



Area Planning Committee (South and West)

Date Thursday 17 July 2014
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 June 2014 (Pages 1 - 8)
5. Applications to be determined
 - a) DM/14/01112/FPA - 25 Cumberland Terrace, Willington, Crook
(Pages 9 - 22)
Change of use from Residential (Class C3) to Residential Children's Home (Class C2)
 - b) 6/2014/0014/DM/OP - Land Adjacent to 43 Ullswater Avenue, West Auckland, Bishop Auckland (Pages 23 - 32)
Outline application for erection of 3 dwelling houses with access and layout considered
 - c) 3/2013/0432 - Land Adjacent to Weaver's Croft, Crook (Pages 33 - 46)
Erection of 34 dwellings with associated parking and landscaping
 - d) 7/2013/0289/DM - West Chilton Farm, Land to the North West of Chilton Terrace, Chilton (Pages 47 - 66)
Demolition of existing buildings and erection of 135 dwellings and associated works (resubmission)

- e) 6/2013/0026/DM/OP - Land South of HMYOI Deerbolt, Startforth Park, Barnard Castle (Pages 67 - 94)

Outline application for residential development (all matters reserved except for access)

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
9 July 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, Council Offices, Spennymoor on **Thursday 19 June 2014 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), H Bennett, J Clare, K Davidson, E Huntington, A Patterson, G Richardson, R Todd, C Wilson and S Zair

Also Present:

J Byers – Planning Team Leader (South West Area)
A Caines – Principal Planning Officer
L Renaudon – Solicitor (Planning and Development)
A Glenwright – Highways Officer

1 Apologies for Absence

Apologies for absence were received from Councillors J Buckham, D Bell, S Morrison and L Taylor.

2 Substitute Members

Councillor H Bennett substituted for Councillor L Taylor.

3 Declarations of Interest

The Chairman, Councillor M Dixon declared an interest in planning application 7/2013/0363/DM – Hunter Terrace, Chilton as he was a Board Member of Livin Housing Ltd, the Applicant.

Councillor Dixon left the meeting when the application was considered.

4 Minutes

The Minutes of the meeting held on 8 May 2014 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a 3/2013/0413 - Land North of Railway Terrace, Witton-le-Wear

Consideration was given to the report of the Principal Planning Officer regarding an application for the retention of storage container, erection of cabin, shed and two polytunnels (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 Henderson, the Chairman of Witton-le-Wear Parish Council addressed the Committee on behalf of the residents of the village. In making his representations he referred to the number of objections to the application and hoped that Members had received reports from the Council's Environmental Health and Highways Sections.

Witton-le-Wear was an extremely attractive and unspoilt village, and residents wanted to keep it that way. He questioned whether this was a retrospective application as a storage container and polytunnel were already on the site.

The railway platform which was part of Weardale Heritage Railway was located directly below the field and he believed that the smell would discourage visitors from stopping at this halt. The railway path was unusable at times because of water run-off from the field.

Councillor Henderson continued that the proposal for two pigs would be acceptable and sought an assurance that the Applicant would not keep any more than this. Each pig produced 13lbs of waste and breeding pigs could produce large litters of around 11 piglets.

The village had severe traffic problems and the Parish Council and residents disputed the Applicant's claim to a right of access to the rear of Railway Terrace. He was also surprised to learn that the Applicant had an alternative access to the field at the allotment site.

If the application was approved he considered that the value of surrounding properties would be significantly affected.

In conclusion Councillor Henderson stated that if residents could be assured that the number of pigs would be restricted to two, their concerns would be allayed, and he asked if the application could be adjourned to seek assurances from the Applicant.

Mrs Parkinson, local resident spoke against the application. She stated that residents were concerned about the access to the site which was shared by both allotment holders and residents, and noted that the report did not include the views of the Highways Section. Paragraph 47 in the report stated that the proposal did not involve the formation of a new access, however residents considered that this was a new access to the field as it had never been used before.

Mrs Parkinson was also concerned that the land may be used for business purposes and stated that the allotments already had problems with rats which would be exacerbated by this proposal.

The application was contrary to Local Plan Policy and Policies in the emerging County Durham Plan. The proposals would have a detrimental impact on the landscape, and would have a visual impact on the entrance and exit into the village. There was no adequate parking and she felt that there had been no regard for surrounding residents.

Residents did not have issue with the other proposed uses of the site but were concerned about the keeping of pigs, and Mrs Parkinson asked if the number of animals could be limited to two.

Mrs Parkinson concluded by asking if the log cabin was a separate proposal as this did not appear to have been included in the public notice.

Mrs Coulter, local resident stated that her main concerns related to the access. The application site did not have a right of access to the rear of Railway Terrace and at the time the land was acquired by the Applicant there had been a fence at the bottom of the lane which had now been replaced by a gate. Whilst she acknowledged that a right of access was a private matter she asked the Committee to consider the application within this context.

The Applicant, Mr Charles, addressed Members. He commenced by explaining his proposals for the land. The northernmost section of the paddock would be developed for food production, the middle section would be retained for grazing and the bottom section would be used for willow production. For the food production element of the scheme, the pigs would serve as a natural method of clearing the land without having to use machinery, and the intention was to purchase them as weaners and sell them in six months.

Whilst the issue of access was a private matter he was happy to discuss the situation with residents. On the purchase of the paddock he had received a Statutory Declaration which permitted access through both Railway Terrace and the allotments.

In response to a question from Councillor Davidson, Mr Charles advised that he did not intend to breed the pigs. The breed of pig chosen was small and was useful for cultivating the ground. As the pigs would be kept outdoors he did not envisage that there would be any odour, and there would be no slurry waste.

In discussing the application the Chairman, Councillor Dixon, advised that the Committee could only give consideration to matters that were material planning considerations. The keeping of pigs on the site did not come under planning control, and the right of access was a private matter and not a material planning consideration which could be given any weight in the determination of the application.

L Renaudon, Solicitor (Planning Development) explained that the keeping of pigs was an agricultural use of the land which did not require planning permission. The application was for buildings and a container which would not be used to house the pigs. Access was a real issue between the applicant and residents but essentially this was a private matter.

Following a question from the Chairman, the Principal Planning Officer stated that the suggested conditions from Environment, Health and Consumer Protection, as set out in the report, could only be imposed if the application was for animal housing. However a condition was proposed which would ensure that no pigs would be housed or reared within the buildings or container.

Councillor Clare, in acknowledging that the right of access was a private matter, asked if the application would have been recommended for approval without vehicular access. The Principal Planning Officer responded that the application was not for change of use of the land, and the proposed structures did not require vehicular access.

Councillor Davidson made the comment that he understood that a paddock of this size could accommodate around 32 pigs without planning permission. Setting aside the issues of access and the residents' concerns about the keeping of pigs, he was of the view that the proposed structures were acceptable in planning terms.

Resolved:

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

5b DM/14/00678/OUT - Land to the South of Broadway Avenue, Salters Lane, Trimdon Village

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of up to 30 dwellings (all matters reserved) (for copy see file of Minutes).

J Byers, Planning Team Leader 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. He advised that since the report had been circulated a letter had been received from the Ramblers Association advising of the need to divert the Public Right of Way which crossed the site.

Councillor Peter Brookes, local Member addressed the Committee in support of the application. He stated that Trimdon was in need of housing development and the shortfall was recognised in the emerging County Durham Plan. He understood that the SHLAA had identified a need for 20 houses per year and this was an available site which would help meet this target.

He noted the comments in the report about school capacity but he had spoken to the local Head Teachers who had all advised that there were spare places within their schools. The Head Teacher of Trimdon Infants School had confirmed that 8 school places were available and that this position was expected to continue year on year.

In accordance with the NPPF there was a presumption in favour of sustainable development. Given that there was housing on the western side of Salters Lane the development of this site was logical and desirable. The proposed development would be located next to the existing Broadway Avenue which was currently visible on the approach to the village. Buffer screening was proposed which would lessen this impact and the proposals would allow the occupiers of Broadway Avenue to gain access to the rear of their properties.

There was a clear economic case for the development and the shops and services would welcome the increase in people in the village.

The developer would address all the issues identified in the report and had offered to increase the percentage of affordable housing from 10% to 50% if necessary.

The development was welcomed by Trimdon Parish Council who recognised the housing shortfall in the village.

The developer was prepared to fund road safety measures, there was an acknowledgement that there was no impact on the Conservation Area and the comments in paragraph 65 of the report were misleading in that the proposed development would be nearer to local services than the properties on the western side of the village.

In line with both the NPPF and the emerging County Durham Plan, he concluded that the economic, social and environmental benefits outweighed the need to retain the existing settlement boundary of Trimdon Village.

In response to a question from Councillor Clare about the need for 20 houses per year, the local Member advised that he understood that this was an indicative figure identified in the SHLAA.

Dr Anton Lang, the Applicant's Agent addressed the Committee. He stated that the site was located on the edge of the settlement boundary, the land abutted an existing development and was not in open countryside.

The houses would have less visual impact than Broadway Avenue as they would be set at a lower level. The gardens of the new development would back onto the gardens of Broadway Avenue with an alleyway between, which would help to ensure that the impact on Broadway Avenue was limited.

Access to the site would be from Salters Lane and the developer was prepared to fund a pedestrian crossing which would ensure the safety of residents and help to reduce traffic speeds. The footpath running diagonally across the field could be re-routed and as had been indicated by the Planning Team Leader in his presentation, the Ramblers Association had no problems with this.

With regard to affordable housing the developer was willing to consider up to 50% affordable provision, although an exact figure could not be given as this was an outline planning application and layout was indicative at present.

20 houses per year had been identified yet sites had not been allocated to meet this target. This site would produce 3-7 dwellings per year. Trimdon required more residential development to help support its facilities.

To conclude he advised that the scheme was deliverable and if approved would be subject to detailed discussions regarding the Section 106 Agreement.

J Byers, Planning Team Leader responded to the matters raised stating that Trimdon Village did not need a high percentage of affordable housing. The village had an Empty Homes Strategy which could be affected if this development went ahead.

With regard to the comments made about an identified need for 20 houses per year he explained that there were housing sites already identified through the SHLAA for delivery in the Southern Area. He was not aware of an established need for 20 properties in Trimdon and referred to a suitable/green site identified in the SHLAA that had been granted planning permission for more than 100 houses in the village but which had not yet been developed. He considered that this gave an indication of the level of demand for new housing in Trimdon.

In response to a question from Councillor Davidson, the Committee was advised that, if approved, the development would represent less than 5% of the total number of properties in Trimdon. The Member also referred to the Section 106 agreement which currently did not address a contribution towards infrastructure, and how this would be dealt with if the application was approved.

Councillor Clare also referred to the Section 106 Agreement and the offer of 50% affordable housing on a site that would deliver 30 houses, a pedestrian crossing and additional classroom if necessary, and asked if a viability assessment had been carried out. He also made the comment that the Parish Council had stated that the development would maintain the sustainability of the village, however this was in contradiction to the views of the Council's Sustainability Officer which were set out in the report.

L Renaudon, Solicitor (Planning and Development) advised Members in relation to the Section 106 Agreement. She stated that if Members were minded to approve the application then the Committee would need to determine what obligations should be addressed in the Agreement. She confirmed that for an affordable housing provision of 50% a viability assessment would be required.

Councillor Nicholson observed that, having considered the report and submissions made, he could not envisage how this development would enhance the community. As stated by the Planning Team Leader a suitable site in the village with planning permission had not been developed. He was also concerned about traffic speed on the approach to the village and that the development was in open countryside.

Councillor Huntington asked if the development was located within a flood risk area and was advised that the site was not in a location that was susceptible to flooding but the Environment Agency had requested a flood risk assessment because of its situation on a slope.

Following a question from Councillor Patterson the Committee was assured that if the application was approved it would not prejudice the emerging County Durham Plan.

Following discussion it was **Resolved:**

That the application be refused for the reasons outlined in the report.

At this point Councillor Dixon left the meeting and the Vice-Chairman Councillor Nicholson took the Chair.

6 7/2013/0363/DM - Hunter Terrace, Chilton

Consideration was given to the report of the Principal Planning Officer regarding an application for the demolition of existing houses, garages and meeting hall, and the erection of 18 affordable dwellings (for copy see file of Minutes).

J Byers, Planning Team Leader gave a detailed presentation on the application which included photographs of the site.

Resolved:

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 to the conditions outlined in the report.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01112/FPA
FULL APPLICATION DESCRIPTION:	Change of Use from Residential (Class C3) to Residential Childrens Home (Class C2)
NAME OF APPLICANT:	Mr P. Hennessy
ADDRESS:	25 Cumberland Terrace, Willington, Crook, County Durham. DL15 0PB
ELECTORAL DIVISION:	Willington and Hunwick
CASE OFFICER:	Joy Orr Senior Planning Officer joy.orr@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site comprises a 6 bedroom detached bungalow with double garage. The property is located just outside of but adjacent to the settlement limits for Willington as defined within the Proposals Map of the Wear Valley District Local Plan.
2. Access to the site is from Cumberland Terrace which is a residential terraced street. At the entrance to Cumberland Terrace is Our Lady and St Thomas Roman Catholic Primary School and next to it is the Church. To the north of the application site is a detached neighbouring dwelling.
3. The host property is set within large grounds delineated by brick walls and timber fencing. There is parking within the front of the property for 4 cars, in addition to the double garage resulting in 6 parking spaces within the site. Prior to submission of the application the property had been vacant and boarded up. It has now been refurbished, but the use has not commenced.

The Proposal:

4. Planning permission is sought for the change of use of the existing dwelling house to a children's home that would provide long term and respite short break care for children between the ages of 3 and 17 years old. After initially suggesting the home would accommodate 4 children, the applicant has now confirmed it will be registered for 5 children and one of the existing bedrooms will be used as an office/ sleep in room. The client group to which the proposed home would be registered for Ofsted requirements is a 'Children's Home' catering for children with Learning Disabilities (LD) and Physical Disabilities (PD). Neither category would include children with emotional/behavioural/mental/drug or alcohol problems, which fall within separate Ofsted categories that the home will not be registered for. The range of disabilities

which the home could provide for are: Down syndrome, fragile x, severe learning disabilities, autism, dyspraxia, dyslexia, physical disabilities, spinabifida, muscular dystrophy, communication difficulties and brittle bones. Durham County Council would have priority to the beds, but should the need not be filled within the County, the children could be placed at the home from various North East Authorities within the NE6 Consortium of Local Authorities (Newcastle, Sunderland, Gateshead, Darlington).

5. The home would be administered by non-resident care staff at a 1:1 ratio to reflect the special level of care that each child would need. There would be twelve 37.5 hour/week jobs created with staff working shifts. Staff arriving between 7.15 am and 7.30 am would leave between 2.15 pm and 2.30 pm. At 2.00 pm a sleep-in member of staff would arrive and work until 9.30 am the following morning. 3 further members of staff would arrive for the late shift between 2.35 pm and 2.45pm and leave between 9.30 pm and 9.40 pm. The night shift would arrive at 9.30 pm and leave at 9.30 am. The maximum number of staff on site at one time including the Manager would be 6, but at most times would be 5 depending on the number of children present.
6. At school holidays and weekends it is proposed to operate on a 12 hour shift pattern, 9.00 am – 9.00 pm and 10.00am – 10.00 pm day shift, and 9.00 pm – 9.00 am night shift. Sleeping in staff will remain until 9.30 am the following morning.
7. The children would be transported to and from school in a single service vehicle. School placements would largely depend upon the individual needs of the children and they are likely to attend the same special schools within the area. Any children from bordering Local Authorities may remain in their existing schools and would be provided with a taxi and escort service funded by their own Local Authority. It is also a possibility that the children will be educated at the home using a teaching agency; however this will largely depend upon the individual needs of the children. The applicant is willing to implement a Green Travel Plan to reduce car journeys.
8. The application has been referred to the Planning Committee by the Greater Willington Town Council due to concerns relating to traffic generation and potential for other categories of children (behaviour difficulties) to be accommodated in the home.

PLANNING HISTORY

9. Previous use of the site included a slaughter house and permission was given for conversion to a dwelling under permission 3/1991/0022.
10. The present bungalow was initially refused by the Council on highway grounds, but allowed on appeal under permission 3/1995/0032.

PLANNING POLICY

NATIONAL POLICY:

11. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). 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. Key aims relevant to this proposal include widening the choice of high quality homes; recognising that the planning system can play an important role in creating healthy, inclusive communities; and ensuring highway impacts are acceptable.

