



Area Planning Committee (South and West)

Date Thursday 19 September 2013
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 18 July 2013 (Pages 1 - 10)
5. Applications to be determined
 - a) 3/2013/0140 - Land between A688 and Durham Road including the Sportsman Inn, Canney Hill, Bishop Auckland (Pages 11 - 28)
Erection of 39 houses and associated works
 - b) 7/2012/0005/DM - Site O, Cobblers Hall, Newton Aycliffe (Pages 29 - 44)
Erection of 175 dwellings with associated infrastructure and landscaping works
6. 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
11 September 2013

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

Councillor M Dixon (Chairman)

Councillor J Buckham (Vice-Chairman)

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

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DURHAM COUNTY COUNCIL

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

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors J Buckham (Vice-Chairman), J Alvey, D Bell, D Boyes, J Clare, K Davidson, S Morrison, G Mowbray, H Nicholson, G Richardson, L Taylor, R Todd and C Wilson

Also Present:

J Byers – Planning Team Leader (South and West Area)
A Inch – Principal Planning Officer
N Carter – Legal Officer
A Glenwright – Highways Officer

1 Apology for Absence

An apology for absence were submitted on behalf of Councillor E Huntington.

2 Substitute Members

Councillor J Alvey substituting for Councillor E Huntington.

3 Minutes

The Minutes of the meeting held on 20 June 2013 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

Councillors M Dixon and D Bell declared personal and prejudicial interests in application numbered 7/2013/0026/DM – Land north of South View, Middlestone Moor. Councillor Dixon had attended a housing conference at which he had received hospitality from the applicant company and Councillor Bell was on the Board of Directors of the applicant company.

The Councillors left the meeting during consideration of the application.

5 Applications to be determined

At this point Councillor J Buckham took the Chair.

5a 7/2013/0026/DM - Land North of South View, Middlestone Moor, Spennymoor

The Committee considered a report of the Principal Planning Officer regarding an application for 46 dwellings, new access and associated works (for copy see file of Minutes).

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

In presenting the report the Principal Planning Officer advised that Sport England had sought clarification that the tests in paragraph 74 of the NPPF had been met.

The matter was clarified by the Officer who advised that paragraph 74 set out that playing fields should not be built upon unless an assessment had been undertaken to show that the site was surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The application needed only to satisfy one of the tests, not both. The former was clearly satisfied given lack of use and quality, while the latter was satisfied to some degree by forthcoming alternative provision.

The Principal Planning Officer advised that the Playing Pitch Strategy and Playing Pitch Action Plan for Spennymoor had identified that there was an oversupply of senior and mini football pitches but a deficiency in junior pitches, and acknowledged that the former football pitch on the application site was not marked out and had not been used for a number of years. The proposed provision of pitches at Tudhoe Grange Upper School would address this need and compensate for the loss of the pitch at Middlestone Moor.

Councillor K Thompson, local Member addressed the Committee. He considered that the proposals contravened NPPF policies; the development was not sustainable in that it would deprive a future generation of a play area and there was no requirement for extra housing in the southern delivery area, the area already having demonstrated a 5 year housing supply, in accordance with the NPPF. By way of example he referred to other large schemes at Durham Gate, Tudhoe Comprehensive and the former Electrolux sites.

He believed that at some point the piecemeal approach to new developments would have an impact on infrastructure, and he was concerned about proposals for sewerage to be removed by tanker until an upgrade to the existing treatment works at Tudhoe Mill was completed. Councillor Thompson felt that this indicated a desire by the applicant and DCC as partner to have the development completed quickly.

To conclude he stated that the proposed pitches were nearly 3 miles away and whilst the report referred to the development of Whitworth School as a hub site there was no certainty or timescales for this to happen.

Councillor Geldard, local Member addressed the Committee advising that he was also speaking on behalf of local Member Councillor P Lawton. He reiterated the comments of Councillor Thompson, adding that this was the last large green area in Middlestone Moor and every resident he had spoken to was against the proposals. He sympathised with Sport England and whilst he appreciated that the loss of the open space would be compensated by alternative provision at Tudhoe Grange, this was nearly 3 miles away and in a different area.

If this site was closed to public access, Middlestone Moor would lose a massive part of the community for recreational use.

Mr Burtenshaw, local resident advised the Committee that people referred to the land as the old school field and had used it for recreational purposes for many years, a use which continued today.

He disagreed with Planning Officers' views that this was a poor quality site and was of the view that this was Green Belt; as such the Planning Authority should plan positively to maintain and protect it. The development of housing would be harmful to this Green Belt. The houses were surplus to requirements and with over 1600 new properties planned in the area it was vitally important to maintain this space for sport and recreation, in accordance with Policy L5 of Sedgefield Borough Local Plan. Mr Burtenshaw also referred to a petition with 150 signatures from local residents against the proposals.

Mr Leightell, a resident of Middlestone Moor informed Members that his concerns related to the availability of school places and obesity in children. School places in the area were over-subscribed and the additional housing proposed in Middlestone Moor and elsewhere would exacerbate the problem. Children were encouraged to walk or cycle to school but in reality they travelled by car and this would cause extra problems on the highway network and schoolgate parking.

With regard to obesity among children, he was of the view that the area needed more playing fields, not less and the casual user would be unlikely to travel to Tudhoe Grange for exercise.

The Chair invited local resident Mr McKenna, to address the Committee. Mr McKenna commenced by informing Members that he lived close to the north eastern boundary of the site and had purchased his property to be close to a safe, secure and peaceful open space for his children. If the application was approved this would represent a loss of 70% open space amenity in the village.

He reiterated the concerns expressed by other residents in relation to the distance to Tudhoe Grange and outlined the difficulties parents and children would experience to access the facilities.

The 1600 new homes proposed would increase traffic congestion and he did not believe that the existing infrastructure would be able to cope.

The report made no mention of re-investment in the village and he was concerned that there had been zero engagement with local residents by the Planning Authority. He also considered that the notice given of the meeting was not enough.

He agreed that there was a need for affordable housing but that this should be in sustainable locations and urged the Committee to take into account the views of Sport England, residents' human rights and the high amenity value of this land.

Mr Prescott on behalf of the applicant addressed the Committee advising that he understood that residents had been able to access this land but reminded them that this was a former school, not an open space facility for local people.

He had listened to the concerns by Sport England and the views of local football clubs, and understood that the main issues were around the provision of quality facilities. DCC's Sports and Leisure Team had ambitious plans to improve local facilities and, as the Council would receive a profit share in addition to the capital receipt which could feed into this provision, then if approved, this scheme could help bring about those improvements.

Councillor Clare objected to the implication that the Committee's decision would be influenced by the capital receipt from the land. The Chair, Councillor Buckham advised that the Planning Committee was quasi-judicial, governed by strict rules. Whilst DCC was landowner and in partnership with the applicant, these were not material planning considerations and would not be taken into account in the determination of the application.

The Principal Planning Officer responded to the comments made by local Members, residents and the applicant.

He explained that the site was not designated Green Belt. He acknowledged that the NPPF required Local Planning Authorities to demonstrate a 5 year supply, but that this did not prevent consideration of developments even where a 5 year supply of deliverable sites could be demonstrated.

With regard to the housing developments planned, the majority of these were in Spennymoor itself, and a number of the schemes with planning permission were in outline form only, some with little prospect of coming forward given the current economic climate.

In terms of highway safety, he explained that the Highways Authority had offered no objections. The vehicular access from South View was deemed to be acceptable, with the number of additional vehicles safely accommodated by the existing network.

Members discussed the application at length.

Councillor Boyes made reference to the concerns expressed in relation to the distance to the facilities at Tudhoe Grange, and to the preparatory work undertaken on site.

The Principal Planning Officer responded that the proposed facilities at Tudhoe Grange accorded with NPPF aims in that the existing site was surplus to requirements and its loss would be compensated for by the forthcoming availability of pitches for public use at Tudhoe Grange. The activities at Tudhoe Grange would be co-ordinated and people would travel from across the whole of the Spennymoor area to access the facilities. With regard to the preparatory work undertaken, he advised that site investigations were not unusual but appreciated the impression this may have given to residents.

Councillor Davidson advised that he was concerned about the loss of open space but was re-assured on the site visit that the site clearly hadn't been used as a playing field since 2010 because of the poor quality of the pitch. Whilst the proposal would remove an area of amenity space there was a large play area close to the site with playground equipment and a grassed area for children to exercise.

In reiterating the comments made in relation to the distance to the facilities at Tudhoe Grange, Councillor Richardson also expressed concern regarding the density and size of the properties, and sought an assurance that parking provision was adequate.

A Glenwright, Highways Officer responded that there would be 76 spaces representing 1.63 spaces per unit and at 164% provision, was in excess of the 150% maximum contained in PPG.

Councillor Clare was concerned at the loss of open space from the centre of any settlement stating that within a community green spaces were essential to its character, however there were no valid planning grounds to refuse the application. The site was not protected open space, permission having been required from the landowner to use it. He was assured by Officers that the proposals would bring about improved alternative formal sports provision at Tudhoe Grange.

The NPPF did not prevent windfall sites such as this coming forward over and above the 5 year supply already demonstrated, and the sewerage issues had been addressed.

