



Area Planning Committee (South and West)

Date Thursday 18 September 2014
Time 2.00 pm
Venue The Witham, 3 Horse Market, Barnard Castle, DL12 8LY

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 17 July 2014 (Pages 1 - 8)
5. Applications to be determined
 - a) 6/2014/0005/DM - Land at Green Lane, Barnard Castle (Pages 9 - 30)
Erection of 62 no. dwellings
 - b) DM/14/01322/FPA - Land to the West of Marwood Terrace, Cotherstone, Barnard Castle (Pages 31 - 48)
Erection of 8 No. Dwellings
 - c) 6/2014/0033/DM - Jobs Lodge Farm, Woodland, Bishop Auckland (Pages 49 - 62)
Erection of wind turbine with a maximum tip height of 19.9 metres with associated infrastructure comprising concrete foundation and underground cable (Location 50 metres North West of previously approved turbine (Ref 6/2013/0317/DM))
 - d) 3/2013/0413 - Former Homelands Hospital, Holy Well Lane, Helmington Row, Crook (Pages 63 - 82)
Demolition of existing buildings and erection of 49 dwellings
 - e) DM/14/01524/VOC - Land to the Rear of 17 North End, Sedgfield (Pages 83 - 94)

Variation of condition 2 of planning approval 7/2013/0522 (for the erection of a dwelling) to allow for a minor material amendment to provide bin/log store, shed and enclosure

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
10 September 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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 17 July 2014 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), J Alvey, D Bell, J Clare, K Davidson, E Huntington, S Morrison, A Patterson, L Taylor, R Todd and C Wilson

Also Present:

A Caines – Principal Planning Officer
J Orr – Senior Planning Officer
S Pilkington – Senior Planning Officer
D Stewart – Highways Officer
C Cuskin – Solicitor (Planning and Development)

1 Apologies for Absence

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

2 Substitute Members

Councillor J Alvey substituted for Councillor D Boyes.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 19 June 2014 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a DM/14/01112/FPA - 25 Cumberland Terrace, Willington, Crook

Consideration was given to the report of the Senior Planning Officer regarding an application for the change of use from Residential (Class C3) to Residential Children's Home (Class C2) (for copy see file of Minutes).

J Orr, Senior 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 Gunn, local Member addressed the Committee on behalf of residents of Cumberland Terrace. She understood that the Police were asking for a condition to restrict the use of the premises to children with physical disabilities.

Highways issues were a major concern for local residents. Colleagues who visited the site would have noted significant problems with traffic and access.

The road along Cumberland Terrace was narrow and service and emergency vehicles had difficulty accessing the properties. Councillor Gunn referred to one family whose children had potentially life threatening medical conditions which meant that access by ambulance was crucial.

Access and parking along the street was not just difficult for residents, there was a school and church which were well-attended and which generated a lot of traffic at peak times. Delivery vehicles also had difficulty gaining access to properties in the street because of the limited turning area. It was not unusual for the road to be blocked with vehicles.

The Highways Authority had not offered any objections but had expressed concern with regard to a planning application for the bungalow which was refused by the former Wear Valley District Council on highway grounds, although later allowed on appeal. It was accepted by the Highways Authority that the property would increase the level of vehicular activity but the issue for residents was by how much and the resulting impact. Taking into account the needs of the children, their care requirements, school taxis and family visits it was estimated that there would be around 46 vehicle movements per day. Any increase in traffic, particularly at peak times would bring Cumberland Terrace to a halt and would also have an impact on the main road through Willington.

Residents and Cllr Gunn believed that Cumberland Terrace was unable to accommodate an increase in traffic. Her considered view was that this would have the potential to put the church congregation, school children and residents at risk.

Councillor Fraser Tinsley addressed the Committee on behalf of Greater Willington Town Council. The earlier application for the bungalow was granted on appeal but the concerns of the Highways Authority at the time had been based on a residential dwelling. The current application was for a residential care home which would generate significantly more traffic.

The Police had advised that their objection would be withdrawn if the use of the premises was restricted to children with physical disabilities, and Children and Adults Services had commented that there was a need for short stay services. To address their concerns he suggested an amendment to condition 6 to restrict the use of the home to children with physical disabilities and to a maximum stay of 28 consecutive days.

B Forster, on behalf of the applicant, stated that although there were local concerns about the proposals they had received a lot of support from the community. She provided Members with a background to the company and its aims.

The company wanted to provide a choice of services for families and to provide stability for the children, working closely with other Agencies. The care provision would include overnight stays.

All children should be able to access education, develop emotional resilience and engage with the local community. They aimed to provide a service which was meaningful and appropriate to ensure that children in their care enjoyed life. A staffing ratio of 1:1 was high but this was because of the needs of the children.

Councillor Clare referred to the comments made by the Town Council regarding a restriction on the length of stay and asked if this would be acceptable to the applicant. B Forster responded that short term stays would be too restrictive for the service they wanted to provide for children and their families.

In response to questions from Councillor Patterson, B Forster advised that specialist services may be provided at the home or the child may have to travel to receive treatment. The number of vehicle movements per day had been calculated to take this into account.

The Member also asked whether the building would be able to accommodate staff and children at a 1:1 ratio and was advised that Ofsted would carry out an assessment in accordance with Regulations and advise on placement size.

D Stewart, Highways Officer was asked to comment on the concerns raised regarding highway safety. He acknowledged that the existing constraints would increase in relation to the proposed use. There would be variables to the suggested vehicular movements on a daily basis depending upon the needs of each child, however the existing street already served a school, a church and residential properties. Having looked at the proposed usage of the property against the current use as a six bedroomed dwelling, the net increase in traffic would be around 4-6% of the whole of Cumberland Terrace. Over a 24 hour period this would equate to additional vehicle movements of just one an hour. This level of increase would not result in severe residual cumulative impact.

Councillor Huntington noted that traffic levels were a problem for pedestrians as well as vehicles.

Councillor Davidson, having listened to the views put forward, concurred with the Highways Authority that whilst there would be an increase in vehicle movements there were existing traffic problems in the street. In the main, vehicles using Cumberland Terrace would be cars not wagons.

Councillor Nicholson concurred with the comments of Councillor Davidson and added that the proposal could create employment opportunities in an area of high unemployment.

The comment was made by Councillor Clare that the use of the accommodation within the property was a matter for Ofsted and not a material planning consideration for the Committee. He agreed with the views of the Highways Officer and other Members in relation to traffic, and considered that it would be difficult to reject the application on highway grounds when the Highways Authority deemed the situation to be acceptable.

Councillor Dixon referred to the amendment to condition 6 suggested by Willington Town Council. C Cuskin, Legal Officer advised that the suggestion to restrict the use of the property to children with physical disabilities, and impose a maximum stay of 28 days would be difficult to justify on planning grounds.

Resolved:

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

5b 6/2014/0014/DM/OP - Land Adjacent to 43 Ullswater Avenue, West Auckland, Bishop Auckland

Consideration was given to the report of the Principal Planning Officer regarding an outline application for the erection of 3 dwelling houses with access and layout considered (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.

In presenting the report the Officer advised of a late representation which stated that there was no demand for additional dwellings, residents had enjoyed amenity use of the site for over 40 years and the loss of the land would be detrimental to the character and appearance of the area.

Councillor Clare stated that he was against the proposal. The application had been rejected on two previous occasions and he was of the view that there were no significant changes to the substantive issues which would justify approval.

The development involved the loss of open space, although it had not been formally designated as such. There was a No Ball Games sign on the site and it was not a space that needed to be used by the community. Therefore the comments in the report that the land was in private ownership and that public access could be denied at any time by the erection of fencing was immaterial.

However, housing estates had small patches of open space which formed an essential part of the character of an area. This site was more than a piece of open space, it was a gap which opened onto the open countryside beyond. He considered that it was designed to give an open aspect to the estate and as a consequence it was essential to its character. Three houses would destroy the visual and residential amenity of residents, and would block off the open countryside. He was also of the view that the statement in the report that there was open space half a mile away was irrelevant.

The proposals were contrary to Local Plan Policy GD1 and Part 7 of the NPPF. There was no stated need for housing on this site and no planning gain to counterbalance the loss of visual and residential amenity. The site was too small to require a Section 106 Agreement.

Councillor Dixon referred to the previous refusals and advised that the difference between this application and the earlier submissions was that consideration now had to be given to the principles of the NPPF published in 2012. Accordingly Planning Officers considered that the proposals were in line with Planning Policy. This was a very small development and he disagreed with the comments about the potential impact of the proposals. There was open space around the estate, and close to the site. The developers would create employment which would provide economic benefit, and this was an outline application with design to be controlled at the reserved matters stage.

A Caines, Principal Planning Officer responded to the comments made. This development was in a modern environment which was not a Conservation Area. The open space did contribute to the character and appearance of the estate which was a material planning consideration, but this had to be balanced against the Government objectives for development in urban areas that were sustainable, close to services, were in appropriate locations and that protected the open countryside.

Councillor Huntington expressed concern about the loss of mature cherry trees on the site and asked if a condition could be included to ensure that they were protected.

The Officer responded that the Tree Officer had noted that the trees did have amenity value but the species, age and condition did not justify protection by a Tree Preservation Order. Whilst some would be retained the scheme would not be viable if the developer was required to remove all the trees.

Councillor Davidson stated that on looking at the map accompanying the report the proposal appeared to be logical infill development. However having visited the site he could appreciate it as an area of open space which complimented the estate in terms of amenity value. The land was privately owned and the fact that access to the site could be restricted at any time was irrelevant, although he noted that to date the owner had chosen not to do so.

Following deliberation by the Committee it was **Resolved:**

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

5c 3/2013/0432 - Land Adjacent to Weaver's Croft, Crook

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 34 dwellings with associated parking and landscaping (for copy see file of Minutes).

J Orr, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members were advised of a proposed amendment to the recommendation in the report to secure the type of housing in the Section 106 Agreement.

Councillor Patterson welcomed the application. The development was much needed in Crook and was located to the rear of an existing residential area next to fields and play space.

Members were advised that Councillor Tomlinson, local Member fully supported the application.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement to secure:-

- (i) the dwellings as Build to Rent housing;
- (ii) a contribution of £34,000 towards the maintenance/enhancement or provision of open space and recreational space in the local area.

5d 7/2013/0289/DM - West Chilton Farm, Land to the North West of Chilton Terrace, Chilton

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing buildings and erection of 136 dwellings and associated works (resubmission) (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor Dixon referred to the comments made by Northumbrian Water Ltd that the sewage treatment which would serve the development could not accommodate the additional flows that would be generated. The Officer advised that the applicants were in discussion with Northumbrian Water and improvement works should be made within the life of the planning permission. Alternatively there was the option for an on-site treatment solution by the developer. A condition was proposed which would ensure that no development would commence until drainage details had been agreed by the Local Planning Authority in consultation with Northumbrian Water Ltd.

Resolved:

That the application be approved subject to the conditions in the report and to the entering into of a Section 106 Obligation to secure:-

- (i) a financial contribution of £20,000 for off-site highway improvement works;
- (ii) £97,000 for off-site outdoor sporting and recreation provision.

5e 6/2013/0026/DM/OP - Land South of HMYOI Deerbolt, Startforth Park, Barnard Castle

Consideration was given to the report of the Principal Planning Officer regarding an outline application for residential development (all matters reserved except for access) (for copy see file of Minutes).

The purpose of the report was to consider the applicant's request to reduce the affordable housing requirement from 25% to 15%, meaning a potential reduction in affordable housing units of 7, from 18 to 11. The proposed reduction was calculated on the most up to date evidence base of affordable housing need for the West Durham Delivery Area and was therefore in accordance with National and Local Plan Policy.

Resolved:

That the application be approved subject to the conditions outlined in the original report to the Committee, and to the completion of a Section 106 Legal Agreement to secure:-

- (i) the provision of 15% affordable housing;
- (ii) the payment of £55,000 towards local public transport service improvements;
- (iii) the payment of £4,000 towards maintenance costs of the open space on site.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2014/0005/DM
FULL APPLICATION DESCRIPTION:	Erection of 62 No. Dwellings
NAME OF APPLICANT:	David Wilson Homes
ADDRESS:	Barratt House, City West Business Park, Scotswood Road, Newcastle, Tyne and Wear, NE4 7DF
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Joy Orr

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a greenfield site, which is currently split into two fields, and measures approximately 2 hectares in area. The site is located to the east of Barnard Castle and to the north of Barnard Castle School and Bowes Museum. To the west of the site is an established residential estate. To the north western part of the site is the Church of England Primary School. To the east are grazing fields. The site lies outside, but adjacent to the settlement boundary of Barnard Castle as defined within the Proposals Map of the Teesdale District Local Plan and falls within the Area of High Landscape Value designation.
2. The site slopes from north to south. Boundaries to the site are delineated by an existing bridlepath to the northern boundary, an existing established hedgerow to the east and a small woodland shelter belt to the south. The boundary to the west of the site has an established hedgerow which separates the site from the rear garden areas of the adjacent residential properties.
3. Access to the site would be taken from Green Lane. Two existing public rights of way bisect the application site and would need to be formally altered.
4. The site is located within close proximity to a number of Designated Heritage Assets which include The Bowes Museum Grade I Listed Building, Barnard Castle School Grade II Listed Building, the Chapel to the east of Barnard Castle School Grade II* Listed Building and the Barnard Castle Conservation Area.

The Proposal

5. Detailed planning permission is sought for the erection of 62 dwellings with associated garages and infrastructure. 9 of the dwellings would be affordable (15%). The application was originally submitted for the erection of 64 dwellings however this has been reduced to 62 dwellings following various amendments to the scheme through the course of the application.

6. The proposal includes a mix of 2, 3, 4 and 5 bedroom detached and semi-detached properties which are 2 and 2.5 storeys high. The overall density of the development would be approximately 31 dwellings per hectare.
7. The application is reported to the SW Area Planning Committee in accordance with the Scheme of Delegation because the proposal is classed as a major development because of its size. There have also been objections from Barnard Castle Town Council as well as from Councillors Rowlandson and Bell.

PLANNING HISTORY

8. There is no planning history on this site.
9. The site is however owned by Barnard Castle School and this application was submitted alongside applications for planning and listed building consent at Barnard Castle School for the development of a new 6th Form Centre, both of which have now been approved. The proposed development therefore has links to funding for the development of the school's 6th Form Centre.

PLANNING POLICY

NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The following elements of the NPPF are considered relevant to this proposal.
11. *Part 4 – Promoting sustainable transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should give priority to pedestrian and cycle movements and have access to high quality public transport facilities. Layouts should minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and considering the needs of people with disabilities. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
12. *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. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
13. *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.
14. *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.

15. *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.
16. *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, minimising impacts on biodiversity and providing net gains in biodiversity where possible; 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.
17. *Part 12 – Conserving and Enhancing the Historic Environment.* The Planning System should contribute to enhancing and conserving the historic environment. Recognising the desirability of sustaining and enhancing heritage assets, the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring, the desirability of new development making a positive contribution to local character and distinctiveness and opportunities to draw on the contribution made by the historic environment to the character of a place.

LOCAL PLAN POLICY:

18. The following policies of the Teesdale 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 significant weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
19. *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.
20. *Policy ENV1 (Protection of the Countryside):*

Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
21. *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value):*

Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
22. *Policy ENV8 (Protecting Animal and Plant Species Protected By Law):*

Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.

23. *Policy ENV15 (Development Affecting Flood Risk):*
Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
24. *Policy ENV17 (Sewerage Infrastructure and Sewage Disposal):*
Proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment.
25. *BENV3 & 4 (Listed Buildings and Conservation Areas):*
Development adversely affecting the setting of listed buildings or conservations areas will not be permitted.
26. *Policy BENV11 (Sites of Archaeological Interest):*
Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.
27. *Policy H1A (Open Spaces Within Developments):*
In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
28. *Policy H3 (Housing on Sites of More Than 0.4ha):*
Housing development will be permitted on sites over 0.4 hectares, comprising previously developed land, within the development limits of settlements.
29. *Policy H12 (Design):*
The local planning authority will encourage high standards of design in new houses and housing sites.
30. *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 housing developments.
31. *Policy T2 (Traffic Management and Parking)*
Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://content.durham.gov.uk/PDFRepository/TeesdaleLPSavedPolicies.pdf> for Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

EMERGING POLICY:

32. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public commencing later this year. 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, and can be given some weight given the advanced status of the Plan and consistency with the NPPF:

33. *Policy 2 (Spatial Approach)* sets out how development will be delivered across the County and notes that smaller settlements will deliver development commensurate with their size.
34. *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.
35. *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).
36. *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.
37. *Policy 16 – Sustainable Design in the Built Environment* – Sets out the general principles of sustainable design to be incorporated in new development.
38. *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.
39. *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.
40. *Policy 39 – Landscape Character* - Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefit of the development clearly outweigh its impacts.
41. Housing land allocations have been identified in Policy 30, however little weight can be given to this policy at the present time as the allocations will need to be fully considered at the Examination in Public.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Barnard Castle Town Council* – Object to the proposed scheme having raised concerns relating to inadequate provision of affordable housing units, the mix of dwellings not meeting the specific needs of the disabled or elderly and not in keeping with existing residential units, insufficient consideration being given to water management, highways concerns and ecology concerns.
43. *Highway Authority* - Raised no objection to the proposed scheme subject to a condition requiring a joint survey of the condition of the public highway being carried out prior to the commencement of development. In addition, highways officers have proactively engaged with the Developer to try and secure further temporary parking measures within Barnard Castle School for construction traffic therefore further alleviating conditions for existing residents.
44. *Northumbrian Water* – Has no objection to the proposal subject further details being submitted regarding surface water drainage.
45. *Environment Agency* – Has no objection and agree with the findings of the submitted Flood Risk Assessment which indicates that the surface water drainage from the site is to be directed to the public sewerage system.
46. *Durham Constabulary* – Raised no concerns over the layout or design of the proposed scheme and confirmed that the Green Lane area of Barnard Castle does not generate large numbers of Police calls therefore crime risk is considered to be low.
47. *Open Spaces Society/Ramblers Association* – Object to the proposed scheme as the site is greenfield in classification and would affect two public rights of way

INTERNAL CONSULTEE RESPONSES:

48. *Planning Policy* – Acknowledges that the proposal represents a departure from the current Teesdale Local Plan however, relates to a proposed site within the emerging County Durham Plan pre submissions draft. Subject to the resolution of the provision of an acceptable level of affordable housing units no objection is raised. Consideration should be given to open space provision within the town.
49. *Housing Development and Delivery* – Support the proposed scheme as it meets the affordable housing target.
50. *Design and Conservation* – Raise no objection to the proposed scheme subject to appropriate conditions relating to materials and boundary treatments. On balance the proposal creates an acceptable residential environment with dwelling designs which reflect elements of the local vernacular.
51. *Archeology* – Evaluation trenching has been carried out and results were negative therefore satisfied that the proposed scheme would not adversely impact on any archaeological resources.
52. *Landscape* – Raised no objections to the scheme as specifications submitted create an interesting and varied scheme however has noted that Plot 53 may impact on the southern tree belt and further clarification on surface water drainage being submitted.
53. *Trees* – Raised concerns regarding the impact the proposed drainage system may have on the southern tree belt, however after submission of further details relating to

an angled corridor through the trees to mask any way leave this alleviated concerns. Objection still remains that Plot 53 would suffer considerable shading.

