



Area Planning Committee (South and West)

Date Thursday 19 June 2014
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 8 May 2014 (Pages 1 - 6)
5. Applications to be determined
 - a) 3/2013/0413 - Land North of Railway Terrace, Witton-le-Wear
(Pages 7 - 16)
Retention of storage container, erection of cabin, shed and two polytunnels
 - b) DM/14/00678/OUT - Land to the South of Broadway Avenue, Salters Lane, Trimdon Village (Pages 17 - 34)
Erection of up to 30 dwellings (all matters reserved)
 - c) 7/2013/0363/DM - Hunter Terrace, Chilton (Pages 35 - 50)
Demolition of existing houses, garages and meeting hall and the erection of 18 affordable dwellings
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 June 2014

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

Councillor M Dixon (Chairman)
Councillor H Nicholson (Vice-Chairman)

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

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 8 May 2014 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors J Clare, J Clark, K Davidson, E Huntington, S Morrison, H Nicholson, A Patterson, L Taylor and R Todd

Also Present:

J Byers – Planning Team Leader
A Caines – Principal Planning Officer
L Renaudon – Solicitor (Planning and Development)
D Stewart – Highways Officer
G Scott – Area Planning Team Leader, Spatial Policy

1 Apologies for Absence

Apologies for absence were received from Councillors J Buckham, D Bell, G Richardson and S Zair.

2 Substitute Members

Councillor J Clark substituted for Councillor D Bell.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 17 April 2014 were confirmed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a 3/2013/0056 - Land east of New Row, Oakenshaw, Crook

Consideration was given to the report of the Principal Planning Officer regarding an application for storage building and access road (for copy see file of Minutes).

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

Councillor O Gunn, local Member addressed the Committee on behalf of residents stating that there were already two existing buildings on two small plots of land. A third building in the location would be unacceptable and would have a negative impact on the landscape and character of the surrounding area. This equated to intensive use in the whole area and would result in cumulative impact, which was of great concern.

The building would be large and visible, and residents did not consider that the proposed landscaping measures would be adequate to screen the building from views along New Row.

The size of the building was excessive for the size of the plot and there would not be much available space for the grazing of 30 sheep. She also noted that water would have to be transported to the site.

In view of the number of conditions to be attached to the proposed planning permission, Councillor Gunn expressed surprise that the application was recommended for approval. Some of the conditions were enforceable and would require regular monitoring. She also considered that the impact on the landscape could be further controlled by condition to ensure that there was no external storage of vehicles on the site.

Kate McNulty was invited to address the Committee on behalf of 30 local residents, the majority of whom lived near the proposed development. She stated that Oakenshaw had suffered in times past from neglect and the removal of residential amenity. However the village was recovering and had an active community association in which two thirds of households were members. Oakenshaw was now an attractive village to live with new houses being built. The appearance of the village was important to residents who had invested time and money on making substantial improvements.

The current planning application should be seen in context of recent developments. What was once one field for grazing horses at the entrance to the village was now split into five smaller plots of land. Previously two of the larger plots were given permission to erect two large barns and install access roads. These detracted from the appearance of the village and there had been a failure to monitor compliance of conditions. Residents considered that a third large barn on this field would detract from the environment, given that it was the first impression some visitors would have of Oakenshaw.

There may well be less impact by siting the proposed barn at the back of the field, however it would still encroach on the pleasant rural view, a residential amenity enjoyed by New Row residents for many years. Residents disagreed that each site must be considered individually because the cumulative impact on residential amenity had become more intrusive since each barn and access road had been built.

In a public meeting 30 residents objected to any further development on this field with only 2 in favour. There had been 40 plus written objections submitted which clearly demonstrated the depth of concern among residents. If this application was approved more barns and access roads on the last two plots could become a reality.

Contrary to the views of Planning Officers residents considered that the barn would be detrimental to the residential amenity of the neighbours. They were concerned about the potential for generator noise at inappropriate times, barking guard dogs, security lights and alarms, all of which would be detrimental to the tranquillity long enjoyed by New Row residents. This loss of residential amenity would further impact on the property values in the area.

The Applicant had stated that he wanted to relocate around 30 sheep to the site which was too many for a plot of approximately 1.7 acres. If the barn and access road were built this would further reduce grazing land to about 1 acre. In accordance with the National Sheep Association the correct amount of grazing animals on an area of land this size was 6 - 10 ewes and their lambs. The Applicant acknowledged that the grass on the field was poor quality for grazing.

With regard to access, if the application was approved there would be three individual access roads for what was originally one field. The current access road at the top of the field from New Row which had been built by the Council for all landowners to access their portion of land, and the gate directly into the Applicant's field should be more than adequate for the proposed use.

Residents agreed with Planning Officers that the building was larger than normal for the size of the plot. It was too large for the purpose and the land on which it was to be erected, however sympathetically it was designed and built.

There were more than 60 houses in New Row, therefore around a third of the households in the village overlooked this whole area. Three barns and three access roads was over-development of a field divided into five small pieces in a beautiful village in a Landscape Conservation Area. If the field had remained under single ownership residents believed that such density of development would not have been permitted. More than 25 villagers had objected to this re-submitted proposal and only 1 had written in support.

To conclude she urged Members to support and protect the interests of residents living in over 60 houses in New Row overlooking the field, and enable them to continue to enjoy this small piece of unspoiled grazing land, by refusing the application.

The Principal Planning Officer advised Members that the supply of water to the site, and the proposed number of sheep for grazing were not material planning considerations. In addition the concerns expressed about barking guard dogs and inappropriate generator noise would be a matter for Environmental Health.

D Stewart, Highways Officer was asked to comment on the proposals. He advised that the buildings may be closely spaced but there were no highway concerns regarding the proposals. The new access was deemed to be acceptable because of the proposed agricultural use of the new building which had been controlled by condition.

In response to a question from Councillor Davidson about enforcement, the Committee was advised that the proposed conditions were comprehensive to ensure that the building was used for its intended purpose. The Local Planning Authority would investigate any reports of a potential breach and would take enforcement action as appropriate. However Members were reminded that the application had to be determined on the basis of the submitted details and individual merits.

Councillor Huntington was of the view that whilst conditions were comprehensive, in her experience enforcement could be difficult to pursue. The Chairman considered that the application should not be determined on the assumption that the conditions may not be adhered to, and that the proposed conditions were aimed at addressing the concerns of residents.

The Chairman also made reference to Councillor Gunn's comments about landscaping and the prevention of the external storage of vehicles, and encouraged Officers to consult with local Members on the landscape details as referred to in conditions 9 and 10 of the report.

Councillor Clare made reference to cumulative impact and noted that objectors to the application, in their letters of representation, had referred to the site being in a Landscape Conservation Priority Area. He also noted the point made by K McNulty that if the land had remained in single ownership, three buildings may not have been permitted.

The Member was advised that the site was not subject to any special landscape designation in the Local Plan. In terms of cumulative impact the Principal Planning Officer acknowledged that the building was larger than normally expected on a site of this size, however the location and proposed landscape measures would effectively screen the building, and the visual impact on New Row would be minimal. The proposal did not conflict with Local Plan Policy.

The Principal Planning Officer was also asked if granting the application would set a precedent for future applications. The Committee was advised that there was no evidence to suggest that a precedent would be created, however this would be a consideration if there were any further applications in the future.

Councillor Patterson asked for details of the Coal Authority's objections to the application which had subsequently been withdrawn, and also referred to the size of the building. The Member was advised that the area was in a Development High Risk Area in terms of land stability and the Coal Authority had carefully considered the potential impact of the proposals. The Coal Authority had been satisfied that the land was safe and stable for the proposed development.

With regard to the size of the building the Principal Planning Officer reiterated that whilst it was large, it would not cause harm to the residential amenity of residents in New Row because of the limited visibility of the premises from their properties.

Councillor Davidson appreciated the views of residents expressed by Mrs McNulty in her presentation, however he did not consider that there were robust planning grounds to refuse the application.

Resolved:

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

At the close of business Members received a presentation from G Scott, Area Planning Team Leader, Spatial Policy on the weight to be given to the emerging County Durham Plan and Saved Local Plan Policies.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0413
FULL APPLICATION DESCRIPTION:	RETENTION OF STORAGE CONTAINER, ERECTION OF CABIN, SHED AND TWO POLYTUNNELS
NAME OF APPLICANT:	MR ANDREW CHARLES
ADDRESS:	LAND NORTH OF RAILWAY TERRACE,WITTON LE WEAR, BISHOP AUCKLAND, DL14 0AL
ELECTORAL DIVISION:	WEARDALE
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is a parcel of agricultural land located to the east of Witton le Wear. The land measures approximately 1.3 hectares.
2. To the southern boundary with Low Lane and the Weardale railway line, the land is screened by mature trees and bushes. To the southeast of the site is a terrace of 12 dwellings which form Railway Terrace, with a shared vehicular access serving the site to the rear of the dwellings. To the north of the site are Witton le Wear allotments, whilst to the east is open agricultural land. To the west of the site is an area of paddock, with Pennywell, a residential bungalow beyond. The site has two accesses; a pedestrian access to the north between Pennywell and the allotments; and a vehicular access along the rear of Railway Terrace.