N Carter, Legal Officer clarified the process for final determination of the application if Members were minded to approve it, given the need for referral to the Secretary of State.

Following discussion it was **Resolved:**

That the Committee be **MINDED TO APPROVE** the application subject to referral of the application to the Secretary of State through the National Planning Casework Unit: and, in the event that the application is not called in for determination by the Secretary of State, the application be **APPROVED** subject to the completion of a

Section 106 Obligation to secure the provision of 7 affordable houses and to the conditions outlined in the report.

Councillors Dixon and Bell returned to the meeting.

Councillor Dixon returned to the Chair.

6 6/2013/0135/DM/VP - The Laurels, 16 High Green, Gainford, Darlington

The Committee considered a report of the Principal Planning Officer regarding an application to vary condition 3 of 6/2005/0327/DM to allow external seating on the east side of the front courtyard (for copy see file of Minutes).

J Byers, Planning Team Leader (South and West Area) gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer referred to a proposed amendment to condition 3 to remove the requirement that the chairs should only be removed from the patio for winter storage, repair or disposal.

Councillor J Rowlandson local Member spoke in favour of the application, advising that he had called the application to Committee in view of the previous planning history. Times had changed and the NPPF now favoured economic growth. Small businesses in Teesdale should be supported and the Parish Council had offered no objections. The business would be an asset to the area in terms of tourism and would enhance Gainford village for its residents and visitors.

J Leversuch, local resident spoke against the application. She advised that she had lived above the coffee shop since 2005 and her objection related to the potential for further noise pollution in the surrounding environment. Currently she could hear people outside the premises talking at any time of year, and this would be exacerbated if the application was granted. The hours requested for seating outside would affect her quality of life as she did not work regular 9am to 5pm hours.

J Glendenning reiterated the concerns of J Leversuch and expressed concern that a key objector had not been notified of the meeting. In making his representations Mr Glendenning referred to key aims in the NPPF. No reference had been made by Officers to a key NPPF principle regarding noise and sustainable development. The report stated that the proposals would help maintain the vitality of Gainford yet the NPPF referred to 'ensuring the vitality of town centres'; Gainford was a village in a rural location.

The NPPF also stated that Planning Authorities should protect areas of tranquillity. This was echoed in community based consultation and the Neighbourhood Plan stressed the importance of protecting the village green.

He commented that the Inspector's decision to dismiss the appeal had not been quoted in the report, and that condition 3 should not be varied, as the negative impact of outside seating would not be mitigated.

He understood that on the site visit a table and chair had been set up to illustrate the noise created by moving the seating, however in reality there would be 20 chairs moved about all day every day.

In conclusion he understood that it would be difficult for Planning Officers to restrict the seating to one side of the patio.

Mr Liddle, the agent spoke on behalf of the applicant informing Members that the business employed local people and its re-opening after a year of closure had been welcomed locally. Much of the coffee shop's trade was at lunchtime and early afternoon. Given this, the type of clientele who visited the coffee shop, and the limitations of the weather it was difficult to understand the level of disturbance objectors felt would be caused by the seating.

Mr Liddle also noted that another business in the immediate vicinity regularly placed tables outside.

The Planning Team Leader responded to comments made by the objectors. He advised that condition 3 clearly stated where the seating should be placed and the permitted hours. This would ensure that enforcement action could be taken if either of these provisions were contravened. Whilst the patio could seat 20 it was unlikely that the area would be at full capacity at any one time. In relation to the Appeal the Inspectors' decision to dismiss the Appeal was referred to in the report and was also concerned with evening usage of the premises up to 20.00 hours. The hours of use of the patio were being reduced from those previously proposed which was deemed to be acceptable.

Councillor Richardson, who was also a local Member advised that he had received a lot of local representation about this application, including from residents of the lower side of the village. He was fully aware of the planning history of the premises and there had been a number of unsuccessful attempts to have the condition removed to allow outdoor seating. The same concerns expressed previously relating to noise were unchanged. He advised that he would abstain from voting on the application.

Councillor Davidson considered that condition 3 of permission 6/2005/0327/DM was restrictive and had noted on the site visit that a public house nearby had seating outside which could potentially be used until late at night. He was of the view that the proposal would be a boost to the local economy.

This view was shared by Councillor Boyes who added that the coffee shop had been closed for a year due to concerns about the ongoing viability of the business and this emphasised the need to support local businesses. He was therefore inclined to move that the condition be amended from 11am to 9am.

The Planning Team Leader referred Members to the previous Planning Inspectorate decision and said that the 11am start had been chosen in the light of this.

Councillor Mowbray concurred with the views put forward, adding that it would be unfair to refuse the application for 5 tables; there had been no noise when the chair, which had been placed on the patio for the site visit, had been moved because it had padded feet, and there was a theatre next door which generated noise. There was a presumption that there would be 20 people outside all the time but this would be unlikely, particularly in the winter months.

Councillor Clare stated that in his opinion the aim of the coffee shop was to become a bustling and thriving business, and therefore it should be accepted that 20 people could sit outside and generate noise at any one time. The issue was whether it would be to such an extent to warrant refusal of the application. In any locality, particularly during the summer months people spent more time outside and in their own gardens creating general noise during acceptable hours, which in his neighbourhood was between 7am and 11pm. People had to put up with some noise. The NPPF had established a presumption in favour of sustainable development and on balance he felt that the proposals were acceptable.

Councillor Dixon also pointed out that in terms of the noise issue, customers could already stand and congregate in the patio area during opening hours.

In determining the application Members gave consideration to the proposed hours and concluded that as the coffee shop was open from 8.30am it would be reasonable to allow seating outside from 9.00am Monday to Saturday. Members also considered that condition 3 should be amended to give discretion to the applicant regarding the removal of the chairs from the patio.

Following discussion it was **Resolved:**

That condition 3 of permission 6/2005/0327/DM be varied to allow outdoor seating on the east patio between the hours of 09.00 to 17.00 Monday to Saturday and 11.00 to 16.00 on Sundays, and subject to the original remaining conditions covering use of the premises as a whole, with the following amendment to condition 3:-

'3. External tables and seating shall only be placed within the eastern side of the front patio, as shown on the plans hereby approved, and notwithstanding the provisions of condition 1, the use of these external tables and chairs, including setting up or taking down, shall not be permitted other than between the hours of 9.00-17.00 Monday to Saturday and 11.00-16.00 on Sundays. The tables and chairs shall not have metal feet'.

7 3/2013/0199 - Dellside House, Willington, Crook

The Committee considered a report of the Principal Planning Officer regarding an application for the construction of 14 dwellings (for copy see file of Minutes).

J Byers – Planning Team Leader (South and West Area) gave a detailed presentation on the application which included photographs of the site.

Councillor Dixon welcomed the proposals stating that the innovative 'Rent to Buy' Scheme would help young people onto the property ladder.

Councillor Buckham advised that he was also local Member, but indicated that he had an open mind and would reach a view on the application following debate by the Committee. His feeling about local opinion was that Dellside House had been a blot on the landscape for some time Residents had been engaging positively with the developer on the proposals and the listed property adjacent to Dellside House was also in favour of the development.

In reiterating the comments made, Councillor Mowbray noted that there had been no objections to the application, and that residents welcomed the development.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 legal agreement to secure the payment of a commuted sum of £14,000 in lieu of on-site open space provision.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0140
FULL APPLICATION DESCRIPTION:	Erection of 39 houses and associated works
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Land between A688 & Durham Road including the Sportsman Inn, Canney Hill, Bishop Auckland
ELECTORAL DIVISION:	Coundon
CASE OFFICER:	Andrew Inch, Principal Planning Officer 03000 261155, Andrew.inch@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site which extends to some 1.18ha is situated at Canney Hill on the north eastern edge of Bishop Auckland and consists of the site of the former Sportsman Inn, which has recently been demolished, and an existing paddock to the east and south. The site is irregularly shaped and abuts the A688 to the east. A number of existing residential properties fronting Durham Road abut the western boundary. The northern boundary of the site abuts a mix of residential properties and a grassed paddock whilst the southern boundary abuts a public footpath which runs in an east – west direction. Part of the northern boundary and the eastern and southern boundaries of the site are bounded by existing hedgerows.
2. The application site lies beyond the settlement limits for Bishop Auckland and therefore for planning purposes within open countryside. Accordingly, the scheme represents a departure from the development plan.

The Proposals

3. Planning permission is sought for the erection of 39 dwellings together with a new site access. The proposed dwellings would be a mix of 2, 3 and 4 bedroom properties consisting of both 2 and 2.5 storey housing. The proposed houses include a mix of detached, semi-detached and two short rows of terraced properties. The scheme would also provide 6 affordable houses. The houses would be constructed with brickwork walls and concrete roof tiles with white upvc windows. A total of 74 car parking spaces are proposed within the layout.
4. The application is referred to Committee as the scheme comprises major development in excess of 10 dwellings.

PLANNING HISTORY

5. A number of planning applications have previously been submitted in relation to the former public house; however, none of these are relevant to this particular proposal.

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. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
8. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. 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,

10. Paragraphs 15 and 49 re-iterate that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 47 recognises the desire to boost the supply of housing and Paragraph 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This recognises the need to identify the size, type, tenure and range of housing required in a particular location, reflecting local demand and including provision for affordable housing where required.
11. Paragraphs 69 and 73 recognise that the planning system can play an important role in 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.