54. *Ecology* – Satisfied with the ecology information submitted subject to the method statement provided be conditioned.
55. *Public Rights of Way* – No objection is raised however it is noted that both footpaths (8 and 9, Barnard Castle) are obstructed across the site. Both need to be diverted/stopped up across the site under S257 of The Town & Country Planning Act 1990, depending on where they overlay the adopted highway layout. This will be agreed during the diversion/stopping up process in order to maintain public access across the site and onto the public rights of way network beyond it.
56. *Sustainability* – Satisfied with the relevant information which has been submitted in terms of sustainable design, construction and residual emissions.
57. *Drainage* – Require that further percolation tests are undertaken and full surface water drainage details are submitted prior to the commencement of development via an appropriate condition.

PUBLIC RESPONSES:

58. The application has been publicised by way of site notice, press notice and individual letters have been sent to nearby residential properties.
59. There have been 127 letters of observation received. Some residents have responded on a number of occasions however for clarity these have been counted as one observation however all issues have been taken into account. A petition with 328 signatures has also been submitted. The main issues raised have been summarised below, however full records of all observations received are available on the application file and on public access:
- a) It is felt that the proposal would significantly increase the number of vehicle movements and cause major highway safety concerns and traffic congestion particularly due to the location of the main access adjacent to a nursery, school and an established residential estate. This could lead to the restriction of access for emergency vehicles. Also traffic concerns have been raised regarding construction traffic entering the site during the course of the development.
 - b) Visibility splays from the proposed access to the site are unacceptable.
 - c) Due to the close proximity of the proposed properties to existing residents and raising of site levels the development would lead to an unacceptable loss of amenity to existing occupiers in terms of loss of view, overshadowing, loss of privacy and overbearing impacts.
 - d) The proposal would severely impact on the rural landscape and have an adverse impact on the nearby Heritage Assets.
 - e) Affordable housing provision is not adequate and should be increased to reflect other recent permissions in the Barnard Castle area.
 - f) The scheme should include bungalows not 2.5 and 3 storey properties which are not consistent with the area.
 - g) The layout of the estate is unacceptable and appears over crowded affecting the visual amenity of the area.
 - h) Concerns regarding flood risk and drainage issues.
 - i) Concerns regarding protected species on the site.
 - j) The existing trees on the site are important in relation to the Area of High Landscape Value and further landscaping details are required.
 - k) The proposed building materials would not be characteristic of the surrounding area.

- l) The development will have an impact on the existing public rights of way and bridleways used frequently by local residents.
- m) Barnard Castle does not need any further properties at the higher end of the market.
- n) Noise and dust pollution from construction and plant traffic will affect residential amenity.
- o) The development would devalue existing nearby properties.
- p) There are not adequate school places or available places within GP Practices to accommodate new residents. There is already a shortfall of amenities within the area.
- q) There is not enough open space within the development and money should be allocated to the Town Council for off site play provision.

APPLICANTS STATEMENT:

60. Barratt David Wilson North East (BDW) proposes the development of land at Green Lane, Barnard Castle for 62 dwellings. The 5 acre site is located on the edge of the built up area of the settlement and currently forms part of land in the ownership of Barnard Castle School.
61. Barnard Castle identified as a *'Main Town'* within the Plan *'will be the principle focus for significant retail, housing, office and employment'* provision in West Durham. The Durham SHLAA (2013) identifies the application site at Barnard Castle School (Site 6/BC/02) as suitable for residential development. Policy 4 of CDLP identifies the need for at least 570 net additional homes in order to meet the projected housing requirement in Barnard Castle during the plan period. Policy 30 allocates the land South of Green Lane (H82) for 80 new homes within the next 5 years. DCC must ensure that its allocated sites are delivered through the planning system with minimal delay. Failure to support sites that have already been subject to vigorous sustainability and policy testing, such as the application site will lead to the Authority's inability to demonstrate a 5 year housing land supply.
62. The current planning application proposes a range of 2-5 bed energy efficient homes which have been designed to accord with the local area and the compliment the character of the location. Design, in terms of material selection, site layout and housing mix have been a key consideration throughout the evolution of the proposals and the current design is a result of several months of collaboration between the BDW and Local Authority officers.
63. The current proposed layout incorporates a revised public right of way into the scheme. An application to amend the definitive route of the relevant footpaths 8 & 9 has been made under section 257 of the Town and County Planning Act 1990.
64. The application proposals include 9 affordable dwellings out of a total of 62 dwellings. This equates to provision of 15%. The application proposals are therefore fully in accordance with the aspirations of the draft CDP.
65. Due to the site constraints and topography of the site is considered that the site cannot support on site open space to the size and quantity required. Therefore, BDW will pay £1000 per dwelling by way of an off-site contributions.
66. The proposed layout has been redesigned on several occasions throughout the planning process in order to meet relevant policy and the concerns of Local Authority officers and objectors.
67. The development site has been assessed with regard to flood risk and is entirely located within Flood Zone 1 and therefore poses minimal risk of flooding. In order to

access the drainage system in the neighbouring field there is a need to punctuate the southern treeline. This has been proposed in the most inconspicuous location in order to minimise impact.

68. The proposed housing mix of 2- 5 bed houses is designed to provide a land receipt which will in turn enable Barnard Castle School to fund a much needed extension. During the feasibility stage and throughout the application process a number of house types and layouts including bungalows were considered at part of the proposals however, in order to ensure an acceptable land receipt bungalows were considered unfeasible on this site.

69. BDW have worked exhaustively with the support of the case officer to try and resolve any issues raised and have concluded with a layout that is fully compliant with relevant planning policy for the area. BDW would conclude that the development proposals accord with the aspirations of the emerging development plan in ensuring the delivery of an allocated site. Any adverse impacts of developing the site in terms of the loss of green field land have been mitigated through sympathetic design and collaboration with the Local Authority. It is not therefore considered that any minor adverse impacts of developing the site could demonstrably outweigh the benefits which include:

45 direct construction jobs

£90,272 per annum in Council Tax receipts

£541,632 New Homes payments (over 6 years)

£1,136,567 potential gross spending power (per annum)

70. As there are no specific policies in the NPPF that would restrict development in this location BDW would respectfully request that this application is granted permission at the earliest opportunity.

PLANNING CONSIDERATIONS AND ASSESSMENT

71. 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; landscape impact; impact on the historic environment; design and layout; impact on the amenity of neighbours; highway safety, drainage and ecology.

Principle of development

72. The application site is greenfield land and lies outside of the settlement boundary of Barnard Castle. It is not a housing allocation in the Teesdale Local Plan. Accordingly, the proposal represents a departure to Policies ENV1 and H3 of the Teesdale Local Plan.

73. The Teesdale Local Plan was however adopted in June 2002 and pre-dates the publication of the NPPF. The NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development in an effort to “boost significantly the supply of housing,” unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF.

74. It is in the public interest that there should be sufficient housing for the population. NPPF Part 6 requires local planning authorities to plan for future housing need and

identify a supply of deliverable housing sites to meet the identified housing needs and create sustainable, mixed communities. It is a core principle to focus significant development in locations which are sustainable.

75. This is the direction of travel of the emerging County Durham Plan as reflected in the Spatial Approach of Policy 2 under which the Main Towns will be the principal focus for development. Barnard Castle is the Main Town in the West of the County and there is acceptance that more housing needs to be built in Barnard Castle if it is to maintain its role as a Main Town in the settlement hierarchy and protect the vitality and viability of existing services and the role it plays in supporting surrounding settlements. This is reflected in Policy 4 of the emerging County Durham Plan which identifies a housing requirement for Barnard Castle of 570 dwellings, but this number is not a ceiling to development
76. The emerging County Durham Plan does not propose to retain defined settlement boundaries. Sustainability, settlement form and scale are now the key judgments for new housing proposals on the edge of settlements under the emerging County Durham Plan. The application site was deemed suitable (green) for housing purposes through the Strategic Housing Land Availability Assessment (SHLAA) ref 6/BC/02 and has been included as a draft Plan allocation under Policy 30 of the emerging County Durham Plan with a short term delivery timescale. The County Durham Plan is unlikely to be adopted before the end of 2014 and whilst significant material weight cannot be attributed to the draft allocation in view of the current status of the Plan, it nevertheless indicates that the Council considers that the site could play a strategic role in contributing to the Council's 5 year housing supply.
77. Locationally, the site sits at the edge of the town, but it is close to schools, play areas and less than 1km from the town centre with adequate access to public transport. The application site is therefore regarded as a sustainable location for new development. The scale of development proposed at 62 dwellings is considered to be consistent with the role and function of the settlement and is less than the 80 dwellings suggested in the draft allocation. At this scale it is considered that bringing the site forward at this stage prior to adoption of the Plan would not undermine the emerging CDP housing strategy given the site would only contribute 15% of the Plan total. Accordingly it is considered that the approval of the proposed development at this time would not compromise the opportunity for other sites to be considered through the Plan preparation route. The issue of prematurity is therefore not a concern.
78. In respect of the proposed housing mix, it is disappointing that there is no bungalow provision within the scheme, however it is acknowledged that accommodating bungalows could require a further reduction in the number of dwellings with the potential to impact on the viability of the development, which has been sufficiently demonstrated to be borderline with the affordable housing provision and two dwellings which have already been lost from the scheme. There are also already a very high proportion of bungalows within the adjacent Bartlemere estate. The scheme would bring other wider public benefits by providing affordable housing and the sale of the land is intrinsically linked to the funding for development of the new 6th Form Centre at the Barnard Castle School, recently granted planning permission. Despite the lack of bungalows, the proposed scheme nevertheless offers a good mix of housing to cater for a range of households with 2, 3, 4 and 5 bedroom properties being provided. While the majority of dwellings in the scheme would be family dwellings they would be a good fit with the character of the area and have allowed a suitable density to be achieved for this edge of settlement site. There is no objection to the proposed housing mix from the Council's Planning Policy and Housing Sections and the proposal would meet the requirements of Policy 34 of the emerging County Durham Plan.

79. With regards to the amount of affordable housing in the scheme, the application originally proposed just 5% affordable housing, but this has now been increased to 15% (9 units) in accordance with the requirements of Policy 30 of the emerging County Durham Plan. A number of representations, including from the Town Council have suggested the affordable housing provision should be higher and closer to 30%.
80. The affordable housing requirement of 15% for the area, which is set out in Policy 30 of the emerging County Durham Plan is justified by an up to date evidence base as required by NPPF paragraph 47. The previous affordable housing requirement of 25% was based on a now out of date Teesdale Housing Needs Assessment. NPPF 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; are directly related to the development; and fairly and reasonably related in scale and kind to the development. It would not therefore be reasonable to seek more than 15% affordable housing in this scheme, particularly when it has been demonstrated that it would make the development unviable.
81. The applicant is proposing to deliver all the affordable housing under an affordable rental product, to be delivered via a registered provider. The Council's Housing Section considers this approach to be acceptable. This would have to be secured through a Section 106 legal agreement.
82. In order to meet the requirements of Teesdale Local Plan Policy H1A, Policy 5 of the emerging County Durham Plan and the aims of Part 8 of the NPPF, The S106 agreement would also have to secure a contribution of £62,000 towards the provision and/or maintenance of open space and recreation facilities in the area. There are some green areas shown within the proposed layout, but they do not satisfactorily represent useable recreation or amenity space. An offsite contribution towards these facilities would be appropriate in this case as opposed to onsite provision because of the close proximity of the site to the large play and recreation area on Green Lane.
83. The application confirms that a fabric first approach to sustainable construction will be adopted and reference is made to a number of sustainable construction elements that would be included in the proposed scheme. The Council's Sustainability Section is satisfied with the approach as it surpasses current building regulations and meets the aims of Part 10 of the NPPF in respect of reducing carbon emissions and supporting the transition to a low carbon, sustainable future. This can also be secured by a condition.
84. Having regards to all of the above, it is considered that notwithstanding the departure to Teesdale Local Plan Policies H3 and ENV1, the proposal would accord with the aims of Part 6 of the NPPF in respect of housing delivery and the core NPPF principles of securing sustainable patterns of development. In addition, the proposal would be compliant with the direction of travel of the emerging County Durham Plan and the spatial approach within policies 2 and 4, while also delivering sufficient wider public benefits and being of a suitable scale that would not prejudice the future delivery of the Plan. The proposal is therefore considered to be acceptable in principle, subject to further consideration of detailed matters relating to the impact on the surrounding area, neighbours, highway safety.

Landscape Impact

85. The site falls within the Area of High Landscape Value (ALV) designation within the Teesdale Local Plan.

86. In terms of landscape impact, the ALV designation is a local designation that does not have any statutory protection and is not being carried through to the emerging County Durham Plan. The development would nevertheless represent an incursion into an area of fairly attractive countryside. However, the site does not extend beyond the extent of the school grounds to both the north and south and the pattern of development would be reflective and again not projecting beyond the existing development further north along Darlington Road. Development of the site would not therefore result in a significant change to the existing settlement form.
87. It is accepted that the development would be visible within the landscape, but mostly only in close range views from the adjacent public rights of way. Two of the public rights of way pass through the site and it is noted that the Open Spaces Society in conjunction with the Ramblers' Association have objected to the diminishment in amenity of those footpaths, but the layout adequately accommodates the footpaths with minimal need to alter their routes. The Council's Rights of Way Section have no fundamental objection to the proposal and consider that the minor diversions can be dealt with by a separate Diversion Order with conditions to secure the details of the access/egress points at the site boundaries. The character of the footpaths will be changed but these footpaths are close to and lead to/from existing development. In the planning balance the diminishment of amenity on these footpaths would not be so great to justify refusal of the scheme.
88. Some wider landscape views may be possible from the north along Darlington Road, but over distance and where the development would be viewed against the rest of the town. The existing tree belt long the southern boundary is to be mostly retained to provide important screening from the south, however a drainage easement would be required through the tree belt which would necessitate removal of some of the trees creating a diagonal gap of approximately 12m width in the tree belt. This would not however unacceptably compromise the effect of the screening as it represents only a small proportion of the overall tree belt and its diagonal form would still mask part of the gap. The long term management of the tree belt could be secured through the S106 agreement. Other hedgerows along the north, east and west boundaries of the site would be retained. Detailed planting within the development still needs to be refined, but this can be dealt with by condition. The Council's Landscape Section has no objection to the proposal on landscape impact grounds.
89. It is therefore considered that development of the site would not be seen as a significant or harmful intrusion into the countryside and the limited harm resulting from the change in character of the field and amenity of footpaths through the site would in the balance be outweighed by the benefits of meeting housing need and potential links to the improved facilities at Barnard Castle School. In terms of landscape impact the proposal does not therefore represent substantial conflict with Teesdale Local Plan Policies GD1, ENV3 and ENV10; policy 39 of the emerging County Durham Plan and NPPF Section 11.

Impact on the Historic Environment

90. There are a number of designated heritage assets within the surrounding area, but none within or immediately adjacent to the site. The Barnard Castle Conservation Area lies approximately 270m south of the application site, along with the Grade II listed Barnard Castle School and its Grade II* listed chapel. The Grade I listed Bowes museum is around 400m southwest of the application site. There are many other designated assets further away within the town including the Grade I listed Castle and Scheduled Monument. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council must have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

91. The proposed development would effectively represent an extension of an existing modern housing estate within a predominantly residential and less sensitive area of the town. It is in and against this context and backdrop that the development will be seen. Proportionally it would represent a very small addition to the town. The Bowes Museum will remain the visually dominant building within the townscape and the importance and prominence of the listed school buildings would not be diminished. Overall, the proposal would not fundamentally alter or overwhelm the wider setting of the nearby heritage assets or substantially harm any important views of and from those heritage assets. The Council's Design and Conservation Section is satisfied that the impact on the setting of the nearby and most important heritage assets has been adequately appraised in the proposal and that any impact of the development would not be to the detriment of the significance of setting of those heritage assets.
92. In respect of archaeology, a number of assessments have been undertaken in support of the application including evaluation trenching on the site. The results of these assessments show that there are unlikely to be any buried archaeological resources which will be adversely impacted upon by the proposed development. The Council's Archaeology Section is satisfied with the methodology and findings and consider that no further archaeological evaluation is necessary.
93. It is therefore considered that the proposed scheme would not have an unacceptable impact the historic environment and accords with Teesdale Local Plan policies GD1, BENV3, BENV4 and BENV11, as well as NPPF Part 12 .