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

LOCAL PLAN POLICY:

13. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given full weight in the determination of this application:
14. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy H3 – Distribution of Development.* New development will be redirected to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to other policies within the plan. Willington is listed as one of those villages where development will be allowed.
16. *Policy T1 – General Highways Policy.* All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the development; not exceed the capacity of the local road network; and be capable of access by public transport works.
17. *Policy H20 – Alternative Uses within Residential Areas.* Within existing residential areas various uses, which include residential institutions, may be acceptable having regards to the need to safeguard existing residential amenity; the scale and character of the use; potential for expansion; and potential traffic and parking requirements.

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

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 stage the policies would carry very limited weight and are therefore not relevant to the consideration of this application.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Willington Town Council* – Has objected to the application on a number of grounds: there is no demonstrable need for the facility; accommodating children from in excess of 20 miles represents unsustainable development; the home could accommodate children with emotional and behavioural difficulties which could result in noise impact and increase the fear of crime; and there will be a significant increase in traffic in a location with significant highway constraints that is unable to accommodate the additional vehicle movements.
20. *The Highway Authority* - Has no objection subject to the parking spaces being laid out prior to commencement of the use and for the garage to be used for parking of vehicles only. It is noted that the bungalow was allowed at appeal despite the Highway Authority concerns at the time. The proposal will increase the level of pedestrian and vehicular activity compared to the existing use, which still causes concern, however the highway conditions are unlikely to result in conditions sufficiently detrimental to sustain a highways refusal, particularly given the location is within walking distance of the settlement and associated facilities.
21. *Durham Constabulary* - Have general concerns about children placed from outside the County because in their experience there is a tendency for young people removed from their home environment to unfamiliar places to abscond or cause nuisance. Willington is an isolated location which does not meet the requirements for residential children's homes. However, it is noted that the application proposes the sole use will be to home physically disabled children, this use would not create the same concerns. Durham Constabulary would withdraw their objection provided there is a guarantee that at no time in the future the use could be changed to a home for children with needs other than a physical disability.

INTERNAL CONSULTEE RESPONSES:

22. *Children and Adult Services* - Offered no formal objection to the proposed scheme and have stated that the Children and Adult's Service Commissioning Team undertook a review of specialist short breaks in October 2013 and through the review identified that there is limited availability in the area for specialist short break provision, both overnight and during the day. One of the actions from the review proposed to develop the provider market further with regards to the provision of specialist short breaks. Having read the statement of purpose for Willow Lodge it would appear that this development looks to provide specialist short break provision in line with the Council's identified needs. This proposed development for specialist short break provision in County Durham would therefore be supported.
23. *Environment, Health and Consumer Protection* - Has no objection in respect of potential noise impacts.

PUBLIC RESPONSES:

24. Letters were sent to all properties in Cumberland Terrace. In response there were 12 letters of objection and 5 letters of support received. The points raised have been summarised below, however full records of all observations received are available on the application file and on public access:

- It is felt that the proposal would significantly increase the number of vehicle movements to/from the property compared to what might be reasonably expected as a normal dwelling, which would increase the number of dangerous manoeuvres on the highway to the detriment of the safety and convenience of users of the highway. There is not sufficient staff/visitor parking for this facility.
- There are also concerns that if approved the property could change use to other more problematic types of institutions within the same use class without the need for planning permission. The site is considered unsuitable for children with emotional or behavioural difficulties.
- There is no need for the facility in County Durham as adequate provision exists within existing facilities in County Durham. Reference has been made to other legislation and controls regarding the operation of children's homes and ministerial concerns over the concept of children being placed in care outside of their local authority area.
- The proposal is not considered to represent a sustainable form of development because of the reliance and distance of car journeys to schools, activities and family outside the local area.
- Potential for a rise in the fear of crime.
- Increase in noise from the site operating 24/7 would impact on the amenity of neighbouring properties.
- There is an existing issue with emergency vehicles accessing the street.
- There is a drainage problem on Cumberland Terrace as water floods off the fields making the footpaths impassable.
- The size of the property is too small for the needs of disabled children.
- Staff will not be properly experienced or qualified.

Letters of support

- Willington is a town that is in much need of employment opportunities.
- The parking for staff and employees should not have an impact on Cumberland Terrace as all parking facilities will be contained within the site.
- Main shift changes will take place outside of business hours therefore not effecting main traffic times.
- Supervised children will be welcomed into the community.

APPLICANT'S STATEMENT:

25. In accordance with the advice in the letter from Durham Constabulary and discussions with the Officers in the Planning Department, the applicant has indicated that he would comply with a planning condition, should consent be granted, which limits the use of the property within Class C2 to providing a home for children who fall within the Ofstead categories PD and LD, i.e. Physical and Learning Disabilities. This would accord with the company's Ofstead Registration and neither category would include children with emotional/behavioural/mental/drug or alcohol problems who could be associated with delinquent and anti social behaviour.
26. There would be no external alterations to the property which can accommodate the use without major alterations. The property will be refurbished and adapted for wheelchair use and both the property and the grounds will be maintained to the highest standards.
27. There will be 1 to 1 supervision of children and no activities would take place on site which would result in noise or disturbance which would deleteriously impact on residential amenity of any nearby properties in the locality.

28. The Management, should planning permission be granted, would implement a Green Travel Plan for the property. This would include a package of practical measures to reduce car use for journeys to and from work and for travel for the children, encouraging the use of other forms of transport than the car, walking, the use of public transport and cycling and minimising car use by implementing staff car sharing schemes, provision of secure cycle parking, rationalisation and planning for essential travel and minimising deliveries to the property. The Green Travel Plan will also cover waste disposal and recycling collections for the property. Compared to single occupancy car travel, the options in a Travel Plan can reduce environmental impacts, help cut congestion on local roads, and are socially inclusive by facilitating travel for those without access to a car. For a new proposal such as this, travel patterns will need to be developed based upon transport assessments and/or similar developments elsewhere. Such targets can then be amended based upon actual travel behaviour as the development comes on line, as part of the development of a full Travel Plan. For a smaller development such is proposed at Willow Lodge a Travel Plan can be properly secured by a planning condition. This will ensure that the Travel Plan will need to be approved prior to either the development starting or being occupied. The developer proposes, should this application be approved, to implement effective and continuous monitoring to maintain the Travel Plan and meet agreed targets. A monitoring report will be submitted to the Council annually highlighting any changes in site travel patterns and the performance of the Plan against the agreed targets.
29. Parking will be provided on site to accommodate all vehicles visiting the site and a turning facility will be retained on site to allow all vehicles to enter and leave the site in a forward gear.
30. The National Planning Policy Framework recognises that the planning system can play an important role in creating healthy and inclusive communities. The scale and character of the proposed use would not adversely impact on residential amenity or on the character of the locality. The proposal accords with Policy H20 of the Wear Valley District Local Plan which allows for alternative uses in residential areas.
31. The applicants have held a public consultation event on site to show the extent of the proposals to local residents and should planning permission be granted, intend to hold a further event to secure social integration with the community.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

33. There are many similarities in how children's homes operate to a normal family home, however, the case of *North Devon DC v FSS and Southern Childcare Ltd* [2003] EWHC 157 Admin provides authority for the view that use as a care home for children, where carers are non-resident, falls within Class C2, hence the need to apply for a change of use of the property from a dwellinghouse to a children's home.

34. This proposal involves reuse of an existing 6 bedroom residential property, which has previously been vacant and boarded up, detracting from the appearance of the area. The house has been refurbished and adapted without any major building and there would be no further physical changes to the property that would differentiate it from other residential properties. The proposal is therefore a re-use of an existing building, which would have a positive effect on the appearance of the area.
35. As a business the proposal would create twelve 37.5 hr/week jobs as well as a 6 hr/week local handyman contract. The children and staff are likely to make some use of local facilities, shops and services in Willington and surrounding areas. These economic benefits are material considerations that can be given significant weight in the balancing exercise in accordance with paragraph 19 of the NPPF.
36. Some of the objections received have questioned the need for the facility, suggesting there is already sufficient local provision. Durham County Children and Adult Services have however confirmed that there is limited availability in the area for specialist short break provision of the type being proposed, particularly for physical disabilities and the proposal would therefore meet an identified need in the area and has their support. It is also noted Durham County Council's Disability Commissioning Strategy Plan 2012/2015 states that in County Durham some 125 children and young people access provision out of the County. These out-of-county placements are required when the needs of a child's statement cannot be met in county due to the specialist nature of a placement. The Plan demonstrates there are gaps in the service provision that can lead to children being placed out of the County. The application proposal would therefore address an identified need and meet the NPPF aims of widening the choice of high quality homes and creating inclusive communities. The support from Durham County Children and Adult Services carries significant weight in the consideration of the application and differentiates this proposal from other proposals for homes accommodating children with emotional and behavioural problems, which Durham County Children and Adult Services have not supported previously.
37. Although the site falls outside the development limits of Willington it is immediately adjacent to the development limits, at the end of a residential street and has a lawful use as a dwellinghouse. The site would have had vehicle movements associated with the residential use of the property and previously was occupied by a slaughter house with commercial vehicle movements. Willington is considered to be well served by an existing bus service with good access to shops, schools and recreational facilities. Policy H3 of the Wear Valley District Local Plan lists Willington as a suitable location for new development. It is considered that Willington is a sustainable location and its facilities can be accessed from the site without reliance on private motor vehicles. The proposal is not sufficiently in conflict with Wear Valley Local Plan Policy H3, or the sustainability aims of the NPPF to justify refusal on the basis that the site lies outside the development limits.
38. There are some general concerns with the travel arrangements of private care homes when children are brought in from neighbouring local authority areas as it often involves lengthy car journeys to the child's existing school or doctor outside the County, or to visit family and friends in their home area, which is contrary to the NPPF aims of reducing car journeys. In this case however, Durham County Children and Adult Services have confirmed that the facility will meet an identified need in the area and the applicant has stated that Durham County Council will have priority for the bed spaces. If the beds are not filled from within the County they will be available for neighbouring local authorities as part of the NE6 consortium. Most car journeys are therefore likely to be within the County or to neighbouring local authority areas. In addition, the applicant is prepared to implement a Green Travel Plan, which would

include practical measures to reduce car use and encourage walking, the use of public transport and cycling, which would comply with the aims of the NPPF in this respect. The details can be agreed by a condition.

39. Finally, Policy H20 of the Wear Valley District Local Plan states that residential institutions (Class C2) may be acceptable within existing residential areas where they fulfil criteria which safeguard the amenities and general living environment of the existing residents within the area, and are appropriate in their scale and traffic/parking impacts. The scale of the proposal, being similar to the size of household that could be accommodated at the dwelling, is considered to be appropriate to the site and locality and therefore the merits of the proposal turn principally on the detailed issues of impact on residential amenity and highway safety.

Residential Amenity

40. The existing property is a dwelling positioned at the northern end of Cumberland Terrace. The nearest residential properties are no.26 approximately 46m to the north and no.24 approximately 40m to the south.
41. There will be no change in existing window relationships and separation distances are well in excess of 21m. The rear garden is well concealed by close boarded timber fencing and children's play will be confined to the rear where they can be properly supervised. Because of the distance to neighbouring properties and the small number of children, noise within the home and garden would be unlikely to result in unacceptable levels of disturbance to neighbours.
42. Many of the objections received have commented on the potential for noise disturbance to properties along Cumberland Terrace as a result of the comings and goings and 24/7 operation of the home. While the home would be run 24/7 it is no different to a residential dwelling in that respect and the size of the property is already capable of accommodating a large family with multiple movements to/from the property. There would be a greater number of vehicle movements compared to continued use of the property as a dwelling, but the timing of the majority of vehicle movements associated with the children's home would coincide with normal daily activity related to work and school journeys, as well as leisure and shopping trips in the afternoon and evening. The earliest staff change over would be after 7.00 am and the latest would be before 10.00 pm. These times can be conditioned. The property is far enough from neighbouring properties that the associated activity within the site at change over times is unlikely to be disturbing to neighbours. Cumberland terrace is also a busy road because of the school and church and therefore the vehicle movements associated with the children's home would not be significant compared to existing traffic. It is therefore considered that there would be no unreasonable noise disturbance to neighbours as a result of the proposed scheme. This view is supported by the Council's Environment, Health and Consumer Protection Section who have considered the proposal in respect of noise impact.
43. Fear of crime and the arrangements for the running of the facility have also been raised as concerns in the objections. Firstly, the management and regulation of children's homes and child protection is a matter for Ofsted and other government legislation under The Children Act and The Children's Homes and Looked after Children Regulations 2013. The New Regulations of 2013 define the qualifications that managers of children's homes and persons working in care roles in children's homes must have, introduce requirements for missing children policy and to consult with local services before implementing that policy, as well as providing requirements for an annual risk assessment. The children's home cannot be registered without

meeting the minimum requirements. The running of a children's home is therefore adequately covered by other legislation and is not a consideration which should be afforded any weight in the determination of this application.

44. Fear of increased crime is however capable of being a material planning consideration in determining the planning merits of a scheme. Paragraph 58 of the NPPF states that *"planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*.
45. It is noted that the applicant has engaged with residents in Cumberland Terrace to explain the proposals and attempt to allay any fears about the facility. Nevertheless there have been concerns expressed on fear of crime, but the majority of concerns have been in relation to whether the facility would be able to accommodate children with behaviour, mental, drug and alcohol problems within an open C2 Use Class, as opposed to what is actually proposed. Durham Constabulary have also raised concerns on this basis in respect of such children being more likely to abscond if placed in unfamiliar places, however they have stated that their concerns would be alleviated if there was a guarantee that the use could not be changed from what is proposed.
46. All children's homes have to register with Ofsted and their registration requires them to record which client group the home will service. There are different categories of home including: Secure children's home; refuge, residential special school; boarding school; and children's home. There are also different categories of children: emotional behaviour difficulties; physical disability; learning disability; mental disorders; drug problems; and alcohol problems. The application states that the facility will be registered as a children's home serving only the learning and physical disability categories. These categories of facility and children are less likely to be associated with delinquent and anti-social behaviour, or place demand on local police services and there is no evidence to suggest otherwise. The children would be well supervised with 1:1 staffing levels to reflect the care that each child needs including personal care, help with feeding, accessing the community and general living tasks.
47. However, having regard to the comments received, it is accepted that on occasion, where applications for change of use are not clearly defined, changes in the type or level of use can occur or evolve within the Use Class, potentially increasing the impact on neighbouring occupiers. According to Durham Constabulary children with emotional and behaviour problems are more likely to abscond from children's homes and the increase in the number of associated police visits to the home could be perceived by residents as an increase in crime, thereby increasing fears of crime. In order that there is no ambiguity in the proposed use, conditions defining the consent in terms of the category of facility, age group and category of children that can be accommodated as specified in the application would ensure absolute clarity in the consent, and ensure the detail of it is ultimately enforceable. This would give peace of mind to neighbours on the on-going nature of the use and the Council's ability to control it, as well as addressing the concerns expressed by Durham Constabulary. Any variation would require a planning application.
48. Taking all these matters into account, it is considered that subject to conditions specifying the change of use of the property to a children's care home for up to 5 children with learning and physical disabilities only, the proposal would not have an adverse impact on the residential amenity of those living within close proximity of the site, or lead to a fear of crime so great that it would undermine local quality of life and

community cohesion. The proposal would not therefore detract from the character of the area and accords with Wear Valley Local Plan policies GD1 and H20, as well as paragraph 58 of the NPPF.