The proposal

3. Planning permission is sought for the erection of two polytunnels, a timber cabin, a shed and the retention of a container.
4. The polytunnels would be sited to the north eastern end of the site. Construction had started on one of the polytunnels, but those works were stopped. One polytunnel would be a 'Keder' polytunnel, and would measure 10 metres in length by 3 metres in width, and 2.4 metres to the highest point. The other polytunnel would be a 'Northern' polytunnel, and would measure 14.6 metres in length by 3.7 metres in width, and 2.3 metres to the highest point. The polytunnels would be used to grow vegetables and fruit.
5. The proposed timber cabin would measure 5.6 metres by 3.5 metres in width, and 2.7 metres to the ridge. The cabin would be sited to the north western corner of the

site. It would be used for shelter and refreshments at times when the landowner is on the site.

6. The shed would measure 1.8m by 2.4m in width and 1.95m in height to the highest point of the monopitch roof. The shed would be located along the eastern boundary of the site. It would be used for feed storage and other general storage (compost, seeds etc).
7. The storage container is already located to the southern end of the site. The container measures 6 metres by 2.4 metres, and 2.4 metres in height. It has been painted dark green. The container is used for secure storage of more valuable agricultural implements and machinery used to maintain the land.
8. The structures are required in connection with agricultural use of the land, which will take place within three sections subdivided by stock proof fences. The northernmost third will be developed for food production, the middle section will be retained for grazing and the bottom section will be used for Willow production. The applicant intends to graze two pigs on the north western side of the site to cultivate the land for vegetable growing. The pigs will be on site from April and then sent to slaughter in late November. A mobile sty will be provided as shelter for the two animals. There will also be a mobile composting toilet, which could be moved around the site.
9. The application has been called to the Committee by Witton le Wear Parish Council who raise concerns over the keeping of pigs on the site, and access issues.

PLANNING HISTORY

10. There is no planning history on the site.

PLANNING POLICY

NATIONAL POLICY

11. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. 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.
12. Core principles include the protection of the countryside from inappropriate development and the conservation of heritage assets.

LOCAL PLAN POLICY:

13. The development plan comprises the saved policies of the Wear Valley District Local Plan
14. **Policy GD1 (General Development Criteria):**
Sets a number of general criteria including 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, while also not conflicting with adjoining uses, not causing pollution and not having detrimental highways impacts.

15. Policy ENV1 (Protection of the Countryside):

Development in the countryside will only be allowed for purposes of agriculture and other compatible uses.

16. Policy ENV3 (Area of Landscape Value):

Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.

17. Policy BE8 (Setting of a Conservation Area):

Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

EMERGING POLICY:

18. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. 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. At this time the weight that can be attached to the emerging policies for this type and scale of proposal is very limited:

19. Policy 18 (Local Amenity) permission will not be granted for development which would have a significant adverse impact on amenity.

20. Policy 35 (Development in the Countryside) development in the countryside will only be allowed for agriculture and other appropriate purposes.

21. Policy 39 (Landscape Character) development will not be allowed where it would cause significant harm to the character, quality or distinctiveness of the landscape.

22. Policy 44 (Historic Environment) Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Witton le Wear Parish Council* have objected to the proposal on the grounds of disturbance by the keeping of pigs on the site; the village is unspoilt; the smell would be detrimental to the village and access is a major issue.

INTERNAL CONSULTEE RESPONSES:

24. *Environment, Health and Consumer Protection* has suggested conditions for no livestock to be housed within 50m of the nearest residential dwelling and for procedures to be agreed for waste disposal to minimise noise and odour impact.

PUBLIC RESPONSES:

25. The application was publicised by site notice and letters were sent to neighbouring properties. 81 letters of objection have been received. The main points raised in the

objections are summarised below:

- The land has no right of access to the rear of Railway Terrace and the access past the allotments is not suitable for a farm business.
- Traffic from the site will impinge on residents' quality of life.
- The keeping of pigs will cause noise, smell and attract vermin.
- The various structures will be an eyesore.

APPLICANTS STATEMENT:

26 We are intending to buy two Sandy and Black weaners in April and fattening for slaughter in late November. If this works well, and there is land in the vegetable area that would benefit from further cultivation we would consider repeating the process in 2015.

27 Any pig waste as manure will be incorporated into the soil as part of the foraging process. Once the pigs are removed I will be dividing the ground into growing areas separated by paths and any surplus manure will be concentrated in the growing areas.

28. We bought the 'paddock' on the assurance from our solicitor that the Statutory Declaration included in the legal documentation provided by the seller is a legitimate precedent for a continuing right of access.

29 We will not be selling produce from the site as we are aware that vehicle access is an issue.

PLANNING CONSIDERATIONS AND ASSESSMENT

30 Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant guidance, development plan policies and all material planning considerations including representations received, it is considered that the main planning issues in this case relate to the principle of development, landscape impact, setting of the conservation area and residential amenity.

Principle of development

31 The application site was previously in use as sheep grazing and lies in open countryside by reason of falling outside the development limits of Witton le Wear. Normally new development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses. This is reflected in Wear Valley Local Plan Policy ENV1.

32 It is important to note that this application is for the erection and retention of buildings related to a continued agricultural use of the land. The use of the land itself, including the keeping of pigs, as well as growing of vegetables and horticulture is not development by virtue of Section 55(2)(e) of The Town and Country Planning Act 1990 as those activities fall within the definition of agriculture as set out in Section 336 of the Town and Country Planning Act 1990. Moveable pig arcs associated with the agricultural use of the land are chattels on the land, not requiring planning permission, hence they are not included in this application and their location on the site cannot be controlled. The compost toilet is also a chattel as it is a small moveable structure to be picked up and moved and therefore it too does not require planning permission.

- 33 Whilst the proposed activities on the site are not of a sufficient size to constitute an agricultural business, the buildings and structures proposed are for agricultural purposes and are considered to be commensurate in size to the holding. The principle of development is therefore in accordance with Wear Valley Local Plan Policy ENV1 and the proposal would not undermine the wider overarching aims of achieving sustainable patterns of development in the local area set out in the NPPF.

Landscape impact

- 34 The site lies within an area designated in the Wear Valley Local Plan as an Area of High Landscape Value (ALV) and is subject to Wear Valley Local plan Policy ENV3 which does not allow development which would adversely affect the ALV. The ALV designation is not entirely consistent with the NPPF and has not been carried through in the emerging County Durham Plan, which has now been submitted for examination. Policy ENV3 therefore carries less weight in the consideration of this application and accordingly it is more appropriate to consider the proposal under the more general requirements of Policy GD1, which among other things seeks to ensure new development would not have a detrimental impact on the landscape quality of the surrounding area. This policy suitably encompasses the aims of Policy ENV3.
- 35 The site is typical of the local landscape (west Durham Coalfield area) as identified in the Local Landscape Character Assessment in that agricultural land use is mixed with arable fields and improved pastures bounded by hawthorn hedges with scattered hedgerow oak and ash.
- 36 The structures for which permission is sought are the two polytunnels, the cabin, the shed and the storage container. The polytunnels and cabin would be concentrated to the north west of the site, the shed would be along the eastern boundary and the storage container is already located to the southern end of the site.
- 37 The objections claim the structures will be an eyesore; however, public viewpoints of the site are extremely limited by topography and existing trees with only brief glimpses of the south of the site possible through mature trees from a very short section of Low Lane to the south. While storage containers are not usually appropriate in the countryside, they can be accepted if they are suitably located to minimize visual impact. In this case, the storage container is located in the southern section of the site behind dense bushes and trees, and painted dark green so it is barely visible from Low Lane. The cabin, shed and polytunnels would be located further to the north and east of the site furthest away from Low Lane where as a result of their small scale and timber construction they would not be highly visible from wider public vantage points. In addition they would lie adjacent to the allotments where there are already many shed-type, greenhouses and horticultural structures.
- 38 Given the very limited visibility of the proposed structures and existing container, as well as the presence of the adjacent allotments, it is considered that the development would not have a detrimental impact on the landscape quality or character of the surrounding area and therefore accords with Wear Valley Local Plan policy GD1.

Setting of the conservation area and designated heritage assets

- 39 The application site falls outside the Witton le Wear Conservation Area, but is close to the boundary of the conservation area, which lies to the south and west. Regard

must therefore be given to any impact on the setting of the conservation area and any other designated heritage assets nearby.

- 40 However, as discussed above, there is very little to no immediate inter-visibility between the site and the conservation area. The nearest listed building is The Post Office 115 metres to the west. It is only the impact of the buildings and their use that can be taken into account as the keeping of pigs on the land is not development. The topography, existing buildings and mature vegetation all prevent prominent public views of the site from the wider surrounding area and together with the low key use of the polytunnels, cabin, shed and container (for growing, storage, on site facilities), there is unlikely to be a detrimental impact on the setting of the designated heritage assets by reason of the appearance or use of the proposed structures.
- 41 The proposal therefore accords with Wear Valley Local Plan policy BE8 and the guidance in the NPPF.