Design and Layout of Development

94. The scheme has undergone a number of amendments in response to issues raised by consultees and other representations. Two dwellings have been removed to accommodate the changes.
95. The layout and general design approach within the scheme are by no means perfect and the Council's Design and Conservation Section has commented on the general car dominated layout, lack of meaningful open space within the development and the large amount of different house types, but nevertheless considers overall that the proposal creates an acceptable residential environment with dwelling designs which suitably reflect elements of the local vernacular and therefore has no objection.
96. Taking these views into account, it is considered that although the design approach to the scheme is a relatively standard one, it does not necessarily represent poor design in this case because of the character of the wider surrounding area and context the site sits within. In this respect the site is not within the conservation area and sits immediately adjacent to a 20th century housing estate which the proposed development would effectively extend. Immediately to the north are the 20th century typically municipal buildings of the Green Lane Primary School and the majority of housing around Green Lane and surrounding roads are former Council Housing. There is a distinct separation from the site to the historic buildings south and historic core of the town centre. Accordingly, there is little local distinctiveness and interest for the scheme to draw upon from its immediate surroundings.
97. The density of the scheme would be consistent with adjacent housing and the character of the surrounding area. The house types proposed are considered to be well designed with opening proportions and detailing that do well to reflect the more historic, traditional vernacular of Barnard Castle and in this respect would provide an

attractive built environment. Despite the number of different house types the development would still have its own distinctive character and good variety throughout the development. The proposal of 2.5 storey housing has been questioned in some objections, but the additional height would be largely confined to the roof space to accommodate rooms within the roof. The 2.5 storey dwellings would be similar in style to the rest of the dwellings, well spaced within the development, and the additional height would be offset in some cases by the slope of the land. The height change would bring some variety and interest in the character of the development and would not appear unduly prominent or out of character with the development and surrounding area.

98. On the whole, a good level of parking provision would either be provided by detached or integral garages and driveways. It is acknowledged that there would be a large amount of hardstanding as a result to the front and side of dwellings, but the scheme proposes the use of good quality paving to these surfaces.

99. Green spaces within the development would be largely confined to the centre and south of the site and are not sufficient size to have any meaningful usability, but would bring some visual value within the development. Useability was not a particular requirement for the green space in this scheme though because of the proximity of the site to the Green Lane recreation area. There are opportunities to the front of properties to achieve landscaping and a detailed landscaping scheme is essential to the overall finished quality of the development so should be conditioned. The hedges to the north east and west site boundaries would be retained along with the southern tree belt, except where the drainage easement and footpath would pass through it. The layout was substantially altered to take the southern tree belt into account, but the Council's Tree Officer is still concerned about the amount of shading that plot 53 would experience. The applicant has acknowledged this but the only option would be to remove the dwelling from the scheme, which they do not want to do. This seems to be an unreasonable step given it affects only one plot within the scheme and two houses have already been lost through previous amendments. The shading would mostly directly affect the garden area, as opposed to any rooms within the dwelling and a similar situation is already present in at least 8 existing properties in the adjacent Bartlemere estate. There is not sufficient justification to refuse the whole scheme on this issue.

100. The design and layout of the scheme is therefore considered acceptable and the proposal suitably accords with the design principles contained within the NPPF, as well as Teesdale Local Plan Policies GD1 and H12.

Impact on Residential Amenity

101. The application site is bordered to the west by existing residential properties in the Bartlemere estate and a number objections have expressed concerns about the relationship between these dwellings and the proposed dwellings along that boundary.

102. While these residents have benefitted from the undeveloped nature of the application site and their views would now be fundamentally changed, that alone cannot be a reason to prevent the development being brought forward. It also doesn't mean the impact on their living conditions would be necessarily unacceptable as a result, as that would stand in the way of building on many undeveloped sites. Concerns expressed about loss of view and impact on property values are not planning considerations which can be given any significant weight in the consideration of the application.

103. There are no specific privacy distances prescribed within the Teesdale Local Plan but amendments have been made to the original layout to ensure adequate privacy distances between 19.5 and 23m have been achieved between opposing habitable room windows. It is considered that these distances are adequate to maintain appropriate levels of privacy to both existing and future residents. Plot 60 would have a gable elevation facing the rear of No. 56 Bartlemere with the distance being approximately 17 metres between the two dwellings, but as this would be a gable elevation with limited secondary windows not serving any habitable rooms this separation is considered acceptable.
104. This level of separation together with the location of the development to the east of the existing dwellings would also not lead to any unacceptable overshadowing.
105. The objections also express concerns about the level difference between the existing and proposed dwellings along this boundary and fear the new dwellings would be overbearing because they would be at a higher level. In response to these objections the applicant has provided full street elevations through the site, clearly showing the levels across the development and additional sections to demonstrate the height difference at plots 53, 56 and 60. These sections show the relative finished floor levels in the new development being between 1.3m-2m higher than those in Bartlemere and also show the overall ridge height of the proposed dwellings in relation to the existing at around 3m higher. Taking into account the separation distances between the existing and proposed dwellings, the height differences over the distances involved are not considered to be so significant that the proposed dwellings would have an unduly overbearing impact on the existing neighbouring properties.
106. Other concerns about construction traffic and the associated noise and disturbance are noted, but this is always an inevitable and unfortunate consequence of any new development and even though the development could be under construction for some time, it is a temporary impact that is not sufficient to justify refusal of the application. This is not a matter the planning system can reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance.
107. It is therefore considered that the proposal would not lead to unacceptable harm to the residential amenity of neighbouring properties and would comply with policies GD1 and H12 of the Teesdale Local Plan, as well as Policy 18 of the emerging County Durham Plan.

Highways Issues

108. Significant levels of concern have been expressed about the development's potential impact on Green Lane and surrounding roads as a result of the additional traffic that would be generated and the safety of the site access. Particular reference is made to the amount of on-street parking within Green Lane and activities at school drop off/pick up times.
109. The application is supported by a Transport Assessment which suggests that the proposal would not have a significant impact on prevailing highway operating conditions. The Highway Authority has considered the issues raised in the objections along with the findings of the applicant's supporting transport statement and is satisfied that the assessment reasonably reflects the likely impact of the proposal.
110. The Highway Authority acknowledges that while the subjective concerns regarding traffic impact on and around Green Lane expressed in the objections received may not accord with this view, it must be pointed out that residential traffic can be

objectively estimated quite accurately using professionally accepted and tested methodologies. Peak hour development traffic will introduce a new vehicle movement in the order of one every two minutes. This is not considered to be a material effect on the local highway network.

111. In respect of the presence of the primary school, this is not an uncommon situation. It is noted that there is a well-used pedestrian entrance to Green Lane Primary School from Dale Road, and an on-highway school bus waiting area. Vehicular traffic emerging from the school site will have visibility of pedestrian and vehicular traffic leaving the proposed housing development. The picking up and dropping off of children by car occurs at other schools, as well as Green Lane, over relatively short periods during the start and end of the school day, and only during term time weekdays.
112. It is considered that Green Lane and other approach roads are of adequate capacity to handle the minor scale of additional vehicle movements from the new development and there would not be severe conflict with school traffic.
113. The access into the site has been designed to the specification and agreement of the Highway Authority and is not considered to pose any highway safety concerns.
114. Parking provision within the site is fully in accordance with the Council's latest parking standards.
115. Section 32 of the NPPF states: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' It is considered that a definition of 'severe' could not be reasonably applied to this application and therefore a refusal on highways grounds could not be reasonably substantiated.
116. The proposal is therefore considered to be in accordance with Policy GD1 of the Teesdale District Local Plan.

Drainage

117. The application site falls within Flood Zone 1 and is not therefore in an area identified as being at risk from flooding.
118. A Flood Risk Assessment submitted with the application also concludes that there is no risk of flooding from other sources such as sewers, groundwater, land or other artificial sources.
119. The Environment Agency and Northumbrian Water have been consulted and do not object to the proposal.
120. Objections received have nevertheless expressed concerns about the development increasing surface water flooding to existing neighbouring properties, noting that the land slopes down and to the south west, and the hardsurfacing within the development would increase the overland flows in that direction.
121. While these concerns are noted, a surface water drainage scheme can be designed into a development to manage run off and at least prevent any increase. The applicant's preferred drainage solution is to direct surface and foul water to the existing sewers, which would connect through an easement through the southern tree belt. Neither Northumbrian Water, nor the Council's Drainage Section have any objection to this and it is considered that a suitable drainage and attenuation system

could be provided to limit flows to Northumbrian Water's requirements to prevent any flooding of neighbouring properties or surrounding land. The applicant is still however advised to consider whether infiltration techniques are possible on the site, but the findings of a geotechnical survey and the sloping nature of the site suggest it is very unlikely at this stage. It is nevertheless suggested that full drainage details are conditioned for further approval.

122. In respect of drainage and flood risk issues the proposal is considered to comply with Teesdale Local Plan policies GD1 and ENV17, as well as NPPF Part 10.

Ecology

123. The application has been supported by an Ecology Survey which notes that the fields have been heavily grazed and have little biodiversity value. There was no evidence of protected species habitats found within the site and the site does not have the potential to support any species such as Badgers, Otters, Water voles or Great Crested Newts. The fields are however bordered by hedgerows and a belt of small conifers along the southern boundary. There is also a hedgerow down the middle of the site and four Ash trees in Field 2. The Ash trees were surveyed for potential bat roosts but were found to have low to moderate potential. The hedgerows though offer high value habitat for nesting birds, but there was no evidence of ground nesting birds.
124. The Council's Ecology Section is satisfied with the findings of the report and has no objection to the proposal. There may be some bat activity in the wider area but the absence of major habitat or feeding features in and around the site means it is highly unlikely that the development would interfere with important flight paths. Removal of trees and hedges can be conditioned to take place outside of the bird nesting season. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations.
125. Although the proposal is unlikely to have any significant ecological impacts, it is however lacking in biodiversity enhancements as required by the NPPF. It would be commensurate with the impact in this case to require as a minimum provision of bat boxes and incorporation of bat roosting opportunities within some of the dwellings. This can be secured by a condition requiring further details in this respect.
126. Subject to this condition the proposal would comply with policies GD1 and ENV8 of the Teesdale Local Plan and the provisions within NPPF Part 11.

CONCLUSION

127. Notwithstanding the proposal being a departure to Teesdale Local Plan Policies H3 and ENV1, the proposal would accord with the aims of Part 6 of the NPPF in respect of housing delivery and the core NPPF principles of securing sustainable patterns of development. In addition, the proposal would be compliant with the direction of travel of the emerging County Durham Plan and the spatial approach within policies 2 and 4, while also delivering a scheme that meets the affordable housing requirement and provides a suitable housing mix at a scale of development that would not prejudice the future delivery of the emerging County Durham Plan.
128. The scheme would deliver a development that would not have a detrimental impact on the landscape, character and appearance of the surrounding area, or setting of

nearby heritage assets. The dwellings would be well designed and relate acceptably to the vernacular of Barnard Castle.

129. The scheme has paid suitable regard to its relationship with neighbouring properties to ensure there would be no undue impact on their amenity and is acceptable in all other respects in relation to highway safety, drainage and ecology.
130. The proposal therefore accords with Teesdale Local Plan Policies GD1, BENV3 & 4, BENV11, ENV3, ENV8, ENV15, ENV17, H12, H1A, H14 and T2; emerging County Durham Plan policies 2, 4, 5, 16, 18, 31, 34 and 39; as well as NPPF Sections 4, 6, 7, 8, 10, 11 and 12. In the balance, these factors override the general in-principle conflict with Teesdale Local Plan Policies H3 and ENV1.
131. The comments of consultees and concerns of the objectors have been considered. Whilst loss of views and property devaluation are not material planning considerations, other matters have been assessed and 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, subject to the suggested conditions.

RECOMMENDATION

132. That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of 9 affordable dwellings; £62,000 towards the provision/maintenance of open space and recreation facilities in the locality; and a management scheme for the tree belt along the southern site boundary; in addition to the following conditions and reasons:

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

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

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

Plan Reference Number:	Date received:
P04 Location Plan	09.01.14
009/1 FFL and Retaining Wall Location	23.07.14
P06 Materials and Boundary Treatments	08.07.14
P07 Rev C Street Elevations	23.07.14
P05 Rev J Proposed Planning Layout	31.07.14
TPP-Rev A Tree Plan	28.07.14
T338 –E-5 Hinton	02.09.14
P382-EB5 Archford	02.09.14
P341-E-5 Hadley	02.09.14
P231-vd5 Stevenson	02.09.14
P206-E-5 Winton	02.09.14
H534-5 Maddoc	02.09.14
H469 – 5 Holden	02.09.14
H436 – 5 Layton	02.09.14

H411-5 Millford	02.09.14
H408 – 5 Drummond	02.09.14
H406 – 5 Bayswater	02.09.14

Reason: In order to secure a satisfactory form of development in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).

- 3) No development shall take place until a scheme for the provision of bat boxes and bat roosting opportunities on the site and within the dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall include the type, number, location and timing of provision of any such habitat features. The development shall take place and be retained in accordance with the approved details

Reason: To conserve and enhance biodiversity in accordance with Policy GD1 of the Teesdale District Local Plan and NPPF Section 11.

- 4) No development shall commence until a detailed scheme for the provision of surface and foul water drainage works including evidence showing that consideration has been given SUDS drainage options has been submitted to and approved in writing by the Local planning authority. Thereafter the development shall take place in accordance with the approved details and completed prior to occupation of the first dwelling.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policies GD1 and ENV17 of the Teesdale District Local Plan 2002 (as Saved and Amended).

- 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, roofing and hard surface 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 Teesdale District Local Plan.

- 6) No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. These details shall include all trees and hedges to be retained; a detailed planting plan for new trees, ornamental shrub and herbaceous planting showing exact plant numbers and locations and giving plant species, sizes and the maintenance regime.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Teesdale District Local Plan (Saved and Amended)

- 7) All planting, seeding or turfing 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 and in the case of any public spaces the completion of the development. 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 Teesdale District Local Plan (Saved and Amended)

- 8) Prior to commencement of development a condition survey of the Green Lane public carriageway is to be undertaken jointly with a representative of the Highway Authority.

Reason: In interests of recording pre-commencement carriageway surface condition and gauge any post commencement damage.

- 9) No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all retained trees and hedges are protected by the erection of fencing comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS.5837:2012, the location of which shall first be submitted to and approved in writing by the local planning authority before erection. This fencing must be retained as agreed throughout construction works and no storage of any materials are to take place inside the fences.

Reason: To protect the trees from construction damage in the interests of the health and amenity of the trees and impact on the character and appearance of the area. In accordance with policies GD1 and ENV3 of the Teesdale Local Plan (Saved and Amended).

- 10) 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.

- 11) No development shall take place until details showing how the public footpaths through the site will link to the existing paths at the points where they meet at the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

Reason: To ensure the diversion of the public footpaths would be incorporated well into the existing landscape in accordance with policy GD1 of the Teesdale District Local Plan.

- 12) Any on site vegetation clearance shall avoid the bird breeding season between October and February as identified within the submitted Ecology Survey Report by John Drewett Ecology 30.07.2013.

Reason: To conserve protected species and their habitat in accordance with Policy GD1 of the Teesdale District Local Plan (Saved and Amended).

- 13) Notwithstanding the provisions of the Town and country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) the proposed garaging facilities shall at all

times be retained for the parking of motor vehicles and shall not be used for or converted into habitable residential living accommodation.

Reason: In the interests of highway safety and in accordance with Policy T2 of the Teesdale District Local Plan 2002 (as Saved and Amended).

- 14) Wheel washing equipment shall be provided and retained at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheel washing equipment shall be used on all vehicles leaving the site during the period of construction works throughout all development activities on any part of the site.

Reason: In the interests of highway safety and amenity and in accordance with policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).


STATEMENT OF PROACTIVE ENGAGEMENT

133. 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, providing opportunities to address issues arising and carefully weighing up the representations received to deliver an acceptable, high quality, sustainable development which would improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
National Planning Policy Framework
Teesdale Local Plan
County Durham Plan Submission Draft
Consultee comments and public consultation responses



 <p>Planning Services</p>	<p>Land at Green Lane, Barnard Castle</p>	
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	<p>Date September 2014</p>	

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01322/FPA
FULL APPLICATION DESCRIPTION:	Erection of 8 no. dwellings
NAME OF APPLICANT:	Mr & Mrs F H & J E Clarkson & Richardson
ADDRESS:	Land To The West Of Marwood Terrace, Cotherstone, Barnard Castle, County Durham
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Paul Martinson Planning Officer 03000 260823 paul.martinson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is a small greenfield site of approximately 0.5ha which lies to the rear/west of Marwood View and Marwood Terrace and to the north of Fitzhugh Court. Immediately to the east is the Cotherstone play area. The St. Cuthbert's Church is located to the north of the application site along with the rear of a number of residential properties located on Moor Road. The access into the site is located adjacent to a garage block alongside Fitzhugh Court.
2. The site lies outside of the Cotherstone development limits and falls within the designated Conservation Area and Area of High Landscape Value (ALV).
3. A number of mature and semi-mature trees are located growing along the western boundary of the site. A public right of way defined by a post and wire fence runs along the northern boundary of the site between the rear gardens of properties on Moor Road and the application site.

The proposal

4. Permission is sought for the erection of 8 no. dwellings comprising of 3 bedroom detached houses. The proposed access would be taken from the existing field entrance off Fitzhugh Court. Each of the proposed properties would have a single garage which would adjoin that of the neighbour to form a double garage block.
5. The dwellings would be constructed of stone with timber painted windows. The roofs would be finished with Sandtoft Rivius slate. The application has been supported by an arboricultural survey and the existing trees on the site are proposed to be protected and retained throughout the development. The

application also proposes the provision of a new link from the proposed access road to the existing public right of way to the north of the site.

