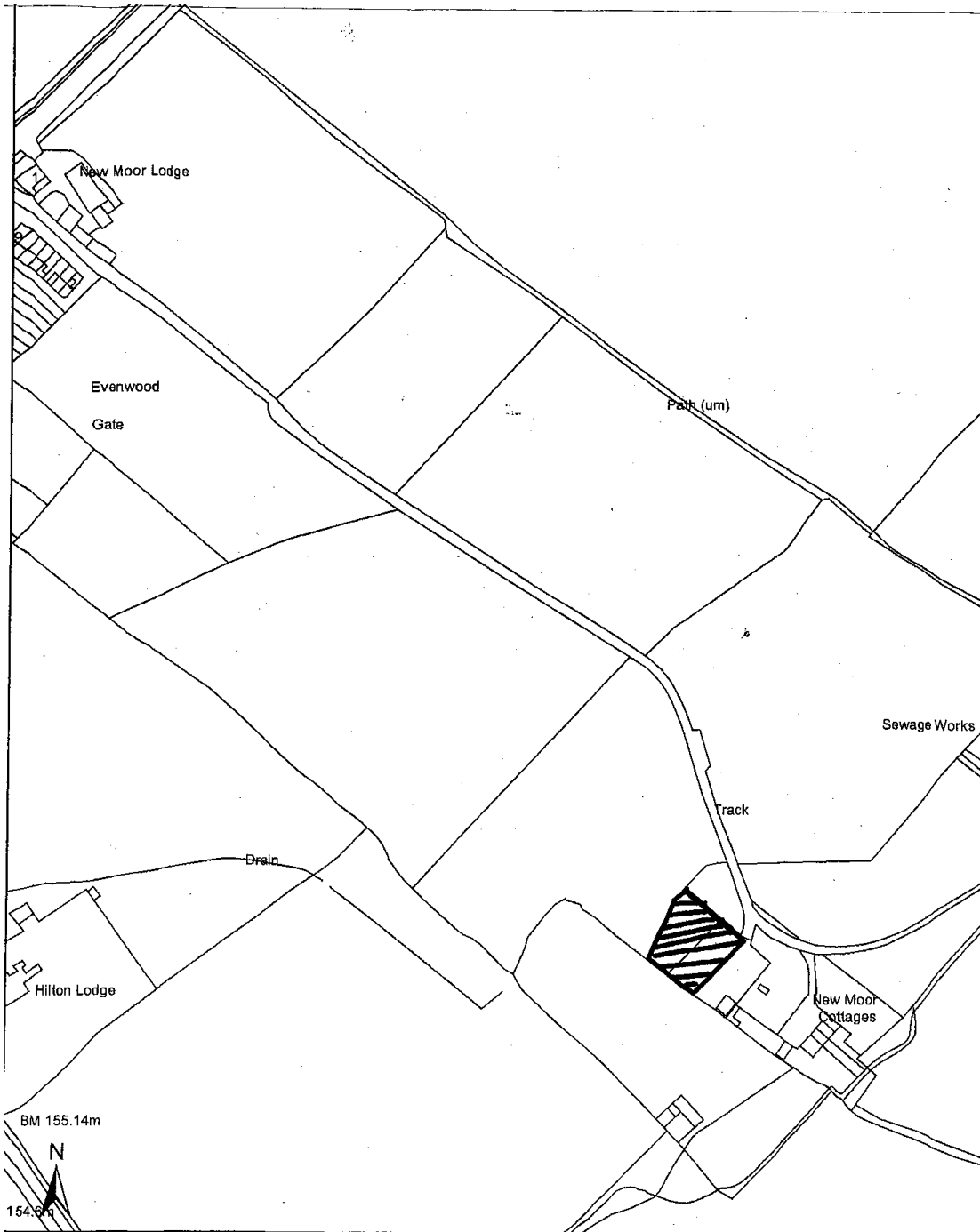
Ground (g) that the period of time to comply with the enforcement notice [52 weeks] is not reasonable –

9. The Inspector concluded that the period specified within the Notice to undertake the works provides the appellant with sufficient time to look for alternative accommodation and does not allow the unauthorised use to continue for longer than is necessary given the unsustainable location of the site, the impact of the development on the open countryside and highway safety. These are legitimate concerns in the public interest. The period of 52 weeks strikes the appropriate balance between these two conflicting interests and is a reasonable compliance period because of the type and nature of the works required by the notice's terms. This would not place a disproportionate burden on the appellant or result in a violation of his rights under Article 8 of the ECHR. Therefore ground (g) fails.

10. No costs applications were made.

RECOMMENDATION

1. That the decision is noted.



Appeal against the issue of an enforcement notice relating to the unauthorised erection of a bungalow and garage/storage building



Planning Services

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Site	Newmoor Yard Cottage, Evenwood Gate	
Date	20/06/2013	Scale 1:2500

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