Highway Safety

49. The objections received have all expressed concerns about the proposal exacerbating existing traffic and parking problems on Cumberland Terrace as a result of the additional vehicle movements it would introduce.
50. The Highways Authority has considered the proposal taking into account the existing road conditions, predicted number of vehicle movements associated with the proposal and parking provision for 6 vehicles within the application site. They have also noted the planning history of the site where the current dwelling was allowed at appeal despite The Highways Authority raising concerns at the time about the narrowness of the carriageway as a result of parking obstruction, which creates conditions where drivers of opposing vehicles must sometimes wait at either end of long sections of parking. Those concerns are evident in photos provided in the objections. The problems on Cumberland Terrace are therefore acknowledged and the proposed use is likely to lead to an increase in the level of pedestrian and vehicular activity as compared to the existing lawful use of the property, which again gives rise to some concern.
51. However, that being said, The Highways Authority are mindful that this is an existing issue, made largely worse by the school and church traffic, and the concerns expressed previously were not supported by the Planning Inspector at appeal. Although there would be an increase in the number of vehicle movements from the site, potentially to 24 trips per day (worst case scenario), this level of trips would not be particularly significant given the existing traffic levels, particularly those from the school. In addition, the proposed timing and staggering of staff movements, as well as the sufficient provision of parking and manoeuvring space within the site are further factors leading The Highways Authority to conclude that the proposal would not lead to highway conditions sufficiently detrimental to sustain a highways refusal, subject to suggested conditions securing the 6 parking spaces within the site. The applicant has also since expressed a willingness to adopt a Green Travel Plan. The Green Travel Plan would include practical measures to reduce car use. It could include staff car sharing, provision of cycle storage, rationalisation and planning for essential travel and minimising deliveries to the property. The Green travel Plan would accord with the aims of the NPPF to reduce car journeys and would help mitigate the impact on Cumberland Terrace.
52. Subject to the conditions suggested by The Highways Authority and the adoption of a Green Travel Plan it is considered that the proposal would not lead to a severe cumulative residual impact on highway safety. The proposal therefore accords with Wear Valley Local Plan Policies GD1 and H20 and the advice of the NPPF in this respect.

Other Issues

53. Some objections have commented on existing drainage issues in Cumberland Terrace, however, the proposal is for a change of use of an existing building and is therefore unlikely to exacerbate the existing drainage issues.

CONCLUSION

54. The proposal would address an identified local need for specialist short break provision for physical and learning disabilities and is supported by Durham County Children and Adult Services.
55. The proposal is for the reuse of an existing vacant dwelling in a sustainable location and would provide economic benefit in the form of 12 full time employment opportunities and support for local services and facilities. The provision of jobs and support by Durham County Children and Adult Services carries significant weight in favour of the proposal.
56. The fears expressed about the proposal increasing the fear of crime have been mostly in relation to what the facility might become in respect of accommodating children with behaviour, mental or drug problems as opposed to the proposed use for children with physical and learning disabilities. Children with physical and learning disabilities are considered less likely to lead to increased crime and disorder, and there is no evidence to suggest that the proposal should inherently lead to increased crime and disorder. Durham Constabulary have confirmed that their concerns would be allayed if the proposal was conditioned to restrict the home to the categories of children suggested in the application and this should carry significant weight in favour of the proposal.
57. There would be no physical changes to the property to differentiate it from other residential properties and the scale of the proposal, its character, and associated vehicle movements would not unacceptably harm the character or appearance of the surrounding area, nor would they have an unacceptable impact on the residential amenity of neighbours.
58. The Highway Authority considers the proposed parking arrangements within the site, predicted numbers of vehicle movements and manoeuvring to be acceptable and it is considered that along with the adoption of a Green Travel Plan to reduce the reliance on car travel the proposal would not lead to a severe cumulative residual impact on highway safety, subject to conditions ensuring the provision and retention of the parking within the site.
59. Subject to the suggested conditions, the proposed use is considered to be in accordance with Wear Valley Local Plan policies GD1, H20 and T1, as well as the aims of the NPPF in terms of widening the choice of high quality homes, creating inclusive communities, ensuring the fear of crime does not undermine quality of life or community cohesion, and aims to reduce private car travel.
60. All representations have been considered, however, on balance, the issues raised are not considered to be sufficient to warrant refusal of the application and it is felt that the proposal is acceptable in planning terms.

RECOMMENDATION

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

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

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

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

Drawing No:	Description:	Date Received:
14.44.001	Site Location Plan	28.04.14
14.44.004	Block Plan Proposed	28.04.14
14.44.003	Floor Plan	28.04.14

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

3. The use hereby approved shall not commence until the parking spaces to the front of the property have been laid out and made available for the parking of motor vehicles and thereafter the garaging and hardstanding within the site shall be available at all times for the parking of no less than 6 motor vehicles.

Reason: To ensure that adequate parking provision is made within the site for vehicles in the interests of highway safety. In accordance with policies GD1 and H20 of the Wear Valley Local Plan as amended by Saved and Expired Policies September 2007.

4. The use hereby approved shall not commence until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In order to encourage sustainable means of travel in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (as amended) the use hereby approved shall be restricted to that of a children's care home for children between the age of 3 and 17 and no other purpose within Use Class C2.

Reason: In the interests of residential amenity and highway safety. In accordance with policies GD1, T1 and H20 of the Wear Valley Local Plan as amended by Saved and Expired Policies September 2007.

6. Willow Lodge, 25 Cumberland Terrace, shall be operated only as a Children's Home for up to 5 children with Learning Disabilities or Physical Disabilities under categories PD and LD of Ofstead Regulations with 24 hour support from non-residential carers, including a full-time manager.

Reason: In the interests of the reasonable expectations of existing residential amenity in the area and to comply with Policy GD1 of the Wear Valley District Local Plan Local Plan as amended by Saved and Expired Policies September 2007.

7. There shall be no vehicle movements associated with staff changeover before 07.00 and after 22.00 on any day.

Reason: In the interests of residential amenity. In accordance with policies GD1 and H20 of the Wear Valley Local Plan as amended by Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

61. 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 and impact on the surrounding area.
62. The Applicants have embarked on a Community Consultation event where residents of Cumberland Terrace were invited along to an open day ran by Hennessy Children's Services.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Statements
- National Planning Policy Framework
- Consultee comments
- Public Consultation Responses



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2014/0014/DM/OP
FULL APPLICATION DESCRIPTION:	Outline application for erection of 3 dwellinghouses with access and layout considered
NAME OF APPLICANT:	Shenstone Properties Limited
ADDRESS:	Land adjacent to 43 Ullswater Avenue, West Auckland, Bishop Auckland, County Durham, DL14 9LS
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Steve Teasdale Planning Officer 03000 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is a grassed area extending to approximately 1,320 square metres and lies between 41 and 43 Ullswater Avenue at the junction with Thirlmere Grove. There are some semi mature ornamental trees, mainly Cherry, to the south western end of the site. While the land borders open countryside to the north west, it is seen as falling within the residential estate. The land has not been adopted by the Council for maintenance purposes and is not subject to any special designation.

The proposal

2. The planning application seeks outline planning permission for the erection of three detached dwellinghouses with integral garages. Whilst details of access and layout are included in the application, details of scale, appearance and landscaping would be reserved for future consideration.
3. The application has been called to Committee by Councillor Pauline Charlton on the grounds of local environmental impact and the low level of information provided for the outline proposal.

PLANNING HISTORY

4. There have been 2 previous refusals of outline permission for dwellings on this site; both being refused on the grounds of loss of an area of amenity space:

6/2000/0206/DM – Erection of 3 detached dwellings (outline) – REFUSED

6/2001/0081/DM –Erection of 2 detached dwellings (outline) - REFUSED

PLANNING POLICY

NATIONAL POLICY:

5. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). 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. The following elements of the NPPF are considered most relevant to this proposal:
6. *NPPF Part 6 - Delivering a wide choice of high quality homes* states housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
7. *NPPF Part 11 - Conserving and enhancing the natural environment* states that the planning system should contribute to and enhance the natural and local environment.

LOCAL PLAN POLICY:

8. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application:
9. Policy H4 (Infill Development On Sites Of Less Than 0.4 Hectare): Small scale housing will be permitted on sites of less than 0.4Ha, comprising previously developed land, within the development limits of named settlements.
10. *Policy GD1 (General Development Criteria):* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area and satisfy the criteria in the policy.

EMERGING POLICY:

11. 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 would be relevant, but given the status of the plan carry very limited weight:

12. *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.
13. *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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. *Highways Authority* - No objection subject to clarity that it is the amended site plan which is considered acceptable. A street lighting column will need to be moved unless one of the houses is handed to flip the floorplan over to match the other two plots.

INTERNAL CONSULTEE RESPONSES:

15. *Tree Officer* - Whilst two dwellings could be accommodated on the site without detrimental impact to landscape features, the third dwelling could result in the gradual loss of all the trees on the site.

PUBLIC RESPONSES:

16. The application was publicised by the display of a site notice and notification letters were sent to 14 households in the vicinity of the application site. Eleven letters of objection have been received from local residents. Their views can be summarised as follows:

- An area of open space and existing landscape features would be lost
- There would be a loss of privacy and amenity to existing residents
- The development would have an overbearing impact on existing residents
- There would be an increase in traffic and an adverse impact on highway safety
- The proposed dwellings would be out of character on the estate
- There would be noise and safety concerns during development
- There would be loss of views and devaluation of properties

APPLICANTS STATEMENT:

17. This estate was built in the late 1960's by William Leech with the expectation of accessing the 'back' land W/NW bounding the rear of Ullswater Ave for future housing. In the 1970's William Leech application to access through this site was refused. The site has remained undesignated since then.

18. There is no provision in the current emerging Durham County Plan for housing on the 'back' land bounding the rear of the properties W/NW of Ullswater Avenue.
19. This proposal complies with the Teesdale District Council Local Plan Policies 2002 GD1 and H4.
20. We are mindful of the small copse of trees and shrubs at the southern end of the site. The intention is to submit a detailed Landscape design at Reserved Matters stage, briefed to clear the ground scrub, undistinguished shrubs and bushes but retaining/trimming the 'well found' established healthy trees in the copse group bordering the path. To extend to the maximum extent 'rootwise' up to the adjacent property, supplementing tree and shrub planting both here and throughout the proposal to dispel and minimize any feeling of loss as expressed in public comments to date.
21. Further to public conjecture and for avoidance of doubt, this Outline Planning Application footprint is specifically designed to cater for current and future needs. These have extended most significantly since the creation of this estate in the late 1960's. This footprint is designed to be flexible and compliant at the outset to current and future social needs, protocols, government, NHS etc, subject to application at the Reserved Matters Stage, as appropriate.
22. From analysis of all the relevant adopted and emerging policy relating to the application proposal it is demonstrated this is in full accord with both current and emerging planning policy. In addition the indicative drawing illustrates the capacity to accommodate the proposed dwellings and provide the occupants with high quality internal and external special standards', adequate parking and access.
23. We request that the officers of the Council recommend the application is approved and Outline Planning Permission granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development; the suitability of the layout in respect of visual amenity and privacy; and the suitability of the access in terms of highway safety.

Principle of Development

25. The application is for outline planning permission for the erection of three detached dwellinghouses, including details of access and layout. If approved, details of scale, appearance and landscaping would be reserved for later consideration.

26. The application site has functioned as a landscaped open space since completion of this housing estate although it appears not to have been formally adopted by the Council. Despite this, anecdotal evidence suggests that it was, for a time, maintained by the Council along with other amenity areas within the estate. It may have remained undeveloped to retain an access point to land to the north west for later expansion of the housing area into the countryside beyond, but there is currently little prospect of future housing expansion to the north west so the land has no tangible value as access to that land. The south-western half of the site contains a number of trees, the remainder of the site generally being an open grassed area having a more unkempt appearance than others in the locality. The site is declared to be in the Applicant's ownership.
27. Physically the application site forms part of a much larger housing estate, the majority of which lies within the former Wear Valley District Council area. The site, however, along with 43 to 65 (odd) Ullswater Avenue, lies within the former Teesdale District Council area. The site offers some amenity value to the area, but there are other adopted areas of amenity space nearby in Thirlmere Gove and Windermere Drive and the large village green lies approximately 600m to the east of the site. The availability of other areas of public amenity areas is perhaps reason why the application site has no open space designation in either the Teesdale or Wear Valley Local Plans and diminishes the importance of the site as a local amenity.
28. It is noted that permission has been refused twice in the past for housing on the site on the grounds of loss of amenity space, but it is worthy of consideration that the land is in private ownership and that public access could be denied at any time by, for example, erecting enclosures around the perimeter. The proposal should therefore be considered on its merits in terms of whether it represents an appropriate site for housing and accords with the sustainable development aims of the NPPF and saved policies of the Teesdale District Local Plan.
29. Policy H4 of the Teesdale District Local Plan states that small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of most settlements. Whilst the land has not previously been built on, and on face value the proposal would not fulfil a key requirement of that policy, it is visually seen within a large residential estate and not within open countryside. In the absence of any official designation as open space, it is considered to represent a logical infill housing site to continue the line of dwellings to the north and south. It is considered that the proposal complies with the general aims and principles of Policy H4, despite its greenfield nature, particularly when the sustainability requirements of the NPPF are taken into account.
30. It is considered that as an unallocated housing site within a suburban setting of West Auckland, which has good access to local services and facilities, the proposal represents sustainable development in line with the NPPF, and would accord with emerging policy 15 of the County Durham Plan in terms of scale and location. The compliance with current and emerging planning policy should carry significant weight in balancing the planning considerations.
31. Notwithstanding previous refusals of planning permission on the grounds of loss of amenity space, it is not considered that in the context of current planning policy, refusal of planning permission could be justified in this instance. It is noted

that previous decisions were made against the background of draft local plan policies, and that planning policy has changed since that time, not least the introduction of the NPPF. The principle of development is therefore considered acceptable.

Visual amenity and privacy

32. The development, if approved, would result in the entire site being changed in character and appearance from an open grassed area with some maturing landscape features to residential with associated enclosed garden areas. It would be possible however to retain some of the maturing trees at the south western end of the site, and in the absence of details in this outline application, it would be possible to impose a condition to identify and protect existing trees where possible as part of a wider landscaping scheme including replanting.
33. The proposed dwellings would be sited so as to maintain a regular building line with 41 and 43 Ullswater Avenue, set back from the public footway by approximately 6 metres. The north easternmost dwelling would be sited 1 metre from the boundary with 43 Ullswater Avenue, with 2 metre spacing between the other two dwellings, which is in keeping with the character of the street and estate as a whole. The south westernmost dwelling would retain most of the existing trees in a side garden extending some 13 metres towards an existing footway which runs alongside 41 Ullswater Avenue.
34. Individual house designs, materials and detailing would be controlled at reserved matters stage. The layout suggest that there would be no adverse privacy implications arising from the development but further consideration of the internal room arrangement and window positions would be given detailed consideration at reserved matters stage.
35. The proposal therefore accords with Teesdale Local Plan Policy GD1.

Highway safety

36. Following comments by the Highways Authority, the proposed dwellings have been repositioned to ensure a minimum 6 metre drive length, and the house on the centre plot has been handed to avoid conflict with an existing street lighting column and water hydrant. The Highways Authority has no objection to the proposal following these amendments.
37. The proposal is considered to accord with Policy GD1 of the Teesdale District Local Plan.

Other matters

38. The concerns of the objectors have been considered. Whilst loss of views and property devaluation are not material planning considerations, other matters have been assessed. The increase in traffic would be very small in the context of the overall housing estate and there is no objection from the Highways Section to the amended proposal. All development sites result in some environmental impact during construction, but it is temporary and therefore not sufficient to justify refusal on those grounds, particularly when any statutory nuisances could be

dealt with under separate legislation. The form of development would not result in overbearing impact or reduction in standards of privacy and amenity.

CONCLUSION

39. It is acknowledged that development of the application site would result in the loss of a landscaped area on the edge of this housing estate. The land does not however have any formal status as a public amenity space and it is in private ownership and is not adopted by the Council for the purposes of maintenance. There are other adopted amenity spaces in close proximity to the site, including the large village green so the proposed development would not result in the total loss of amenity space in the area. As a site lying between a row of dwellings in a residential area and without any open space designation, it is considered that the site represents a logical infill housing site in a sustainable location.
40. Notwithstanding previous refusals of planning permission on the grounds of loss of amenity space, it is not considered that in the context of current planning policy, refusal of planning permission could be justified in this instance.
41. In recognition of the existence of landscaping on the site, it is proposed that relevant conditions be imposed with respect to a tree survey and protection measures for those trees which can be retained.
42. The comments and objections of local residents have been considered. Whilst the application site has to some extent functioned as a landscaped amenity space, it has not been formally adopted for maintenance purposes, and any maintenance 'in kind' by the former Teesdale District Council ceased several years ago. Issues of loss of views and property devaluation are not material planning considerations.

RECOMMENDATION

43. That the application be **APPROVED** subject to the following conditions and reasons.
1. Approval of the details of scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

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

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

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

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

Plan Reference Number	Date received
Site location plan	24th January 2014
Indicative house type floorplan	15th January 2014
Amended site layout plan	24th March 2014

Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

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

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

5. No development shall commence nor any site cabins, materials or machinery be brought on site until all existing trees and hedges have been identified on a tree protection plan which has been submitted to and approved in writing by the Local Planning Authority beforehand. The plan shall identify all trees and hedges to be retained together with measures for their protection during development in accordance with BS5837:2012. Development shall not take place otherwise than in accordance with the approved tree protection plan.

Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

INFORMATIVE:

The new vehicular crossings of the highway will be required to be constructed in accordance with S.184(3) of the Highways Act 1980, and the applicants are advised to contact Jonathan Cardy, Assistant Engineer, Durham County Council, Policy and Development, Strategic Highways, Neighbourhood Services, Tel: 03000 268102 in order to receive the necessary (separate) permission prior to undertaking works within the public highway, and to agree details of the construction specification.

STATEMENT OF PROACTIVE ENGAGEMENT

44. The local planning authority has engaged with the applicant in a proactive manner by discussing objections to the proposal and securing additional information.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
County Durham Plan (submission version)
Internal responses from Highways Authority and Landscape Section
Representations received from the public and other representative bodies



Planning Services

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 Durham County Council Licence No. 100022202 2005

Application ref. 6/2014/0014/DM/OP
 Land at Ullswater Avenue, West
 Auckland

Date July 2014

Scale NTS

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0432
FULL APPLICATION:	Erection of 34 Dwellings with Associated Parking and Landscaping.
NAME OF APPLICANT:	Derwentside Homes
ADDRESS:	Land Adjacent to Weaver's Croft, Crook, County Durham, DL15 8JY.
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Joy Orr Senior Planner joy.orr@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site measures approximately 0.75 hectares in area and lies immediately adjacent to the new build residential estate of Weavers Croft in the south of Crook. Previously, the site hosted Wolff Commercial Centre and is therefore classed as previously developed land. There is an industrial site (Prospect Road/Beechburn Industrial Estate) to the north. To the south is a public football ground and west of the site there are open fields. The site has a slight fall from west to east. The main highway New Road (A689) is located to the east of the site off the Weavers Croft estate road.
2. The site is currently vacant, however it does benefit from previous planning consent for housing under reference 3/2006/0314, which included a total of 54 dwellings across both the application site and the adjacent Weavers Croft development. The permission also included an area across the road to the north for business (Use Class B1) development, but that is outside the current application site. At the present time only 30 of the previously approved 54 dwellings have been constructed on the Weavers Croft site and the site ownership has now changed hands. There has also been no development on the area set aside for business purposes.

The proposal

3. Planning permission is sought for the erection of a total of 34 dwellings, comprising 33 No. 3 bedroom properties and 1 No. 2 bedroom property. The properties would all be two storey and predominantly semi-detached in style with the exception of two detached properties. There is already vehicular access into the site from the road serving the adjacent Weavers Croft development, installed as part of the previous permission. Although the number of dwellings proposed on this site has increased by 10 from the previous approval, this is largely as a result of substituting detached

dwellings for semi-detached dwellings. The layout of the proposed dwellings remains nearly identical to the previous permission.

4. All 34 properties would be provided by Prince Bishop Homes, a subsidiary of Derwentside Homes, as part of the Homes and Communities Agency (HCA) Build to Rent programme.
5. 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

6. The site was part of a larger site which included the adjacent Weavers Croft development and an area of land to the north. The following outline and full planning permissions were granted for 54 dwellings and an area set aside to the north for business (Use Class B1) development:
7. 3/2004/0714 – Outline Application for Redevelopment for Business Use and Housing with Access to New Road – Approved – 06.06.05.
8. 3/2006/0314 – Development of Business Space (B1) and Housing with Associated Roads and Infrastructure and Access – Approved – 18.12.06.

PLANNING POLICY

NATIONAL POLICY:

9. 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.
10. 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.
11. *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.
12. *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.
13. *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.

14. *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.
15. *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:

16. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given full weight in the determination of this application:
17. Policy GD1 (General Development Criteria):
All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
18. Policy H3 (Distribution of Development):
New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
19. Policy H15 (Affordable Housing):
The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
20. Policy H21 (Public Open Space within Residential Areas):
The development of open space within existing housing areas will only be allowed where:
- i) it does not cause harm to the character of the area;
 - ii) it does not result in the loss of visual amenity; and
 - iii) it does not lead to a reduction in the quality of the residential environment.
21. Policy H22 (Community Benefit):
On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
22. Policy H24 (Residential Design Criteria):

New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

23. Policy T1 (General Policy – Highways):

All developments which generate additional traffic will be required to fulfil Policy GD1 and :

- i) provide adequate access to the developments;
- ii) not exceed the capacity of the local road network; and
- iii) be capable of access by public transport networks.

EMERGING POLICY:

24. 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, however they can only be given limited weight:

25. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.

26. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 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).

27. *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.

28. *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.

29. *Policy 16 – Sustainable Design in the Built Environment* – Sets out the general principles of sustainable design to be incorporated in new development.

30. *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.
31. *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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Highway Authority* - offers no objection after the receipt of amended details as access and parking facilities accord with current standards.
33. *Northumbrian Water* - offers no objection to the proposal after the submission of a utilities assessment.

INTERNAL CONSULTEE RESPONSES:

34. *Planning Policy* – there is no objection to the principle of development and confirmed the requirement for open space contributions to help maintain and improve existing open space.
35. *Housing Development and Delivery* – The application (and lack of affordable housing) is supported on the basis that the scheme forms part of the HCA Build to Rent scheme.
36. *Sustainability* – no objection as the proposed scheme is entirely in accordance with the approach condoned by Durham County Council.
37. *Public Rights of Way* – no concerns as no Public Rights of Way would be affected.
38. *Environment, Health and Consumer Protection* – has no objections to the application subject to suggested 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.
39. *Environmental Health Land Contamination* – no objection subject to the inclusion of a condition relating to verification report being submitted upon completion of remedial works.
40. *Landscape* – 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.

PUBLIC RESPONSES:

41. The application has been published by way of press and site notice, and individual letters were sent to neighbouring residents.

42. There has been one letter of observation received expressing concerns about potential damage to existing boundary fences and loss of light from any landscaping and tree planting in the site carried out as part of a landscaping scheme.

APPLICANTS STATEMENT:

43. This application relates to a small site at Weaver's Croft Crook. The proposed is sited alongside a similar sized modern traditional development. The original developments have been built in a "cul de sac" principle, connected with an extensive internal footpath network. This application is a proposal to the south of the existing parcels or developments linking into an existing new build parcel.

44. The site slopes gently, giving particularly impressive panoramic views to open farm and agricultural land that surrounds the area. Extensive open space would be retained to the West and East of the site, which is bordered by a mix of two storey houses. No existing formal foot ways are affected by the development. The application is one that addresses the completion of an existing scheme by a different developer. The proposal seeks to provide a range of 2 storey houses, all of which are described as 'affordable'. These 'affordable' units for Derwentside Homes, offer an 'intermediate' route to home ownership through the Homes and Communities Agency's 'Build to Rent' programme, aimed at those who wish to purchase a home but cannot afford a mortgage or a deposit.

45. The design evolved as a simple response to the existing streetscapes in the surrounding area and wider context. The proposed houses aim to follow the contours of the site in order to reduce the need for retaining walls. The houses themselves will be proportionally scaled to match the existing nature of the area.

46. The site can be accessed logically via Weavers Croft with the plots facing each other to provide a double aspect road due to the rather linear nature of the site. Block paving has been introduced to create a feeling of enclosure and privacy to certain aspects of the site. The houses in our initial scheme were grouped in semi-pairs as this allows for ease of access to rear gardens. It also allowed for cars to be 'tucked' between the houses wherever possible, thus reducing their impact on the street.

47. A simple, contemporary approach to materials has been adopted in keeping with the modern housing of the context. A criticism levelled at some modern housing developments is that they lack any sense of warmth or detail. The design team wanted to ensure this was not the case here and have worked hard to propose a 'warm' palette of materials and an engaging and well-resolved set of details. In particular the areas around the entry space, including the front door, entrance canopy and paving.

PLANNING CONSIDERATIONS AND ASSESSMENT

48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, open space provision, design, residential amenity, highway safety, and ground conditions.

Principle of Development

49. It is a material consideration that residential development has previously been approved on this site. Nevertheless, this was 8 years ago and therefore it is appropriate to consider the proposal under the current planning policy framework.
50. The National Planning Policy Framework (NPPF) sets out the Government's overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making.
51. 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. Policy H3 of the Wear Valley District Local Plan states that new development should be directed to areas best able to support it.
52. The County Durham Plan Settlement Study 2012 identifies Crook as a main town with well-established transport links, varied local amenities and educational and recreational facilities. Crook is therefore considered to be a sustainable location capable of accommodating new residential development.
53. The site was identified within the Strategic Housing Land Availability Assessment (SHLAA) where it was categorised as Green which indicates that the site was considered potentially suitable for housing. The site is brownfield land within the development limits of Crook and its size is considered consistent with the role and function of the settlement as a main town. The delivery of 34 dwellings on a suitable brownfield site would make a contribution to the Council's housing delivery targets without prejudicing the delivery of the emerging County Durham Plan.
54. It is noted that the site is an industrial allocation in the Wear Valley District Local Plan so the proposal is strictly a departure to Wear Valley Local Plan Policy I5, however, its loss to housing has previously been accepted and half of the allocation has already been developed as the Weavers Croft residential estate. As a result it would be very unlikely that the remaining allocation, comprising the application site, could be developed for industrial purposes because of conflict between the land uses in amenity terms. While the emerging policies of the County Durham Plan still carry limited weight it is relevant that the site is no longer carried forward as a proposed industrial allocation. NPPF paragraph 22 states there should not be long term protection of employment allocations where there is no reasonable prospect of a site being used for that purpose. In light of this and the previous permission on the site it would therefore be unreasonable to insist on retention of the site for industrial purposes.
55. It is also significant that all 34 properties would be provided and managed by Prince Bishop Homes, a subsidiary of Derwentside Homes, as part of the Homes and Communities Agency (HCA) Build to Rent programme, which offers an affordable route to home ownership for individuals who would prefer to purchase a property but do not have a deposit or cannot get a mortgage. It is envisaged that rents would be set at local market level and after a period of time tenants can take the option to purchase their home and any increase in value can then be used as a deposit. This is not strictly affordable housing, rather a form of intermediate housing and therefore does not meet the 10% affordable housing requirement normally expected for development in this area. However, as the whole of the scheme would be delivered in this format it represents a significant benefit in terms of improving access to home ownership sufficient to outweigh a need for 10% truly affordable dwellings where the

remaining dwellings would be normal open market housing. The application has also been supported by a viability assessment to demonstrate that provision of affordable housing in addition to the Build to Rent dwellings would render the scheme unviable. The conclusions are supported by the Council's Policy and Housing Sections.

56. The redevelopment of a brownfield site within the development limits of Crook for residential purposes, including a housing product aimed at improving access to the market, therefore represents a sustainable form of development which accords with the NPPFs presumption in favour of sustainable development and would not prejudice the future aims and allocations of the emerging County Durham Plan.

Open space provision

57. Local Plan Policy H22 states that on sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities on site or in the locality. The aim of this policy is to ensure that any additional demand for leisure and recreational facilities arising from the development can be satisfactorily accommodated within the area.
58. Given the size of the site and proximity to existing open space/recreation facilities it would be more appropriate to seek a developer contribution to maintain and enhance the existing open spaces rather than making provision within the site. To this end, there is a developer contribution proposed of £34,000 to be secured by Section 106 Agreement. This would accord with Wear valley Local Plan Policy H22 and the aims of NPPF Part 8.

Design

59. The NPPF and Wear Valley District Local Plan Policies GD1 and H24 seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses.
60. 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.
61. The site slopes from west to east therefore the proposed dwellings follow the contours to the site. The dwellings have been orientated to follow the linear nature of the site with properties to either side of the main access facing the road with a turning head to the south east of the site.
62. The proposed properties would be two storey and mainly in pairs to semi-detached units. The adjacent housing site is predominantly detached properties however; there are a number of semi-detached pairs. It is considered that the proposed development would complement the modern character of the adjacent site.
63. The proposed properties are of a simple design with front canopies over the main door. Specific details of materials have not been submitted with the application therefore it is considered necessary to apply a condition which requests samples of all materials. This will ensure the development would be constructed from an appropriate palette of materials which are within keeping with the immediate area.
64. Each property would have a private amenity space to the rear and off street parking provision either to the front or side of the property with further visitor parking facilities

also incorporated into the scheme. Landscaping is proposed to the entrance to the site and at intermittent points throughout the development including boundaries which aims to soften the impact of the proposal. It is proposed to have the front parking spaces and amenity areas to remain open plan. This arrangement is considered acceptable and would relate well to the existing residential developments within the close proximity to the site.

65. A landscape plan has been submitted with the proposed scheme however it is considered that further landscaping details are required in order to fully integrate the site into the surrounding area. Therefore, a condition has been applied to ensure further details are submitted which include details of hedgerows to reinforce boundaries and additional planting.
66. The dwellings would be constructed to Code for Sustainable Homes Level 3 standards. The Councils Sustainability Officer has no objection to this approach as it surpasses current regulations.
67. It is considered that the proposed design of the site would not have a detrimental impact on the immediate area and would accord with Wear Valley District Local Plan Policies GD1 and H24 and objectives of the NPPF.

Residential Amenity

68. There are no immediate residential neighbours to the north, south or west of the site. Weavers Croft is located to the east of the application site.
69. Plot 21 on the proposed scheme is adjacent to Nos. 20 and 21 Weavers Croft, but the staggering in the layout would ensure that there would be no potential overlooking issues from secondary windows to the gable elevations. It is considered that due to the positions of these two properties that there would be no unreasonable overbearing or overshadowing as a result of the proposed scheme. A proposed 1.8 metre high timber fence would delineate the boundary to this elevation of the site and would further reduce any potential loss of privacy to the current owners of this dwelling.
70. Plot 22 is adjacent to 26 Weavers Croft. This property has no windows to the elevation facing the proposed site therefore it is considered that the occupiers of this property would not suffer any unreasonable loss of amenity as a result of the proposed scheme.
71. Within the site itself the layout has been designed to incorporate adequate separation distances between dwellings to ensure privacy distances are maintained. Adequate private amenity areas would be provided to the rear of each property.
72. The concerns expressed about the potential impact of planting and landscaping within the site are noted, however, a detailed landscaping scheme is still required and consideration could be given to those concerns in the design of the landscaping scheme, but ultimately it is not envisaged that there would be problems created that would render the development unacceptable.
73. It is considered that the proposed layout satisfactorily accords with policies H24 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

74. Local Plan Policies GD1 and T1 seek to ensure that any new development can achieve a satisfactory means of access and adequate parking provision having regard to highway safety principles.
75. The layout proposed would allow for two off street parking spaces per dwelling with an additional two visitor parking spaces. The Highway Department considers that the level of parking is acceptable. The Highways department has advised the developer that early discussion with Adoption Officers would be welcomed to ensure acceptable materials are used in the construction of the highway. It is considered that these details will be controlled under separate legislation outside of the planning remit.
76. The proposed access to the site is considered to achieve adequate visibility splays and also the proposed materials for the road are acceptable. The proposal therefore accords with Wear Valley Local Plan Policies GD1 and T1.

Ground Conditions and Environmental Health

77. 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 and also a Phase 2 Report. Both reports have been assessed by Land Contamination Officers and no objections to the proposed scheme have been raised subject to the imposition of a condition relating to completion of remedial works.
78. In appraising the scheme the Councils Environmental Health Officers have raised no objection subject to the developers adhering to mitigation measures contained within the submitted acoustic report. Recommendations to restrict the working hours associated with the construction phase of the development, requiring a scheme of dust suppression, and assurance that there would be no burning of materials on the site are matters that can be controlled through Environmental Health statutory powers. It is therefore recommended that these matters be secured by informative attached to any planning approval rather than conditions. The comments raised about lighting are noted but street lighting is considered through the adoptions procedures.
79. The proposed development is therefore considered to satisfy the requirements of Section 11 of the NPPF and Wear Valley Local Plan Policy GD1.

CONCLUSION

80. Planning permission has previously been granted for residential development on the industrial allocation and part of the allocation has already been developed under that permission. Accordingly, there is no prospect of the site being developed for industrial purposes. All 34 dwellings would be provided and managed by Prince Bishop Homes as part of the Homes and Communities Agency (HCA) Build to Rent programme. Therefore, despite being a departure to Wear Valley Local Plan Policy I5, the proposal represents a sustainable development on brownfield land within the development limits of Crook in compliance with the aims of the NPPF and relevant

development plan policies and would not prejudice the future aims and allocations of the emerging County Durham Plan.