6. The application is brought to Committee because of an objection from Cotherstone Parish Council.

PLANNING HISTORY

7. An outline application (6/2014/0015/OP) was withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY:

8. 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. The following elements of the NPPF are considered most relevant to this proposal:
9. *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.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *NPPF Part 11 - Conserving and enhancing the natural environment* states that the planning system should contribute to and enhance the natural and local environment.
12. *NPPF Part 12 - Conserving and Enhancing the Historic Environment* states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale Local Plan are considered to be relevant in the determination of this application:

14. *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.
15. *Policy BENV4 (Development within or adjacent to Conservation Areas)*
Development within and/or adjoining conservation areas will only be permitted where the proposed location, design layout, materials and scale respects the quality of the area; Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.
16. *Policy ENV1 (Protection of the Countryside):*
Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
17. *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value:*
Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
18. *Policy ENV8 (Protecting Animal and Plant Species Protected By Law):*
Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.
19. *Policy H12 (Design)*
The local planning authority will encourage high standards of design in new houses and housing sites.
20. *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 housing developments.
21. *Policy T2 (Traffic Management and Parking)*
Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.
22. *Policy H3 (Housing on Sites of More Than 0.4ha):*
Housing development will be permitted on sites over 0.4 hectares, comprising previously developed land, within the development limits of settlements including Cotherstone.

EMERGING POLICY:

23. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public commencing later this year. 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 and can be given some weight given the advanced status of the Plan and consistency with the NPPF:
24. *Policy 2 (Spatial Approach)* sets out how development will be delivered across the County and notes that smaller settlements will deliver development commensurate with their size.
25. *Policy 4 (Distribution of Development)* sets out the locational distribution of housing requirements for the County to meet the Spatial Approach of the Plan. It identifies a need for 1240 dwellings in the west of the County distributed among the main service centres and rest of the housing market area. However, the requirements are not ceilings and the development of appropriate sites will be encouraged.
26. *Policy 15 (Development on Unallocated Sites in Built up Areas)* is permissive of development on sites in built up areas that are not allocated provided it is appropriate in scale, design and function of the settlement; does not result in the loss of the last community facility in a settlement; and is compatible with adjacent land uses.
27. *Policy 18 (Local Amenity)* seeks to protect the amenity of people living/working in the vicinity of the proposal.
28. *Policy 31 (Addressing Housing Need)* sets out thresholds and requirements for affordable housing in new developments. The relevant threshold in this case is 15% on sites of 5 units or more, or 0.2ha site area.
29. *Policy 44 (Historic Environment)* requires development to conserve the significance of designated and non-designated heritage assets.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=8716> for the Teesdale Local Plan.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Cothelstone Parish Council* object to the proposal as the application site is greenfield land within the conservation area and located outside of the settlement boundary. The site is valued “green space” and it is considered that there is not sufficient demand for new housing within Cothelstone. The access road at Fitzhugh Court would be subject to additional traffic which would impact on residents of that cul-de-sac. The ecology report has no reference to the natural spring within the centre of the field and there is no mention of the significant bat population that surrounds the site. The site is referred to as flat however the land rises on the south/south east side and could lead to an impact on the privacy of neighbouring residents. There are also major concerns over the impact of the proposal on the mains gas supplies and sewers systems particularly after the recent approval of 12 houses at the Close.
31. *The Highway Authority* has no objections subject to full engineering drawings showing minor alterations to the access road being provided as part of a planning condition, provision of a new footway link on the northern side of the link road leading from the B6277 to Fitzhugh Court and the confirmation that the Council will adopt the proposed footpath linking in to the existing right of way no. 0260000101.
32. *Northumbrian Water* has requested a condition requiring the submission of a detailed scheme for the disposal of surface and foul water from the development.

INTERNAL CONSULTEE RESPONSES:

33. *Planning Policy* has no objection noting that although the proposal would be contrary to the Teesdale Local Plan policies H4 and ENV3, the site is considered NPPF compliant and has been identified as a suitable potential housing site within the SHLAA process. The site can be considered to be within the built up framework of the settlement and Cothelstone is not an unsustainable location for the limited scale of development proposed.
34. *Design/Conservation* raised concerns initially on the grounds of the impact on the character and appearance of the Conservation Area, however following the submission of amended plans in which the layout and house designs were amended no objections have been raised subject to a number of design related conditions.
35. *Public Rights of Way* have requested that the proposed footpath is adopted onto Footpath 101 created as a Public Footpath. This can be carried out with a Footpath creation Agreement between DCC and the developer as part of the proposal.
36. *Ecology* has no objection and is satisfied that the likely risk of impact by the proposals on protected and priority species and habitats is low.
37. *Landscape* would like to see details of new tree planting and general landscaping, as well as details of the proposed surfacing for the new (and the existing) footpath to the west and south of the site.
38. *Arboricultural Officer* has no objections subject to tree protection measures being conditioned.

39. *Sustainability* notes that the site is average in locational sustainability terms however other material considerations will need to be considered prior to assessing whether the proposal benefits from the presumption in favour of sustainable development.
40. *Environmental Health (Contaminated Land)* request that a contaminated land condition be imposed on any approval.

PUBLIC RESPONSES:

41. The application was advertised by site notice, press notice and letters were sent to neighbouring properties. 70 letters of representation were received raising a number of points of objection, the content of which is summarised below:
- a) The proposed dwellings are located outside of the village boundary of Cotherstone and would result in the permanent loss of farmland and green space that contributes to the rural character of the village;
 - b) The proposed dwellings would overlook properties on Marwood View and Marwood Terrace;
 - c) The development would harm the character of the Conservation Area;
 - d) There are already a large number of properties already for sale in the village that have been on the market for some time, as well as the new dwellings at the Close which demonstrates a lack of demand for housing;
 - e) Cotherstone has one general store and a post office which could disappear at any time and the bus service is limited. There is also no employment in the village and therefore anyone would have to travel in a private car which would be unsustainable and consequently the village is unsuitable for this development;
 - f) 8 houses would lead to more cars which would lead to more noise and more pollution throughout the village;
 - g) The existing access road is too narrow and having more cars using this would be harmful to highway safety;
 - h) The occupiers of the properties that surround the site would lose a view of open countryside which was one of the reasons they purchased them;
 - i) Concern that the application documents are misleading and that the site is not enclosed by development on 4 sides as the play area is located within the open countryside;
 - j) Concern that the proposal would impact on services such as gas, water and sewerage;
 - k) The proposal would lead to further pressures for parking along the B6277.
 - l) There is no mention of the existing spring/watercourse located within the field;
 - m) There are bats and other wildlife that could be impacted on either directly or indirectly by the proposal;

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Spennymoor Council Offices.

APPLICANTS STATEMENT:

31. The proposed development of 8 detached 3-bedroomed family houses is the result of several months' hard work between planning officers of the Council and the applicants to achieve a scheme which respects the characteristics of Cotherstone

Conservation Area, pays due regard to the amenities of the occupiers of nearby residential properties and represents an appropriate form of development for the site.

32. Indeed, following constructive dialogue and negotiations with the case officer throughout the planning process and having provided additional information and revised drawings as requested, we are of the firm view that the proposed development is acceptable in principle and will not have any significant adverse impacts upon the surrounding area in terms of visual, traffic and parking and other amenity, built heritage, ecological or environmental considerations.
33. The application site is divorced from farmland surrounding the village by intervening development, housing on three sides and the village recreation park and children's play area. It is presently let to the farmer of Naby Farm, Lartington, who had used it for hay and silage production. However, this became unviable and the paddock was sub-let to another party who erected some sheds and deposited some containers on the land associated with the keeping of sheep and free range chickens. This use has now ceased and the sheds and containers have been removed although paddock has become overgrown with evidence of at least one bonfire having been lit and the land being used as a dogs' toilet. The proposal will bring the site back into beneficial use and in this regard it is considered that the site represents an ideal location for the small scale, low density and sensitively designed housing development proposed, which will quickly assimilate into the village.
34. Furthermore, the proposed development is sustainable in both its form and location and is acceptable in planning terms with particular reference to relevant policies of the Teesdale Local Plan and the emerging County Durham Plan together with government guidance as set out in the National Planning Policy Framework. Other benefits of the development include:
- job creation through the construction period;
 - the extension of the footway along the north side of the access road from the B6277 to the site;
 - providing a footpath link from the site to the existing public footpath running along the northern boundary to provide pedestrian connections with both the recreation park and the village centre; and
 - retention of a number of significant trees along the western boundary of the site.

PLANNING CONSIDERATIONS AND ASSESSMENT

35. 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 impact on the character and appearance of the Conservation Area, impact on residential amenity, highway safety and impact on ecology.

Principle of the development

36. The application site is located outside of the settlement boundary of Cotherstone and is a greenfield site. The proposal therefore represents a departure from Policies H3 and ENV1 of the Teesdale Local Plan.
31. The Teesdale Local Plan was however adopted in June 2002 and pre-dates the publication of the NPPF and therefore the amount of weight given to Local Plan policies is dependent on their level of consistency with the Framework. It is acknowledged that the NPPF takes a more permissive approach to new development and that the emerging County Durham Plan does not propose to retain defined settlement boundaries, however the longstanding aims to prevent isolated dwellings and protect the character of the countryside remain key objectives in the NPPF. Sustainability, settlement form and scale are now the key judgments for new housing proposals on the edge of settlements under the emerging County Durham Plan.
32. A number of objections have questioned the need for further housing, but the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development in an effort to “boost significantly the supply of housing”. This requires local planning authorities to approve housing applications without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF. Paragraph 55 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities and it is recognised that in rural areas development in one village can help to support the facilities in other nearby villages. This is the direction of travel of the emerging County Durham Plan as reflected in Policy 2. Policy 4 identifies a need for 1240 dwellings to be delivered in West Durham with 410 dwellings delivered outside of the main service centres. This is however not a maximum and development of any suitable sites will be encouraged.
33. Looking first at the sustainability credentials of the site, it is noted that the Council’s Planning Policy Section have been supportive in their comments on the proposal. Cotherstone is classed as a Tier 4 settlement in the Council’s Settlement Study and has some services including a post office/local shop, 2 public houses, and a primary school all of which are within walking distance of the application site. There is a weekday bus service (about every hour between 07:00 and 18:00), with a bus stop located just outside the entrance to Fitzhugh Court. The majority of everyday services that cannot be provided in Cotherstone are within Barnard Castle approximately 4 miles away. The site was assessed as part of the Strategic Housing Land Availability Assessment (SHLAA) and was considered to have small scale housing potential. On the basis of the above, it is considered that the application site is a moderately sustainable location that could accommodate some small scale development in line with Cotherstone’s Tier 4 status and the spatial approach of the emerging County Durham Plan. The new housing could help sustain local services and support Cotherston’s role in the settlement hierarchy.
34. Although the site lies outside of the settlement boundary of the Teesdale Local Plan, the site is bordered to the north, east and south by existing housing and to the west by mature trees and the village recreation area. The application site can

therefore be considered as falling within the built up area of the village and due to its contained nature, development of the site would not be viewed as an encroachment into the open countryside.

35. The application proposes the erection of 8 dwellings, which even with other recent developments in the village, would represent a relatively small scale of development commensurate with the size of the village and its role in the settlement hierarchy and would not therefore prejudice the emerging County Durham Plan's spatial approach to housing delivery. The provision of the proposed housing would also contribute to meeting the housing requirements in Policy 4 of the emerging County Durham Plan and satisfies the criteria of Policy 15 in respect of being a suitable unallocated site in a built up area.
36. In accordance with the requirements of Policy 31 of the emerging County Durham Plan, the proposal should make an appropriate contribution towards affordable housing. In this case, given the small scale of the proposal and provision of affordable housing elsewhere in the village, it would be more appropriate to seek a financial contribution of £48,908 towards off site provision in the West Durham housing market area, for which there is an established need. This would be secured by Section 106 agreement. The contribution towards affordable housing represents a wider public benefit from the scheme which carries favour in the overall planning balance.
37. It is therefore considered that notwithstanding the departure to Teesdale Local Plan Policies H3 and ENV1, the proposal would accord with the core principles and aims of NPPF Part 6, as well as being compliant with emerging policies 2, 4, 15 and 31 of the County Durham Plan and is therefore acceptable in principle.

Impact on the character and appearance of the Conservation Area

37. The site falls within the Cotherstone Conservation Area and therefore regard has to be paid to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cotherstone Conservation Area. This is reflected in Teesdale Local Plan Policy BENV4, Policy 44 of the emerging County Durham Plan, as well as Section 12 of the NPPF.
38. The significance of the site is its location within the conservation area and the contribution it makes to the character and appearance of the conservation area.
39. It also falls within the Area of High Landscape Value designation within the Teesdale Local Plan, but the ALV designation is a local designation that does not have any statutory protection and is not being carried through to the emerging County Durham Plan. In any case, the contained nature of the site means it is viewed in the context of the village rather than having any relationship to the surrounding countryside and ALV designation and therefore there would be no conflict with Teesdale Local Plan Policy ENV3.
40. Notwithstanding its containment by surrounding development, as a greenfield site it has a pleasant appearance which contributes to the rural character of the village.

It is not however highly visible from the wider surrounding area with views mainly confined to those from the rear of surrounding residential properties overlooking the site and the footpath along the northern site boundary. There is no public access or use of the site and any agricultural use, which in any case is very limited in potential, has ceased.

41. It is acknowledged that the proposal would significantly alter the character of the site and outlook from the surrounding properties, but the proposal itself would represent a high quality residential environment with generous space given to potential landscaping, particularly to the front of the dwellings to soften the appearance of the development. The internal planting details will be important in this respect as highlighted by the Council's Landscape Section, but the actual planting details can be secured by a condition.
42. Amendments have been made to the design of the dwellings to ensure they would be an appropriate character and standard for the conservation area, reflecting to a reasonable degree the general local distinctiveness of the area, which in this part of the village is very mixed containing both modern and traditional buildings with a range of materials. The unifying features that would be reflected in the development are the use of natural stone for walls, slate type roof coverings and vertical window proportions. The amended layout would also ensure the development would not impact on the existing trees and hedges along the western boundary and their protection can be secured by a condition. The overall character and design of the development would retain the general rural character of the village and is therefore considered to be an appropriate design approach for this site in the conservation area. The presence of the large recreation park and play area adjacent to the west will ensure that the soft edge to the village will be retained. There is no objection from the Council's Design and Conservation Section following the amendments.
43. Accordingly, while the value of the site in respect of outlook is no doubt highly valued by surrounding residents, as expressed in the significant number of objections received, the relationship of the site to the overall village envelope and the delivery of a suitably designed scheme that would respect the rural setting of the village, means the proposal would not result in substantial harm to the character of the conservation area. The overall impact on the character and appearance of the conservation area is likely to be a neutral one and when the wider public benefit of the affordable housing contribution is taken into account in the planning balance, the proposal represents an acceptable development within the conservation area.
44. The proposal would therefore comply with Teesdale Local Plan Policy BENV4, Policy 44 of the emerging County Durham Plan and NPPF Part 12 in respect of the impact on the conservation area, as well as satisfying the design requirements of Teesdale Local Plan Policies GD1 and H12, as well as NPPF Part 7. The proposal would also not conflict with Teesdale Local Plan Policy ENV3 in respect of impact on the ALV designation.

Residential amenity

45. Teesdale Local Plan Policy GD1, as well as Policy 18 of the emerging County Durham Plan seek to protect the amenity of neighbouring occupants and a number

of objections have expressed concerns about loss of privacy and noise disturbance. Other concerns expressed about loss of view and impact on property values however are not planning considerations which can be given any significant weight in the consideration of the application.

46. Existing dwellings to the east and north overlook the site, while 10 Fitzhugh Court has its north gable facing the site, but it is really only 1 Greenfield and 1&2 Marwood Terrace that have the most open views of the site from their gardens and windows, as the other properties have boundary fencing or outbuildings which limit views of the site to varying extents. 3 & 4 Marwood Terrace have a car parking courtyard to the rear and 1-7 Marwood View have an access lane running along the rear adjacent to the site providing some separation from the site. The public footpath separates the dwellings to the north from the application site.
47. The proposal has undergone significant amendment during the course of the application in recognition of some of the earlier objections received, particularly from Marwood View and Terrace. Houses 1-4 and the access road have been switched around so that the houses back onto the recreation area rather than the properties along Marwood View as originally proposed. This has removed the need for new boundary treatment to the rear of Marwood View, introduced the opportunity for a planting buffer along the east boundary and increased the separation distance between habitable windows to between 30m and 40m, which is well in excess of the generally accepted 21m separation distances. While surrounding residents have benefitted from the undeveloped nature of the application site and the development proposal will significantly alter the views from these properties to varying degrees, that alone cannot be a reason to prevent the development being brought forward as there would be no unacceptable impacts in respect of privacy, overshadowing, or overbearing because of the separation distances involved. Houses 5-8 in the north of the site have similarly been positioned to ensure adequate separation to the neighbouring properties to the north.
48. The development would no doubt bring an increase in the level of activity on the site compared to the existing and previous use of the site; however the small scale of development and residential use of the site would not result in this being at an unacceptable level for neighbouring properties.
49. Other concerns about construction traffic and the associated noise and disturbance are noted, but this is always an inevitable and unfortunate consequence of any new development and even though the development could be under construction for some time, it is a temporary impact that is not sufficient to justify refusal of the application. This is not a matter the planning system can reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance.
50. It is therefore considered that the proposal would not lead to unacceptable harm to the residential amenity of neighbouring properties and would comply with policies GD1 and H12 of the Teesdale Local Plan, as well as Policy 18 of the emerging County Durham Plan.