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:

12. The following policies of the Wear Valley Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:
13. *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.
14. *Policy H3 (Distribution of Development)* states that new development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
15. *Policy H22 (Community Benefit)* states that on sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
16. *Policy H24 (Residential Design Criteria)* states that new residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
17. *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.
18. *Policy BE1 (Protection of Historic Heritage)* seeks to conserve the historic heritage of the District by the maintenance and protection of features or areas of particular historic, architectural or archaeological interest.
19. *Policy BE15 (Scheduled Ancient Monuments)* states that permission will not be granted for development which would have an adverse effect on scheduled and non-scheduled ancient monuments.

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=8716>

20. The emerging County Durham Plan is nearing the next stage of consultation in October 2013 in Submission Draft form, ahead of Examination in Public in Spring 2014. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Preferred Options submission are considered relevant to the determination of the application:
21. *Policy 3 (Quantity of New Development)* sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 30,000 new homes of mixed types, size and tenure are required.
22. *Policy 4 (Distribution of Development)* sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 9680, of which 2685 are to be provided in Bishop Auckland.
23. *Policy 30 (Housing Land Allocations)* sets out a number of housing sites required to meet the housing requirement and distribution set out at Policies 3 and 4 of the plan, and in this case, allocates part of the application site together with land to the north for residential development, yielding around 61 dwellings in all.
24. *Policy 31 (Addressing Housing Need)* sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
25. *Policy 35 (Density of Residential Development)* sets out appropriate densities for residential development dependent upon location and proximity to facilities and access to public transport.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY / EXTERNAL RESPONSES:

26. *Highway Authority* has stated that the proposed access, internal road layout and car parking provision are acceptable. It was, however, pointed out that the area between the front of the former public house is part of the public highway and this area would need to be formally stopped up and the existing cellar in this area would need to be suitably re-instated.
27. *The Environment Agency* has raised no objection in relation to flood risk / surface water disposal.
28. *Northumbrian Water Limited* has raised no objection provided that the scheme is carried out in accordance with the submitted Flood Risk Assessment.

INTERNAL CONSULTEE RESPONSES:

29. *The Design and Historic Environment Section* has no objection, and has confirmed that the proposal would not adversely affect the setting of Bishop Auckland Conservation Area. The importance of existing screening the eastern and southern boundaries is noted and that it is necessary to secure its long term retention. The layout of the development is considered acceptable and the improvements to the design of the houses fronting Durham Road are welcomed.

30. *The Landscape Section* has made a number of detailed comments in relation to the proposed tree planting works. Additional clarification was also sought regarding the relationship between the proposed fencing of the rear gardens and the existing hedge rows along the southern and eastern boundaries.
31. *The Tree Officer* has stated that the southern hedgerow currently forms an important role screening the site when viewed from the A688. Concern was raised that the hedgerow would, unless suitably protected, be removed following occupation of the proposed housing. It was also stated that the positioning of boundary fencing would need careful consideration so as to avoid the hedgerow being included within the rear gardens of the properties concerned,
32. *The Ecology Section* has no objection subject to a condition relating to the mitigation measures in the ecology report.
33. *The Contaminated Land Section* has considered the submitted desk study and gas monitoring work undertaken, and raises no objection but notes that the proposal would introduce a more sensitive receptor than the current use, a condition is recommended in relation unexpected contamination.
34. *The Environmental Health and Consumer Protection Section* has stated that this scale of development is unlikely to give rise to increased traffic volumes that would potentially have an adverse impact on air quality. Planning conditions are recommended however, requiring the works to be carried out in accordance with mitigation measures outlined within the noise assessment. Dust and working hours controls are also covered.
35. *The Archaeology Section* has advised that there does not appear to be any archaeological anomalies of potential significance within the site. However, two planning conditions are proposed relating to a written scheme of investigation and the subsequent reporting of the results.
36. *The Sustainability Section* has no objections subject to a scheme to minimise energy consumption on the development.

PUBLIC RESPONSES:

37. The application has been publicised by way of press and site notices, and individual neighbour notification letters. As a result a total of 19 letters of objection have been received. A summary of the material planning issues raised are provided below:
 - New housing building should first be located on brownfield sites rather than green field sites such as this. The scale of the proposed development was disproportionately large given the limited number of existing houses at the hamlet of Canney Hill and given the lack of any facilities within the immediate area.
 - The proposed development of the site for housing is inappropriate and unnecessary given that 600-800 houses have already been granted planning permission within ½ mile radius of Canney Hill. The development of the site at this time, before the adoption of the County Durham Plan, was premature.
 - The increase in traffic generated by the development would lead to a highway safety hazard. One respondent suggested that further highway improvements would need to be incorporated to widen the road so that a right turn facility is provided into the site, to reduce the existing speed limit from 40mph to 30mph. It

was also suggested that double white lines be laid out at the blind bend opposite Crossways, and that the existing paving approaching the new access serving the site be upgraded with tactile paving.

- Whilst the removal of the vacant public house was welcomed, concern was raised that the development of the paddock would detrimentally affect the visual amenity of this gateway site into Bishop Auckland.
- The proposed development of the site with 2 and 2.5 storey housing would lead to a loss of privacy and have an overbearing impact on neighbouring residents.
- The proposed development would lead to flooding of adjacent properties.
- The paddock area should be retained in its undeveloped state to act as a buffer between the existing housing and the A688 by pass and the development of the site would result in high levels of noise and pollution for future occupants. Concern was also raised that the development of the site would give rise to noise and pollution problems whilst the housing is being constructed.
- The development would result in existing trees being felled and this would detrimentally affect the ecological value of the site.

APPLICANTS STATEMENT:

38. That the proposed development would consolidate the built up area of Bishop Auckland and this proposal represents a sustainable urban extension to the existing settlement.

39. In September 2012 Durham County Council published their Local Plan Preferred Options. Under Policy 30 of the emerging plan the proposed development site was allocated for 61 dwellings in the medium term as part of a larger site which extends northwards.

40. The above Policy details that planning applications for housing submitted on these housing allocations, and are in accordance with the phasing indicated, will be approved if the proposed scheme is in accordance with other relevant policies of the Plan. An application for an allocation in advance of its phasing, as this application is, will only be approved if;

- The allocation's early release does not prejudice the delivery of other allocated sites phased in an earlier time period within the locality
- The release of the site is required now to maintain a five year land supply; and
- The infrastructure requirements of the development can be satisfactorily addressed.
- The present scenario meets all of the above criteria.

41. It is felt that this proposal accords with the principles of good design outlined within the NPPF. This development has been specifically designed to take into account the character of the existing area and the layout at the site frontage is based on a positive outward facing frontage along Durham Road which seeks to provide an attractive interface with the existing development. The proposal consists of a mix of 2 and 2.5 storey dwellings and these are reflective of the scale of the existing residential properties in this area.

42. Internally the layout has been designed so that this fronts onto central Public Open Space providing natural surveillance and enabling a sense of communal ownership.
43. This application proposes the construction of 39 dwellings. The overall density of the development is 33 dwellings per hectare and the proposed scheme includes the provision of 6 affordable 2 bed dwellings to satisfy the 15% affordable provision.

PLANNING CONSIDERATIONS AND ASSESSMENT

44. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 the development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, design and layout, highway issues, impact on residential amenity, highway safety and access, affordable housing provision, effect on heritage assets, open space provision, flooding and drainage, noise, contamination and ecology.

Principle of development

45. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications. In particular, Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, providing it is not of high environmental value.
46. The site is located just outside of the settlement limits for Bishop Auckland, as defined by Policy H3 of the Wear Valley Local Plan. The northern part of the site was, until recently, occupied by the redundant public house with the remainder of the site comprising greenfield land in the form of a paddock.
47. Whilst the proposed development would take place on land which is outside of the existing settlement boundary, and therefore departing from the development plan, it is considered that its development for housing would represent a sustainable urban extension to Bishop Auckland. Housing would occupy part previously-developed land and this proposal would consolidate Bishop Auckland to the west.
48. It is considered that the proposal represents an opportunity to redevelop this site and improve the visual appearance of the Durham Road frontage. Whilst it is acknowledged that Canney Hill itself does not have any facilities, the site is well located in terms of its accessibility to Bishop Auckland and additional housing would help to sustain existing shops, services and facilities within the town. Whilst there remain some unresolved issues around the overall levels of future housing requirement in the County, and to specific sites, which at this time diminishes the weight that can be apportioned to relevant policies of the emerging County Durham Plan, Policy 30 nonetheless allocates the site for residential development. The scheme is therefore consistent with the thrust of the emerging plan in this respect it can be afforded some weight in determining the application.

49. Therefore, whilst this proposal is not in accordance with Local Plan Policy H3, the site is considered to be a sustainable location for the scale of development proposed and would form a natural extension to the existing settlement of Bishop Auckland. It is considered that the NPPF's presumption in favour of sustainable development, together with the sites allocation for residential development in the emerging County Durham Plan are material considerations, which, in this case, would outweigh the conflict with Local Pan Policy H3, adopted in 1997.