81. A S106 Agreement would secure a contribution of £34,000 to maintain and enhance the existing open spaces in the locality.
82. The scale, layout and density of the scheme is sympathetic to surrounding development 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.
83. The proposal therefore accords with Wear Valley Local Plan Policies GD1, H3, H15, H22, H24 and T1, as well as the aims and requirements of the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure developer contributions of £34,000 towards the maintenance/enhancement or provision of open space and recreational space in the local area, 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
	Red Line Site Plan	02.12.13
WC-S1-01	Proposed Site Plan	23.06.14
WC-RP-01	Proposed Roof Plan	09.12.14
PB-3B-S2	3 Bed 5P House Type	09.12.14
PB-2B-W1	2 Bed 4P House Type	09.12.14
WC-BT-01	Boundary Treatment Plan	09.12.14
SS_01	Proposed Site Sections	16.05.14

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 Policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include accurate plan based details of the following:

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers; details of planting procedures or specification; seeded or turf areas, habitat creation areas, the establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

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

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 each plot to which it relates.

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, including each plot, 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 GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6. Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 2 Report (Arc Environmental Report 14-010.01L Dated 13.03.14) shall be submitted to and approved in writing by the local planning authority within 2 months of completions of the development. The development shall be completed in accordance with the approved details.

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 risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

7. Noise mitigation measures stated within Table 1 of report reference Apex Acoustics 4267.1 (20/5/14) shall be fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In order to protect the residential amenity of neighbouring occupiers in relation to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

84. The Local Planning Authority have worked with the Applicant and Agent in a positive and proactive manner in, providing detailed advice throughout the planning process and ensured the timely reporting of the application to Planning Committee at the first available opportunity once all relevant information has been received.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Supporting Documents

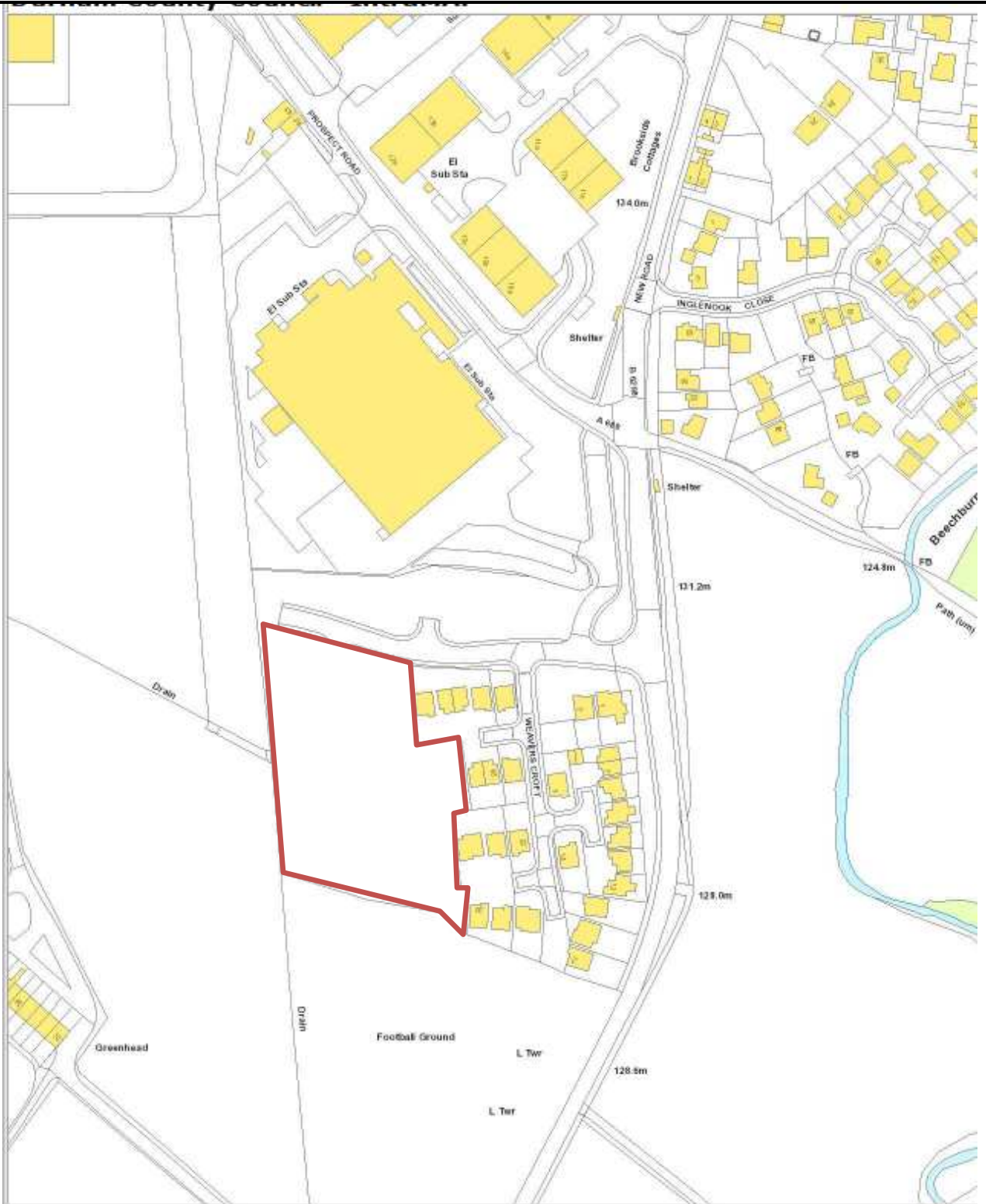
National Planning Policy Framework

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

Statutory Responses

Submission Draft of the County Durham Plan

Representations from the members of the public



Planning Services

Erection of 34 Dwellings with Associated Parking and Landscaping.

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Site

Land Adjacent to Weaver's Croft, Crook, County Durham, DL15 8JY.

Scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0289/DM
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 135 dwellings and associated works (resubmission)
NAME OF APPLICANT:	Mr Chris Dodds, Gleeson Homes
ADDRESS:	West Chilton Farm, Land to the North West of Chilton Terrace, Chilton, County Durham, DL17 OEH
ELECTORAL DIVISION:	Chilton
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 3.88ha in area and is located on the northern edge of the village of Chilton. It currently consists of undeveloped agricultural land, a number redundant farm buildings were located in its northwest corner which have recently been demolished. Agricultural fields and 4 isolated dwellings are located to the north of the site. A section of adopted highway serving these dwellings and Chilton Cemetery lies immediately to the east with open countryside beyond. Terraced properties sited on West Chilton Terrace are situated to the south, along with two sections of road, to the west of the site lies a recreation ground with sports facilities. The centre of Chilton lies approximately 400m to the south of the site.
2. Planning permission is sought for the erection of 135 dwellings. The dwellings would be arranged around a series of cul-de-sacs, with areas of shared access and private drives. The dwellings would be mix of detached and semi-detached properties 2 and 2 ½ storey in design with rooms in the roof space. Vehicle access would be taken from the existing access point off an adopted highway to the east of the site, which is currently operated as a field access. A number of trees protected by tree preservation orders on the northern and eastern boundary and more centrally within the site are proposed to be retained as a focus of areas of public open space.
3. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

4. Demolition of existing buildings and erection of 130 dwellings and associated works – pending consideration subject to the outcome of this application. .

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* – Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.
17. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally 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 expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
19. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of Chilton residential development will normally be approved.
20. *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 sizes including the provision of affordable housing where a need is demonstrated.

21. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space-* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
22. *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.
23. *Saved Policy IB1 – Types of Industry and Business Areas* – Identifies that the Council will seek to maintain in appropriate locations a range of land available for Industry and business.
24. *Saved Policy IB3 – Proposals for the development of new industrial and business areas* – Sets out that land at Chilton will be developed as a prestige Business Area.
25. *Saved Policy IB5 –Acceptable uses in Prestige Business Areas* – Sets out that in prestige business areas business, general industry and warehousing will generally be considered acceptable.
26. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out 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.
27. *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.
28. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
29. *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.

EMERGING PLAN:

30. 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:

31. *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.
32. *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.
33. *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.
34. *Policy 23 – Employment Land* – Sets out the proposed locations of Prestige and General Employment allocations.
35. *Policy 30 – Housing Land Allocations* – Sets out the quantity and distribution of housing on specific sites to meet housing need.
36. *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.
37. *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.
38. *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/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Highway Authority* - No objections to the development of the site, advising that the proposed layout has addressed previous concerns in relation to parking provision, visibility and manoeuvrability, a contribution of £20,000 is however requested for highway improvement works at the A167/A689 Rushyford Roundabout to mitigate the impacts of the development.

40. *Environment Agency* - Offers no objection, but advise that consultation is held with the local sewerage operator to ensure that sufficient capacity exists to accommodate additional flows.
41. *Northumbrian Water Limited* - Identify that at present the sewage treatment that would serve the development cannot accommodate the additional flows that would be generated by the development. Scheduled investment into increasing the capacity of the station is not expected to be complete until 2017. Nevertheless as the upgrade is likely to be within the implementation period of any planning approval, it is advised that the development can be supported by the use of a planning condition to restrict the commencement of development until the issues around additional flows can be resolved.
42. *Health and Safety Executive* – Offer no objections.
43. Trimdon Parish Council – No response received.

INTERNAL CONSULTEE RESPONSES:

44. *Design and Historic Environment Section* – Offers no objections following amendments to the scheme, concerns however raised regarding the location of fencing at plots 1 and 136 which appear to subdivide the public open space.
45. *Spatial Policy Section* – Advises that while the principle of developing the site for housing does not accord with the policies of the Local Plan, it does broadly comply with the NPPF, including the objective to avoid the long term protection of employment land, where there is no reasonable prospect of it being used for that purpose. Development of the site would also comply with the objective of locating housing in suitable locations which offer a good range of community facilities and good access to jobs, key services and infrastructure.
46. *Landscape Section* - Consider the layout and boundary treatments acceptable.
47. *Arboricultural Officer* -Offers no objection subject to condition relating to the erection of tree protection measures and removal of permitted development rights in certain location to protect significant trees.
48. *Archaeology Section* - Offers no objections to the development, subject to the development being carried out in accordance with the agreed scheme of Archaeological recording and evaluation.
49. *Access and Rights of Way Section* - Advises that there is no nearby Public Right of Way that would be impacted on by the development.
50. *Ecology Section* - Has no objections, subject to the proposed mitigation measures and the production of a method statement in relation to the removal of a mature tree on site and the residual risk to bats.
51. *Environmental Health* - Advises that a condition relating to the restriction of working hours on site should be imposed along with appropriate dust suppression. Although parts of the scheme would experience higher than desirable noises from external sources, on balance this is considered acceptable and would not lead to a significant loss of residential amenity. Concerns are raised regarding the potential impact of the development on a nearby Air Quality Management Zone.

52. *Contaminated Land Section* -Recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
53. *School Organisation Manager* – Advises that local schools in the area have sufficient capacity to accommodate the additional pupils likely to be generated by the development.
54. *Sustainability Officer* – Offers no objection but recommends that the indicated sustainability and carbon reduction initiatives are embedded within the scheme, and controlled by condition
55. *Employability Section* – Encourage the opportunity to secure a targeted recruitment and training programme on site.
56. NHS Trust – No response received

PUBLIC RESPONSES:

57. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents. Two letters of representation have been received from neighbouring residents highlighting concerns regarding the capacity of schools and other amenities to accommodate additional residents, issues regarding the potential impact of flooding and loss of view of the open countryside are also raised.
58. A letter of representation has been received from CPRE (Campaign to Protect Rural England) that raises a number of concerns regarding the scheme, including the potential encroachment into the countryside, lack of cycling infrastructure, the sustainability of the site, lack of provision of sustainable drainage techniques, lack of affordable housing and potential archaeological interests on site.

APPLICANTS STATEMENT:

59. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable
60. The Emerging County Durham Plan proposes to allocate the site for housing to meet the established housing need in the area and across the County. The viability of the site has been scrutinised. Although affordable housing cannot be provided contributions are proposed to the highways infrastructure and to meet open space requirements.
61. Extensive discussions have been held with Northumbrian Water in relation to the sewerage capacity issues in the area, which can be overcome within the life time of the permission.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
http://www2.sedgefield.gov.uk/planning_search/alldetails.php?ID=34407*

PLANNING CONSIDERATIONS AND ASSESSMENT

62. 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, the viability of the scheme, visual amenity of surrounding area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

The Principle of Development

63. The application site is safeguarded as part of a wider Prestige Business Area extending to the north for B1, B2 and B8 uses by saved policy IB3 of the Sedgefield Borough Local Plan. The site is also located outside of the defined residential framework of Chilton within the Local Plan where policy H8 seeks to direct new housing. Given the safeguarding of the site and its location outside of the residential framework its development for housing would conflict with saved policies of the Sedgefield Borough Local Plan.
64. 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 IB2 and H8 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.
65. However when determining planning applications, all material considerations need to be taken into account. Paragraph 216 of the NPPF sets out that 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. In this respect, the of the submission version of the emerging County Durham Plan, policies 3 and 4, set out the quantity and distribution of housing in terms of the housing requirement across the County and proposes 270 houses for Chilton as part of this overall requirement. This distribution includes existing housing commitments but it also proposes this site as an as additional housing land allocation under policy 30 to meet the projected housing demand.
66. There are outstanding objections the proposed housing and employment land distribution under these County Durham Plan policies. However in relation to this site these are generally focused at the proposal to de-allocate a wider area of employment land to the north which is safeguarded under the existing Local Plan. It is therefore considered that a degree of weight can be given to the proposed allocation of the site for housing and the de-allocation of industrial land in this respect, including the evidence base supporting this stance.
67. In relation to the NPPF, paragraph 22 advises that planning policies should avoid the long term protection of employment land where there is no reasonable prospect of a site being developed for that purpose. As part of the evidence base for the emerging County Durham Plan, the Council has carried out an Employment Land Review which considered the locations that needed to be retained to maintain the required level of provision. This highlighted that there is oversupply of employment land within the A1 market corridor and it was recommended that this site be de-allocated,

especially as that 8.08ha of undeveloped land is still available within Chilton Industrial Estate. The loss of this safeguarded employment land in the Sedgefield Local Plan is therefore not considered to impact upon the amount of employment land available within the County and locally to meet the needs for economic growth.

68. The NPPF also seeks to direct housing development in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Chilton has been identified as a 2nd tier settlement (larger villages and smaller towns) within the County Durham Settlement Study, in recognition that it is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge of Chilton is consistent with the role the settlement plays within the County Durham hierarchy and would represent a sustainable, accessible location. The development of the site for housing would be compliant with the NPPF in this respect while also boosting housing supply, a key component of the NPPF.
69. Although the development of the site for housing purposes would represent a departure from the Sedgefield Borough Local Plan. It would be consistent with policies of the emerging County Durham Plan and would represent development in a sustainable location meeting projected housing demand. These policies are considered consistent with the NPPF given the sustainability of the site and the limited prospect of it being developed for its long standing allocated use for industrial purposes. The loss of the land for employment purposes is also considered to be acceptable given the identified over supply against strategic distribution within the emerging plan. Subject to a detailed analysis of the impacts of the development it is therefore considered acceptable in principle for housing purposes.

Viability and Implementation

70. Local Plan Policy H19 sets out that where a relevant local need has been established the inclusion of an appropriate element of affordable housing will be required within a housing development. Such a requirement is replicated in the NPPF. As part of the emerging plan a significant amount of work has been directed towards assessing and evidencing the need for affordable housing throughout the County and the likely delivery of this through development proposals, while ensuring developments remain viable. Policy 31 of the CDP sets a target figure for the provision of 10% of proposed dwellings to be provided as affordable housing within the South Durham area, including Chilton.
71. No affordable housing contributions are proposed as part of the scheme, and the applicant has stated that should this be a requirement the development proposed would be economically unviable. Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. To ensure viability, the costs of any requirements applied to development, such as affordable housing, should when taking account of the normal cost of development, still provide a competitive return to a willing land owner and developer to enable the development to be delivered. Paragraph 160 also advises that local planning authorities should consider the needs of businesses and any changes in circumstances, identifying and addressing barriers to investment and delivery of housing, including viability issues.
72. On a development of this nature it would be expected that a developer would require a profit in the region of 20% of the development value of the site. Such a profit is not considered to be excessive and aligns with figures contained within the Council's

Affordable Housing & CIL Development Viability Study. A competitive profit for a developer is required to be factored into the consideration of the viability of a scheme and is effectively a cost to be taken out of the gross development value of the site. Advice has been sought on this matter from the Assets and Spatial Policy Sections, which have considered in detail the submitted development appraisal for the site, including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions once the amount paid for the site and development costs are taken from expected sale values only around an 11% developers profit could actually be achieved, excluding any affordable housing provision.