Highway and access issues

51. The development would take access off Fitzhugh Court through the point of an existing field access.
52. The amendment to the layout has provided a more suitable alignment of the internal highway and a footpath link has been provided to the existing footpath to the north as requested by the Highway Authority and Public Rights of Way Section. The Highway Authority have advised that a new footway link still has to be provided from Fitzhugh Court to the B6277, but this can be secured by a condition.
53. Objections have expressed concerns about the increase in traffic, safety of the access and increased parking demand on the B6277. The Highway Authority has not raised any objection to the suitability of the access and a development of this scale would not exceed the local highway capacity. Each property would have a garage and long driveway available for parking so parking provision within the development would far exceed the County parking standards and ensure the development would not lead to undue parking pressure on the B6277, or within Fitzhugh Court.
54. The proposal would therefore comply with policies GD1 and T2 of the Teesdale Local Plan.

Ecology

55. The application was supported by a habitat survey which notes that as a result of previous grazing and frequent disturbance the ecological diversity within the site is low. There was no evidence of protected species habitats found within the site. The trees to the west of the site offer high value habitat for nesting birds and the mature Ash tree may offer potential roosting space for bats, but none of these features would be lost or affected by the proposed development.
56. The Council's ecologist is satisfied with the findings of the survey and considers that the likely risk of impact by the proposals on protected and priority species and habitats is low. Objections have referred to the presence of a natural spring in the field, but that does not affect the conclusions in respect of protected and priority species or habitats. A Natural England license will therefore not be required and the local planning authority can discharge its duty under the Habitats Regulations.
57. The proposal would therefore comply with policies GD1 and ENV8 of the Teesdale Local Plan and the provisions within NPPF Part 11.

Other matters

58. Objections have raised concerns about additional pressures being placed on the local gas supply and sewerage systems. These are strategic matters for the utility operators, but the small scale of development is unlikely to put undue demands on the local infrastructure. Northumbrian Water Ltd have requested a detailed scheme for the disposal of surface and foul water from the development, but have not raised any in principle objection in respect of local capacity and therefore the drainage details can be adequately dealt with by a condition and under the building regulations.

59. There have been a number of past industrial uses in the surrounding area including a former nursery which may have encroached onto the site. The Council's Environmental Health Section have recommended a phased survey approach to identifying any potential risks of contamination be conditioned.

CONCLUSION

60. Although the application site lies outside the development limits of Cotherstone, the development would not be seen as an intrusion into the countryside and would be in accordance with the locational aims of the NPPF, as well as the spatial approach and housing delivery strategy of the emerging County Durham Plan. The proposed dwellings would relate well to the vernacular of the surrounding area and would deliver a development that would not have a detrimental impact on the character of the conservation area, while also not having an undue impact on neighbouring residential properties, ecology, the ALV designation, or prejudicing highway safety. The proposal would also contribute towards affordable housing in the west of the County. The proposal therefore accords with Teesdale Local Plan Policies GD1, BENV4, ENV3, H12 and T2; emerging County Durham Plan policies 2, 4, 15, 18, 31 and 44; as well as NPPF Sections 6, 7, 11 and 12. In the balance, these factors override the general in-principle conflict with Teesdale Local Plan Policies H3 and ENV1.
61. The comments of consultees and concerns of the objectors have been considered. Whilst loss of views and property devaluation are not material planning considerations, other matters have been assessed and 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, subject to the suggested conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £48,908 towards the provision of off-site affordable housing in the West Durham Housing Market 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. The development hereby approved shall be carried out in strict accordance with the following approved plans:-

Plan Reference Number	Date received
90 90 Site location plan	19/05/2014
00 90A Site layout on OS plan	14/07/2014

9001 A site layout	14/07/2014
10 01A Detached house plans and elevations	14/07/2014
10-15 Detached garage	19/05/2014

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

3. Notwithstanding any details of materials submitted with the application no development shall take place 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. This shall include the erection of a sample stone panel on the site for written approval from the Local planning authority. The approved sample panel shall remain in place throughout construction and the development shall be constructed in accordance with the approved details.

Reason: In the interests of the impact on the character and appearance of the Conservation Area. In accordance with policies GD1, BENV4 and H12 of the Teesdale Local Plan.

4. No development shall take place until full details including plans at a scale of 1:20 and details of the colour finish and design of the proposed windows, doors and garage doors have been submitted to and approved in writing by the Local planning authority. The development shall thereafter take place and be retained in accordance with the approved details.

Reason: In the interests of appearance of the development and the impact on the character and appearance of the Conservation Area. In accordance with policies GD1, H12, H13 and BENV4 of the Teesdale Local Plan.

5. No development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority. These details shall include proposed hard surfacing materials; all trees to be retained; a detailed planting plan for the ornamental shrub and herbaceous planting showing exact plant numbers and locations and giving plant species, sizes and the maintenance regime.

Reason: To achieve a satisfactory form of development and in the interests of the impact on the character and appearance of the Conservation Area and the Area of High Landscape Value. In accordance with policies GD1, H12, H13, ENV3 and BENV4 of the Teesdale Local Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out:
 - in the case of the landscaping along the eastern site boundary within the first planting season following the completion of the access road serving the site.
 - In the case of individual plots before the occupation of each individual plot, or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from planting die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority agrees in writing to any variation.

Reason: To ensure the implementation and retention of the approved landscape scheme in the interests of visual amenity. In accordance with policies GD1, H12, H13, ENV3 and BENV4 of the Teesdale Local Plan.

7. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all retained trees and hedges are protected by the erection of fencing comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS.5837:2012, the location of which shall first be submitted to and approved in writing by the local planning authority before erection. This fencing must be retained as agreed throughout construction works and no storage of any materials are to take place inside the fences.

Reason: To protect the trees from construction damage in the interests of the health and amenity of the trees and impact on the character and appearance of the Conservation Area. In accordance with policies GD1 and BENV4 of the Teesdale Local Plan.

8. No development shall take place until details of all 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 2002.

9. No development shall take place until full engineering detail drawings showing the internal access road, service margins, turning head and the provision of a new footway from the site along the northern side of Fitzhugh Court to the B6277 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the estate road, footways, turning space and driveways shall be properly consolidated and surfaced before occupation of any dwelling.

Reason: In the interests of highway safety. In accordance with policies GD1 and T2 of the Teesdale Local Plan.

10. Notwithstanding any details of materials submitted with the application no development shall take place until details of the make, colour, texture and maintenance regime of all road surface and driveway materials 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: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, BENV4 and H12 of the Teesdale Local Plan.

11. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter

the development shall take place in accordance with the approved details and completed prior to occupation of the first dwelling.

Reason: To prevent the increased risk of flooding from any sources in accordance with policy GD1 of the Teesdale Local Plan.

12. No development shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. Any required remediation shall be carried out in accordance with the agreed scheme prior to occupation of any dwellings. 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.

13. The following design requirements shall be incorporated into the development and thereafter retained:
- a) All windows and doors shall be timber with a painted finish.
 - b) All windows and doors shall be recessed at least 100mm from the face of the building.
 - c) All lintels and sills shall be natural stone.

- d) All rainwater goods shall be black.
- e) All driveways shall be constructed with a porous material.

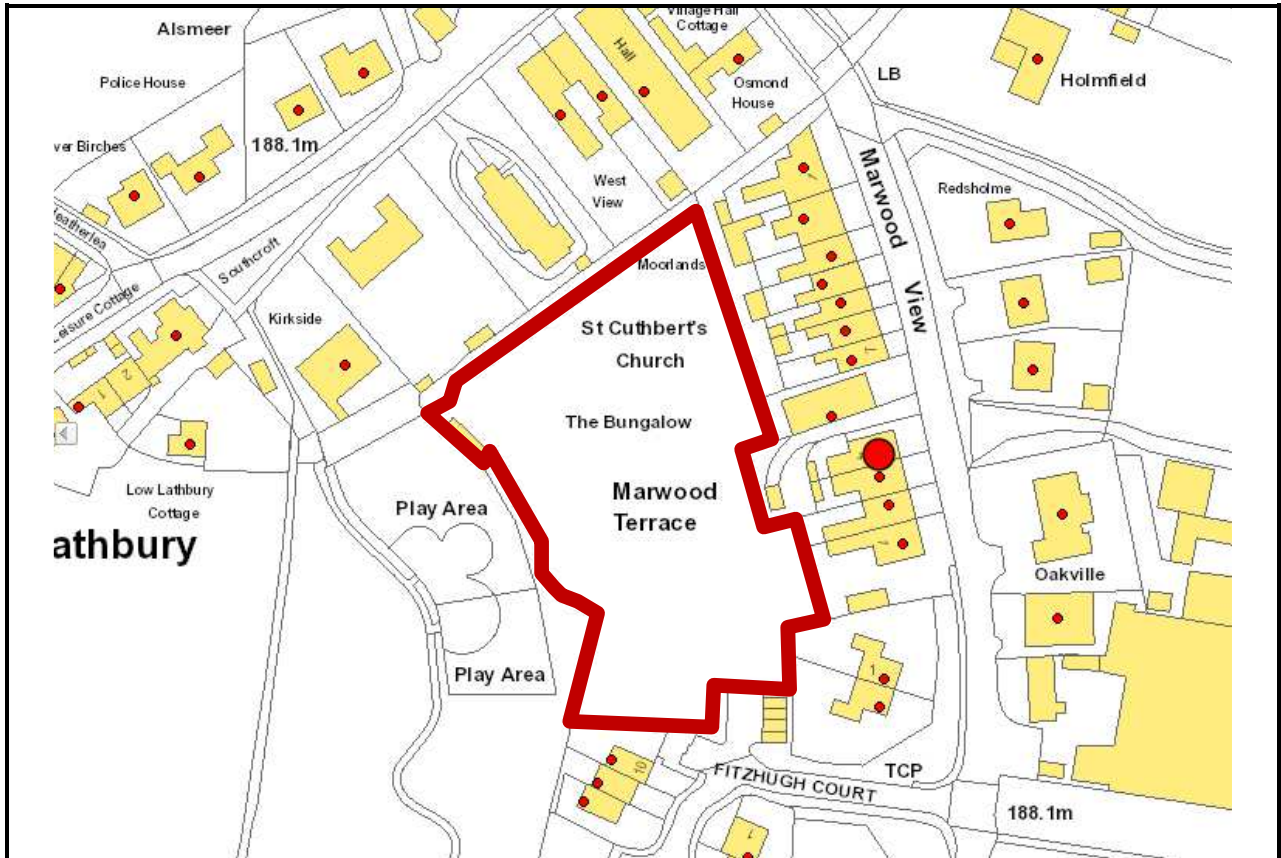
Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6.

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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
National Planning Policy Framework
Teesdale Local Plan
County Durham Plan Submission Draft
Consultee comments and public consultation responses



Planning Services

Land West of Marwood Terrace,
Cotherstone

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DM/14/01322/FPA

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2014/0033/DM
FULL APPLICATION DESCRIPTION:	Erection of wind turbine with a maximum tip height of 19.9 metres with associated infrastructure comprising concrete foundation and underground cable (Location 50 metres North West of previously approved turbine (Ref 6/2013/0317/DM))
NAME OF APPLICANT:	Mr. Edward Wright
ADDRESS:	Jobs Lodge Farm, Woodland, Bishop Auckland, County Durham, DL13 5NJ
ELECTORAL DIVISION:	Evenwood ED
CASE OFFICER:	Steve Teasdale Planning Officer 03000 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. Jobs Lodge Farm is situated 1km to the north west of the village of Woodland and 500m south of Hamsterley Forest. The farm is presently unoccupied, largely due to the poor condition of the farmhouse. It is however in agricultural use, mainly sheep farming.

PROPOSAL:

2. To erect a 15KW Kingspan KW15 turbine with a three blade rotor of 9.8 metres diameter, mounted on a 15 metre monopole mast. The turbine would have a maximum upright vertical tip height of 19.9 metres. No ancillary buildings or structures are proposed. The installation would be sited on agricultural land approximately 200 metres west of the nearest farm building and 270 metres from the farmhouse. The turbine would be connected to the farm by an underground cable.
3. The current proposal follows an earlier proposal for a similar turbine 50 metres to the south east. That application was approved but the turbine has not yet been installed. It is clear from the supporting documents that the current proposal does not replace the previous one, with a potential for two similar turbines in close proximity if the current application is approved.
4. The application would normally be dealt with under delegated powers, but is put forward for consideration by South West Area Planning Committee at the request of Woodland Parish Council who object to the proposal.

PLANNING HISTORY

5. 6/2013/0317/DM - Erection of one wind turbine with a maximum tip height of 19.9 metres with associated infrastructure comprising concrete foundation and underground cable - APPROVED

PLANNING POLICY

NATIONAL POLICY:

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following elements of the NPPF are considered most relevant to this proposal:
7. *NPPF Part 10 - 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.
8. *NPPF Part 11 - Conserving and Enhancing the Natural Environment* - The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

LOCAL PLAN POLICY:

9. 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:
10. *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.
11. *ENV1 Protection of the Countryside* - Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan.
12. *ENV8 Development affecting a protected wildlife species* - Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate,

planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.

13. *C6 Development of renewable energy sources* - Proposals for the development of renewable energy sources, including single wind turbines, will be permitted where they do not result in unacceptable harm to the character and appearance of the area, the amenity of occupants of nearby residential property, the ecology of the area, areas of archaeological importance and the performance of military radar or military low flying operations.
14. *ENV2 Development Within or Adjacent to the North Pennines AONB* - Within and adjacent to the North Pennines Area of Outstanding Natural Beauty, as indicated on the proposals map, development will only be permitted where it protects the landscape quality and natural beauty of the designated area.
15. *ENV3 Development Within or Adjacent to an Area of High Landscape Value* - Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.

EMERGING POLICY:

16. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public later this year. 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 considered relevant to the determination of the application:
17. Policy 18 – Local Amenity - In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of: noise; vibration; odour; dust; fumes and other emissions; light pollution; overlooking; visual intrusion and visual dominance; loss of light or loss of privacy.
18. Policy 19 – Air Quality, Light and Noise Pollution - All development will be expected to prevent unacceptable levels of noise pollution to both existing and new development by good design. Development within areas sensitive to noise such as the North Pennines AONB, in or close to open countryside, within the setting of heritage assets, close to residential properties or to areas or features important for nature conservation will be given particular attention. Planning applications for development with the potential to result in significant noise either individually or in combination with other proposals should be accompanied by an assessment of the likely impact.
19. Policy 21 – Renewable and Low Carbon Energy - Renewable energy development in appropriate locations will be supported in order to achieve targets for new energy generating capacity and CO₂ reduction. In determining planning applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits.
20. Policy 22 – Wind Turbine Development - Planning permission will be granted for the development of wind turbines, unless there would be significant harm, individually or

cumulatively, to the amenity of local communities or nearby residents, wildlife, landscape character, aviation safety, or heritage assets.

21. Policy 39 - Landscape Character - Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the objectives of the County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape and the work of local landscape partnerships.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Woodland Parish Council* – The proposal has the potential to introduce a harmful, new and incongruous feature into a tranquil landscape – a landscape which is sensitive to development (and particularly to development of this type, form and scale). The cumulative impact of both turbines needs to be considered as do other turbines in the area including an application for a 5 turbine windfarm within 2.2km of the site.
23. Insufficient site-specific information has been provided to satisfactorily conclude that the proposed development would not result in unacceptable noise, which could harmfully impact upon the tranquility of the area.
24. This proposal is contrary to paragraph 120 & 121 of the National Policy Framework as a coal mining risk assessment has not identified that the development is safe, appropriate for its location or suitable for this use having regard to its former coal mining use. The proposed development would result in unacceptable harm to the character of the landscape, by reason of its position, size and form, which would result in a highly visible development, which would dominate its surroundings.
25. Woodland Parish Council believes this to be an inadequate application, lacking specific information in several significant areas. We maintain that this lack alone is sufficient to refuse this application. Coupled with this we believe that the proposal, in any case, when viewed alongside the existing planned development, would be unsuitable for this location. We strongly recommend that this application be refused.
26. *North Pennines AONB Partnership* – Considers that the cumulative visual impact if both turbines are installed would be likely to adversely impact upon the AONB and fail to comply with local plan policies ENV2 and GD1. It is also considered that the proposal does not comply with Policy RE8 of the North Pennines AONB Planning Guidelines.
27. *Mod Defence Estates* - No objection to the proposal subject to the usual confirmation of commencement and completion of development, the height of construction equipment and precise turbine positions.
28. *Highways Authority* – No objections.

INTERNAL CONSULTEE RESPONSES:

29. *Environmental Health Section (Pollution Control)* – No objections in principle, but conditions recommended to set noise limits for both the proposed turbine and the cumulative noise emissions if both turbines are installed.
30. *Landscape Section* – No objections subject to suitable turbine colour. The turbines are modest in size and will not have a significant visual impact. The addition of another turbine will not result in a significant cumulative impact as they are small, associated with the farm buildings and sufficiently far from roads or other dwellings.
31. *Public Rights of Way Section* – Expressed concerns about the proximity of the turbine to public footpath no.2 (Woodland). The proposal has been amended to ensure that the turbine is 25 metres clear of the footpath, 5 metres greater than the topple distance.
32. *Planning Policy Section* – No objection to the proposal in principle as it is considered to meet the aims and objectives of the NPPF. It is recommended however that issues such as landscape, visual and environmental impact, ecology, and public safety are given full consideration.

PUBLIC RESPONSES:

33. There has been one objection received from the Hamsterley and Upper Gaunless Action Group (HUGAG). The objection is on three main grounds; the failure to provide information about benefit; the failure to recognise the landscape issues raised by this proposal, particularly the cumulative impact; and the failure to provide an ecological statement to consider the impact on birds and bats.