Design and Layout

50. By virtue of the irregular shape of the plot the most prominent part of the site is that where the public house and car parking area was located which fronts directly onto Durham Road. Although the former public house building appeared generally sound the general condition of the vacant building was deteriorating. It is, therefore, considered that the sensitive redevelopment of the site would help improve the visual appearance of this site which is located adjacent to one of the primary routes into Bishop Auckland.

51. The proposed layout incorporates the construction of a row of four houses on this Durham Road frontage. The two storey design of these properties is comparable with the scale of the existing housing along the Durham Road frontage, and improvements to these properties have been sought such that they now include art stone lintels and cills, sash style windows and heritage style doors.

52. The remainder of the development, which is a mix of 2 and 2.5 storey development, is largely screened from the west by the existing housing fronting Durham Road. The proposed housing is in generally in accordance with the scale of the existing housing in the area, with the housing at Potters Close also being 2.5 storeys high. The existing hedgerow and tree planting along the southern and eastern boundaries of the site also provides important screening of the paddock area. The importance of this screening has been recognised by the Design and Historic Environment and Landscape Sections, who have highlighted the need to ensure that this planting is retained in perpetuity after the housing has been constructed. Whilst the trees and hedgerow along the eastern boundary of the site are outwith the application site some hedgerow removal was planned within the site along the southern boundary. In recognition of the importance of safeguarding the southern hedgerow the applicant has agreed to enter into a legal agreement requiring additional planting alongside the retained hedgerow, which is outside the application site, together with its future maintenance and retention.

Residential Amenity

53. As an infill site, the site is bounded to the north and west by existing residential development which fronts onto Durham Road and the recently constructed row of three properties at Potters Close. Whilst any development of a site on the edge of an existing residential area is likely to have some affect on privacy, the siting and design of the proposed dwellings plays an important role in ensuring satisfactory levels of privacy are maintained between existing and proposed housing.

54. Those properties along the western boundary of the site have been designed so that only two of the new houses directly overlook the rear of the existing housing fronting onto Durham Road. Where this does occur, a 21m separation distance is provided between habitable room windows of both new and existing housing. The short terrace of 4 houses at the front of the site have been designed so that the main aspect faces west and east, and to secure privacy with houses in Potters Close, a distance in excess of 25m has been retained.

55. In order to safeguard privacy with the property to the north, the new dwellings have been designed so that no habitable room windows are located on the northern gable end of the terrace. Some reduction in privacy would occur to the front and rear of the houses at Potters Close as a result of the proposed housing to the south. However, given the orientation of the properties and the separation distances of approximately 13m between the rear of the proposed housing and the gable of the existing housing, this arrangement is considered to not be so significantly adverse, so as to justify refusal of the application.
56. Similarly, the development of previously undeveloped sites can result in some degree of overshadowing, however, it is considered that the potential for overshadowing has been minimised because of the sensitive positioning of the dwellings, which are generally offset from the boundaries of adjacent housing.
57. Although the majority of the site was used as a paddock, the front section of the site fronting onto Durham Road was utilised as a public house and its associated car parking area. Whilst this building has now been demolished, the redevelopment of the site would potentially lead to a reduction in activity, noise and traffic in this part of the site compared to that previously experienced when the public house was operational.
58. Concern has been expressed that the proposed construction works associated with the development of the site would give rise to noise, dust and pollution. Whilst it is acknowledged that construction works would give rise to some increase in noise and dust suitable measures can be introduced via the imposition of suitably worded planning conditions to control construction activities so that these detrimental effects are minimised.
59. It is therefore considered that the relationship between the proposed dwellings and the existing neighbouring properties would be acceptable and in accordance with Local Plan policies GD1 and H24.

Highway Safety and Access

60. The proposal includes the formation of a new vehicular access from Durham Road and on-site provision of 74 car parking spaces for prospective residents and visitors.
61. Notwithstanding the concerns of local residents the Highway Authority has reviewed the submitted details and is satisfied that the proposed access arrangements would not detrimentally affect highway safety in this area. The proposed car parking levels are acceptable and the proposed internal road layout is also compatible with the County adoption standards. The proposed development would not compromise highway safety and would be in accordance with Local Plan Policies GD1 and T1.

Affordable Housing

62. The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, and a key part of this, is the delivery of affordable housing, where a need is identified. In this case, the identified need for affordable housing is set out in the Strategic Housing Market Assessment (SHMA), which has in turn formed the evidence base for Policy 31 of the County Durham Plan that requires 15% affordable housing provision on schemes of 15 or dwellings. This scheme would include for the provision of 6 affordable housing units, which would equate to 15% and is therefore in line with the requirements set out at Policy 31 of the emerging plan.

63. Subject to the completion of a section 106 agreement to secure the delivery and future control of the affordable housing, the proposal would be in accordance with the NPPF and Policy 31 of the emerging County Durham Plan.

Heritage Assets

64. The Design and Historic Environment Section has advised that the scheme would not affect the setting of Bishop Auckland Conservation Area. The site is located near to a historic turnpike road and has been used historically as a pottery, dating back to the mid 1840's. The Archaeological Section sought the submission of geophysical surveying to determine the extent, or otherwise of highly significant archaeological remains. The survey results have shown that there does not appear to be any highly significant archaeological remains, although some anomalies, which may be archaeological in nature, are present on the northern part of the site. As these anomalies are unlikely to relate to highly significant archaeological remains, their loss through development can be mitigated by recording. The imposition of planning conditions to require such recording through a written scheme of investigation, together with the subsequent publication of the findings is recommended. As such, scheme would accord with the Policies BE1 and BE15 and the NPPF in this regard.

Open space provision

65. The NPPF places emphasis on the planning system playing an important role in facilitating healthy and inclusive communities. The provision of high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well being of communities and new housing places a demand on existing facilities. Local Plan Policy H22 requires that on sites of 10 or more dwellings the local planning authority will seek to negotiate contributions towards the provision or maintenance of recreational facilities.

66. The layout of the proposed scheme has been designed with a central island of open space which presents a focal point for the development. In addition, this would be further supplemented by the developer agreeing to enter into a section 106 agreement to provide a contribution of £19,500 for the provision and maintenance of related recreational / leisure facilities within the nearby locality. This is in accordance with Local Plan Policy H22 and the aims of the NPPF.

Flooding and drainage

67. In terms of flood risk, the application site is not located within a flood zone, and thus prospective residents are not at risk from flooding. In terms of increased flood risk to others as a result of the development, the application is accompanied by a Flood Risk Assessment, which details that surface water from the development would be discharged through soakaways in the first instance, or by way of public sewer connection at a restricted rate. Both the Environment Agency and Northumbrian Water Limited are satisfied with the means by which surface water would be controlled, and have no objection to the scheme, subject to a condition requiring the implementation of the scheme in accordance with the Flood Risk Assessment.

68. Foul drainage flows arising from the development would be discharged by way of a connection to the existing public sewer. Northumbrian Water Limited is satisfied that sufficient capacity exists to cater for the additional flows. The proposals are therefore considered acceptable in terms of the disposal of surface and foul water and the scheme therefore accords with the NPPF in this regard.

Noise

69. As a result of the nature of the development and the site's location adjacent to the A688 and Durham Road the application has been submitted with a noise risk assessment. This assessment found that the four terraced houses fronting Durham Road would be exposed to high levels of noise and enhanced sound insulation measures would need to be incorporated within the fabric of the building. It also found that those units alongside the eastern and south eastern boundary would be the subject of significant noise exposure. As such, it has been recommended that sound insulation measures be included in the building envelopes of the affected units so as to provide satisfactory levels of noise reduction within the dwellings with the installation of acoustic fencing along both the eastern boundary and part of the south eastern boundary. The Environment, Health and Consumer Protection Section are satisfied that appropriate levels of noise attenuation can be secured via the imposition of a suitably worded planning condition.

Contamination

70. The application was accompanied by a desk study to identify the likelihood of the site being contaminated. The Contamination Section were satisfied with the submitted desk study, but recommended that gas monitoring was undertaken prior to determination, in order to assess the extent of risks from the former industrial use of a small scale pottery and clay pit. Following the submission of the results of the monitoring, the Contamination Section are satisfied that there would be no significant risks to end users. However, a condition is proposed in relation to dealing with any unexpected contamination which may be identified during the course of development. On this basis, future residents are considered to not be at significant risk from contamination and the scheme accords with the NPPF in this regard.

Ecological Impact

71. An ecology report was submitted with the application. The Ecology Section has raised no objections, but recommends that mitigation methods described in the ecology report are undertaken. This can be secured by a condition. It is considered that the proposed development would not impact on protected species or their habitats in accordance with the NPPF.

Other issues

72. The Local Planning Authority do not control legal covenants and any legal restrictions which may apply restricting the use of the land to recreational use only would need discharged independently of this planning application. In addition, loss of view and devaluation of property and are not material planning considerations.

CONCLUSION

73. In conclusion it is considered that although this site is located just outside the residential framework of Bishop Auckland, and therefore in conflict with Policy H3 of the Local Plan, the development would accord with the NPPF in that this would constitute a sustainable extension to the existing settlement.

74. The new access is acceptable and would not compromise highway safety, and adequate levels of parking would be provided within the site. The development would therefore be in accordance with Local Plan Policies GD1 and T1.

75. The scale and design of the development is considered to be comparable with the characteristics of existing housing, and the layout has been designed so that adequate separation distances would be achieved to avoid an unacceptable loss of amenity to surrounding properties. The development would therefore be in accordance with Local Plan Policies GD1, BE1, BE4, BE15 and H24.