Residential amenity

- 42 The majority of objections received have centred on the potential amenity impacts of keeping pigs on the land with concerns raised about noise, odour and vermin.
- 43 It is acknowledged that pigs have the potential for generating odour and noise, however, the keeping of pigs on agricultural land does not require planning permission, and unless they are permanently housed in a building that requires planning permission, their keeping and waste disposal arrangements do not come under planning control.
- 44 In this case the applicant has suggested that there will only be two pigs kept on the land between April and late November and they will therefore not require permanent housing. A single mobile pig arc will be placed on the land for their shelter, but that is classed as a chattel which does not need planning permission and is therefore not included as part of this application. If the applicant wanted to increase the number of pigs on the land and required a permanent building to house them, it would most likely need planning permission and the merits in terms of noise and odour impacts could then be considered as part of any planning application; but under the current proposal without permanent housing those impacts cannot be taken into account.
- 45 In this respect the comments from Environmental Health and the suggested conditions relating to separation distances and animal waste disposal are noted, but the conditions could only be applied if permanent animal housing was proposed, which it is not. It would nevertheless be appropriate to condition that the proposed buildings are not used to house pigs.
- 46 With that condition, the location of the proposed polytunnels, cabin/shed and container are all sufficient distance away from neighbouring residential properties to ensure they would not have a detrimental impact on the residential amenity of neighbours. The compost toilet does not need planning permission because the small housing structure is moveable.
- 47 Other concerns have been raised in the objections about the impact of traffic on residents' quality of life. However, the proposal does not involve the formation of a new access, or a change in use, and any traffic would be in association with the continued lawful agricultural use of the land. There are also concerns that produce could be sold from the site leading to further traffic, but while the applicant has confirmed this will not take place, the small scale sale of produce and any associated

vehicle activity is nevertheless likely to be considered ancillary to the agricultural use of the land and could not be controlled.

48 It is therefore considered that the proposed buildings and container would not have a detrimental impact on the amenity of neighbours. The proposal therefore accords with Wear Valley Local Plan policy GD1.

Other matters

49 A number of comments have been received about whether the applicant has any right of access along the track to the rear of Railway Terrace. This is disputed by the applicant. Rights of access are nevertheless private matters and not a material planning consideration which can be given any weight in the determination of this application.

CONCLUSION

50 The proposed buildings and container are required for the continued agricultural use of the land and are therefore in accordance with Wear Valley Local Plan policy ENV1. The keeping of pigs and any temporary animal housing is not development and cannot therefore be controlled by this planning application, or conditions, and any associated vehicular activity would be in connection with the lawful agricultural use of the land on an existing access.

51 The site is well screened from public viewpoints and the scale, design and siting of the proposed buildings and container would not have a detrimental impact on the landscape, character and amenity of the surrounding area, nor would they have an adverse impact on the setting of the Witton le Wear conservation area.

52 There has been a significant level of public objection to the proposal and regard has been given to the matters raised, but for the reasons set out in the report it is considered that there are not any reasons which would form sound material planning grounds for the refusal of this application. It is therefore considered that the proposal is in accordance with policies GD1, ENV1 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

RECOMMENDATION

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

Conditions:

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

Plan Ref No.	Description	Date Received
	Site Location Plan	10.01.2014
1	Proposed block plan	20.11.2013

2	Keder Polytunnel	10.01.2014
3	Cabin and Compost toilet	10.01.2014
4	Container	10.01.2014

3. No pigs shall be housed, or reared within the buildings or container hereby approved.

Reasons:

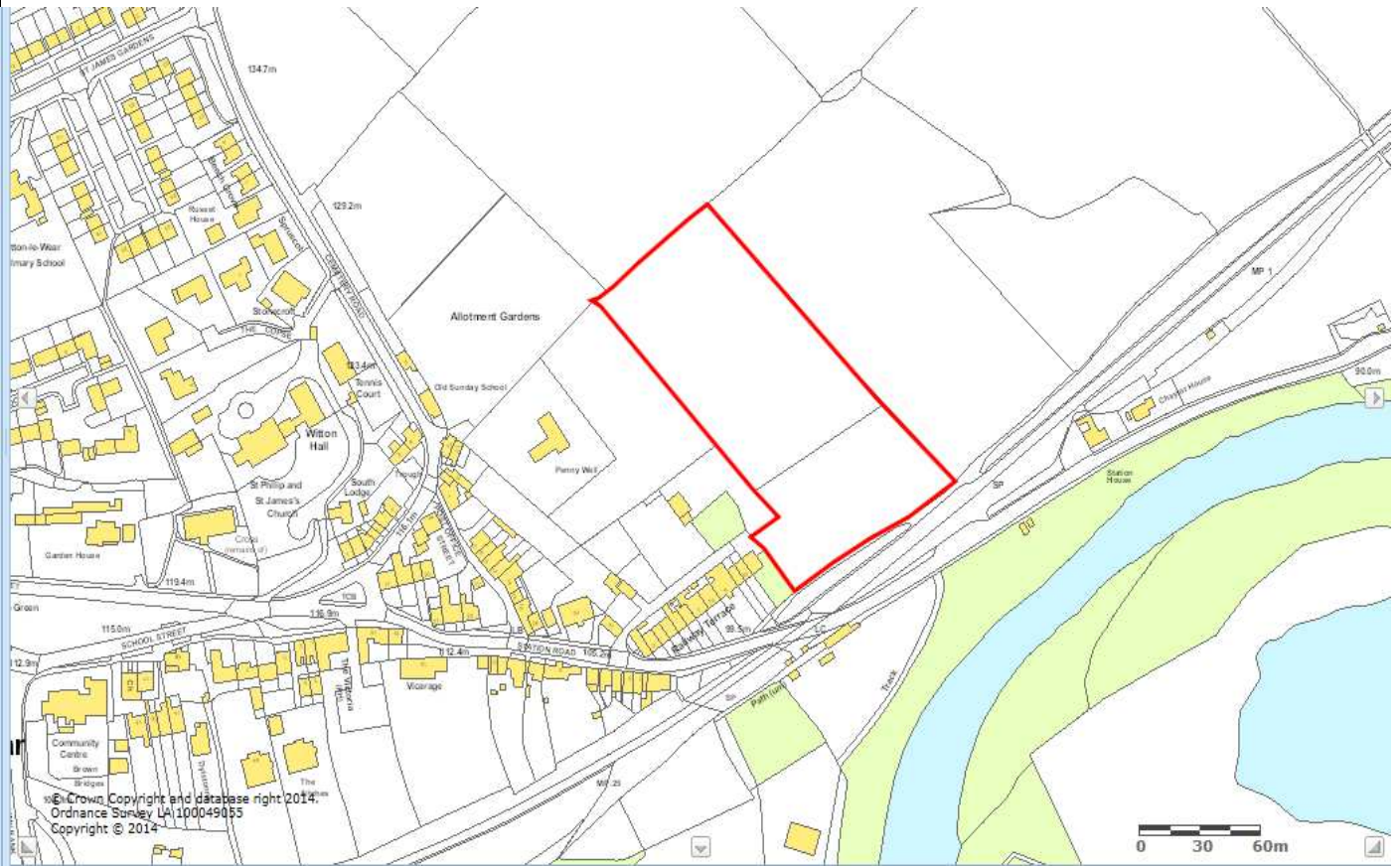
1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To define the consent and ensure that a satisfactory form of development is obtained.
3. In the interests of residential amenity in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

53 In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and carefully weighing up the representations received.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
National Planning Policy Framework
Wear Valley District Local Plan
Consultee comments and public consultation responses



Planning Services

LAND NORTH OF RAILWAY TERRACE, WITTON LE WEAR, BISHOP AUCKLAND, DL14 0AL

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Comments

RETENTION OF STORAGE CONTAINER, ERECTION OF CABIN, SHED AND TWO POLYTUNNELS

Date 10.06.2014

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00678/OUT
FULL APPLICATION DESCRIPTION:	Erection of up to 30 dwellings (all matters reserved)
NAME OF APPLICANT:	Mr Alan Etherington
ADDRESS:	Land to the south of Broadway Avenue, Salters Lane, Trimdon Village, Durham TS29 6PU
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 1.82 ha in area and is located to the west of Trimdon in the south east of the County. The site currently comprises an agricultural field with areas of scrub vegetation and crops. The site is bordered to the north by Broadway Avenue, a residential cul-de-sac consisting of a mix of single storey and two storey dwellings. The highway Salters Lane is located to the east across which lies an existing residential development. Open fields extend to the south and west and a Public Right of Way runs across the site in a south westerly direction. There is a noticeable level change across the site, with the land to the south being lower than that to the north. The Trimdon Village Conservation area lies 170m to the north east of the site.
2. Outline planning permission is sought for the erection of up to 30 Dwellings, with all matters remaining reserved. An indicative site layout, which mirrors the layout of Broadway Avenue shows the housing development could be a mix of semi and detached dwellings arranged around a cul-de-sac with vehicular access taken off Salters Lane.
3. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

4. An outline planning application was submitted in 2006 for the erection of up to 114 dwellings incorporating the application and a larger site, this was subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space

and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
16. *Saved Policy E1 – Landscape Protection and Enhancement* – Seeks to encourage the maintenance of distinctive landscapes by requiring developments fit into the landscape.
17. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative

suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.

18. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
19. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- this Policy 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.
20. *Saved 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.
21. *Saved Policy H8* – Sets out that within the residential framework of Trimdon Village housing development will normally be approved.
22. *Saved Policy H19 –Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and size including the provision of affordable housing where need is demonstrated.
23. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
24. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
25. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
26. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
27. *Saved Policy D8 – Planning for Community Benefit* - Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

EMERGING PLAN:

28. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
29. *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 31,400 new homes of mixed types, size and tenure are required.
30. *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 10,420.
31. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
32. *Policy 15 – Development on Unallocated Sites in Built Up Areas* – Sets out that development on sites that are not allocated in the County Durham Plan will only be permitted provided the development is appropriate in scale, design and location to the character of the settlement, does not result in loss of a settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses. The policy states that greenfield extensions to settlements should be allocated in the CDP or neighbourhood plans.
33. *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.
34. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.