APPLICANTS STATEMENT:

34. The application relates to the installation of a single Kingspan KW15-15kw wind turbine to generate electricity for Jobs Lodge Farm. The wind speed at Jobs Lodge Farm is 6.64 metres/second (yearly average) the turbine is therefore expected to produce 44,000 KWh annually, this represents 100% of the needs at Jobs Lodge. The turbine will enable the property at Jobs Lodge to have a zero carbon footprint. Using Carbon Trust www.carbontrust.co.uk figures of 545gm/KWh generated, therefore 44,000 KWh x 545gm = 23.98 tonnes of carbon emissions saved. This will contribute towards the Carbon Emissions Reduction Target (CERT) as outlined by the Department of Energy & Climate Change.

PLANNING CONSIDERATIONS AND ASSESSMENT

35. 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 considerations including representations received, it is considered that the main planning issues in this instance relate to principle of development; landscape and visual impact including potential cumulative impact from two turbines; residential amenity issues such as overbearing impact, noise and shadow flicker; impact on nature conservation; and aviation safety.

Principle of development

36. This proposal is for a small scale single domestic wind turbine at Jobs Lodge Farm, Woodland. Planning permission was granted on 6th January 2014 for a similar turbine in this locality. It has not been installed, but the grant of planning permission

for the current application would potentially result in the installation of two wind turbines in close proximity to each other to the west of the farm buildings.

37. Teesdale Local Plan Policy C6 presumes in favour of renewable energy developments where they would not cause unacceptable harm to the character and appearance of the area, local residential amenity, ecology, archaeology and the performance of military radar or low flying operations, in addition to meeting the requirements of other relevant policies and guidance.
38. These aims and requirements are largely reflected in policies 21 and 22 of the emerging County Durham Plan.
39. The overall acceptability therefore depends on meeting a number of detailed requirements, which will be addressed below, however in considering the general principle of renewable energy development, regard must be given to the presumption in favour of sustainable development set out in the NPPF. In particular, one of the NPPF core planning principles (in paragraph 17) is to support the transition to a low carbon future and encourage the development of renewable energy. This is emphasised in chapter 10, and paragraph 98 states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Further, local planning authorities are told to approve the application if its impacts are (or can be made) acceptable, unless other material considerations indicate otherwise.
40. The site lies outside of the AONB and is not therefore an area of any particular constraint for wind turbine development. The principle of wind turbine development in this location, (even allowing for the cumulative impact of two turbines) is therefore considered to be in accordance with the relevant planning policies, and given the very strong policy support for renewable energy development and the presumption in favour of sustainable development, this is considered to carry significant weight in the weighing up exercise against other considerations of landscape, environmental, amenity, and other issues which will be explored further.

Landscape and Visual Impact

41. Wind turbines by reason of their height, moving blades and often isolated siting in the countryside, will always have some visual impact upon the landscape within which they are located. The degree of impact however, depends on the size and number of the turbines, and the character of the landscape.
42. The application site lies approximately 500m outside the North Pennines AONB, but within an area of high landscape value. Local Plan Policy ENV2 is permissive of development adjacent to the AONB where it does not detract from the area's special character, and Policy ENV3 is similarly permissive of such development within the ALV where the landscape impact is acceptable.
43. The turbine would be mounted on a slim line mast of 15m height with a three blade rotor of 9.8 metres diameter and an overall tip height of 19.9m. It would therefore be a relatively small physical structure in the landscape. Whilst the landscape is quite open, the turbine would be seen against the backdrop of Hamsterley Forest, and several mature trees lie between the farmstead and the turbine site. There would also be no ancillary buildings or structures associated with it. The Council's Landscape Section note that other than from footpaths close to the site the turbine

would only be seen from local roads at distances of more than 600m. At this distance the turbine would not be a significantly intrusive feature in the landscape. It is relevant that the Council has already approved the same size and type of turbine at the site and has therefore already accepted that such a turbine would not have a strong negative impact on the local landscape character of the designated ALV and adjoining AONB.

44. However, because there is an extant planning permission for a similar turbine close by, the potential for the presence of two turbines has been considered. The objections received are concerned about the cumulative impact of two turbines side by side, but little account appears to have been given to the small scale of the turbines. In this case, the two 19.9m to tip Kingspan KW15 turbines would be located approximately 50 metres apart and approximately 200 metres to the west of the farmstead. Photomontages have been submitted that show the landscape setting of the two turbines from two viewpoints and do not raise any concerns over the potential impact. In those images, when viewed from the south, the turbines would appear to be close together. When viewed from the north east, they would be seen to the east of a block of trees and farm buildings against the backdrop of forestry and moorland to the south west. The Council's Landscape Section considers that the two turbines together will not have a significant visual impact, or effect on the landscape character. The turbines are small in size, remain associated with the farm buildings, are sufficiently far from local roads and would not result in significant cumulative impact. The colour of the turbine will however be an important factor in helping to reduce the visual impact. The Council's Landscape Section have very carefully assessed other similar turbines in the Teesdale area and have arrived at the conclusion that the least visual impact is created by the use of dark colours in the finish of the turbine. The proposal includes a finished colour of Squirrel Grey (RAL7000) or darker, and this is considered acceptable in this respect.
45. The application for a wind farm of 5 turbines at Windy Bank is noted, but it has yet to be approved and is in any case not comparable to this proposal. The Windy Bank turbines would be over 100m in height. Over the separation distance between the sites of in excess of 2 miles the small size of the proposed turbines would not be associated cumulatively with the Windy Bank proposal if approved.
46. The objections made by the AONB Partnership refer to Policy RE8 of their Planning Guidelines, which states "Select the size of wind turbine based on the needs of the primary user and the capacity of the local landscape rather than seeking to maximize output." If installed, the two turbines would have a combined generating capacity of up to 30kW. If this were to be delivered by a single turbine, it would be much larger, typically installed on a 20 – 25 metre high mast, and with a rotor diameter of around 12 metres, the ground to tip height would be in the order of 26 to 31 metres, some 6 to 11 metres higher than the proposed turbine. This would be likely to have a much greater impact on the landscape and would be more visible from the AONB. It is therefore considered that on balance, the potential installation of two smaller turbines would be more likely to comply with this policy than a single turbine of greater height and rotor diameter.
47. The size of the proposed turbine and its colour and siting are therefore considered appropriate and in accordance with Local Plan Policies ENV2, ENV3, GD1 and C6 in respect of landscape impact, as well as the NPPF and policies 21, 22 and 39 of the emerging County Durham Plan in this respect.

Impacts on Residential Amenity

48. The main effects on amenity to consider with wind turbines are separation distances, noise, shadow flicker and electromagnetic interference.

Separation distances:

49. There are no nationally prescribed minimum separation distances between wind turbines and existing developments. Previous guidance in PPS22 stated that plans may include criteria that set out the minimum separation distances between different types of renewable energy projects and existing developments. The PPS22 Companion Guide refers to a fall over distance (i.e the height of the turbine to the tip of the blade) plus 10% which is often used as separation distance between wind turbines and occupied buildings on safety grounds.
50. The nearest neighbouring residential properties are Pikestone Farm and Cust Barn Cottages which lie approximately 750m to the south and south east respectively of the proposed turbine site, well beyond the fall over distance mentioned above. Wind turbines can however be perceived to be overbearing from residential properties, but this tends to be in cases of much larger non domestic turbines. No public objections on such grounds have been received. Notwithstanding this, the effect on the view from a property is not normally a material planning consideration. Simply being able to see a turbine from a particular window or part of the garden or a house is not therefore sufficient reason to find the visual impact unacceptable. The test is whether, viewed objectively in the public interest, a property would become a wholly unattractive place in which to live (rather than simply less attractive, but not necessarily uninhabitable). In this case the proposed turbine would be almost 40 times the distance of the turbine height from the nearest neighbouring dwelling. In addition, the turbine would have a slim line post and a blade rotor diameter of just 9.8 metres. Even with two turbines of this height, the impact at the distance involved is unlikely to be overbearing on the occupants of that neighbouring property, or any others further away. Neighbouring properties would not therefore become uninhabitable as a result of the overbearing effect of this turbine or even the presence of a second similar turbine being installed close together.

Noise:

51. Wind turbines should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable limits with regard to existing background noise. This will normally be achieved through good design of the turbine and through allowing sufficient distance between the turbine and any noise-sensitive development so that noise from the turbine will not normally be significant. Noise levels from domestic scale wind turbines are however generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by background noise. Micro wind turbines especially are low noise producing and the small diameter blades do not produce the swooshing noise that can be associated with large turbines. There is also no evidence that ground transmitted low frequency noise is at a sufficient level to be harmful to human health.
52. The nearest neighbouring residential properties are approximately 750m to the south and south east of the proposed turbine site and these would be the only properties that could potentially experience any noise impact from the proposed turbine. However, taking into account the separation distance to these nearest sensitive receptors and the technical noise data submitted with the application, it is considered that the proposed turbine would not generate noise levels that would cause unacceptable harm to the living conditions of those residents. The noise data submitted with the application indicates that beyond a distance of 100 metres from the turbine, noise is unlikely to exceed background levels, and together with intervening buildings and trees, it is very unlikely that there would be any noise

impact upon the nearest residents. The lack of objection from the Council's Pollution Control Section supports this conclusion, but a condition is nevertheless recommended in accordance with the methodology detailed in the ETSU-R-97 guidelines for small or single turbines. (ETSU-R-97 is a DTI document recommended by PPS22 for the assessment of wind turbine noise, and the methodology is broadly based on British Standard (BS) 4142 which relates to industrial noise and residential properties). This suggests that the rating level of noise from the operation of the turbine shall not exceed a maximum noise level (LA90,10mins) of 35dB at wind speeds from 4 to 10m/s at 10m height. The possibility of two consented turbines has been taken into account in recommending a noise condition.

53. The Pollution Control Section has no objections to the proposal, and has recommended the imposition of a condition which specifies maximum noise emissions for both the proposed single turbine and the possible cumulative noise emissions from two turbines.

Shadow flicker:

54. Shadow flicker is the effect of the sun passing behind the rotors of a moving wind turbine and casting a shadow or "flicker". Further discussion and guidance on this matter is contained in the PPS22 Companion Guide (paragraphs 73-78).

55. The National Policy Statement for Renewable Energy Infrastructure (EN-3) advises that the potential significance of the effect is dependent on a range of factors and that research and computer modelling demonstrating that there is unlikely to be a significant impact at distances greater than 10 rotor diameters.

56. Ten rotor diameters is equivalent to 100 metres. Due to the distance and aspect of the turbine in relation to neighbouring properties, it is not considered that shadow flicker would be an issue in this instance.

Electromagnetic interference:

57. This phenomenon is usually associated with large scale utility wind turbines, and not with small domestic scale types such as the applicant proposes. Whilst there is no specific information in the application relating to this, it is noted that the turbine complies with a number of international standards. Again, the turbine would be located some distance from sources that could be sensitive to electromagnetic interference. Analogue television signals can be susceptible to such interference, but following the switch to digital transmissions in the region, this would not be an issue.

58. It is therefore considered that the proposal would not have an unacceptably harmful impact on the residential amenities of neighbours. This accords with Local Plan policies GD1 and C6.

Ecology

59. Bats are a protected species and the presence of protected species is a material consideration. The local planning authority (LPA) must discharge its duty under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 and also be satisfied that the derogation tests are met when deciding whether to grant planning permission for a development which could harm a protected species.

60. The objections suggest that the application should have assessed the impact on bats. Circular 06/2005 notes that there should be a principle of proportionality applied to the need for ecology surveys and surveys should only be required where there is a clear likelihood of species being present or affected.

61. Although this proposal could potentially result in two turbines at the site, the turbines are small in height and do not represent major development. There is very little suitable habitat or foraging potential around the immediate area of the turbine site. The most relevant significant habitat feature for bats in this case is considered to be the woodland to the north. There is Natural England standing advice for small scale turbine development like the proposal. The siting of the turbine meets Natural England's Technical Advice Note TIN051 in that the rotor tips would not be less than 50 metres from the woodland. While some bat collision risk remains, the level of risk is considered to be low and so the number of potential fatal collisions is unlikely to ever be so great that the favourable conservation status of the local bat population would not be retained. On this basis it would not be proportionate to seek further survey work. A Natural England license will not be required in this case and the LPA can discharge its duty under the Habitat Regulations.

62. The proposal therefore accords with Local Plan policies C6, ENV8 and GD1, as well as with NPPF chapter 11.

Aviation Safety

63. All wind turbine proposals are subject to consultation with National Air Traffic Services (NATS) and/or the Ministry of Defence (MoD).

64. The nearest airports to the site are Durham Tees Valley and Newcastle Airports. Both are beyond the consultation range for this proposal. The MoD has confirmed that there is no objection to the proposed development.

65. Due to the scale and location of the proposed turbine it is considered that it would not have implications for aviation safety. This accords with Local Plan policy C6.

Other matters

66. The Parish Council has noted that the area has historically been mined for coal and has suggested there is no evidence submitted with the application to show that the development is safe.

67. The application is however supported by a Coal Mining Report and Risk Assessment, which note that the site is within the boundary of a former opencast site with potential for variable ground conditions that would require further investigation to determine foundation design. Because of the considerable distance of the proposed turbine from any neighbouring properties and the sufficient fall over clearance to public footpaths, together with the fact that the development is not habitable, it would be reasonable to apply a condition requiring further ground investigation and any potential mitigation if required.

CONCLUSION

68. The proposal represents development which is acceptable under Policies GD1, ENV1, ENV2, ENV3, ENV8 and C6 of the Teesdale District Local Plan 2002, Chapters 10 and 11 of the NPPF, and Policies 18, 19, 21 and 22 of the emerging County Durham Plan. The potential cumulative impacts of two small wind turbines being installed have been considered, together with reasons for objection raised by the Parish Council, HUGAG and the AONB Partnership, but it is concluded that they would not be of such magnitude to justify refusal of planning permission for a second small scale wind turbine.

RECOMMENDATION

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

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

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

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

Plan Reference Number	Date received
Site Location Plan	7th May 2014
Amended Proposed Block Plan	7th May 2014
Elevations of KW15 turbine and 15 metre tower	4th February 2014
Kingspan KW15 Planning Support Document	4th February 2014

Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policies ENV2, ENV3 and GD1 of the Teesdale District Local Plan 2002.

3. Notwithstanding the information shown on the submitted application, the finishing colour of the wind turbine shall be Squirrel Grey (RAL 7000).

Reason: In order to protect the character of the landscape in accordance with Policies GD1, ENV2 and ENV3 of the Teesdale District Local Plan 2002.

4. If the approved wind turbine ceases to operate for a continuous period of 12 months, or if it is otherwise no longer required for the generation of electricity, it shall be removed in its entirety from the site and the land shall be restored to its condition immediately prior to the development taking place within 3 months of removal.

Reason: In order to protect the countryside from unnecessary development in the interests of preserving the character and appearance of the Area of Outstanding Natural Beauty and Area of High Landscape Value in accordance with Policies ENV2 and ENV3 of the Teesdale District Local Plan 2002.

5. The rating level of noise emissions from the operation of the wind turbine (including the application of any tonal penalty in accordance with the methodology detailed in ETSU-R-97) at the location of the nearest sensitive receptors shall not exceed the following maximum noise levels (LA90, 10 min) at all wind speeds from 4 to 10 m/s when measured at a height of 10 m;

- 29dB(A) - Pike Stone
- 29dB(A) - Cust Barn
- 40 dB(A) - Jobs Lodge

In the event that the wind turbine approved under reference 6/2013/0317/DM is installed, commissioned and brought into operation, the cumulative maximum noise levels shall apply;

- 35dB(A) - Pike Stone
- 35dB(A) - Cust Barn
- 45dB(A) - Jobs Lodge

Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

6. All electrical cabling between the turbine and Jobs Lodge shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 3 months of the commissioning of the wind turbine to the satisfaction of the local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and ENV3 of the Teesdale District Local Plan 2002.

7. No development shall commence until intrusive site investigation works have been carried out to establish whether there are coal mining legacy issues which require remedial work to ensure the safety and stability of the proposed development. A detailed site investigation report including any recommendations shall be submitted to and approved by the Local Planning Authority before development commences. Where such remedial work is required, no development shall commence until those remedial works have been carried out.