76. A section 106 legal agreement would secure the provision of 6 affordable house, a contribution of £19,500 towards the provision and maintenance of social, community and/or recreational facilities within the nearby locality, and the reinforcement and retention of the southern hedgerow.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the provision of affordable housing in perpetuity, the payment of a commuted sum in lieu of on site open space provision and to safeguard the retention of the hedgerow along the southern boundary of the site and to the conditions below;

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

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

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

Plan Ref No.	Description	Drwg. No.
	Location Plan	CH-000
	Propose layout	001/1 Rev. A
	Layout/Topoe Overlay	CH(BA)-OVERLAY Rev B
	Affordable Housing	CH-010
	Survey of Existing Trees	c-978-01
	Morden	MR0WD01
	Souter	SU-WD01
	Chedworth	DD-WD01
	Winster	WS-WD01
	Rufford	RF-WD01
	Roseberry	RS-WD01
	Garage	SGD-01 Rev. B

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

3. 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 approved details.

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

4. No development shall commence until details of means of enclosure are submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with approved details.

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

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

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

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which 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 Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. No development shall take place until details and plans of protective fencing for retained trees and hedges has been submitted, inspected and approved by the Local Planning Authority. The location and design of protective fencing details shall follow the guidelines set out in BS 5837:2012 Trees in relation to construction, design and demolition. Works shall be carried out in accordance with the approved details thereafter.

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

8. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the Extended Phase 1 and Bat Survey for Canney Hill by E3 Ecology Ltd dated May 2013.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.

9. No development shall take place unless in accordance with the mitigation measures detailed within the Measurement and Assessment of Noise Levels in way of proposed residential development site at Canney Hill dated 8th April 2013 NVA Report 246.30/1'.

Reason: In the interests of the amenity of prospective residents in accordance with Paragraph 123 of the NPPF.

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

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

11. 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 amenity of nearby residents/appearance of the area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

12. The foul and surface water drainage shall be completed in accordance with the details outlined within the Flood Risk Assessment for Canney Hill prepared by Datum dated 10th April 2013.

Reason: To prevent flooding in accordance with Paragraph 103 of the NPPF.

13. If, during the course of development, any contamination is found which has not been identified in the previous site investigation, measures for the remediation of the contamination shall be submitted to and approved in writing by the local planning authority, and development shall take place thereafter in accordance with the agreed details. If any remediation measures are implemented at the site, a final validation statement shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Paragraph 120 of the NPPF.

14. No development shall commence until a scheme which specifies the provisions to be made for the control of dust and particulate matter emanating from the site during construction works has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.

Reason: In order to prevent an unacceptable risk of pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

15. No construction work shall be undertaken before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays, not at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In order to prevent an unacceptable risk of noise pollution for existing residents and to comply with Paragraphs 109 and 120 of the NPPF.

REASONS FOR THE RECOMMENDATION

1. Whilst the scheme would depart from the aims of Policy H3 of the Wear Valley Local Plan, the proposed development would be located in a suitable and sustainable location and as such would accord with the NPPFs presumption in favour of sustainable development.
2. The amount, layout, scale and appearance of the development is considered to be acceptable in terms of its impact on the character of the area and in terms of ensuring that the amenity and privacy of both existing and prospective occupiers would be safeguarded. In addition, there would be no detriment to highway safety.
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 determined the application in a timely manner and has had dialogue with the applicant throughout the determination to address issues about sustainability and to reach agreement on the open space contribution, affordable housing requirements and hedgerow retention.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Extended Phase 1 and Bat Survey

Flood Risk Assessment

Archaeological Assessment

Geoenvironmental Appraisal

Noise Assessment

Statement of Community Involvement

Tree Survey

National Planning Policy Framework

Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

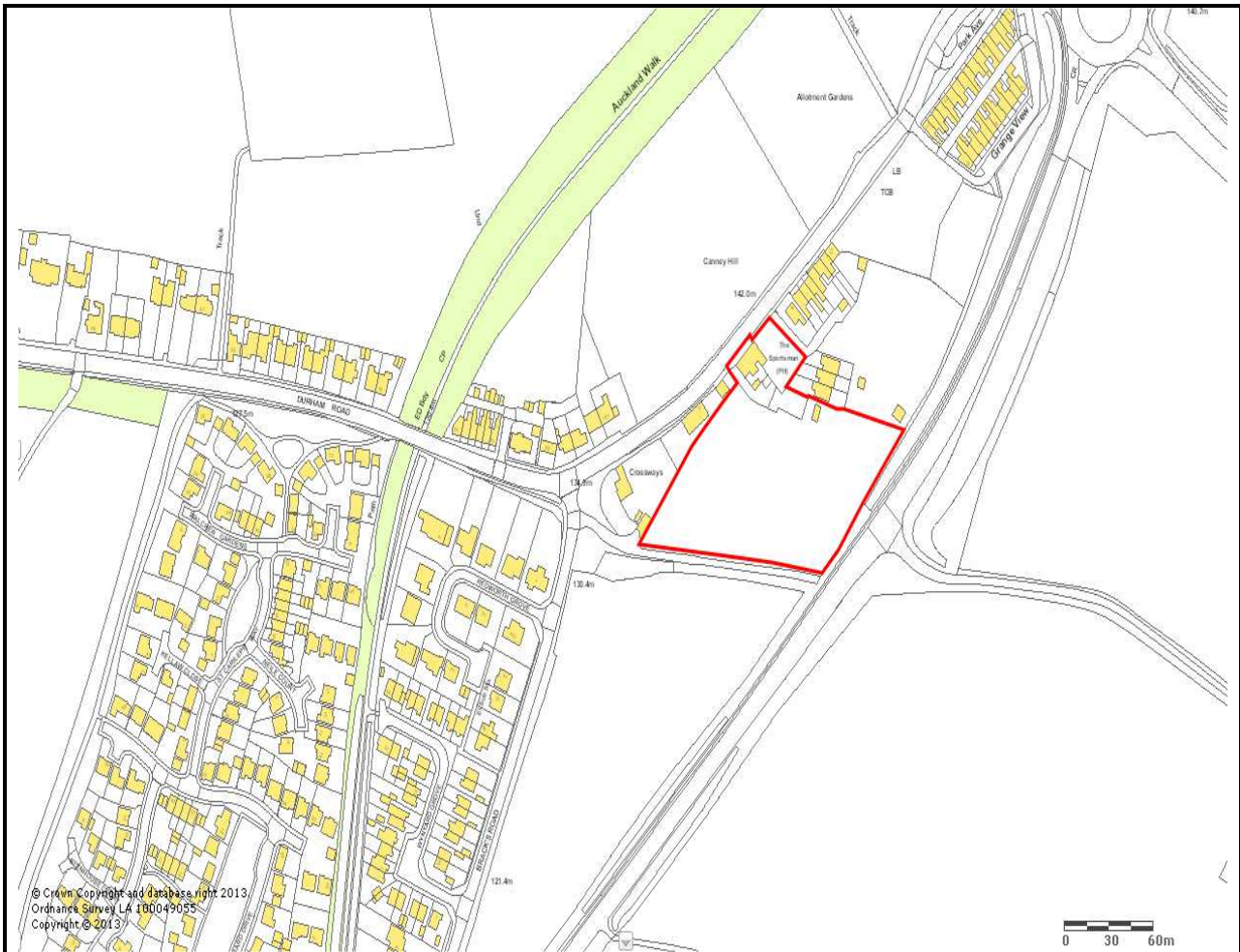
Responses from Highway Authority, Environment Agency and Northumbria Water

Internal responses from Design and Historic Environment Section, Landscape Section,

Tree Section, Ecology Section, Sustainability Section, Archaeology Section, Environmental

Health & Consumer Protection Section and Contaminated Land Section

Public Consultation Responses



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Planning Services

Erection of 39 houses and associated works at land between A688 & Durham Road including the Sportsman Inn, Canney Hill, Bishop Auckland (3/2013/0140)

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Comments

Date 19 September 2013

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0005/DM
FULL APPLICATION DESCRIPTION:	Erection of 175 dwellings with associated infrastructure and landscaping works
NAME OF APPLICANT:	Keepmoat Homes
ADDRESS:	Site O, Cobblers Hall, Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe North and Middridge
CASE OFFICER:	Andrew Inch, Principal Planning Officer Andrew.inch@durham.gov.uk , 03000 261155

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies on the north west side of Newton Aycliffe. It extends to some 3.81 hectares and is owned by the County Council. The site is bound to the south by the Pioneering Care Centre building and an undeveloped area of land known as site N, to the east by 'The Moor', a designated Local Nature Reserve, to the north by Cobblers Hall Road, with residential development beyond, and to the west by residential properties known as Ash Tree Close. Site O is the larger of two remaining undeveloped sites within the Cobblers Hall area, which was first identified as an area for the expansion of Newton Aycliffe as far back as 1967. The site itself is currently an area of rough grassland with areas of tree and shrub planting.
2. Planning permission is sought for the erection of 175 dwellings with associated infrastructure and landscaping. The scheme has been amended since its submission and includes a reduction in the number of units from 182. The proposal would include a mix of 2, 3 and 4 bedroom dwellings within a range of formats including terraces, semi-detached and detached houses in both two and two-and-a-half storeys. In addition, the scheme would provide for four character areas, involving different treatments to the elevations of a range of standard house types across the site.
3. Two vehicular access points would be provided directly from Cobblers Hall Road, whilst a number of pedestrian access points would be provided from the site to link with an existing public footpath which runs north to south through a green corridor separating the site from Ash Tree Close to the west.
4. The scheme would also benefit from an off-site Sustainable Urban Drainage System (SUDS), whereby surface water from around 150 of the proposed dwellings would be discharged onto The Moor by way of drainage swales and into a pond.