35. *Policy 35 – Development in the Countryside* – Sets out that planning permission for developments in the countryside, with the exception of minerals, wastes and renewable energy proposals, will only be granted where they accord with other relevant policies or where the land is developed is allocated in the CDP or Neighbourhood Plan, the development proposals are necessary for the continues viable operation of agriculture, it will directly enhance local services, community facilities the development would enhance the environmental or tourism assets of the county or for the change of use of disused buildings or structures.

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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

<http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psdlp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highway Authority* – Advise that the indicated access arrangements to the B1278 would be acceptable subject to further detailing in any reserved matters application. It is however highlighted that the indicated road layout would not comply with adoptable standards and would need revising. An offsite 1.8m wide footway improvement alongside the B1278 to link to adjacent developments would also be required.
37. *Environment Agency* – Object to the scheme advising that a Flood Risk Assessment should be submitted to enable the risk of on and off site surface water flooding to be considered.
38. *Northumbrian Water Limited* – Offer no objections subject to a condition requiring the submission of a detailed scheme for the disposal of surface and foul water utilising soakaways where appropriate.
39. *Trimdon Parish Council* – Offer support to the application as it is would help meet housing need maintaining the sustainability of the village. Local concerns regarding the Public Right of Way considering that it should be incorporated into the scheme or a suitable diversion put in place. The Parish Council is encouraged at number of affordable units to be provided (10%) but would like to see this percentage increased.

INTERNAL CONSULTEE RESPONSES:

40. *Planning Policy Section* – Advise that the proposed development site is not considered suitable for housing given the landscape impact and low accessibility to a limited range of services and facilities, thereby not meeting the requirements of sustainable development. It is also advised that the Council has in excess of a five year supply of deliverable housing land to meet demand and therefore there is no overriding need to develop this site.

41. *Design and Historic Environment Section* – Consider that the development of the site would have an adverse visual impact while likely affecting the setting of the Trimdon Conservation Area.
42. *Landscape Section* – Advise that the site is prominent within the local landscape due the topography of the surrounding land and the lack of natural screening and development of the site would form an incursion into the landscape having an adverse visual impact.
43. *Archaeology Section* – Following the submission of desk based Archaeology Assessment it is recommended that a geophysical survey is carried out to identify any archaeology resource which may inform the layout of the site.
44. *Housing Development and Delivery Section* – Outline that an affordable requirement of 10% would be expected on this site.
45. *Schools Organisation Manager* – Highlights that the development would likely produce an additional 7 pupils. Trimdon Village Infant School will have no additional capacity after 2017 and therefore a contribution from the developer would be expected to fund an additional classroom equating to £44509.
46. *Ecology Section* – Raise no objections to the proposals, advising that the risk of presence of protected or priority species is low subject to the proposed mitigation measures.
47. *Public Rights of Way Officer* – Identifies that a Public Right of Way crosses the site which should be accommodated within the development.
48. *Environmental Health (Pollution Control)*- Offer no objections to the scheme subject to conditions controlling the working hours on site, burning of materials and generation of dust.
49. *Contaminated Land Section* – Given the undeveloped nature of the site conditions in relation to contaminated land should be attached to any approval.
50. *Arboricultural Officer* –Advises that any application should be supported by an Arboricultural Impact Assessment.
51. *Drainage Section* – Highlight that detailed information regarding surface water utilising soakaways in accordance with a surface water management plan should be submitted
52. *Sustainability Officer* – Advises that the site is not considered sustainable as it performs poorly in terms of economic outputs and average against social and environmental outputs. The significant issue which impact upon the site's sustainability is its adverse visual impact. No information has been submitted on how the development would embed sustainability into the development in terms of energy efficiency, carbon generational and renewable technologies.

PUBLIC RESPONSES:

53. The application has been publicised by way of press and site notices, and individual letters to neighbouring residents.
54. 12 Letters of objection have been received from neighbouring residents. The points raised are summarised below:-
 - Impact on residential amenity of Broadway Avenue in terms of overlooking, privacy, light and noise and disturbance caused by the development.
 - Visual impact of development on distinctiveness of local landscape and development of the countryside.
 - Adverse impact on the character and setting of the conservation area.
 - Loss of highway and pedestrian safety given the location of the proposed access and the location of a Public Right of Way.
 - Development of the properties would create an oversupply of housing in the immediate area where there is a lack of demand.
 - Lack of affordable housing on site, not according to the Council's requirements.
 - Adverse impact on public right of way, in terms of its usage and setting.
 - Impact of the development on the capacity of existing schools which cannot accommodate additional pupils.
 - Loss of view and devaluation of properties.

APPLICANTS STATEMENT:

55. The site is located directly adjoining the currently drawn settlement limit of Trimdon, which runs around the edge of the properties along the southern side of Broadway Avenue and the northern boundary of the application site. The application site therefore provides for an obvious location for expansion of this settlement at a time where there is a nationwide shortage of housing development land and a shortfall of actual housing completions within the County. Although the Council have recently granted some large permissions these sites are not being built out and there is a consistent failure in terms of delivery of housing targets.
56. This proposal is not considered urban sprawl and would not lead to a coalescence of settlements. The new houses and their residents would help support local facilities, bus routes, shops nearby and local employment. Trimdon is considered to be a sustainable village even if the village might be considered to lack some facilities.
57. The provision of 10% affordable housing as part of the scheme is offered should the Planning Committee be minded to approve this outline application. Furthermore, if the Committee is minded to refuse with only 10% affordable housing provision a higher figure, 25%, or even 50% would be offered.

PLANNING CONSIDERATIONS AND ASSESSMENT

58. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, visual impact, infrastructure requirements, highway safety, flooding and drainage, amenity of adjacent land uses, ecological interests and other issues.

The Principle of Development

59. The application site is located outside of the residential framework of Trimdon, where saved policy H8 of the Sedgefield Borough Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing unless for exceptional circumstances. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.
60. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of policies E1, H8 and D1 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development.
61. When determining planning applications, all material considerations need to be taken into account, this includes the NPPF and the emerging County Durham Plan (CDP), and the evidence base behind it. Paragraph 47 of the NPPF indicates that it is the Government's ambition to boost significantly the supply of housing, while paragraph 49 indicates that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
62. The Council's spatial planning team has confirmed as part of its Strategic Land Availability Assessment (SHLAA) that a robust 5 year supply of deliverable sites against housing targets can be demonstrated. In reviewing delivery rates across the County over the past 5 years it is accepted that it will now be necessary to apply a 20% buffer for 'persistence underperformance' and make provision for 6 years (120%) supply within the 5 years as required by the NPPF. Notwithstanding this, the Council will still be able to demonstrate an adequate supply based on housing allocations, permissions and sites identified through the SHLAA. In addition within the Southern

Delivery Area there are a significant number sites with extant consents and under construction in comparison to other areas within the County. It is therefore considered that there is no overriding need to develop this site to meet the objectively assessed needs for housing within the County and specifically in the Southern Area.

63. In order to meet the ongoing housing requirement for the Southern Delivery Housing Area Policy 3 (Quantity of Development) and Policy 4 (Distribution of Development) of the emerging CDP have identified a number of housing allocations in the more sustainable 'Main Towns', 'Smaller Towns' and 'Larger Villages' of Bishop Auckland, Newton Aycliffe, Crook, Ferryhill, Chilton. The smaller settlements of Fishburn, Trimdon Village and the Trimdons have not been specifically targeted for accommodating housing allocations. However, the emerging policy framework and NPPF are supportive of further housing developments which are sustainable in all respects and therefore further housing growth may be permissible in addition to these settlements.
64. This approach is reflected in policy 35 (Development in the Countryside) of the CDP which assesses the locational suitability of new development, in line with the NPPF. This is based on the performance of proposals against identified criteria and does not rely on settlement boundaries. Policy 35 makes provision for development proposals where they are necessary for the efficient or continued viable operation of agriculture and/or other appropriate land based businesses, the direct enhancement of local services, community facilities or for the enhancement of tourism assets'. Although only limited weight can be given to this policy at this time it does set out the direction of emerging policy in line with paragraph 55 of the NPPF. It is considered that the development would not achieve any of these objectives and that no exceptional circumstances have been demonstrated in this case to outweigh the presumption against building on this undeveloped land. The SHLAA has also identified a more sequentially preferable site to the east of Trimdon that could be developed should this be required to meet housing need.
65. The NPPF requires that development should be located where it will maintain or enhance existing community facilities, and where the need to travel, particularly by the private motor car, will be minimised. In this instance the site is situated on the periphery of the settlement and not particularly well located to facilities within the village which are relatively limited. Accessibility is also disrupted by Salter's Lane and many of the services and facilities are beyond a short walking distance (in excess of 500m), including secondary schools, GPs and shops. The frequency of bus services and linkages with other main centres are also limited, it is therefore anticipated that development in this location would entail a significant reliance on the car and a resultant increase in convenience trips using this form of transport, rather than alternative travel modes by bus and walking/cycling.
66. In line with the requirement of policy 31 of the Emerging Plan and the Strategic Housing Market Assessment, a development of this nature would be expected to provide a 10% affordable housing provision, equating to 3 units. The applicant has confirmed a commitment to achieve this and has also

offered to increase this to potentially 50% in support the scheme. It is however considered that the provision of affordable housing should not in itself render an unsuitable site acceptable for development. In any event a Section 106 legal agreement would need to be entered into to secure this provision, no agreement has been forthcoming.