73. Having regard to the advice within the NPPF, the development profit is therefore not considered to constitute an adequate return and cannot deliver affordable housing provision. Nevertheless, the developer remains keen to bring the development forward and has agreed to other development cost requirements. Local Plan Policy and the Open Space Needs Assessment support the need for financial contributions to improve outdoor sporting provision within the area. Although a proportion of open space it to be provided on site, in order to meet with these full requirements a £97,000 off site sporting/recreational contribution is proposed. An additional £20,000 contribution for junction improvement works at the A167/A689 Rushyford Roundabout is also proposed. While it is accepted that at this time the scheme cannot provide any affordable housing, in order to safeguard any uplift in Gross Development Value, through increase in sale values from the properties, it is nevertheless considered appropriate to build into the S106 agreement an affordable housing review mechanism. In doing so it is recognised that a significant uplift in Gross Development Value would be required to provide affordable housing on this site. The scheme does however propose a mix of dwellings, including 2 bed semi-detached dwelling which would be expected to be priced at the lower end of the market.

Accessibility and Highway Safety

74. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network. The vehicular access to serve the development is proposed to be taken from the adopted highway to the east of the site, which serves a number of isolated properties and a cemetery before terminating. The internal highway within the development would be arranged in a series of cul-de-sacs, with areas of shared surfacing and driveways.
75. The Highway Authority raise no objection to the proposed access and highway layout, or the proposed parking levels. A contribution of £20,000 is however sought for offsite highway improvement works at the A167/A689 Rushyford Roundabout to accommodate the additional flow in traffic. The applicant has agreed to this contribution and it is proposed to secure this through a section 106 legal agreement.
76. In terms of accessibility, the site is reasonably connected to the centre of Chilton where occupants could readily walk or cycle to work opportunities, health facilities, schools, shopping and leisure facilities. Concerns have been raised regarding the lack of cycling infrastructure; however the site is permeable by bicycle and accessible to designated cycle routes in the locality.

Visual amenity of surrounding area

77. The application site is a predominately green field site, bordering onto an open amenity area to the east, an area of open countryside lies further to the north. The built environment of Chilton lies directly to the south of the site, separated by an

adopted highway. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. This is reflected within section 7 of the NPPF which sets out that good design is a key aspect of sustainable development, and is indivisible from good planning.

78. When viewed in the context of the existing residential development within Chilton, it is considered that the proposed development would have an appropriate relationship, forming an active frontage onto West Chilton Terrace. A significant highway verge would remain, replicating that of the adjacent development to the south retaining an open feel. In this respect therefore the site can be considered as a natural extension to the residential framework of Chilton and would not be viewed as a significant incursion into the open countryside. When viewed from the open countryside to the north and east of the site, the development would be set against the back drop of Chilton and Chilton Industrial Estate, which provide a urban edge to its setting.
79. Negotiations with the applicant through the assessment of the application have taken place to seek improvements to the quality of the scheme, particularly in terms of the layout. As a result it is considered that the revised scheme represents the most viable and practical use of the development site and would represent an attractive layout. The proposed house types are also considered to be appropriate and commensurate with the surrounding housing stock, 2-2 ½ storey brick built with pitched roofs.
80. A detailed landscaping plan has been submitted indicating that the existing hedgerow and mature trees to the northern boundary would be retained. In addition areas of open space would be formed around key trees central to the site and on the eastern boundary. The retention of this vegetation and supplementary planting proposed would help to frame and soften the impact of the development.
81. Overall it is considered that the proposed scheme would be read as a natural extension to the village of Chilton, having an acceptable impact on the character and appearance of the surrounding area, in accordance with policies E1 and D5 of the Local Plan.

Impact on amenity of adjacent residents and future occupants

82. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. In considering this matter, the site layout would achieve in excess of the minimum separation distances of 21m between habitable room windows as advocated in the Local Plan (55m to the dwellings of West Chilton Terrace and 60m to the isolated dwellings to the north). Therefore it is considered that a reduction in the level of amenity experienced by neighbouring residents would not arise in this respect. In appraising the scheme the Councils Environmental Health Unit raise no objection however highlight that it would be appropriate to restrict the working hours associated with the construction phase of the development while requiring a scheme of dust suppression. A site construction management plan has been submitted alongside the application, outlining the abatement of noise and dust suppression techniques. However it is considered that these matters hours of the site can be satisfactorily controlled by the statutory powers of Environmental Health which will prevent a loss of amenity arising.
83. In reviewing the internal layout, it is considered that future occupants would have adequate areas of private amenity space, without experiencing an unacceptable

level of overlooking. A noise assessment has been submitted in support of the application assessing the potential impact of the A167 road, Delkia Bio-mass plant, industrial units and the adjacent recreation ground on future residents. The survey indicates that overall future residents would not be adversely affected by surrounding developments. To the southern boundary of the site the noise levels generated by the adjacent road during the daytime could exceed (58db) the recognised acceptable level (55db serious annoyance). The Environmental Health Unit advise that this is acceptable on balance as the noise impact would be limited to garden areas on the southern fringes of the site and would not lead to an unacceptable loss of residential amenity.

84. The application site lies within close proximity of an Air Quality Management Zone, where air quality is constantly monitored to comply with other primary legislation. Concerns have been raised by Environmental Health Officers regarding the potential impact of the development on this management zone. However given the relative scale of the scheme and the currently low risk status of Chilton exceeding relevant air quality objectives, it is considered that the development should not be restricted on this basis. It should also be noted that this site is allocated as Industrial Land within the current Local Plan and has been identified as a proposed housing allocation within the CDP.
85. A land contamination survey has been undertaken on the site which identifies the low risk of contaminants being present. The Council's Land Contamination Officer considers the findings of the report sound subject to conditions requiring appropriate site investigations.

Ecology

86. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted ecology survey report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
87. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report and a method statement appraising the residual ecological risk of bats being present in a mature tree to be removed on site. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

Flooding and Drainage

88. 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.
89. In terms of the disposal of surface and foul water, Northumbrian Water has identified that at present there is insufficient capacity at Chilton and Windlestone Sewerage Treatment works, which would treat foul water from the development. The improvement works necessary to upgrade the capacity of this treatment works are unlikely to happen before 2017 and until this point no additional flows will be accepted. To take account of this programme and in line with the flexible approach advocated within the NPPF a 4 year time period for implementation is recommended, to allow the upgraded work to be completed. On this basis, Northumbrian Water advise that the development can be supported by the use of a

planning condition which will also ensure that Northumbrian Water can still carry out their statutory duties. Alternatively an onsite treatment solution could be developed by the developer to adequately treat foul water before discharging into NWL apparatus in the interim period. A 'negative' Grampian condition to this effect is therefore recommended to ensure that no development commences until drainage details have been agreed by the planning authority in consultation with NWL, along with the extended implementation period of 4 years instead of the standard 3 years' timeframe.

90. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to Greenfield runoff rates. Having considered this flood risk assessment the Environment Agency and Council's Drainage Officer have no objections to the scheme.

Other Issues

91. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey and has prepared a written scheme of archaeological investigation. In reviewing these documents the Council's Archaeology Officer advises that subject to the investigation works being carried out before ground works commence the development should have a low risk of impacting on anything of archaeological interest.
92. Planning plays a key role in helping to reduce greenhouse gas emissions 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 as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. As such a condition is considered appropriate to demonstrate how energy efficiency is being addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.
93. Concerns have been raised from local residents regarding the capacity of local services and amenities, such as schools, doctors and dentists to accommodate the development. However the Local Education Authority have confirmed that sufficient capacity is available with local schools to accommodate any increase in pupils generated by the development, while the Local NHS trust have not responded to the consultation of the application.
94. The Council aims to encourage developers to provide 10% of any labour requirement of new developments as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include, Apprenticeships, Job Opportunities, Work Placements. In this instance the developer has been in discussions with the Council's Targeted Recruitment Training Officer and has indicated a willingness to enter into such a scheme. It is envisaged that at least 4 full time job opportunities/apprenticeships would be created for local residents. Although it proposed to secure this through the S106 legal agreement this voluntary

agreement and therefore no weight should be afforded to it in the determination of this application.

95. The application site lies in close proximity to a Major Hazard Site associated with the Gas network. Accordingly the Health and Safety Executive (HSE), the statutory consultee for developments within proximity of these sites has been consulted. In considering the scheme the HSE has not raise any issue on safety grounds against the granting of planning permission.

CONCLUSION

96. The scheme would represent residential development on part of a safeguarded industrial site and outside of the defined residential framework of Chilton, contrary to saved Local Plan Policies. However in accordance with paragraph's 215 and 216 of the NPPF, less weight should be given to relevant saved Local Plan policies where there is limited consistency with the NPPF and the direction of the emerging plan. In this instance it has been identified that there is an existing over provision of industrial land within the County, while the development would be located in a sustainable location identified for this purpose in the emerging plan and would help to meet projected housing demand. These emerging policies are considered consistent with NPPF in this respect given the sustainability of the site and the limited prospect of it being developed for its current allocated use.
97. The viability of the scheme has also been tested and in this instance it is considered appropriate to waive affordable housing provision in line with guidance in the NPPF and emerging plan. The scheme does however propose a mix of dwelling types and sizes which would have an inherent degree of affordability. Developer contributions to offsite play space and road infrastructure would also be provided and can be secured through a legal agreement.
98. It is considered that there is a reasonable likelihood that the required improvement works to increase the capacity of the Chilton and Windlestone Sewerage Treatment Works to accommodate additional flows generated by the development would be undertaken during the life of the planning permission. Alternatively an onsite treatment solution could be developed to adequately treat foul water in the interim period.
99. The development would have an acceptable relationship with the surrounding area, providing an active frontage with neighbouring residential developments while being read as a natural extension to Chilton. Existing mature vegetation and the indicated landscaping would help soften the appearance of the development protecting the character and appearance of the surrounding area. The amenity of neighbouring residents would be protected, while appropriate access and parking provision would be achieved.
100. The development would not impact on any ecological interest of the site while the agreed mitigation strategy would safeguard any archaeological interest.

RECOMMENDATION

That the application be **APPROVED** subject to the entering into of a Section 106 Obligation to secure a financial contribution of:-

- £20,000 for off site highway improvement works and
- £97,000 for off site outdoor sporting and recreation provision

And the entering into a Targeted Recruitment and Training scheme and Affordable Housing viability review mechanism and subject to the following conditions:-

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

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

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

Planning Layout, DRWG no. GH19:L:06 F, Received 4th March 2014
 Soft Landscaping, DRWG no. GH19:L:08D, Received 4th March 2014
 Boundary Treatment Plan, DRWG No. GH19:L:09D, Received 4th March 2014
 Garage Threshold / Gravel Drive Details and specification, DRGno. SD, Received 4th March 2014
 Detached Garage Details Single, DRWG no. SD700, Received 17th July 2013
 Detached Garage Details Double, DRWG no. SD701, Received 17th July 2013
 Construction Management Plan, Received 17th July 2013
 Dwelling Type 201, DWRG No. 201/1E, Received 4th October 2013
 Dwelling Type 202, DWRG No. 202/1E, Received 4th October 2013
 Dwelling Type 301, DWRG No. 301/1F, Received 5th February 2014
 Dwelling Type 302, DWRG No. 302/1F, Received 4th October 2013
 Dwelling Type 303, DWRG No. 303/1D, Received 4th October 2013
 Dwelling Type 304, DWRG No. 304/1D, Received 4th October 2013
 Dwelling Type 309, DWRG No. 309/1C, Received 4th October 2013
 Dwelling Type 310, DWRG No. 310/1C, Received 4th October 2013
 Dwelling Type 401, DWRG No. 401/1F, Received 5th February 2014
 Dwelling Type 403, DWRG No. 403/1G, Received 4th October 2013
 Dwelling Type 404, DWRG No. 404/1E, Received 4th October 2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E1, E15, H19, D2, D3, D5 of the Sedgfield Borough Local Plan

3. No development shall commence unless in accordance with the Arboricultural Method Statement set out in Section 4 of the Tree Survey prepared by Elliot Environmental Surveyors received 22nd July 2013

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies E11, D1 and D5 of the Sedgfield Borough Local Plan.

4. The Landscaping works hereby approved shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policy D5 of the Sedgfield Borough Local Plan.

5. Prior to the commencement of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policy D5 of the Sedgfield Borough Local Plan.

6. Prior to the occupation of the first dwelling hereby approved details of a scheme for the management and maintenance of all areas of open space within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

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

7. No development approved by this permission than preliminary site excavation and works shall commence until a detailed scheme for the disposal of foul and surface water in accordance with the submitted Flood Risk Assessment and Drainage Assessment received 17th July 2013, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley Local Plan.

8. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy D1 of the Sedgfield Borough Local Plan

9. No development shall be carried out unless in accordance with the mitigation detailed within the Extended Phase 1 Habitat Survey and Bat Survey Report compiled by Elliott Environmental Surveyors on the 18th July 2013 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgfield Borough Local Plan and part 11 of the National Planning Policy Framework.

10. No development shall commence until a method statement appraising the residual ecological risk of bats being present in tree no. 13 as identified on plan no. GH19:L:06 E (Planning Layout) received 4th October 2013 has been submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgefield Borough Local Plan and part 11 of the National Planning Policy Framework.

11. Notwithstanding the provisions of Class A and E of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement and/or the erection of any building within the curtilage of plots 85-89 inclusive, 94 and 95 and 128 -135 inclusive will require the benefit of a separate planning permission.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies E11, D1 and D5 of the Sedgefield Borough Local Plan.

12. No development shall take place unless in accordance with the Archaeological Mitigation Strategy prepared by Durham University Archaeology Services received 29th October 2013. Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.