5. The application is referred to Committee as the scheme comprises major development in excess of 10 dwellings.

PLANNING HISTORY

6. In 1989 outline planning permission (7/1989/0287/DM) was granted for residential development with ancillary shops, community facilities and open space, subject to the provision of a Development Brief. In 1992, the former Sedgefield Borough Council approved a Development Brief for the Cobblers Hall area. The brief was updated on a number of occasions, the most recent of these being in September 2000.
7. In September 2006, outline planning permission (7/2006/0429/DM) was granted for residential development on the site with details relating to siting of buildings, design and external appearance. A subsequent reserved matters (7/2007/0433/DM) submission for 165 dwellings was granted in November 2007.

PLANNING POLICY

NATIONAL POLICY

8. 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.
9. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
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 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.
11. 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,
12. Paragraphs 15 and 49 re-iterate that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 47 recognises the desire to boost the supply of housing and Paragraph 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This recognises the need to identify the size, type, tenure and range of housing required in a particular location, reflecting local demand and including provision for affordable housing where required.
13. Paragraphs 69 and 73 recognise that the planning system can play an important role in 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.

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:

14. The following policies of the Sedgefield Borough Local Plan are considered consistent with the NPPF and therefore relevant in the determination of this application:
15. *Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
16. *Policy L1 (Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space)* uses the National Playing Fields Association standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
17. *Policy L2 (Open Space in New Housing Development)* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
18. *Policy H2 (Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon)* allocates a number of sites for residential development.
19. *Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing)* seeks to ensure that affordable housing is provided within developments of 15 dwellings or more.
20. *Policy D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.

21. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
22. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
23. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

24. The emerging County Durham Plan is nearing the next stage of consultation in October 2013 in Submission Draft form. This will be ahead of the Examination in Public in Spring 2014. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies set out in the Preferred Options submission are considered relevant to the determination of the application:
25. *Policy 3 (Quantity of New Development)* sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 30,000 new homes of mixed types, size and tenure are required.
26. *Policy 4 (Distribution of Development)* sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 9680, of which 2000 are to be provided in Newton Aycliffe.
27. *Policy 30 (Housing Land Allocations)* sets out a number of housing sites required to meet the housing requirement and distribution set out at Policies 3 and 4 of the plan, and in this case, allocates Site O for residential development, yielding around 165 dwellings.
28. *Policy 31 (Addressing Housing Need)* sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
29. *Policy 35 (Density of Residential Development)* sets out appropriate densities for residential development dependent upon location and proximity to facilities and access to public transport.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Great Aycliffe Town Council* make several detailed comments including a preference for speed tables over speed humps. They consider that The Moor must be retained and protected from the impact of the development to ensure it provides a habitat for wildlife. Consideration should be given to off-street parking levels and access for bin wagons and emergency vehicles.
31. The *Highway Authority* raises no objection to the proposals, following receipt of amended plans.

32. *Northumbrian Water Limited* have advised that foul sewage disposal by means of public sewer is acceptable and should be conditioned accordingly. They have no objection to surface water from part of the site connecting to the public sewer provided the run-off rate is restricted, and again, this matter should be conditioned.
33. *The Environment Agency* advises that they are wholly supportive of a SUDS approach and one should be conditioned accordingly.
34. *Durham Wildlife Trust* raises concerns about the proximity of housing to the nature reserve, the resultant public pressure and significant disturbance and predation of wildlife by domestic pets. The inclusion of surface water discharge to maintain wetland habitats is welcomed, though it is considered its overall effect will be limited.
35. *Campaign to Protect Rural England* identifies that the provision of the SUDS pond is essential for sustainable drainage and as a potential home for new wildlife.
36. *Durham Bird Club* does not object to the scheme, but highlights the potential benefits of the SUDS pond for new wildlife.

INTERNAL CONSULTEE RESPONSES:

37. *The Ecology Section* consider the site to be low risk in terms of protected species, but recommend that the mitigation and biodiversity enhancement measures set out in the Ecology Report are the subject of an appropriate condition.
38. *The Spatial Policy Section* considers that the scheme represents efficient use of the land and will provide a range of house types which will widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The development accords with the principles of the NPPF.
39. *The Landscape Section* has no objection to the scheme in principle but has made a number of suggestions to improve the quality of the landscaping scheme, which have been reflected in the submission of an amended scheme
40. *The Design and Historic Environment Section* has no objection to the principle of development. However, a number of improvements were sought to the layout, elevational treatment and boundary treatments, a number of which have been addressed through the submission of amended plans.
41. *The Pollution Control Section* has no objection to the proposals but recommend conditions in relation to minimising noise and dust pollution during construction together with a condition to restrict construction hours.

PUBLIC RESPONSES:

42. The application was advertised by way of both press and site notices and individual letters to neighbouring properties. Neighbours were initially notified on 19 January 2012 and in response, eight letters of objection were received, A summary of the responses is provided below:
43. The site is enjoyed not only aesthetically but also for walking and wildlife. The scale of the development is considered unacceptable; resultant congestion is considered dangerous to pedestrians and affects community coherence. Roads will become extremely busy, overcrowded, noisy and dangerous.

44. Concerns over the impact the proposal will have on wildlife currently inhabiting the area, and that this should be taken into account as that area has already been devastated with over-development at the expense of the environment.
45. The site is a designated nature reserved and should be protected from development and left as such. Further development will be unsightly and impact on highways.
46. The site is one of the last remaining green spaces and should not be built upon. The significant numbers of houses proposed will bring many more people to the area and increase pressure on already limited school places in the area and other services.
47. Concerns over the width of the estate roads in relation to their use by emergency vehicles as well as residents and visitors. Concerns in relation to the construction of the site are also raised.
48. The scheme would lead to overcrowding and there are sufficient houses available in the area. There would be further demand for health facilities and schools which are already stretched. As one of few remaining open areas, the site should remain available for recreation.
49. The two access points are insufficient and will increase traffic on Cobblers Hall Road considerably. The density of the housing and extent of garaging is considered excessive.
50. The plans do not incorporate facilities, that the density is high, and that further congestion would be created at the junctions of Cobblers Hall Road/Burn Lane and Alan Gray Way/Burn Lane,
51. Following the submission of amended plans to revise the layout and reduce the numbers of dwellings, neighbours were re-consulted on 9 July 2013. In response, a further objection was received which highlighted problems associated with the construction of the houses, concerns in relation to the width of the access roads and the overall density of the scheme, and that existing problems on the C34 Woodham to Rushyford would be exacerbated by the traffic from 175 dwellings. The lack of any play facilities for the scheme or the remainder of Cobblers Hall is also highlighted.

APPLICANTS STATEMENT:

52. The proposed development follows a previous outline and reserved matters approval on the site. Whilst these permissions are no longer extant, they demonstrate the suitability of the application site for residential development. A Development Brief for Cobblers Hall was also prepared by the former Sedgfield Borough Council and sets the context for development in the area. The residential units on the application site comprise a mixture of 2, 3 and 4 bedroom properties arranged through a mixture of terraced, townhouses, semidetached and detached properties. In this respect the size, type, scale and character of the proposed properties is similar to those in the surrounding area. The proposed development is entirely appropriate to its locality and context and is in complete accordance with all relevant national and local planning policy. In this respect it is demonstrated that the grant of planning permission for the proposed development would be entirely appropriate.

PLANNING CONSIDERATIONS AND ASSESSMENT

53. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 the development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the design and layout, highway safety and access, affordable housing provision, open space provision, drainage and ecology.

Principle of development

54. The National Planning Policy Framework (NPPF) sets out the Government's overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications. In particular, Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development.

55. Although the site was not allocated for development in the Sedgefield Borough Local Plan, adopted in 1996, there is a longstanding presumption that it would be utilised for housing as there was for the remainder of the Cobblers Hall area. Site O is within the built up framework of Cobblers Hall, which itself is an area of some 69.38 hectares that was identified for housing development within the Newton Aycliffe New Town Expansion Master Plan in 1967. The principles of the broad land use pattern were established within the Newton Aycliffe Northern Area Study in 1982, and outline planning permission was granted for the broad land use pattern in 1989.

56. As detailed at paragraph 7 above, a subsequent outline application for residential development on the site was granted in 2006, with subsequent reserved matters approval being granted in 2007 for 165 dwellings on the site. It is considered likely that had it not been for the economic crisis which followed soon after that the site would have been developed some time ago. In any event, the principle of residential development on the application site has been well established for over 40 years and given its location, residential development would relate well to surrounding existing residential development in the wider Cobblers Hall area.