67. The NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. These should not be seen in isolation and are mutually dependant. It is accepted that the development of the site would boost housing supply and has the potential to provide a large proportion of affordable housing which is a key aspect of government policy. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development. Including in this case the protection of the rural landscape and open countryside and a location that provides good access to services. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, the plan led provision within the CDP and the identification through the SHLAA of a sequentially preferable site within Trimdon that could be developed. In principle therefore the proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.

Visual Impact

68. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted information suggests that it could replicate the linear form of development of Broadway Avenue. However due to the location of the ridge line, sloping topography of surrounding land, lack of natural screening and proximity of public receptors to the site it is considered that the development would be prominent within the Local Landscape. Although this is not covered by any specific landscape designation the site and surrounding land form part of an attractive approach to Trimdon from the south and south west. The substantial highway verge and landscape buffer running up Salters Lane also gives the impression that the road is the natural boundary to the settlement and that land lying to the west is viewed as open countryside. The Councils Landscape Officer considers that the development would represent an obvious encroachment into the open countryside and would have a negative visual impact contrary to saved policies E1 and D1 of the Local Plan. Concerns are also raised regarding the extent of cut and fill that may be required to facilitate the development, potentially increasing the prominence of the site. This has not been detailed in the supporting information.
69. Concerns are also raised from the Council's Design and Conservation Officer regarding the expansion around the historic village core which has the potential to impact upon the setting of the Conservation Area. However as this lies over 170m away from the application site and would not be seen in the same context it is considered on balance that there would not be any adverse impact on the character or setting of the conservation area.

Infrastructure

70. Saved Policy D8 of the Local Plan sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. In this instance the Local Education Authority has highlighted that Trimdon Infant School will be at capacity in 2017. It is calculated that a development of 30 dwellings would likely generate 7.5 pupils of which 65% would be expected to be of infant age range. Based on a breakdown cost of £9130 per pupil a figure of £44509 has been requested to contribute towards offsetting the cost of providing this additional accommodation.
- No provision has been made to address this issue as part of the application and an appropriate contribution would need to be secured through a S106 agreement. This is an additional reason for rejecting the proposal.

Highway Safety

71. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the indicative access and the potential impacts on highway and pedestrian safety.
72. Although this matter is reserved for further consideration the ability of the development to provide an acceptable access does need to be given consideration. The submitted information indicates that vehicular access to serve the development would be taken from Salters Lane serving a cul-de-sac. This would be located further south than the existing farm access and route of the Public Right of Way. The Highways Authority raise no objections in principle to these access arrangements, advising that a satisfactory access could be created, subject to further detailing. It is however highlighted that the indicated road layout would not comply with adoptable standards and would need revising. An offsite 1.8m wide footway improvement alongside the B1278 to link to adjacent developments would be required. A number of mature trees are located in close proximity of the indicated access, however but it is considered likely that these could be retained. The Council's Arboricultural Officer advises that any reserved matters application should be accompanied by an Arboricultural Assessment.
73. The Council's Rights of Way Officer highlights that a Public Right of Way crosses the site which should be accommodated within the development unless an appropriate method of diversion is agreed.
74. Overall it is considered that the proposed development could be served by an appropriate means of access that would need to be detailed in any reserved matters application. The PROW route could also be protected subject to scrutiny of the layout in any reserved matters application.

Flooding and Drainage

75. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment. In this instance the development is located within Flood Zone 1.
76. In relation to surface water, no information has been submitted in relation to how surface water would be disposed of from the site. In addition and as required by the NPPF, a Flood Risk Assessment (FRA) is required to be submitted on development sites over 1ha in area considering the risks of flooding on site and or off site is surface water is effectively managed. No FRA has been submitted in support of the application. Given this lack of information the Environment Agency raise an objection to the scheme, the lack of a FRA is also flagged up by the Council's Drainage Section highlighting that surface water should be discharged as a preference into a soakaway or water course.
77. In this instance the applicant owns a significant amount of land around the vicinity of the application site where it is likely that infiltration drainage and SUDS techniques could be implemented, while also storm water attenuation measures could be incorporated into the scheme to limit discharge rate into the drainage system. On balance it is therefore considered that this matter could be controlled in more detail by condition and should not be an additional refusal reason for the application
78. In terms of the disposal of foul water, Northumbrian Water has raised no objection to the scheme, subject to a condition requiring the submission of a detailed scheme for further consideration.

Impact on amenity of adjacent residents and future occupants

79. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring occupiers. The indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings can be achieved as advocated in the Local Plan. The noise and disturbance generated by the residential development would also be compatible with surrounding residential uses. Subject to suppressing dust through the construction phase no objections are offered by the Council's Environmental Health Unit.
80. Objections have been raised by local residents regarding the loss of views from the residential properties of Broadway Avenue. While residents would experience a reduction in outlook, a loss of a view is not a material consideration and cannot be taken in to account in the determination of this application.
81. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 1800sqm across the scheme. Although the indicative site layout does not make any open space provision

this is a matter that could be covered by condition to ensure that any reserved matters application reflects this requirement. .

Ecology

82. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology survey report and assessed the potential impacts of the development on protected species.
83. The Ecology Section has reviewed the report and considers that the risk of protected or priority species being present is low. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 subject to implementing the proposed mitigation strategy.

Other Issues

84. Given that the site is changing to a more sensitive end use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination. An initial screening of the site has not flagged up any historic industrial use.
85. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The applicant has submitted a desk based Archaeology Assessment which identifies no known archaeological or historical assets within the site requiring preservation in situ. However the assessment recommends a geophysical survey to establish the nature and extent of any archaeological resource that may be present. In reviewing this assessment the Councils Archaeology Officer advises that the geophysical survey should be carried out before the determination of this application. However on balance given the nature of the application this work could be conditioned and undertaken before the submission of any reserved matters application which would inform the layout. An additional reason for refusal on this basis is therefore not recommended.
86. Planning plays a key role in helping to reduce greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure. A development of this nature would be expected to achieve at least 10% of its energy supply from renewable resources. A condition could secure this requirement.

CONCLUSION

87. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development

would represent an unacceptable encroachment into the countryside that would have an adverse visual impact on the surrounding landscape. It is therefore considered that the application conflicts with policies E1, H8 and D1 of the Sedgefield Borough Local Plan, which is considered consistent with the NPPF in this respect.

88. Although the scheme would make a contribution to housing supply, and has the potential to provide a large proportion of affordable housing, the promotion of growth and development should not be at the expense of other elements of sustainable development. It is considered in this instance that these potential benefits do not outweigh the adverse visual impacts of the development and the poor accessibility of the site to services. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, and plan led approach to provision within the CDP. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.
89. Although the applicant has confirmed a commitment to securing affordable housing on site, this does not override other considerations. A Section 106 legal agreement would need to be entered into to secure this provision, no agreement has been forthcoming.
90. The development would place an additional demand on existing infrastructure, with Trimdon Infant School reaching capacity in 2017. No provision have been made to help mitigate the impact of the development in this respect, contrary to policy D8 of the Local Plan

RECOMMENDATION

That the application is **Refused** for to the following reasons:-

1. The development is not considered to represent Sustainable Development when considering all of the elements of the National Planning Policy Framework.
2. The development would result in an encroachment in the open countryside adversely impacting upon its openness and visual amenity, contrary to saved policies E1, D1 and H8 of the Sedgefield Borough Plan and paragraph 17 of the National Planning Policy Framework.
3. In the absence of a planning obligation to secure affordable housing and provide the necessary infrastructure to mitigate the adverse impacts of the development, the proposal is contrary to policies H19 and D8 of the Sedgefield Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