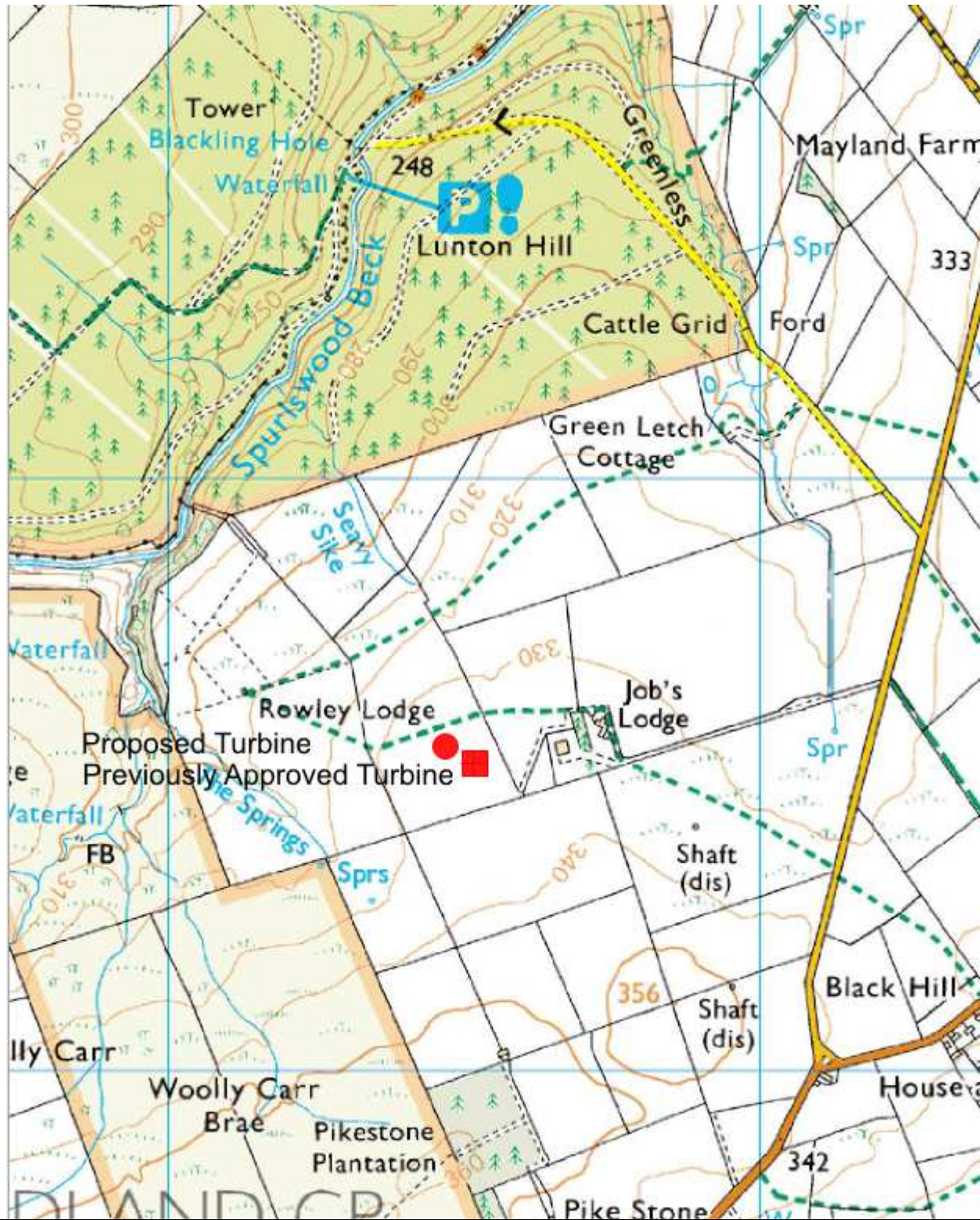
Reason: To ensure the safety and stability of the development and to accord with Policy GD1 of the Teesdale District Local Plan 2002.

STATEMENT OF PROACTIVE ENGAGEMENT

The local planning authority has engaged with the applicant in a proactive manner by seeking amendments to the scheme in the interests of public safety.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan 2002
County Durham Plan (submission version)
Consultation responses and representations received



Planning Services

Application ref. 6/2014/0033/DM
 Land at Jobs Lodge Farm, Woodland,
 Bishop Auckland, Co.Durham

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Comments

Date September 2014

Scale NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0413
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 49 dwellings
NAME OF APPLICANT:	Gleeson Developments Ltd
ADDRESS:	Former Homeland Hospital, Holy Well Lane, Helmington Row, Crook, DL15 0SE
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Adrian Caines Principal Planning Officer adrian.caines@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is a disused (since 2004) hospital site of approximately 1.66ha in area and still contains all the buildings and associated infrastructure. It is located to the east of the settlement of Crook, outside the development limits as defined in the Proposals Maps of the Wear Valley District Local Plan, and approximately 2km from the commercial centre of Crook via the A690. Vehicular access is gained off Holy Well Lane, which becomes a narrow single lane road to the south of the site. There is a footway on the western side of the road leading from the site entrance to the A690.
2. The site was originally developed as a fever/isolation hospital in 1903, which was when all the major buildings on the site were constructed. The role as a fever hospital explains why the site was located in an isolated position in the countryside, as it was believed at the time that fresh countryside air was the best treatment for diseases such as TB, typhus and smallpox. Accordingly the site is surrounded on all sides by open fields, with a highway at the eastern end. There are particularly attractive open views out to the south and east over the Wear Valley. The nearest neighbouring dwellings are within the former historic school buildings located approximately 70m to the north on Holy Well Lane.
3. The site slopes upwards from Holy Well Lane, from approximately 164m AOD in the south east of the site to 175m AOD in the north west. The site perimeter is clearly defined by a timber fence approximately 1.8m high which surrounds the site on the northern, western and southern boundaries, as well as a brick wall and gated entrance at the eastern roadside boundary. There are large mature trees around much of the perimeter of the site, as well as some within the site, which are protected by a Tree Preservation Order (TPO). The existing buildings are located predominantly down the centre of the site in a close-knit linear pattern. There are 9no. main existing buildings. The buildings are of a typical municipal style of the late

Victorian/Edwardian period. They are predominantly constructed of red brick with slate roofs and have typical features of sandstone quoins and large sash windows with stone lintels and sills.

The proposal

4. Detailed planning permission is sought for the demolition of all existing buildings on the site and erection of 49 dwellings with associated road infrastructure and open space. The majority of trees around the perimeter of the site would be retained, but in addition to felling all trees within the site, there would be some felling of TPO trees including 3 trees within Group 1, as well as T18, T19, T27, T34 and T45, as detailed in the submitted Tree Survey. The properties would comprise of 8no. 2-bed dwellings, 26no. 3-bed dwellings and 15no. 4-bed dwellings. There is no affordable housing provision within the scheme. The proposal has been amended through the course of the application, reducing the number of dwellings from 54 to 49 with some changes to layout and landscaping.
5. The application is reported to the SW Area Planning Committee in accordance with the Scheme of Delegation because the proposal is classed as a major development because of its size.

PLANNING HISTORY

6. The only previous planning history on the site was an application in 2007 ref 3/2007/0848 for 22 executive dwellings which was withdrawn following Wear Valley District Council's concerns about the height and design of the dwellings, and insufficient information in respect of impact on the TPO trees, bats and drainage.
7. In 2011 The Council agreed a development brief with the site owner The Homes and Communities Agency (HCA). The development brief was for the HCA's use to provide guidance to prospective developers on the development expectations for the site and to make it clear that only a scheme of exceptional quality and sustainability would be likely to receive the Planning Authority's support. The brief set out 4 main objectives encompassing a vision to achieve a highly innovative, highly sustainable residential development which made provision for affordable housing and did not impact on the trees and site ecology:
 - Create a sustainable development, which is appropriate to the location and existing nature of the site;
 - Promote high standards of design in accordance with HCA predecessor organisation 'English Partnerships Quality Standards Delivering Quality Places Revised: from November 2007' and Code Level 3 or 4 of the Code for Sustainable Homes;
 - Provide housing with a variety of types and tenures, including the provision of 20% affordable units (nil grant) to meet with local housing needs;
 - Respect the existing nature of the site and have regard to the existence of the Tree Preservation Order affecting the site.

PLANNING POLICY

NATIONAL POLICY:

8. 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. The following elements of the NPPF are considered relevant to this proposal.

9. *Part 4 – Promoting sustainable transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should give priority to pedestrian and cycle movements and have access to high quality public transport facilities. Layouts should minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and considering the needs of people with disabilities. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
10. *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. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
11. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
12. *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.
13. *Part 10 – 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.
14. *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, minimising impacts on biodiversity and providing net gains where possible.
15. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National Planning Practice Guidance (NPPG). Among other things the NPPG provides further guidance on design.

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 significant weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
17. *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.
18. *Policy ENV1 (Protection of the Countryside)*: The District Council will seek to protect and enhance the countryside of Wear Valley. Development in the countryside will only be allowed for compatible countryside uses.
19. *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.
20. *Policy H15 (Affordable Housing)*: The Council will negotiate for the inclusion of an appropriate element of affordable housing on the identified and any additional sites coming forward.
21. *Policy H22 (Community Benefit)*: On sites of 10 or more dwellings the local authority will seek to negotiate a contribution 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 development should reflect the density and character of the locality, provide suitable access, have suitable private amenity space and have acceptable window relationships with existing dwellings.
23. *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.

EMERGING POLICY:

24. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public scheduled to commence later this year. 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 and can be given some weight given the advanced status of the Plan:

25. *Policy 16 (Sustainable Design in the Built Environment)* sets out a number of design and sustainability requirements for new development, including among other things that new development reinforces local distinctiveness, is an appropriate density, is energy efficient, promotes choice in tenures and prioritises the needs of pedestrians, cyclists and public transport users.
26. *Policy 30 (Housing Land Allocations)* identifies sites to meet the Council's housing requirements.
27. *Policy 31 (Addressing Housing Need)* sets out thresholds and requirements for affordable housing in new developments. The relevant threshold in this case is 10% on sites of 15 units or more.
28. *Policy 35 (Development in the Countryside)* established that land which is not within existing built up areas will be treated as countryside and new development in the countryside will only be granted where one or more of the exceptions apply: the site is an allocation; the development is necessary for agriculture, tourism or a rural business; the development directly supports local services; or would involve reuse of suitable redundant buildings or heritage assets.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Highways Authority* – While acknowledging that Holy Well Lane is inappropriate for significant traffic volumes the levels of traffic could not be successfully argued to be significant to the extent of sustaining a refusal and, more importantly, the site's existing lawful planning use has associated with it potential generated traffic greater than that arising from the proposed use. Notwithstanding this, a reduced housing density would be supported given this would correlate to reduced vehicle movements. The existing Holy Well Lane street lighting between the site entrance and the A690 is not to current standards and would have to be upgraded as part of any consent, under s.278 works and the overgrown footway on the western side of Holy Well Lane needs attention. There is an unresolved issue with one of the parking spaces at plot 47.
30. *Northumbrian Water Ltd* – Have no objections provided no surface water will discharge into the public sewer because the sewerage pumping station is at full capacity and could not accept both foul and surface water flows.
31. *Environment Agency* – Have withdrawn their earlier objection. The proposed development will only meet the requirements of the National Planning Policy Framework if it is carried out in accordance with the approved Flood Risk Assessment, specifically limiting the surface water run-off generated by the site to a maximum of 9 l/s so that it will not increase the risk of flooding off-site.

INTERNAL CONSULTEE RESPONSES:

32. *Spatial Policy* – Do not support the application. The site is located outside of the existing settlement boundary for Crook and is not located in the settlement of Helmington Row. It is also not designated employment land or within a residential area as suggested by the applicant. The site constitutes a countryside location and therefore the proposal draws no support from Wear Valley Local Plan policies ENV1 and H3 which remain broadly consistent with the NPPF. The site is located approximately 800m from the edge of the settlement of Crook, and the town centre is

a further 1,000m beyond that. The site is categorised as unsuitable (red) within the SHLAA on account the site is detached from the settlement. Taking this into consideration, development in this location will not contribute strongly to the sustainability objectives of the NPPF that new housing development should be located to provide improved access for all to local services and facilities, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. The brownfield element of the site is not by itself sufficient to justify development and given how the scheme does not propose to reuse any of the existing buildings located on the site through conversion the scheme needs to demonstrate that the development brings added value in other aspects of sustainability such as off-site improvements to help encourage walking and cycling from the site into Crook, a high level of sustainability in construction, design quality, and provision of affordable housing. These issues have previously been discussed with the HCA (as landowner) and incorporated into the HCA's Development Brief for the site, yet the scheme bears little resemblance to the stipulations of the development brief. The viability appraisal effectively asserts that the scheme is barely viable comprising solely of market housing, so offers no added value in terms of affordable housing (whether that be on or off site). The development comprises generic standard house types, which confirms that this development will be just another standard development which takes little account of its location and surroundings and the objective of creating a sense of place. The unsustainable nature of the site in terms of its isolated location, coupled with the fact all buildings will be demolished and replaced with an "anything anywhere" form of estate housing, and that the scheme delivers no added affordable housing or community benefits, tips the balance firmly against the scheme.

33. *Sustainability* – Unable to support the application. The applicant's conclusion that the site is in a sustainable location in relation to the distance and accessibility to local services is based on the 2000m Commuting/School/Sightseeing suggested maximum walking distance. However, while commuting to both Wellington and Crook is within this preferred maximum distance, the majority of services and facilities, including a food store, GP, leisure facilities etc do not fall within this 'Commuting' category and both town centres are outwith the preferred maximum walking distance of 800m and the 1200m 'elsewhere category'. It must also be noted that the location is only one element of the overall sustainability of the development. Whilst it is appreciated that the site is brownfield land, there is no retention of existing buildings. The applicant would also be obliged to meet the current sustainability condition.
34. *Design & Conservation* – Unable to support the application which had the potential to make a positive contribution to the built environment of the surrounding areas if a degree of imaginative and flexible design had been applied. The overall design, mix and detailing of the dwellings takes no reference from the strong character of the site or surrounding vernacular and fails to give the development a sense of local identity. There are a number of basic design elements clear from both the hospital site and the wider vernacular of Helmington Row, Wellington and Crook (stone quoins, stone heads and sills, slate roofs, water tabling, traditional vertical window proportions), use of which could be included in the house types to give more distinctiveness and relevance to the development. In addition to the lack of incorporation of these features, there is no appropriate precedent for cottage style windows with horizontal proportions, mix of arched and flat brick heads and use of red rolled profile roof tiles shown in the current proposals. Overall the proposal remains a collection of disparate house types which take no reference from their surroundings. The site being in such a sensitive open landscape setting can only benefit from a reduction in the density of development to reflect the small number of larger buildings currently present on the site. A smaller number of larger, better detailed units which reflect the

development pattern to the centre and south of the current site would sit far more comfortably in the landscape as opposed to a larger number of modest repetitive standardised units.

35. Further to amendments in Rev I & L the amalgamation of the previously smaller areas of public open space into one more meaningful area is to be welcomed but it is not considered that this goes far enough to address the previously expressed concerns about the layout and density of the proposed scheme. The scheme remains dominated by the highway layout and proposed parking, lacking in meaningful and linked open space and most importantly lacking in character and distinctiveness as a result, the proposed density and grouping of dwellings will also result in the development being unduly prominent within the landscape. The proposed addition of "stone effect" heads and sills has not been detailed in accompanying elevation plans so the impact of this proposal cannot be considered. It is unclear what form these would take as a number of the current heads as proposed are arched contrary to the local vernacular. The proposed house type designs remain a standard product which has been imposed on this specific site without any of the locally distinctive elements identified in the applicant's own design and access statement.
36. *Trees* – The TPO trees around the site perimeter are extremely important to soften the impact of any redevelopment of the site and must be retained and protected. Along the northern boundary there does not appear to be any sound reason for removal of TPO tree 34 and it would expose the gable of plot 33. Amendments have been made to move development out of the Root Protection Areas, but there would still be insufficient space for construction access between the protective fencing and build which could result in tree damage and soil compaction during construction and impact on the longevity of the trees and their role in screening the development. The future of the substation on the west boundary has not been adequately clarified and it would not be acceptable for any excavation related to the substation or any new trenching to be within the RPA of the TPO protected trees. Plots 13-19 in the southwest corner are likely to suffer from excessive shading and despite initial tree works the trees are likely to be subject to future pressures from the property owners. While a no dig methodology would be suitable for the access along the eastern boundary it would require a raised surface which is not always practical.
37. So while improvements have been made to the layout of the scheme in respect of the relationship to the trees; however there are still a number of areas of concern where proposed dwellings are considered to be too close to protected trees. The scheme has not therefore adequately demonstrated that the long-term vitality of all the retained protected trees would be adequately protected. 49 dwellings is over development of the site and results in designing in conflict rather than designing it out.
38. *Landscape* – Satisfied with amendments to the open space locations and considers the detailed landscape scheme within the development, designed by a Landscape Architect, to be a good one and provides for valuable structure planting, using a variety of hedgerow plant species to front and side boundaries, some trees to open space and front and rear gardens, as well as shrub planting to open spaces and front gardens. A phased programme of landscape implementation should be agreed by condition. The impact of the substation and cabling needs further consideration as new cable within the rpa of 7 trees to the west boundary could potentially cause unacceptable damage to the trees. If the cable has to be replaced then a new location out with the rpa should be designed for.

39. *Ecology* – While there are still concerns over the failure to incorporate a dawn survey (as recommended in best practice guidance) in the assessment, it is agreed that the timings of the surveys are likely to have picked up the risk of any large bat roosts being present. Previous comments regarding the lack of biodiversity enhancements in the form of provision of multifunctional greenspace on site appear to have not been addressed.

PUBLIC RESPONSES:

40. The application was advertised by site notice, press notice and letters were sent to neighbouring properties. There were 5 objections and 2 comments received initially and a further 3 objections received following reconsultation on amended plans. One of the objectors has made representations both as a neighbouring resident and separately in formal capacity as H.M Coroner for the area.
41. The objections received consider the proposal to be over development of the site which would impact on drains and trees within the site, while not providing any affordable housing which the area needs. There are also serious concerns about the suitability of Holy Well Lane west to be able to cope with the levels of traffic that would be generated because it is a single track road with no passing places and has dangerous crests and corners along it. It is also considered that the egress From Holy Well Lane onto the A690 will be problematic for the volume of vehicles generated. It is considered that traffic from the previous hospital was minimal and has been overestimated by the Highways Authority.
42. One of the comments received would like it noted that bat activity is prolific during the summer months and although the application notes the existing mature trees are to be retained to provide roost sites, consideration should be given to further provision of bat boxes, bat tiles and bat lofts on the houses. The other comment suggests all properties should have at least 2 parking spaces.