57. Whilst the principle of residential development on the site is well-established historically, it is also considered that the current planning context and the presumption in favour of sustainable development set out at paragraph 49 of the NPPF, render the site acceptable for residential development. The site is well served by a range of facilities and services including shops, takeaways, public house/restaurant and medical centre at the nearby Cobblers Hall Village Centre. A further range of facilities are also offered at the Woodham Local Centre. In addition, there are bus stops in close proximity to the site on Cobblers Hall Road and Burnhill Way with appropriate services enabling good access into Newton Aycliffe Town Centre and further afield to access employment opportunities and those services not available more locally. The site is therefore considered to be in a sustainable location which minimises the need for prospective occupiers to rely on private car use. This is consistent with the NPPF's core principle of actively managing patterns of growth to ensure this is the case.

58. Whilst there remain some unresolved issues around the overall level of future housing requirement for the County, and to specific sites, which at this time diminishes the weight that can be apportioned to relevant policies of the emerging

County Durham Plan, Policy 30 nonetheless allocates the site for residential development. The scheme is therefore consistent with the thrust of the emerging plan in this respect and some weight can be given to this in determining the application. Accordingly, it is considered that the use of the site for residential development is well-established and constitutes a wholly sustainable location for residential development, in accordance with the aims of the NPPF, and being consistent with the emerging plan. The principle of the development is therefore acceptable.

Design and Layout

59. Paragraph 56 of the NPPF sets out that the Government attaches great importance to the design of the built environment, that good design is a key aspect of sustainable development and is indivisible from good planning. The proposed scheme provides for 175 dwellings split across four different character areas. Whilst the house types would be the same across the character areas, the way in which the elevations are treated, particularly in terms of the use of a range of materials, would be unique to each character area, and would help to create a sense of place and an attractive place to live for prospective residents. The green corridor along the western side of the site provides breathing space between the proposed dwellings and those in Ash Tree Close to the west, whilst those dwellings on the eastern side of the site will benefit from views of The Moor.
60. In addition, the properties adjacent to Cobblers Hall Road along the northern boundary are outward facing and well set-back from the road itself, thus creating an attractive edge to the development when viewed from outside the site. Feature properties would also be positioned at the access points into the site to provide a focal point.
61. In terms of density, the scheme would provide for around 46 dwellings per hectare (dph). Whilst this level is relatively high, being reflective of the absence of on-site open space provision, Policy 35 of the County Durham Plan sets out that higher densities (30 to 50 dph) will be favourably considered on central site in or near town centres and larger village centres that have good access to public transport and a range of facilities. The application site is considered to be a relatively central site, and in view of the sustainability credentials of the site set out at paragraph 57 above, the density is considered to be appropriate given the proximity of a range of facilities and available public transport links.
62. Although, the density level is at the upper end of the normal range, the scheme provides separation distances between dwellings which meet the standards set out in SPG3 and the requirements of Local Plan Policy D5, such that the amenity of prospective residents would be safeguarded. The layout and relationship of the site to surrounding existing development is such that the amenity of existing residents will not be significantly adversely affected in terms of privacy and amenity.
63. Accordingly, it is considered that the scheme achieves a high overall standard of design and would create an attractive living environment for prospective residents, in compliance with the NPPF and Local Plan Policies D1 and D5.

Highway Safety and Access

64. The application site would be accessed through the creation of two new accesses from Cobblers Hall Road. Whilst Cobblers Hall Road is curved at the position of the two accesses, good visibility would be afforded in either direction and at both access

points for drivers exiting the site, and these would be sufficiently staggered in relation to existing access points on the northern side of Cobblers Hall Road. In terms of the impact of traffic on the local road network, and, notwithstanding the comments of objectors about congestion in the area, it is considered that the levels of vehicular movements associated directly with the site can safely be accommodated. In addition and in order to encourage sustainable means of travel by prospective residents, a travel plan will be required, and an appropriate condition would be imposed. Accordingly, the Highway Authority has no objection in these respects.

65. In terms of the layout and the provision of car parking, the Highway Authority sought a number of amendments to the scheme in order to ensure that the site was laid out in such a way that it would be capable of being adopted upon completion. In terms of car parking, scheme proposes a total of 334 parking spaces, through a mix of garaging, dedicated parking and visitor parking bays, which equates to 172% provision.
66. The Highway Authority is satisfied that the internal road layout is both safe and capable of adoption, and that the level of car parking proposed is sufficient to cater for the number of units proposed. Accordingly, the proposals are considered acceptable in terms of highway safety and access and therefore in accordance with Policy T1 of the Local Plan.

Affordable Housing

67. The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, and a key part of this, is the delivery of affordable housing, where a need is identified. The identified need for affordable housing is set out in the Strategic Housing Market Assessment (SHMA), which has in turn formed the evidence base for Policy 31 of the County Durham Plan. This requires 15% affordable housing provision on schemes of 15 or dwellings. Saved Policy H19 of the Local Plan also seeks the provision of affordable housing at the same development size threshold.
68. As part of the release of sites for housing at Cobblers Hall, and in recognition of the need identified at that time, it was envisaged that affordable housing would, , be provided at a site at Hawkshead Place. The site at Hawkshead Place provided 86 dwellings, of which 67 have been provided as affordable housing (29 for sale and 38 rented). The Hawkshead Place scheme was required, in 2006, to provide 30% affordable housing or 26 dwellings , whilst also providing the future affordable housing requirement for undeveloped site O and site N.
69. At this time and based on identified housing needs there is a policy requirement for 15% affordable housing in this area. As such, site O would be required to provide 27 affordable dwellings, whilst site N, which hasn't yet come forward for development, would provide in the region of 53 dwellings which accordingly would necessitate 8 affordable dwellings. The combined affordable housing requirement number therefore for Hawkshead Place and sites O and N is therefore 61 dwellings. Hawkshead Place, having already provided some 67 affordable dwellings, has therefore met and exceeded the affordable housing requirement for the application site as well as the other remaining undeveloped site.
70. In addition, the Council in its capacity as landowner has agreed, in disposing of the site, to ring fence £500,000 from the sale of the land towards the provision of further off-site affordable housing in the local area to meet the continued identified need for affordable housing. In view of the provision already provided by the Council off-site,

it is considered that affordable housing need not be provided on the application site, and accordingly, the requirements of the NPPF, Local Plan Policy H19, and Policy 31 of the emerging County Durham Plan are considered satisfied in this respect.

Open Space, Drainage and Ecology

71. Whilst amenity open space is ordinarily an essential part of large new housing sites, in this case, and as part of the overall Cobblers Hall development, substantial provision of open space has already been made in the form of the green wedges that incorporate amenity open space around the development areas, as well as substantial open space at site F, to the south of Burn Lane. Concerns have been expressed by a number of residents in relation to the lack of play facilities. Play facilities have previously been provided elsewhere (sites A, B and E) in the Cobblers Hall area. However, at the request of adjacent residents, such facilities have been removed. In view of this it is not considered appropriate to provide further play facilities.
72. In addition to the aforementioned areas of open space, to the east of the site lies The Moor. This is a designated Local Nature Reserve, which provides additional amenity space, both as a setting to the development and offering some public access. The Moor is to be the subject of significant improvement works at a cost of £375,000, in relation to the provision of a SUDS to accommodate surface water from around 150 of the proposed dwellings as well as a scheme to enhance access to The Moor, including the provision of a perimeter footpath, boardwalks and picnic tables. The works are to be undertaken in early 2014, and the Council has agreed the funding of these works through its capital programme. The provision of such infrastructure in advance of development taking place is not uncommon, and particularly in the Cobblers Hall area, where, for instance, Cobblers Hall Road was provided well in advance of residential development served off it taking place. In view of the availability of these areas of open space and enhancement works, the requirement for an area of open space to be specifically provided within the application site is not considered to be essential in this case.
73. Turning to drainage and flood risk, the site is not within a flood zone and the main issue is the minimisation of flood risk elsewhere in accordance with Paragraph 103 of the NPPF. To this end, the risk of flooding elsewhere would be minimised through the off-site SUDS scheme, which would involve the provision of two swales. One of these would take surface water from the northern end of the application site, and the other from the central part of the site. The two swales would subsequently feed into a large pond, excavated from the existing pond. Whilst these works are off-site, they are on Council-owned land, as is the application site. It is therefore considered that a Grampian style planning condition could be imposed which sought to ensure that no dwellings were occupied until such time as an acceptable surface water drainage scheme was provided and available to accept surface water from the development. The Environment Agency has no objection to the scheme subject to the imposition of an appropriate condition. In these circumstances, the wider open spaces already provided, the enhancement to The Moor, incorporating the provision of a SUDS scheme, is such that the proposals are considered to comply with the overall aims of Policies L1 and L2 of the Local Plan in respect of open space, and Paragraph 103 of the NPPF in respect of the minimisation of flood risk elsewhere.
74. Although most of the surface water would be discharged into the SUDS pond, a small section of the site at its southern end, lies on lower ground than the remainder of the site and The Moor. This would be connected to the main public sewer to receive surface water. Northumbrian Water Limited has no objection to this, subject to the flow rate being restricted. This can be controlled by way of a planning

condition, and as such, the proposals are considered acceptable in this respect and would not increase the risk of flooding elsewhere in accordance with Paragraph 103 of the NPPF. In addition to a small element of the surface water being discharged into the public sewer, foul sewage would similarly be discharged into the combined public sewer. Northumbrian Water Limited has confirmed that sufficient capacity exists in the sewage network to accept the anticipated flows.