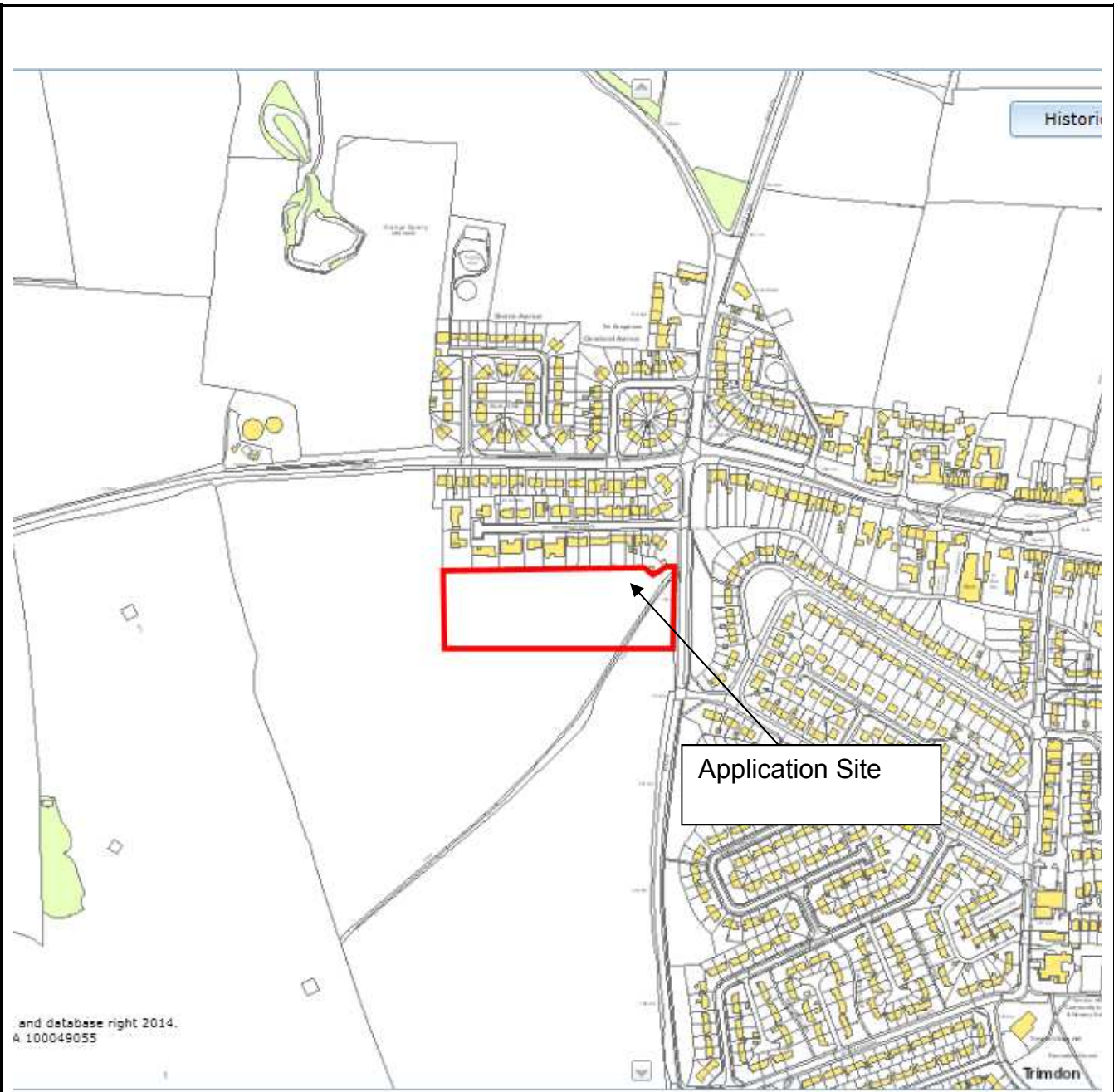
County Durham Plan (submission version)


Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited, Trimdon Parish Council

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section, Schools Organisational Manger and Arboricultural Officer.

Representations received from the public and other representative bodies



 <p>Planning Services</p>	<p>Erection of up to 30 dwellings (all matters reserved)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 30th May 2014</p>	<p>Scale 1:2500</p>

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0363/DM
FULL APPLICATION DESCRIPTION:	Demolition of existing houses, garages and meeting hall and the erection of 18 affordable dwellings
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Hunter Terrace, Chilton DL17 0JQ
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	Paul Hopper, Planning Officer 03000 263 946 paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers a total footprint of 0.4 ha and is located immediately to the west of the Chilton town centre off Durham Road. The site is largely owned by the County Council having previously been occupied by terraced housing, although much of this was removed in 2010 with only numbers 1 – 5 Hunter Terrace (in private ownership) remaining in situ along with a meeting hall to the southern boundary of the site. A mix of grassland, cobbled roads and domestic garages also remain on site with the latter serving the previous residential use.
2. The site is bordered by areas of residential housing to the north and west, Chilton Care Home to the south and a public house, post office and retail outlets to the east.
3. Planning permission (7/2013/0021/DM) has recently been granted for the redevelopment of former sheltered accommodation at Rosewood Grange to the south west of site, for residential development comprising 25 two bedroom bungalows. Works to implement this permission have started on site and this development, along with that proposed at the application site, forms part of a wider scheme of regeneration for the area brought forward by the applicant in partnership with the County Council.

The Proposals

4. Planning permission is sought for the erection of 18, two storey affordable dwellings at the site and would involve the demolition of the existing meeting hall, residential garages and 5 existing dwellings at Hunter Terrace.
5. The proposal incorporates 12 No. semi-detached two bedroom and 6 No. three bedroom dwellings, in a layout similar to that occupied by previous terraced dwellings fronting Norman Terrace to the north, Tennyson Road to the west and Hunter Terrace to the south. Four of the 18 dwellings would occupy an off-set

position at the cross roads of Tennyson Road, Hunter Terrace, Ford Terrace and Rosewood Grange.

6. The proposed dwellings would be double storey and incorporate dual pitch roof arrangements with external surfaces finished in red facing brick to the walls and interlocking grey concrete tiles to the roof with UPVC windows and doors.
7. Vehicular access would be provided via the existing junction with Norman Terrace and Durham Road to the east. A total of 27 off street parking spaces would be incorporated, including 9 spaces for visitor parking. In addition, works to provide 6 metres junction radii improvements at the crossroads with Tennyson Road, Hunter Terrace, Ford Terrace and Rosewood Grange are also proposed.
8. The application is being reported to planning committee in accordance with the Council's scheme of delegation relating to all major applications for ten or more dwellings.

PLANNING HISTORY

9. No planning permission exists at the site directly relevant to this application.

PLANNING POLICY

NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
12. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

15. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *Part 8 – Promoting healthy communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *Part 10 – Climate change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
18. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

19. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.
20. *Policy H17 (Backland and infill housing development)* sets criteria when considering housing in backland or infill sites.
21. *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.
22. *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.
23. *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.

24. *Policy D2 (Design for people)* sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
25. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
26. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
27. *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>

EMERGING POLICY:

28. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
29. *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 31,400 new homes of mixed types, size and tenure are required.
30. *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 10,420, (of which 270 are to be provided in Chilton) 179 Ha of Employment Land allocation is also proposed, (8ha of which is to be provided in Chilton).
31. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
32. *Policy 15 – Development on Unallocated Sites* – Sets out that development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location to the character of the settlement, does not result in loss of a settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses.

33. *Policy 16 – Sustainable Design in the Built Environment* – Sets out the general principles of sustainable design to be incorporated in new development.
34. *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.
35. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.

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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psdlp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highway Authority* offers no objections to the application advising that the surrounding highway network is capable of accommodating the traffic associated with the development. It is also advised that amended plans showing junction radii improvements to the junctions of Tennyson Road and Hunter Terrace are acceptable, as is the overall level of off street parking provision within the site. It is also noted that proposed planting or means of enclosure in the vicinity of plots 13/14 and 17/18 take account of the 2.4 metres by 43 metres junction sight visibility splays.
37. *Environment Agency* offers no objection to the application but advises that consultation should be held with the Sewage Undertaker to ensure that sufficient capacity is available to accommodate the additional flows that would be generated by the development.
38. *Northumbrian Water Ltd* offers no objection to the proposal noting that NWL have been receiving foul sewage flows from the previous dwellings and the proposed dwellings would result in less foul water accepted into the public sewer network given the overall reduction in units.
39. *Coal Authority* offers no objection to the development noting that the development does not fall within the defined Development high Risk Area and is located instead within the Development Low Risk Area. It is however, noted that the Coal Authority's Standing Advice should be included within any Decision Notice as an informative.

INTERNAL CONSULTEE RESPONSES:

40. *Landscape Section* is broadly supportive of the proposal confirming that the scheme is acceptable subject to the inclusion of a planning condition which requires the submission, agreement and implementation of a landscape scheme prior to the commencement of development at the site.
41. *Arboriculture Officer* offers no objection to the application.
42. *Ecology Section* originally objected to the application as additional bat surveys had not been completed as identified in the risk assessment. However, the required surveys have now been completed and the results submitted in support of the

application. As such no objections are raised subject to the inclusion of an appropriate condition requiring the implementation of the mitigation proposed.

43. *Design and Conservation Section* offers no objection to the application noting the balance between soft and hard landscaping contained within the scheme is acceptable subject to the inclusion of planning conditions requiring the submission, agreement and implementation of precise landscape details for the site.
44. *Environmental Health (Pollution Control)* has no objections to the application subject to the inclusion of planning conditions relating to the prevention of nuisance from noise and dust, restricting the burning of combustible material at the site, the maintenance of construction/demolition vehicles and restrictions to the working hours during the construction phase.
45. *Land Contamination Section* offers no objection to the application subject to the inclusion of a condition which requires that a Phase 2 site investigation report and Phase 3 validation report be undertaken and the results provided to the Local Planning Authority.
46. *Sustainability Section* has no objection subject to a planning condition requiring further details of the emissions / energy breakdown being provided and agreed prior to the commencement.

PUBLIC RESPONSES:

47. The application has been published by way of press and site notices, and individual letters to neighbouring residents.
48. No representations have been received.

APPLICANTS STATEMENT:

49. The site at Dale Street, Victoria Terrace and Norman Terrace, are sites of former housing which were demolished some time ago, Hunter Terrace and the adjacent site of the St John's Ambulance building are proposed to be demolished as part of this development.

The proposed site development in total will link with the new bungalow development of Rosewood Grange and through the new proposed GP's practice to the north of the site and act as a positive addition to the regeneration of this area of Chilton, creating a balanced community. The proposed application will produce a scheme which meets an identified community and social need, and is supported by Durham County Council as the strategic housing authority and the Homes and Community Agency

All of the new homes will be let through the Durham Key Options Choice based letting scheme which seeks to ensure that the needs of local people are met through a local lettings policy giving initial priority to local people.

All of the new homes would be offered for affordable rent and the applicant is prepared to enter into a Section 106 agreement securing a minimum of 10% remaining at an affordable rent in perpetuity.

A community consultation was held at Rosewood Grange on 20 August 2013, attended by representatives from Livin, the architect and the development team, providing the opportunity for local residents to examine the scheme and raise any questions. Letters were sent to nearby residents and local Councillors inviting them

to attend this event. In addition a display was put in place at a local public venue adjacent to the site and feedback invited. Feedback was received from 4 of those attendees and the respondents were positively disposed to the proposal to build this type of accommodation in this area.