13. No development approved by this permission other than preliminary site excavation and work shall commence until details of the means of access, including the layout, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority, and the dwellings hereby approved shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policies D1, D3 and D5 of the Sedgefield Borough Local Plan

14. No development other than preliminary clearance and ground works or that is required to be carried out as part of an approved scheme of remediation shall 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 risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

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

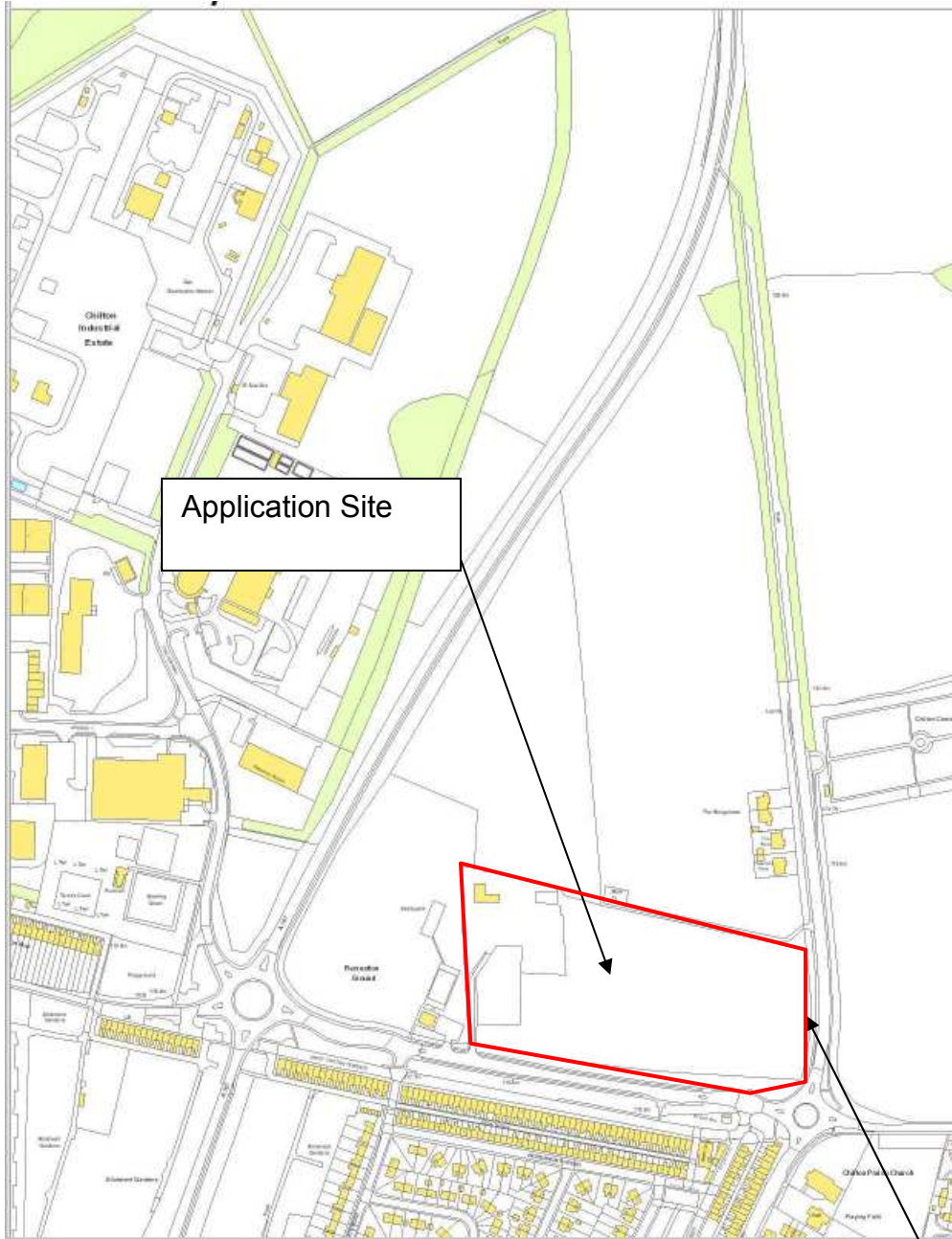
Sedgefield Borough Local Plan

County Durham Plan (pre submission version) and

Affordable Housing & CIL Development Viability Study

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

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 and Arboricultural Officer.
Representations received from the public and other representative bodies



Application Site

Proposed Access Location



Planning Services

Demolition of existing buildings and erection of 135 dwellings and associated works (resubmission)

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Comments

Date 30th June 2014

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0026/DM/OP
FULL APPLICATION DESCRIPTION:	Outline application for residential development (all matters reserved except for access)
NAME OF APPLICANT:	Ministry of Justice
SITE ADDRESS:	Land south of HMYOI Deerbolt, Startforth Park, Barnard Castle, County Durham
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Adrian Caines 03000 263943 adrian.caines@durham.gov.uk

BACKGROUND

1. The outline application for residential development on the site (up to 75 dwellings) was presented to the South West Area Planning Committee on 20 June 2013.
2. Members resolved to grant outline planning permission subject to the signing of a Section 106 legal agreement requiring:
 - i) the provision of 25% affordable housing;
 - ii) the payment of £55,500 towards local public transport service improvements;
 - iii) the payment of £4,000 towards maintenance costs of the open space on site.
3. The S106 has yet to be signed, but the applicant is committed to signing the agreement and has interest from one of the main house builders, subject to resolving an issue with the affordable housing requirement, which is the subject of the proposal in this report.

THE PROPOSAL

4. The applicant is seeking to reduce the affordable housing requirement from 25% to 15%. This would mean a potential reduction in affordable housing units of 7 from 18 to 11.
5. The reason for seeking the reduction in the affordable housing requirement is based upon emerging changes in policy contained within the Submission Draft of the County Durham Plan and the evidence base supporting the affordable housing requirements within the Plan.

6. The proposal is being referred back to the Committee because it would change the wording of the Committee resolution of June 2013, which included reference to 25% affordable housing.

PLANNING POLICY

NATIONAL POLICY

7. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
8. The NPPF emphasises in paragraph 47 that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the market area.
9. Paragraph 204 states planning obligations should only be sought where they meet the tests of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
10. Paragraph 205 states that where obligations are being revised, local planning authorities should take into account changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

LOCAL PLAN POLICY:

11. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this proposal:

Policy H14 (Provision of Affordable Housing within Developments): The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included in housing developments.

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

EMERGING POLICY:

12. 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. To this end, the following policies contained in the Submission Draft are relevant:

Policy 31 (Addressing Housing Need): Sets thresholds of the number of affordable housing units required for each of the Delivery Areas. In the case of West Durham, the percentage of affordable housing units is 15%.

CONSULTATION RESPONSES

STATUTORY RESPONSES:

13. *None*

INTERNAL CONSULTEE RESPONSES:

14. *Spatial Policy Team* - On the basis that the updated SHMA represents the most up to date evidence upon which the affordable housing targets in Policy 31 (Addressing Housing Need) were derived, we are relatively comfortable for the affordable housing provision within this s106 agreement to be amended to align with the current draft policy requirement of 15%.

PLANNING CONSIDERATIONS AND ASSESSMENT

15. This is not a report to reconsider the merits of the housing scheme as that has already been judged to be acceptable as set out in the previous committee report of 20 June 2013, which has been attached as an appendix to this report. The aim of this report is to consider the acceptability of the proposal to reduce the affordable housing requirement in the Section 106 Agreement from 25% to 15%.

16. As long as the S106 agreement is unsigned, the application remains under consideration and it is therefore appropriate to give regard to any material considerations and the up to date planning policy position.

17. In considering the merits of this proposal, it is noted that there has been a material change in circumstances since the application was initially considered in that the emerging County Durham Plan is at a much more advanced stage following its submission for examination. Policy 31 of the Submission Draft of The Plan addresses housing need within the County and sets out the number of affordable units to be sought dependent upon which of the five delivery areas the site is located within. The application site is located within West Durham where the requirement in the policy is 15% affordable units based on the 2013 Strategic Housing Market Assessment update (SHMA), which forms part of the evidence base for the Submission Draft of the County Durham Plan and post dates the previous committee resolution. The affordable housing targets within the policy are therefore justified by an up to date evidence base of local housing need as required by NPPF paragraph 47. The policy therefore has a high degree of consistency with the NPPF and given the advanced stage of the NPPF, the policy can be given greater weight.

18. It should be noted that Teesdale Local Plan Policy H14 (Affordable Housing Need) does not itself set a particular figure for affordable housing, but rather suggests the affordable housing requirement should be based on a needs assessment of the District. The previous affordable housing requirement of 25% was based on a now out of date Teesdale Housing Needs Assessment, which has been superseded by the 2013 SHMA. The 2013 SHMA does not support a 25% affordable housing requirement. The proposal for 15% affordable housing, being based on an up to date evidence base, would still therefore comply with Teesdale Local Plan Policy H14.
19. It would therefore be unreasonable to continue to insist on 25% affordable housing in this development proposal as the requirement would not be fairly and reasonably related in scale and kind to the development as required by NPPF paragraph 204, or accord with NPPF paragraph 47.
20. In addition, NPPF paragraph 205 suggests local planning authorities should be flexible when considering revisions to obligations (S106 agreements) to prevent planned development being stalled. This site has already been identified as an important short term development site that would play a strategic role in contributing to the Council's identified 5 year housing supply. Other development proposals coming forward in the area are now being subjected to the 15% affordable housing requirement so there is a risk that retaining a 25% requirement could delay the proposal coming forward in the short term and impact on the Council's housing delivery targets and 5 year land supply.
21. It is therefore considered that the proposed reduction in the affordable housing requirement to 15% is in accordance with the requirements of the NPPF, emerging policy 31 of the County Durham Plan Submission Draft and remains in accordance with Teesdale Local Plan Policy H14.
22. The contributions towards public transport improvements and open space maintenance, as well as all other aspects of the outline development proposal remain unaffected.

CONCLUSION

23. The proposed reduction in the affordable housing requirement to 15% is based on the most up to date evidence base of affordable housing need for the West Durham delivery area and is therefore in accordance with the requirements of the NPPF, emerging policy 31 of the County Durham Plan Submission Draft and remains in accordance with Teesdale Local Plan Policy H14.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure

- a) the provision of 15% affordable housing;
- b) the payment of £55,500 towards local public transport service improvements;
- c) the payment of £4,000 towards maintenance costs of the open space on site;

And subject to the following conditions below as set out in the original report:

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

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

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

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

- a) The design and external appearance (including type of materials) of all dwellings; the number of which shall not exceed 75;
- b) Landscaping including areas of hard and soft landscaping;
- c) The energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated;
- d) Details of the means of surface water drainage and the disposal of foul sewage including the outfall points and their connection to the site's main surface water drainage and disposal of foul sewage network;
- e) All boundary enclosures;
- f) Existing and proposed ground and floor levels;

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and ensure that a satisfactory form of development is obtained.

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

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

Reason: To define the consent.

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

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

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

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

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

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

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

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

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

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

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

local planning authority and the agreed improvements shall be fully implemented and available for use.

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

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

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

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

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

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

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

14. No development shall commence until a scheme to minimise energy consumption has been submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of the National Planning Policy Framework.

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

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

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Scale NTS

Committee Report of 20 June 2013

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

The Proposal

25. Outline planning permission is sought for residential development of approximately 75 dwellings with all matters reserved for future consideration with the exception of access, which is to be considered under this application. The existing access road is proposed to be utilised as the access into the

development. The access is proposed to be improved to increase the visibility splays.

26. The application is supported by various documents and assessments including an indicative masterplan which shows how the general layout of the site can be mapped out to accommodate 75 dwellings and a recreation area. The masterplan shows a main spine road running through the site linking the A67 with the existing residential estate to the west. Residential properties would be located either side of the spine road with landscape and recreation areas mixed with the housing. The masterplan shows substantial landscaping treatment along the north boundary of the site with the Deerbolt complex.

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

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

30. The NPPF emphasises that housing applications should be considered in the context of the presumption in favour of sustainable development and proposals should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, while also recognising that good design is a key aspect of sustainable development and is indivisible from good planning.

LOCAL PLAN POLICY:

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

- *Policy GD1 (General Development Criteria)*
- *Policy ENV1 (Protection of the Countryside)*
- *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value)*
- *Policy ENV15 (Development Affecting Flood Risk)*
- *Policy H1A (Open Spaces Within Developments)*
- *Policy H12 (Design)*

- *Policy H14 (Provision of Affordable Housing within Developments)*

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

37. *County Spatial Policy Team* has recommended that the proposal is given support as a departure to the Teesdale District Local Plan as the scheme meets the requirements of the current and emerging planning policy framework and to paragraph 54 of the NPPF with the provision of market and affordable housing units. The application also consolidates the built up form of the settlement in respect to the current divorced residential estate.
38. *County Ecology Section* raises no objections to the proposed development. A condition is requested for the mitigation methods within the ecology survey to be adhered to.
39. *County Sustainability Section* have stated that consideration should be given to additional provision and/or additional investment to bus services which currently score poorly in relation to frequency of service and linkage to main centres, and a condition should be imposed ensuring that a scheme to minimise energy consumption is submitted.

40. *County Design and Conservation* have indicated that there are no designated and non designated heritage assets identified within the proposed site boundary, but the site, given its position alongside the A67 Bowes Road can be considered to be within the setting of the designated Barnard Castle Conservation Area and also the setting of the scheduled monument of Barnard Castle. As the scheme is yet to be fully designed it is not possible to fully consider its impact at present. Through the appropriate and creative use of quality design it is considered that any impact can be appropriately mitigated and this should be addressed in any future detailed application.
41. *County Landscape Section* has not raised any objections. The invitation to comment at this stage is an opportunity to emphasise the importance of providing generous and robust landscaping along the A67 frontage. The building line shown on the masterplan is currently too close to the Bowes Road and it is recommended that 5 metre building re-alignment is made with the retention of the mature birch trees.
42. *County Public Transport Section* has indicated that the level of housing proposed would require improvements to local bus services serving the site. These improvements would have to include the following requirements:
- Increase of bus services on school days, afternoons and Saturdays;
 - Introduction of a formal bus turning area and bus shelter within the site;
 - New bus stop on the A67 westbound.
43. *County Tree Officer* has raised no objections.
44. *County Public Rights of Way Section* has no raised any objections.
45. *County Archaeology Section* has not raised any objections to the principle of development.
46. *County Education Section* has not raised any objections.

PUBLIC RESPONSES:

47. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 12 letters of objection have been received. A petition with 45 signatures has also been received from the Startforth Park Residents Association objecting to the proposals.
48. Concerns have been raised with regards to highway issues, including that the access would be dangerous with the increase in traffic resulting from the proposed development. The bus service is currently poor and the potential bus turning area would replace some of the open space recreational area. It has been questioned whether access will be maintained during construction and also concerns are raised over there being no access for emergency vehicles. A number of objectors have also requested that the existing estate road within Startforth Park should be fully adopted.
49. There are other concerns that there could be security and noise issues with residential properties being close to the HMYOI and also concerns about the

impact of the development on existing residential properties in term of loss of privacy, loss of light and restriction of access to neighbours' boundaries.

50. One objection considers the development would not protect and enhance the natural and historic environment and would not preserve the quality and character of the countryside and existing communities.
51. Issues have been raised in relation to the lack of infrastructure to support the development, which includes the lack of employment opportunities in Barnard Castle, the lack of utility services in and around the application site, and whether there is sufficient capacity in local schools to accommodate the development.
52. Flooding and surface water run off concerns have been raised and the loss of the open space and recreational land is considered unacceptable.
53. Questions have been raised about the demand for new housing and whether a retail supermarket would be more beneficial on this site.
54. Although devaluation of existing properties has been raised by a number of objectors, this is not a material planning consideration to which weight can be afforded in the determination of the application.

APPLICANTS STATEMENT:

55. This outline planning application has a close correlation with national and local planning guidance.
56. The application site is very well related to the surrounding areas of Barnard Castle and Startforth and associated services and amenities. The site is situated in a sustainable location with local services and community facilities being readily accessible by sustainable modes of transport.
57. The scheme has been informed by consultation with both the community and wider important stakeholders, wherever possible the views of the community have been listened to and responded to in the proposals.
58. It is considered by the Ministry of Justice that this application and its supporting documents provide evidence that the site can be developed without any demonstrable harm to issues of acknowledged importance but at the same time provide a high quality residential development that has a high regard for the existing pattern and character of development.
59. This site has an extensive positive planning context, from which it is possible to summarise that this site:
 - Represents a suitable option for the re-use of a previously developed (brownfield) site where the proposals are not constrained by any identified Transport, Flood Risk, Ground Contamination, Arboricultural, Archaeological or Ecological issues;
 - Presents a suitable location for residential development well related to the wider built framework / development limits;
 - Is situated in a sustainable location;

- Presents an acceptable opportunity for the development of approximately 75 new dwellings, as recognised by the emerging County Durham Plan;
- Provides the opportunity to deliver a significant proportion of affordable housing stock to the Town;
- Secures the long term retention of a recreation area for the local community;
- Provides the opportunity to support public transport provision in the area through support to an existing bus service and the inclusion of a bus turning area within the site;
- Has been identified as suitable for residential development in a previously published Urban Capacity Study;
- Represents a recognised and supported development by Barnard Castle Vision; and,
- Has been identified as suitable in the latest review of the SHLAA document.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of residential development of the site

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

63. The NPPF is an important material consideration in the determination of this application. The NPPF seeks to significantly boost the supply of housing and local planning authority's are expected to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities which meet local requirements and demand. In this respect, the development of new homes within the Barnard Castle area, which is

identified by the Council as an area for growth, would help to sustain the vitality and viability of Barnard Castle as the main town in the west of the County.