75. The submitted Ecology Report highlights that the development of sites next to wetter areas can lead to them drying out, which in this case would reduce the potential of The Moor as a habitat for a range of species. However, the discharge of surface water onto The Moor as set out above would ensure that such impacts do not occur, particularly as the pond would be wet all year-round, and would therefore be of significant benefit to The Moor and assist in the continued provision of habitat for amphibian populations and bird species. Such benefits are recognised by Durham Wildlife Trust, Durham Bird Club and CPRE.
76. In addition to the SUDS pond and associated works, there would also be the provision of a perimeter footpath around the site with a series of short boardwalks extending into the nature reserve. The submitted Ecology Report highlights that the increased use of the site by prospective residents walking on it would potentially cause harm to the range of species presently supported and its ability to attract further species. However, the boardwalks would ensure that people would, in the main, be confined to walking on the boardwalks as opposed to on the ground, thereby minimising the extent to which the site as a habitat would be disturbed. It is clearly recognised that the addition of a residential development adjacent The Moor would undoubtedly increase activity on the site, the provision of dedicated paths around the site would minimise these affects and would address impacts currently experienced through people walking across the site. A condition would, like the SUDS scheme, be appropriate in terms of requiring that a scheme to provide the boardwalks and related works was implemented in advance of the first occupation of the application site.
77. The Ecology Section considers that no protected species would be affected by the proposed development, and have been responsible for jointly developing the scheme to enhance The Moor. Accordingly, the potential for adverse affects on biodiversity and wildlife would be addressed through the SUDS scheme and improvements to The Moor, and accordingly, the scheme is considered acceptable and in compliance with the aims of paragraph 109 of the NPPF.

CONCLUSION

78. The application site has long been established for residential development, along with the remainder of the largely built-out Cobblers Hall area. The site itself is considered to be a suitable and sustainable location for housing having regard to the close proximity of a range of facilities and services and access to public transport. The principle of residential development is therefore in compliance with the NPPFs presumption in favour of sustainable development and the core principle of managing patterns of growth, and is consistent with Policies 3, 4 and 30 of the emerging County Durham Plan which allocates the site for residential development.
79. An appropriate level of affordable housing has already been provided to cater for the identified needs of the area at a site elsewhere in Newton Aycliffe. In addition, a significant financial contribution through the sale of the land would be utilised for the provision of further affordable housing elsewhere.

80. Proposed works to be undertaken in early 2014 to the adjacent nature reserve will ensure that surface water from the development will not increase flood risk elsewhere and similarly, the impacts of the development on biodiversity will be safeguarded and enhanced through the provision of the SUDS pond together with perimeter footpaths and boardwalks to restrict overall access to the nature reserve to protect it as a habitat, whilst providing an attractive amenity area for prospective and existing residents.

81. The scheme would be served by two new accesses, which are considered safe and satisfactory with appropriate visibility, whilst the local road network has long been considered able to support the wider development of the Cobblers Hall area, and sufficient parking would be provided within the site for prospective residents and visitors.

RECOMMENDATION

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

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

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

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

RES/239 – L/01 Rev 12, RES/239 – L/02 Rev 4, RES/239 – L/03 Rev 2, RES/239 – L/04 Rev 2, RES/239 – L/06 Rev 3, HT 665 Ground Floor P/01, HT 665 First Floor P/02, HT 763 Ground floor P/03, HT 763 First Floor P/04, HT 828 Ground Floor P/05, HT 828 First Floor P/06, HT 836 Ground Floor P/07, HT 836 First Floor P/08 Rev 1, HT 858 Ground Floor P/09, HT 858 First Floor P/10, HT 1011 Ground Floor P/13, HT 1011 First Floor P/14, HT 1011 Second Floor P/15, HT 1176 Ground Floor P/16, HT 1176 First Floor P/17, HT 665 (type 1) E/01, HT 665 (type 2) E/02, HT 665 (type 3) E/03, HT 763 (type 1) E/04, HT 763 (type 2) E/05, HT 763 (type 3) E/06, HT 828 (type 1) E/07, HT 828 (type 2) E/08, HT 828 (type 3) E/09, HT 836 (type 1) E/10, HT 836 (type 2) E/11, HT 836 (type 3) E/12, HT 858 (type 1) E/13, HT 858 (type 2) E/14, HT 858 (type 3) E/15, HT 1011 (type 1) E/19, HT 1011 (type 2) E/20, HT 1011 (type 3) E/21, HT 1176 (type 1) E/22, HT 1176 (type 2) E/23, HT 1176 (type 2) E/24, HT999 (Type 1) E/25, and, HT999 (Type 2) E/26.

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

3. 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 approved details.

Reason: In the interests of the appearance of the area and to comply with Policies D1 and D5 of the Sedgfield Borough Local Plan.

4. No development shall commence until a scheme for the disposal of surface water from the development has been submitted to and agreed in writing by the Local

Planning Authority. No dwelling hereby approved shall be occupied until the agreed surface water scheme has been implemented.

Reason: In the interests of ensuring that the development does not lead to an increase in flood risk elsewhere in accordance with paragraph 103 of the NPPF.

5. Any surface water from the site not discharged by way of a Sustainable Urban Drainage System shall not be discharged from the site at a rate in excess of 5l/s.

Reason: In the interests of ensuring that the development does not lead to an increase in flood risk elsewhere in accordance with Paragraph 103 of the NPPF.

6. No dwelling hereby approved shall be occupied until foul drainage arrangements have been provided in accordance with the details set out in the Flood Risk Assessment by Queensberry Design Ltd (updated May 2013).

Reason: In the interests of ensuring that the development does not lead to an increase in flood risk elsewhere in accordance with Paragraph 103 of the NPPF.

7. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention; details of hard and soft landscaping including planting species, sizes, layout, densities, numbers; details of planting procedures or specification; finished topsoil levels and depths; details of temporary topsoil and subsoil storage provision; seeded or turf areas, habitat creation areas and details etc; details of land and surface drainage; and, the establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

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

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

Reason: In the interests of the visual amenity of the area and to comply with Policies D1 and D5 of the Sedgefield Borough Local Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development 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 Policies D1 and D5 of the Sedgefield Borough Local Plan.

9. No development hereby approved shall take place unless in accordance with the mitigation and enhancement detailed at section 5 of the Ecology Report for land at Cobblers Hall Road, Newton Aycliffe by Dendra Consulting dated December 2011

including, but not restricted to: sensitive timing of vegetation clearance to avoid impacts to breeding birds; gapping up/enhancement of existing hedgerows; utilising native trees in landscaping in site; and, provision of bat boxes (minimum of 6) within the site.

Reason: In the interests of the protection and enhancement of biodiversity in accordance with Paragraph 109 of the NPPF.

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

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

11. No construction work shall be undertaken before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays, not at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In order to prevent an unacceptable risk of noise pollution for existing residents and to comply with Paragraphs 109 and 120 of the NPPF.

12. Prior to the occupation of the first dwelling a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This should also contain details of the Travel Plan Coordinator. The development shall thereafter be implemented in accordance with the approved Residential Travel Plan details.

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

REASONS FOR THE RECOMMENDATION

1. The proposed development would be on a site long-established as a residential development site, whilst being in a suitable and sustainable location for new housing in accordance with the NPPFs presumption in favour of sustainable development, and consistent with the direction of emerging policies in the County Durham Plan. Adequate provision for affordable housing has been made off-site previously, and impending improvements to the adjacent Local Nature Reserve would cater for the surface water from the development and provide an amenity for prospective and existing residents, whilst safeguarding and enhancing biodiversity interests. The amount, layout, scale and appearance of the development is considered to be acceptable in terms of its impact on the character of the area and in terms of ensuring adequate amenity and privacy for prospective occupiers. In addition, there would be no detriment to highway safety.
2. As such, the scheme accords with the NPPF and Policies H19, D1, D3 and D5 of the Sedgfield Bough Local Plan, and would be consistent with Policies 3, 4, 30, 31 and 35 of the emerging County Durham Plan, albeit that such policies are considered to carry limited weight at this time.

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, with a number of matters controlled through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority has determined the application in a timely manner and has had dialogue with the applicant throughout the determination to address issues in relation to the layout, design and landscaping.

BACKGROUND PAPERS

Submitted Application Forms, Plans & Amended Plans
Planning Statement
Design and Access Statement
Ecology Report
Flood Risk Assessment & Drainage Strategy
Travel Plan
Arboricultural Implications Assessment
National Planning Policy Framework
Sedgefield Borough Local Plan
County Durham Plan, Preferred Options, September 2012
Development Brief, Cobblers Hall, Newton Aycliffe, September 2000
Responses from Highway Authority, Environment Agency, Northumbrian Water Limited, CPRE, Durham Bird Club and Durham Wildlife Trust
Internal responses from Design and Historic Environment Section, Landscape Section, Spatial Policy Section, Ecology Section and Pollution Control Section
Public Consultation Responses



Planning Services

Erection of 175 dwellings with associated infrastructure and landscaping works at Site O, Cobblers Hall, Newton Aycliffe (7/2012/0005/DM)

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Comments

Date 19 September 2013

Scale 1:2500