The site is Brownfield, reducing pressure to develop Greenfield sites for housing, and would contribute to the local economy by accommodating new residents, helping to support local shops and businesses.

The layout of the houses has been carefully designed so that these provide a positive and active street frontage which relates well to the layout of the adjacent housing.

The site is well located in terms of local facilities and public transport links and the layout of the houses has been carefully considered in order that they comply with the site restrictions and address the street frontage.

The new dwellings will achieve a Code for Sustainable Homes Level 3, thereby reducing energy consumption and CO2 emissions. All dwellings will be designed to Lifetime Homes Standards providing flexibility and improving access for people with impaired mobility.

It is intended to achieve Secured by Design accreditation for the development with the local Police architectural liaison officer having been consulted and involved in the design of the layout and boundary treatments.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, affordable housing, design and the impact upon the character and appearance of the surrounding area, residential amenity, accessibility and highway safety, ecology and drainage and ground conditions.

Principle of Development

51. 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.

52. 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.

53. Local Plan Policies H17 and D5 support new residential development on backland and infill locations where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and

existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

54. The application site consists of an area previously occupied by 25 terraced dwellings which have since been removed and the land reinstated to grass. The proposal involves the redevelopment of the previously developed site and offers the opportunity to reinstate it back into positive use by constructing 18 affordable 2 and 3 bedroom dwellings. The application site is centrally located within Chilton and is bounded by existing residential development to the north, south and west. It is located within close proximity to shops, services and community facilities and is well located in terms of public transport routes serving both the immediate locality and surrounding areas.
55. In terms of the distribution of housing within the County Durham Plan it is noted that 270 houses in Chilton are to be provided by 2030 and this figure is accounted for by existing sites with planning permission. Notwithstanding this, it is acknowledged that the settlement figure reflects a minimum rather than upper limit and that the site in question would provide 18 affordable dwellings.
56. In summary, the redevelopment of the site for residential purposes to provide affordable housing represents a sustainable form of development which accords with the NPPFs presumption in favour of sustainable development and would not prejudice the future aims of the emerging County Durham Plan.

Affordable Housing

57. The provision of affordable housing where a need has been identified is encouraged through Local Plan Policy H19. In this area, and for developments of the size proposed, previously a 15% affordable housing requirement would have been expected. However, it should be noted that the emerging County Durham Plan indicates that development of this nature would normally be expected to provide a 10% affordable housing provision.
58. The proposed dwellings would constitute affordable housing having regard to the definition provided in the NPPF and would be owned and managed by a Registered Provider (Livin), available to eligible households whose needs are not met by the market. The applicant has identified that there is a demand in the area for housing of the type and form proposed and while 100% of the scheme is proposed as affordable housing, the applicant has agreed to enter into a legal agreement to ensure that 10% of the units provided are affordable and retained in perpetuity for affordable rent, thereby ensuring that the aims of the relevant policies are met in this regard.
59. The Council is currently in the process of seeking to acquire ownership of Nos. 1-5 Hunter Terrace and as such this area is not currently under the control of the authority. The Section 106 Agreement relating to the affordable housing provision would therefore not include this section of the site. However, it considered that the required number of 2 affordable units could be adequately accommodated across the remainder of the site and as such it is not considered that overall aims of the Section 106 Agreement would be prejudiced.
60. In light of the above the proposal would therefore accord with the aims of the NPPF, saved policy H19 of the Local Plan and Policy 31 of the Emerging County Durham Plan.

Open Space

61. Local Plan Policy L2 relates to the provision of open space within or adjacent to housing developments and normally requires a minimum of 100m² of informal play space and 500sqm of amenity space per 10 dwellings. The aim of these policies is to ensure that any additional demand for leisure and recreational facilities arising from the development can be satisfactorily met within the area and also to ensure appropriate levels of amenity open space are provided on site.
62. Applying these requirements to the proposed scheme a total of 600sq m of informal play space and amenity space would normally be required, either within the site or as a commuted sum for appropriate off-site provision, equating to £1000 per dwelling or £18,000 in total.
63. The proposed layout would provide some amenity space within the scheme primarily in the form of soft landscaped areas adjacent to Plots 6, 13, 17 and 18 covering a total footprint of approximately 200sq m. While this is below the minimum stated in saved policy L2 of the Local Plan text supporting this policy advises that a flexible approach be applied to its implementation.
64. It is noted in this instance that the site lies within approximately 320 metres of an outdoor play and recreation area to the north which is readily accessible and that the site was occupied until relatively recently (2010) by 25 terraced properties. The proposal would therefore represent an overall reduction in the level of development at the site with no net increase in demand for informal play space. In addition the scheme is 100% affordable with 10% retained in perpetuity, and forms an important part of a wider regeneration initiative in the area with associated community and social benefits.
65. With this in mind, and in light of the fact that the scheme would not result in any net increase in demand for recreational facilities, it is considered that although the amount of amenity open space to be retained within the site is below that required by saved policy L2 of the Local Plan, it would be sufficient to serve the development and such would not prejudice the aims of policy L2 of the Local Plan.

Design and impact on the character and appearance of the surrounding area

66. The NPPF and Local Plan Policies H17, D1 and D5 seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses. The proposed scheme has been sensitively designed so that the density and scale of the development would be consistent with adjacent housing and the character of the surrounding area.
67. The northern section of the site has a linear arrangement running parallel to Norman Terrace which is characterised by south facing terraced properties. The proposed scheme has been designed so that Plots 1 to 6 reflect this arrangement. Similarly the semi-detached arrangement along the western side of Tennyson Road has been repeated in the west facing properties within the proposal at Plots 7 to 12. The result compliments both the existing housing arrangements while achieving a more open development incorporating green space where appropriate.
68. With regard to the southern part of the site plots 13/14 and 17/18 have been designed to form a gateway group on Tennyson Road and this is reinforced by a subtle circular footpath arrangement which is considered a suitable design concept.

69. The scheme depicts a well spaced group of properties constructed in red facing brick and grey interlocking roof tiles similar in style to those existing properties in the area. Dwellings would be separated by 1.8 metre high timber fencing with allocated parking spaces along Tennyson Road, softened by green spaces and some tree planting. The Council's Design and Conservation and Landscape Officers offer no objections to the application subject to the submission, agreement and implementation of precise landscaping details for the site which could be ensured through the inclusion of appropriate planning conditions.
70. The dwellings would be built to Code for Sustainable Homes level 3 that bases energy improvements into the fabric of the buildings for their lifetime. The Council's Sustainability Section has no objection to the application subject to relevant planning condition and considers the sustainability credentials of the proposed use in line with policy 16 of the Emerging County Durham Plan.
71. It is therefore considered that the scheme would provide an appropriate layout and design that pays due regard to the character and appearance of existing terraced and semi-detached properties to the north and west. As such, it is considered that the proposal complies with design principles set out in the NPPF and Local Plan Policies H17, D1 and D5.

Residential Amenity

72. Local Plan Policies H17, D1 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development, and include minimum separation guidelines.
73. Given the layout of the surrounding street arrangement those existing properties to the north at Norman Terrace and to the west at Tennyson Road would be situated 16 metres and 22 metres from the proposed dwellings respectively. While the 22 metres achieved at Tennyson Road is in excess of the 21 metres between windows to habitable rooms as required by SPG3, the 16 metres achieved at Norman Terrace is below this figure. However, the separation distances achievable are restricted by the existing street arrangement and in this regard it should be noted that the previous terraced properties occupied a similar arrangement. As such the 16 metres separation distance is considered acceptable in the context of the surrounding area and is sufficient to ensure adequate privacy levels for both existing and proposed dwellings. The proposal is therefore considered to accord with the requirements of saved policies H17 and D5 of the Sedgefield Borough Local Plan.
74. Within the site itself the layout has been designed to incorporate adequate separation distances between dwellings taking into account guidance contained within SPG3 of the Sedgefield Borough Local Plan.
75. The site is bounded on three sides by residential development and appropriate consideration has been given to the positioning and design of means of enclosure within the site. This comprises of 1.8 metre high close boarded timber fence to ensure that adequate levels of privacy are retained between existing housing and the 18 proposed dwellings.
76. It is therefore considered that the proposed layout satisfactorily safeguards the residential amenity of existing and proposed dwellings in accordance with Local Plan Policies H17, D1 and D5.

77. In light of the inter relationship between the proposed dwellings and the adjacent public house the Council's Environmental Health Officer has advised the inclusion of a planning condition requiring a scheme detailing measures to attenuate noise to be submitted to and approved in writing by the Local Planning Authority. Subject therefore to inclusion of an appropriate condition the proposals would accord with guidance contained within the NPPF.

78. The proposed demolition of the remaining dwellings, garages, meeting hall and the construction of new housing will inevitably lead to some noise and disturbance in the immediate area. However, these effects can be appropriately controlled through a combination of planning informative and environmental health legislation.

Accessibility and Highway Safety

79. Local Plan Policies H17 and D3 both seek to ensure that new development achieves a satisfactory means of access and adequate parking provision, having regard to highway safety principles.