64. The NPPF in paras.14 and 49 highlights that there is a presumption in favour of sustainable development. With regards to housing delivery, Para 47 states that Local Planning Authorities should maintain a five year housing land supply, as well as a 5% buffer to ensure choice and competition. It further recommends that a buffer of 20% should be maintained where there is a record of persistent under delivery.
65. The application site is included in the 'Preferred Options' of the emerging County Durham Plan as a housing allocation to accommodate 75 dwellings. The County Durham Plan is unlikely to be adopted before 2014 and whilst significant material weight cannot be attributed to the Plan in view of its current status, it nevertheless indicates that the Council has agreed in principle to the concept of residential development on the site and that the dwellings proposed would play a strategic role in contributing to the Council's identified 5 year housing supply.
66. In a difficult economic climate, the contribution of the development to identified local needs would be material to the consideration of the proposal, as this might present an opportunity to facilitate the delivery of a range of benefits that would otherwise not be delivered. In this case, it is considered that the proposed development would help to meet current housing needs and contribute to improved facilities in the locality, while also helping the economy with related construction jobs. The proposal would also offer improved bus services, and consolidated recreational areas. In addition, 25% of the dwellings to be constructed on the site would constitute affordable housing, in accordance with the current Strategic Housing Market Assessment (SHMA) requirement.
67. There has been some local objection, nevertheless, many of these concerns are related to specific details of the proposals which either have been or can be addressed through the detailed design of the scheme.
68. Locationally, the site can be considered detached from the main area of Barnard Castle because of the geographical terrain. However the shops and services in Barnard Castle are just 1 mile walking/cycling distance from the application site, and Barnard Castle and the surrounding area offers a wide range of services, facilities and employment. There are currently bus services which serve this area however, the Public Transport Section have identified a need for improvements as a result of this proposal. Accordingly, there is a developer commitment to provide improved bus services to the site to help make the development more sustainable, which would be covered in a proposed Section 106 agreement. In physical terms, with the existing Startforth Park housing estate to the west of the site and the HMYOI to the north, in addition to being partly previously developed, the proposals would not encroach into the open countryside and would consolidate the existing built environment in the Startforth area. The site is therefore considered to be a sustainable location for the scale of development proposed and accords with the aims of the NPPF to promote sustainable patterns of development.
69. Given the above, and subject to addressing detailed issues and concerns that are discussed below, it is considered that the proposal would offer benefits that would justify a departure from Policies H3 and ENV1 of the Teesdale Local Plan,

and would accord with the aims of the NPPF to promote sustainable patterns of development.

Highway and access issues

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

Affordable housing and other section 106 contributions

74. Teesdale Local Plan Policy H14 states that the local planning authority will seek to negotiate an element of affordable housing based on need. This is consistent with Paragraph 50 of the NPPF which recognises that affordable housing contributes to widening opportunities for home ownership and the objective of creating mixed and balanced communities. The Durham County Strategic Housing Market Assessment (SHMA) states that the target for the Barnard Castle area is to provide 25% affordable housing within proposed residential schemes. The applicant has indicated that it is the intention to provide 25% affordable housing on this site, which would be secured by way of a Section 106 legal agreement. The specific details of the affordable housing provision would be agreed through the completion of the Section 106 agreement. It is therefore considered that the proposed development would provide a mix of housing which would support the local community needs.
75. There have been objections to the loss of recreational opportunities that are currently possible on the site (informal play and dog walking). It is accepted that the site has been utilised as recreation space for local residents however, this land is private land, not formal open space and access to the land could be restricted at any time. The illustrative masterplan identifies that part of the existing open space area will be incorporated into the site as a recreational area, which would retain and secure for the future a level of open space for community use. It is also proposed that a financial contribution of £4,000 will be made towards maintenance of the open space for 10 years, which would be secured through a Section 106 agreement. The proposal is therefore considered to be in accordance with Teesdale Local Plan policies GD1 and H1A, as well as Section 8 of the NPPF.
76. The site currently has a bus service of 5 buses per day, Monday-Friday, all between school times; plus two buses per day pass on the A67 (westbound -only, as the bus comes back from Bowes via Boldron and Boldron Lane). There is also an hourly service at the stop on the B6277 at the bottom of Startforth, which is some 720m from the entrance to the site, and hence beyond the recognised walking distance used in assessing accessibility.
77. This level of service is somewhat less than DCC is seeking for new housing sites in the rural west area. To ameliorate this, s.106 funding is required to improve the local bus service serving the site. The Public Transport Section have calculated that a sum of £55,500 will be required to bring the service to the required standard. This improved bus service would not only be beneficial to future residents of the proposed site, but also to existing residents in the area.

Impact on the surrounding area

78. The site falls within the Area of Landscape Value, however, it is positioned between the existing residential estate to the west and the HMYOI to the east. There are existing buildings on the site and the site in general does not have the appearance, or form part of the countryside. Development of the site would be an infill between existing development and the A67 and therefore would not result in encroachment into the open countryside. It is therefore considered that the proposal would not detract from the landscape setting of Barnard Castle or the

quality and appearance of the Area of Landscape Value. The proposal does not therefore conflict with Teesdale Local Plan Policies GD1 and ENV3 in this respect.

79. Although the application is submitted in outline, an illustrative masterplan has been submitted showing the general layout and design parameters. This indicates how the proposed residential properties can be positioned sensitively to take advantage of existing boundary treatment and open spaces whilst respecting the amenities of existing residential properties. An area of recreational land to the north west of the site is to be retained which would be easily accessed by all properties on the housing estate, as well as existing properties to the west. The illustrative plans show separation distances of over 30 metres between the proposed properties and existing houses with garden areas backing up against the existing properties. These separation distances demonstrate that adequate levels of privacy could be maintained and that no overbearing or overshadowing impacts would be created. Several objectors have indicated that the proposed development would result in the loss of access for general maintenance of existing boundary treatment. It is accepted that home owners may have current access to their existing boundary treatment however this will be across private land. There is no planning requirement to allow residents to have access to their boundary treatment over privately owned land and subsequently this is not a material planning consideration.
80. The illustrative plan shows a suitable hierarchy of movement through the site with a main spine road through the centre of the site linking to the existing residential estate, and secondary roads leading to cul-de-sacs of residential properties. The masterplan also shows landscaping along the A67 frontage and the implementation of this is considered important to maintain an attractive appearance along the south boundary of the site. Amendments to the building line can be made in the reserved matters application when the layout is finalised. It is considered that the illustrative masterplan layout has the potential to provide a high quality scheme which would offer future residents a pleasant living environment without adversely compromising existing residential amenities.
81. Information in the design and access statement provides an indication of the type of properties which would be built on the site. A mix of 2, 3 and 4 bedroom houses would be constructed, most of which would be two storeys. In terms of the finished design and materials of the proposed buildings, these have yet to be determined but the design and access statement states that the desire is to ensure that the appearance of the dwellings and the built form will provide a scheme with distinct character that makes a positive contribution to its surroundings. It will be expected that the proposed house designs and materials would take cues from surrounding properties with the properties having varying roof types, pitches and finishes to create visual interest across the site. The Design and Conservation Section has not raised any objections to the principle of development on this site, but care will be needed in the final details to ensure that a high quality scheme can be provided which does not detract from the character of the nearby conservation area, or the setting of the Barnard Castle Scheduled Ancient Monument.
82. Objections have raised concerns that the HMYOI, which is located directly adjacent to the site, could be a source of noise that would adversely impact on residential amenity for future occupiers of the new dwellings. It appears the

concerns relate mainly to vocal noise and behaviour of the young offenders. While this may be a problem for some, it is not a source of noise that could justify refusal of the application. It is a factor that potential purchasers would have to take into account when deciding to live there. The design of the masterplan nevertheless appears to note this issue, as there is a thick landscape belt proposed along the boundary which adjoins the HMYOI to provide some separation and physical intervention. Security issues with the HMYOI being adjacent to the site have also been raised by objectors, but there is nothing to substantiate that the introduction of new houses would increase any security risks from the HMYOI and the HMYOI is already adjacent to existing residential properties.

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

Other issues

60. The Ecology Section has raised no objections to the proposed ecology survey that has been submitted with the application and it is considered that the proposal would not have an adverse impact on protected species or ecology. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations. Nevertheless, a condition is suggested for the mitigation measures detailed in the ecology survey to be adhered to.
61. The Low Carbon Section has outlined the need to improve energy efficiency in new development with the aim to achieve 10% energy efficiency reduction on all major development proposals. This accords with the aims of the NPPF and therefore a condition is recommended in this respect.
62. The County Archaeologist has not raised any objections to the proposal in principle. Initial concerns had been raised with regards to the demolition of the existing buildings on site as it was not certain whether these buildings formed part of the World War Two Deerbolt Military Camp. However, these buildings are modern buildings which are unlikely to date back to pre-World War 2. It is also noted the main functional element of the Deerbolt Military Camp was situated to the east of the site, which is now occupied by the HMYOI. Therefore any significance of Military buildings being on the application site has now been lost. It is therefore considered that the proposed development and the loss of the existing buildings on site are acceptable and would not adversely impact on any non-designated heritage assets.
63. The site is not within an area at risk of flooding. The Environment Agency has raised no objections to the proposals on flood risk and drainage grounds providing conditions are attached ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment; and a scheme is submitted which provides a buffer zone around the watercourse. These conditions are recommended accordingly.

64. The Coal Authority and the County Public Rights of Way Section have not raised any objections to the proposed development.
65. Issues have been raised by objectors in relation to lack of infrastructure and utility services, as well as lack of employment opportunities. It is considered that with the proposed investment into the bus services and the close proximity to Barnard Castle, that the proposed development would be within adequate travel distance to employment opportunities. There have been no objections from statutory consultees and it is considered that adequate utility services can be provided for future residents of the housing estate. The capacity of schools has been raised by an objector, but the County Education Section has not objected and furthermore, the Council's Pupil in Schools Capacity Study indicates that there is sufficient capacity in schools for the future. It is also noted that objectors are concerned about access for emergency vehicles during construction stage. The general practice during construction stage is to ensure that access will be required for existing residents and for emergency vehicles however, this is not a material planning consideration in the determination of this application.
66. Objections have also been raised with regards to the inaccuracies of supporting information with plans not being to scale. The proposed plans are to a recognised scale and the information submitted with the application is sufficient and adequate to enable to make a decision on the principle of development and access. Detailed issues of layout, scale and design will be considered at reserved matters stage when detailed plans are submitted.
67. The question about whether a retail supermarket would be more beneficial on this site is not a material planning consideration because the site is not allocated for retail use, there is no proposal for a supermarket on the site, and the proposal must be considered on its own merits as submitted.

CONCLUSION

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

enhance the overall sustainability of the site and the surrounding locality. These would be secured through a proposed Section 106 Agreement.

70. From a more detailed physical perspective the Highways Authority has confirmed that the surrounding road network can accommodate the proposed development and the proposed visibility improvements to the access into the site are acceptable. A formal bus turning area with bus shelter within the site and a new bus stop on the A67 is also to be provided through the development of the site. The proposal therefore accords with policy GD1 of the Teesdale District Local Plan.
71. Although this is an outline application, it is considered that the parameters set out on the submitted masterplan provide sufficient confidence that a high quality layout, design and landscape framework can be provided and appropriately accommodated in amenity terms. The character, setting and appearance of the surrounding natural and built environment would be preserved. It is considered that a scheme can be achieved which would provide adequate levels of residential amenity to existing and future occupiers of neighbouring dwellings as well new properties. The proposal would not detract from the character and setting of the Area of High Landscape Value, the nearby Conservation Area or the Barnard Castle Scheduled Ancient Monument. The proposal would be in accordance with policies GD1, H12 and ENV3 of the Teesdale District Local Plan and relevant sections of the NPPF.
72. It is acknowledged that the proposal has generated some local opposition. These concerns have been considered in the report and notwithstanding the points raised, it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support as a justifiable departure from existing policy.

RECOMMENDATION

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

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

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

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

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

- a) The design and external appearance (including type of materials) of all dwellings; the number of which shall not exceed 75;
- b) Landscaping including areas of hard and soft landscaping;
- c) The energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated;
- d) Details of the means of surface water drainage and the disposal of foul sewage including the outfall points and their connection to the site's main surface water drainage and disposal of foul sewage network;
- e) All boundary enclosures;
- f) Existing and proposed ground and floor levels;

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and ensure that a satisfactory form of development is obtained..

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

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

Reason: To define the consent.

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

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

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

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

21. No development shall take place until all details of means of enclosure have been submitted to and approved in writing by the Local planning authority. The

enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

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

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

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

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

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

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

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

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

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

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

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

27. Prior to the occupation of the dwellings a final residential Travel Plan shall be submitted to and agreed in writing by the local planning authority. Once approved

the Travel Plan shall be implemented and managed for the lifetime of the development.

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

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

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

29. No development shall commence until a scheme to minimise energy consumption has been submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of the National Planning Policy Framework.

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

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

REASONS FOR THE RECOMMENDATION

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

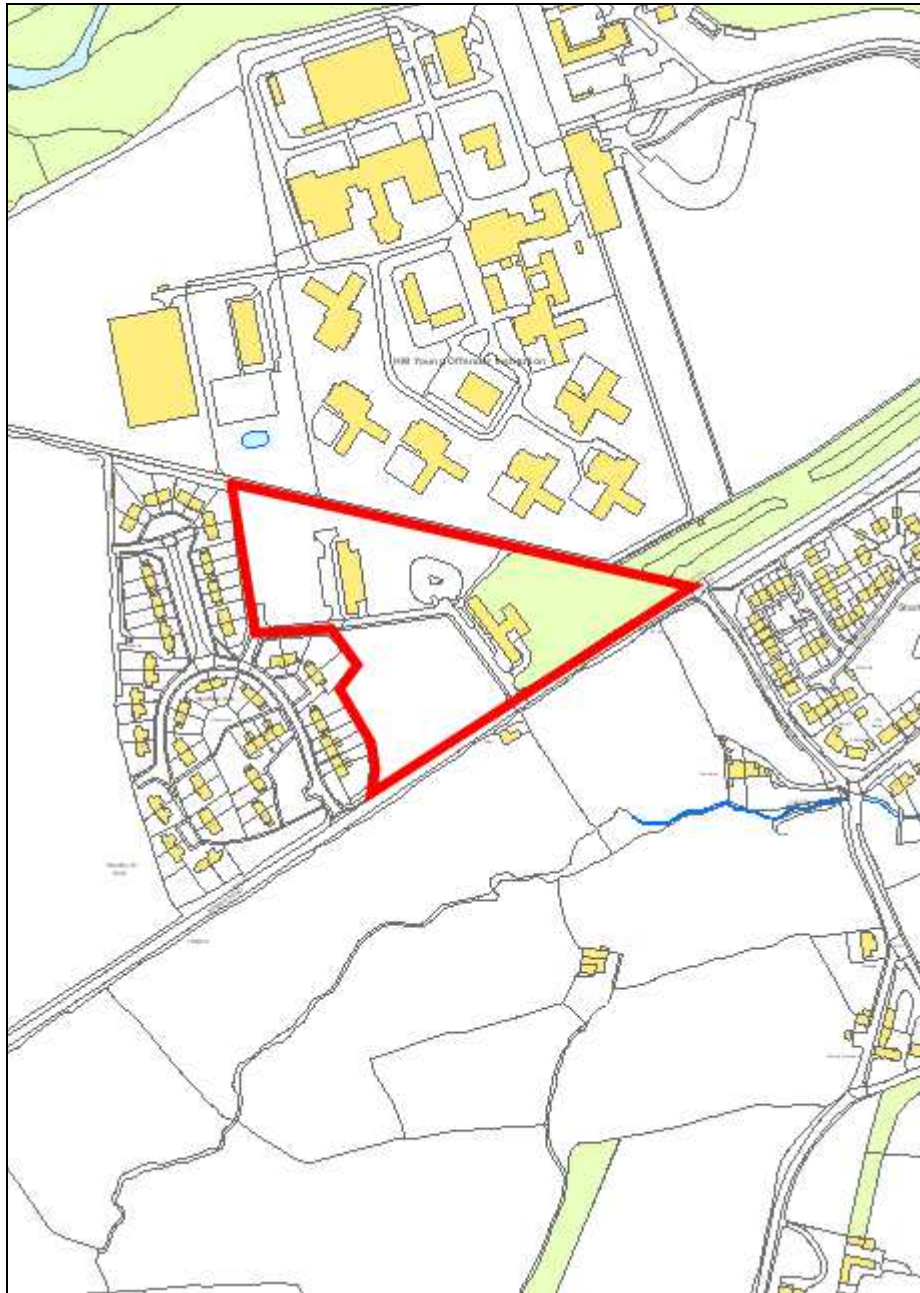
3. Provision of 25% affordable housing would be made along with significant investment to improve local recreation facilities and bus services. The proposal would be in compliance with criteria detailed in the National Planning Policy Framework and Teesdale Local Plan policies H1A and H14.
4. The illustrative layout gives confidence that a reserved matters scheme would be to a high standard and would not adversely impact on the Area of High Landscape Value, the surrounding area and nearby heritage assets, or residential amenity. The proposal accords with policies GD1, ENV3 and H12 of the Teesdale District Local Plan, and relevant sections of the NPPF.
5. In arriving at this recommendation, all consultation responses and representations received have been considered, however, on balance, the issues raised are not considered to be sufficient to warrant refusal of the application, and matters can be considered further both through the submission of subsequent reserved matters and through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

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

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Date 20th June 2013

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