80. The layout provides for the creation of 27 off street parking spaces of which 9 would be visitor spaces. The scheme also includes junction radii improvements to the junction of Tennyson Road, Hunter Terrace and Rosewood Grange and the widening of the footways within the scheme to 1.8 metres. The Highway Authority considers the level of parking to be acceptable and welcomes the works to the junction radii and footways. However, the requirement that any planting or means of enclosure in the vicinity of these junctions should take account of minimum visibility splays is included, as is the requirement to stop up the existing rear side access lanes which served the former terraced dwellings. The applicant has agreed to these requirements which can be ensured through appropriate planning condition.

81. The proposals therefore accord with Local Plan Policies H17 and D3 in this regard.

Ecology

82. The application is accompanied by an extended phase 1 survey, Bat Risk Assessment and Arboricultural Impact Assessment. The initial assessment in relation to bats identified a moderate risk of bats roosting in the remaining buildings onsite and as such further emergence surveys were advised. These surveys have been completed and did not identify any bats emerging from the remaining buildings. The Council's Ecology Section therefore has no objections to the proposal subject to conditions requiring adherence to the mitigation and recommendations set out in Section F of the Extended Phases 1 Survey Final Report. It is considered that subject to such a condition, the proposals would not have significant affects on protected species. As such neither a licence nor consideration of the derogation test set out in the Habitats Regulations would be required. The proposals are therefore considered to satisfy the provisions of section 11 of the NPPF in this regard.

Drainage and Ground Conditions

83. The NPPF seeks to prevent new and existing development from contributing to or being adversely affected by unacceptable levels of pollution or land instability. Where a site is potentially affected by contamination or instability issues, appropriate site investigation works are required in order to identify risks and, where necessary, ensure suitable remediation measures are implemented. The application has been accompanied by a Phase 1 Desk Top Preliminary Risk Assessment which notes that while old workings are present within the site, all settlement is likely to have been completed long ago. The presence of contamination from historic land uses and the

principal aquifer beneath the site has also been identified.

84. Based upon these findings, the assessment concludes that the site presents a low to moderate environmental risk and recommends that borehole samples be taken for geotechnical and contamination testing, and that gas monitoring pipes be installed.

85. The Environment Agency, Coal Authority and the Council's Environmental Health and Consumer Protection Section have reviewed the findings of the Phase 1 study and have recommended that planning conditions be imposed in order to ensure that the additional investigation works identified are carried out and any necessary remediation works are suitably implemented. It is considered that subject to conditions, the proposal is considered to satisfy the requirements of Section 11 of the NPPF.

86. The proposed development is therefore considered to accord with relevant national and local plan policies subject to the imposition of appropriate planning conditions.

CONCLUSION

87. The principle of infill residential development on a previously developed site in a sustainable location within the settlement of Chilton is considered acceptable and in compliance with the aims of the NPPF and relevant development plan policies. The scale, layout and density of the scheme is sympathetic to surrounding development and local setting, and would not unacceptably detract from residential amenity of existing and proposed occupants, and there would be no detrimental impact in terms of highway safety or ecology.

88. Furthermore, the redevelopment of the site would provide much needed affordable housing in a locality where a need has been identified. Social housing would be provided throughout the entire scheme and a section 106 legal agreement to secure the provision of 10% affordable housing across the development, equating to 2 units, has been offered in accordance with appropriate policy requirements.

RECOMMENDATION

That the application be APPROVED subject to the completion of a Section 106 Obligation to secure the provision of 10% affordable housing in perpetuity and subject to the following conditions:

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

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

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

Plan Number	Description	Received
L-01	Location Plan	30 August 2013
SK100 REV B	Proposed Site Plan	29 May 2014
SK-20	Proposed Floor Plans and Elevations 2 Bed House	30 August 2013
SK-10	Proposed Floor Plans and	30 August 2013

Elevations 3 Bed House

Reason: For the avoidance of doubt and to ensure a satisfactory form of development is achieved.

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

Reason: In the interests of the appearance of the area and to comply with Policy D1 (General principles for the layout and design of new developments) of the Sedgefield Borough Local Plan.

4. No development shall take place 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 policy D1 (General principles for the layout and design of new developments) of the Sedgefield Borough Local Plan.

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

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

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

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

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

6. Prior to the occupation of the dwellings hereby approved works to provide 6 metre junction radii at the junction of Hunter Terrace, Tennyson Road, Ford Terrace and Rosewood Grange shall be completed in full. Such works should include the provision of 2.4 metres by 43 metre junction visibility splays which should thereafter be kept clear of obstruction.

Reason: In the interests of highway safety and to accord with the requirements of Policy D3 of the Sedgefield Borough Local Plan.

7. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the Wheatsheaf public house has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

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

8. No development shall take place unless in accordance with the mitigation and recommendations detailed within section F of the amended protected species report 'An extended phase 1 survey and code for sustainable homes assessment of Chilton (Phase 3)' dated May 2014.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

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

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

10. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3, in accordance with a sustainability strategy to be submitted to and approved in writing by the Local Planning Authority showing that: prior to the commencement of development, the scheme has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and, prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative.

Reason: In order to minimise energy consumption and to comply with the requirements of the NPPF.

11. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

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 without unacceptable risks to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

Further information is available under the policy document 'Development on Land Affected by Contamination'

STATEMENT OF PROACTIVE ENGAGEMENT

- 89. The Local Planning Authority have worked with the applicant in a positive and proactive manner in, providing detailed pre-application advice which has influenced the current submission and ensured the timely reporting of the application to Planning Committee.
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BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

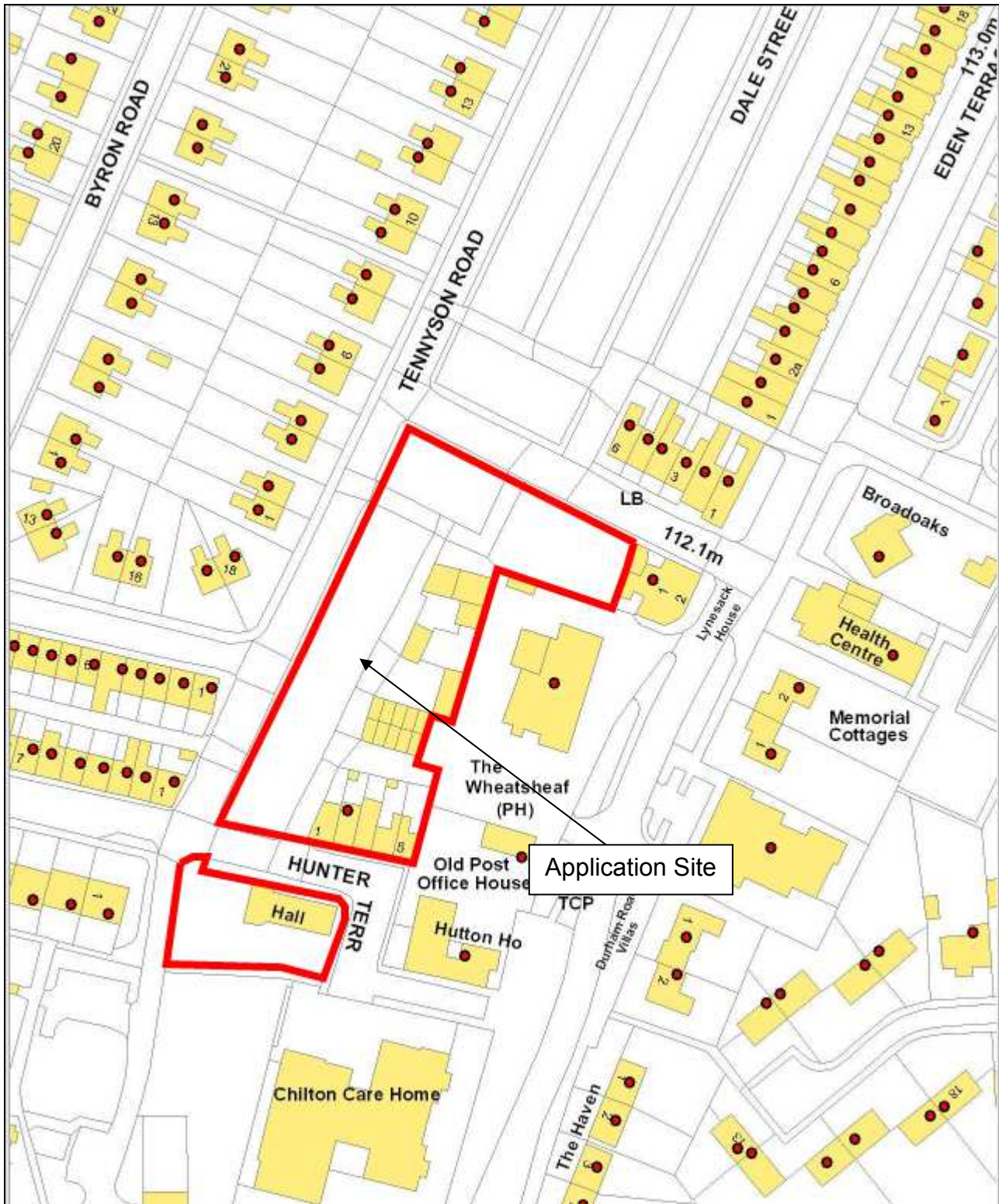
Sedgefield Borough Local Plan

County Durham Plan (submission version)

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited and the Coal Authority

Internal responses from Highways Authority, Design and Historic Environment Section, Landscape Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.

Representations received from the public and other representative bodies



Planning Services

Demolition of existing houses, garages and meeting hall and the erection of 18 affordable dwellings

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Comments

Date 5 June 2014

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