APPLICANTS STATEMENT:

43. Gleeson Homes have worked with Durham County Council to achieve a development proposal which responds to the site constraints in a positive manner. The development has been subject to various revisions during the determination period which is testament to the commitment of Gleeson to achieve a scheme which is suitable in all respects. Overall it is felt that these alterations are to the benefit of the scheme and will significantly improve the context of the application site which has remained derelict and unsightly for many years.
44. Gleeson have committed to providing a significantly improved landscaping scheme which will minimise the visual effect of the proposed development from views beyond the site. It will also significantly improve the character of the development from within the site. In addition to the extensive landscaping alterations, the scheme has been subject to many general design alterations and layout iterations which result in a scheme which is respectful and sympathetic of its surrounding locality.
45. Overall, the development proposals presented by this planning application seek to redevelop the longstanding vacant former Homelands Hospital site in a manner which will significantly improve the appearance and environment of the site. Whilst the site has laid vacant for many years, there has been no alternative genuine developer interest in the site. Gleeson Homes specialise in redeveloping difficult sites, often in challenging market areas. Those sites, like the Homelands Hospital

site, are almost without exception brownfield sites thereby reducing the pressure to build on greenfield sites.

PLANNING CONSIDERATIONS AND ASSESSMENT

46. 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 impact on the character and appearance of the area having regard to matters of design and layout, impact on protected trees, highway safety, ecology, and drainage.

Principle of development

47. The application site is brownfield land, but it lies in open countryside outside of any development limits. The proposed housing development is therefore a departure to Wear Valley Local Plan policies ENV1 and H3 which seek to protect the countryside from development not related to agriculture or other countryside purposes and to direct new development to within towns and villages able to support it. The objectives of policies ENV1 and H3 therefore remain consistent with the NPPF and can be given weight.
48. It is acknowledged that the NPPF emphasises sustainability in considering the location of new development, and that the emerging County Durham Plan does not propose to retain defined settlement boundaries, however the longstanding aims to prevent isolated dwellings and protect the character of the countryside remain key objectives in the NPPF, as well as in the emerging County Durham Plan and the development limits of the Wear Valley Local Plan remain in force. It is also acknowledged that the NPPF encourages reuse of previously developed land, but there is no presumption that all previously used land is suitable for development.
49. By the nature of its original use as an isolation hospital, the site is isolated from the built up areas of Crook and Helmington Row, surrounded on all sides by agricultural fields. Approximately 200m to the north at the junction of Holy Well Lane and the A690 is a small collection of 7 properties and a village hall. Among those is the converted former school (School House) which is a Grade II listed building. Holywell Fold is the nearest residential dwelling approximately 65m to the north. There is some ribbon development of terrace housing and a pub along the A690 towards Crook, as well as some allotment gardens. Approximately 200m south along Holy Well Lane is Helmington Grange farm.
50. As a result of the limited and sporadic nature of those buildings and the clear physical separation of the site, it could not be considered as falling within a built up area and therefore in addition to the conflict with the Wear Valley Local Plan policies ENV1 and H3, the site would not be treated favourably under policy 35 of the emerging County Durham Plan as the proposal would not fall within a built up area and would not meet any of the exception criteria in the draft policy i.e. the site is not an allocation in the Plan; the development is not necessary for agriculture, tourism or a rural business; the development does not directly support local services; and would involve demolition rather than reuse of redundant buildings.
51. Despite its physical isolation, the applicant suggests that the site is still in a sustainable location in relation to the distance and accessibility to local services. This is disputed by the Council's Planning Policy and Sustainability Sections as the applicant's conclusions on this are based on using 2000m suggested maximum

walking distance for commuting purposes, rather than using the preferred maximum walking distance to town centres of 800m, within which the desirable walking distance most likely to encourage walking is 200m. The applicant has also used distances as the crow flies, rather than actual travel distance. Acceptable walking distance also depends on other factors such as the quality of services within the town centre, length of stay, and physical factors such as the gradients and safety of the route, which can all discourage walking even at shorter distances. In this case the centre of Willington lies over 2300m (2.3km) from the centre of the site. The distance involved, poor range and quality of services at the end of the journey and steep gradients are likely to be major discouraging factors to walking and cycling. In the other direction the town centre of Crook lies just over 2000m (2km) from the centre of site. Crook has a greater range and quality of services, but probably still not sufficient to encourage a return walking journey in excess of 4km, particularly considering the very steep gradients involved. There is a bus service along the A690 and there are bus stops in both directions near the A690 junction with Holy Well Lane, but most residents in the proposed development would be beyond the maximum suggested distance of 400m to those bus stops. The distance to the bus stops, along with the limited range of services available in Crook and Willington is more likely to discourage bus use rather than encourage it. Residents on this site are therefore most likely to be reliant on private car use to access daily services and facilities, employment, leisure facilities and to visit family and friends, which conflicts with the NPPF aims of reducing private car journeys and locating development where walking, cycling and public transport opportunities will be strengthened and maximised.

52. On account the site is detached from any settlement and residents would be reliant on private car use to access services and facilities, the site is therefore considered to be an unsustainable location for housing, particularly at the scale of development proposed. It was for these reasons that despite being brownfield land, the site was categorised as unsuitable (red) for housing within the Strategic Housing Land Availability Assessment (SHLAA) and ultimately not included in the housing allocations in the submission of the County Durham Plan.
53. There are also other facets of sustainability beyond purely considering the location of the site. One of those set out in NPPF paragraph 50 is delivery of affordable housing to meet local needs and create inclusive mixed communities. On the basis of the up to date evidence base for the area the application should be providing 10% affordable housing. Prior to submission of the application discussions with the HCA highlighted the need to provide affordable housing, among other things, as part of any development package that would deliver wider public benefit. This had been agreed and was reflected in the HCA's development brief. The application does not however include any affordable housing, whether within the scheme, or offsite. While the applicant has demonstrated that affordable housing would make the scheme unviable, the absence of affordable housing nevertheless means that the development would not deliver the wider public benefits that affordable housing brings. The HCA might be the landowner, but there is no guarantee that the money received from the sale of the land would be put directly back into affordable housing funding in the local area so that is not a factor which should be given any weight in the consideration of this application. Accordingly, the absence of any affordable housing, while not a reason for refusal in its own right because of viability, is nevertheless a factor that tips the balance against the scheme when all matters are taken into account in assessing whether there are any special circumstances to justify a departure to the Local Plan.
54. It is also a core planning principle of the NPPF to support the transition to a low carbon future by encouraging the reuse of existing resources and the use of

renewable resources (renewable energy). All existing buildings currently remain on the site and externally appear largely intact. It is generally more energy efficient to make best use of existing built fabric than to pursue its complete demolition and to construct afresh. In the previous discussions with the HCA prior to submission of the application it was agreed that consideration should be given to reuse of the buildings or materials and that any new dwellings on this site would have to be constructed to high standards of sustainability (at least Code for Sustainable Homes Level 3) to mitigate against any demolition and the poor sustainability of the site's location. Once again, this was a principle reflected in the HCA's development brief. However, the submitted proposal seeks complete demolition and clearance of the site with no reuse of buildings, or salvageable materials, which would have enhanced the local identity of the proposal. In addition, the proposed scheme seeks only to meet current building regulations in terms of energy efficiency and it does not seek to incorporate any use of renewable energy systems. Accordingly, the development would not make any significant contribution towards supporting one of the core principles of the NPPF and the aims set out in Part 10 in respect of reducing carbon emissions and supporting the transition to a low carbon, sustainable future.

55. So, while the site is previously developed, the site and proposal performs poorly against the sustainability aims of the NPPF and there would not be sufficient added public or wider environmental benefits within the scheme to outweigh the conflict in principle with the existing development plan (ENV1, H3) and NPPF aims of promoting sustainable patterns of development, reducing reliance on private car travel and encouraging sustainable design and construction. The proposal does not therefore benefit from any presumption in favour of sustainable development and there is no overriding need for the development as the Council can demonstrate a 5 year housing supply. Some limited weight can also be given to the proposal's conflict with policies 16 and 35 of the emerging County Durham Plan given the advanced status of the Plan and the conformity of those policies with the NPPF.
56. Other considerations which are material to the acceptability of the proposal are in respect of the impact on the character and appearance of the area, impact on protected trees, highway safety, ecology and drainage, which will be addressed in turn below.

Design, layout and impact on the character and appearance of the area

57. This site differs from typical housing sites because of its history, the character of existing buildings on the site and its location. Because of this there was recognition in the HCA design brief that any development proposal on the site would have to be design led and a very high quality respecting the existing site character, the protected trees and rural setting.
58. While the design brief has no formal adopted status, its general principles and expectations are now largely reflected in the NPPF. Specifically, the importance of good design is emphasised in section 7 of the NPPF. Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. NPPF paragraph 58 requires that planning decisions should among other things ensure that developments establish a strong sense of place; respond to local character and history reflecting the identity of local surroundings and materials; and are visually attractive. The importance of local distinctiveness is further emphasised in NPPF paragraph 60 which states that while decisions should not seek to impose architectural styles or particular tastes, it is, however, proper to seek to promote or

reinforce local distinctiveness. In NPPF paragraph 64 it says permission should be refused for development of poor design.

59. Wear Valley Local Plan policy GD1 is consistent with the NPPF in seeking that all new development should be designed to a high standard. There are a number of design criteria which among other things include that development is in keeping with the character and appearance of the area; appropriate in terms of form, mass, scale, layout, density and materials to the town in which it is located; landscape and historic features are retained and incorporated into the design and layout; and would not have a detrimental impact on the landscape quality of the surrounding area. Policy H24 also requires that new residential developments reflect the density and character of the locality. Draft Policy 16 (Sustainable Design in the Built Environment) of the emerging plan can be given some limited weight and sets out a number of design and sustainability requirements for new development, including among other things that new development reinforces local distinctiveness and is an appropriate density.
60. Because of its position surrounded by countryside, views of the site from outside are very important. The most prominent views are from the A690 where the site is viewed against attractive open countryside, while the site is also seen from Holy Well Lane and two public footpaths to the south and east (footpaths 108 & 109). The setting of the site is distinctly rural.
61. The proposed development would represent a significant change in the character of the site and how it sits in the landscape. Wear Valley Local Plan policies GD1 and H24 require new development to be of an appropriate density for the area in which it is situated. The density of the proposed development in excess of 30 dwellings per hectare represents a typical suburban density expected within towns and villages and is considered to be too high for this rural site which is detached from the settlement of Crook and seen in open landscape views within the countryside. This principle is reflected in the direction of travel of the emerging County Durham Plan and draft policy 16(h) which suggests density above 30 dph is appropriate in and around town centres and locations where there is good access to facilities and public transport services, while lower densities will be more acceptable in other locations where it is necessary to ensure development is compatible with its surroundings. At the proposed density the development is likely to have a very suburban character that would appear prominent and incongruous in a rural setting surrounded by fields. This is a view supported by the Council's Design and Conservation Section who have recommended that a smaller number of larger, better detailed units which reflect the development pattern to the centre and south of the current site would sit far more comfortably in the landscape than the current development proposal.
62. The detrimental impact of the high density of the development proposal in this rural setting would be further emphasised and increased by the design approach to the layout which locates the majority of dwellings around the perimeter of the site. At present, although the mass and heights of the existing buildings are larger, they are located more centrally within the site, which helps to reduce their prominence behind the perimeter tree coverage. The proposed houses would be much closer to the site boundary than the existing buildings around all sides of the site. Some attempt has been made on the northern boundary to break up the line of houses in recognition of the importance of this boundary in views from the A689, but conversely as a result, plots 26, 32 and 33 would have their gable ends close up to the northern site boundary where they would be highly exposed to view on this most prominent of the site boundaries and would therefore be particularly visible and intrusive in the landscape. On the western and southern boundaries there would be a large number of closely spaced dwellings, much closer to the site boundary than the buildings at

present. The western site boundary is still highly visible from the A689, while the southern boundary is visible from Holy Well Lane and the public footpaths. By ringing the dwellings around the edges of the site and having them packed so tightly together, the proposed development would create a highly prominent wall of development that would not sit sensitively against the surrounding rural landscape and would give the impression of an even higher density of development. As a result, the development would be far more prominent than the existing buildings, particularly in winter when the trees are not in leaf. The proximity of the dwellings to the trees also raises a number of concerns in respect of potential impact on the longevity of the trees and their role in screening the site, which will be addressed separately.

63. In terms of building design, the existing buildings on the site have a strong character reflecting many of the common elements of the local late Victorian/Edwardian architectural language with design features like stone quoins, stone heads, slate roofs, water tabling and vertical window proportions. The buildings at the front of the site have particularly strong character in this respect, as do the adjacent school buildings to the north on Holy Well Lane, one of which is grade II listed.
64. Despite this strong existing architectural character the proposed scheme does very little in its proposed housing design to ground it in, or interpret the local identity of either the site, or its surroundings, despite the requirements of NPPF Section 7 for development to establish a strong sense of place and respond to local character and history where necessary. The scheme proposes use of the developer's "rural house types", but they are a standard house type which the developer has used in other schemes with very little meaningful attempt to draw in the distinctive features or materials of the buildings on this particular site, or any nearby buildings. The latest amendments have indicated the introduction of "stone effect" heads and sills on 14 of the plots. While this represents a slight improvement in the scheme, it is not a sufficient response to the existing site character and history as windows would still be horizontal in proportion and there is no design justification or relevance for use of cottage style doors, arched heads and oversized dormer windows. Even with the latest introduction of the stone effect heads and sills the site frontage along Holy Well Lane would be particularly weak on local identity given the character of the adjacent buildings that the proposed dwellings would be seen alongside. The frontage onto Holy Well Lane would have been the most obvious part of the development where the strong local identity and past use of the site could have been reflected either by retention of existing buildings or design of new buildings, but the scheme has missed that opportunity with only the boundary wall being retained. As a result, the scheme would not deliver a strong sense of place or distinctive local characteristics within, contrary to NPPF paragraphs 58 and 60, and draft policy 16(f) of the emerging plan, which all emphasise the importance of good design and local distinctiveness in new development.
65. In terms of other design and layout considerations, the highway layout, surfacing and parking treatment represents a very standard car-dominated approach. As a self-contained and rural site, which does not link into a surrounding street network, other than Holy Well Lane, the layout did not have to be so car dominated. The opportunity exists on this site to have a more pedestrian friendly environment that is not dominated by the route of the carriageway and front-of-plot parking, as proposed. This is another area where the proposed scheme fails against good design principles. New landscaping within the site is the one area of the scheme which would be to a high standard and the proposal includes a small area of amenity space within the site, the location of which has been improved during the course of the application. It would have been better though if the amenity space was more of a multifunctional space and included some play equipment provision because the nearest playing field and children's play area is not within easy reach of the site

being 800m away at Helmington Row and would involve a walk along a busy A road. In the event of any approval on the site there would still be a requirement for an open space contribution of at least £44,000 for the current development proposal.

66. Taking all the above matters into account there is little evidence of a design led approach to development on this locally important site. The proposal would not be appropriate for the site in terms of its density, layout and design quality as required by Wear Valley Local Plan policies GD1 and H24, and would fail to reinforce local character and meet the good design aims of the NPPF in section 7. This would have a detrimental impact on the character and appearance of the area.

Impact on protected trees

67. The majority of trees around the perimeter of the site are protected by a Tree Preservation Order (TPO). There are also some trees within the site covered by the TPO, but all internal trees would be removed to accommodate the development.
68. The trees around the site perimeter are extremely important to soften the impact of any redevelopment of the site because of how the site sits in isolation in the landscape. The trees are therefore a very important landscape feature which must be retained and protected, not just during construction but for the future. It must therefore be possible to protect the trees during construction, ensure the development does not impact on the long term health of the trees and minimise any potential pressures for future tree works or removal because of conflict with residential properties.
69. Along the northern boundary there would be two TPO trees removed: no.s 27 & 34 (trees 48 & 56 in the Tree Report). No.27 is noted as a poor species so there is no objection to its removal, but no.34 is described in the tree report as being in fair structural and physiological condition and there does not appear to be any sound reason for its removal other than conflict with the dwelling on plot 33 because of proximity. Removal of this tree would expose to view the whole of the gable of plot 33 and increase the prominence of the development in the landscape and is therefore not accepted. The dwelling should be moved or removed from the scheme, not the protected tree. Before the latest amendments there would have been numerous building incursions within the tree Root Protection Areas (RPAs) along this boundary, but garages and dwellings have now been moved out of most of the RPAs, except for plot 27 which remains within the RPA. Of serious concern though is the proximity of the dwellings to the RPAs on plots 33, 32, 30, 27 and 26 which would not allow sufficient space for construction access between the protective fencing and build as shown on the submitted Tree Protection Plan. This is a clear indication that these plots are too close to the trees. As a result, there is potential on these plots to inflict tree damage and soil compaction during construction in what should be a protected area around the trees, which could impact on the longevity of the trees and their role in screening the development.
70. On the western boundary the future of the existing substation and electrical connection arrangements has not been adequately clarified. The Tree Report states that retention of TPO tree 20 (Tree 40 in the Tree Report), which sits right up against the substation fencing, is dependent on what happens with the substation. The application suggests the substation will be retained but does not provide sufficient information to demonstrate this would be the case. Further details of the works to the substation would have to be conditioned in the event of any approval as it would not be acceptable for any excavation related to the substation or any new trenching to be so close to and within the root protection areas of the TPO protected trees; and removal of the tree would diminish the screening of the development. The Council's

arboricultural officer is of the opinion that the electricity substation should really be demolished and wayleave abandoned for a new sustainable connection to be established that will not impact upon the trees (and multiple rear gardens) when the cables need to be repaired/renewed. This would however affect the site layout and would require further consideration.

71. On the southern boundary the main concerns relate to plots 13-19 in the south west corner, which are considered likely to be affected by unreasonable amounts of shading of the south facing rooms and gardens. This would affect the ability for grass and plants to grow within the garden and reduce the enjoyment of the garden and internal rooms. The management proposals in the Tree Report recommend various works to these trees. This would improve the situation initially, but the trees are likely to be subject to future pressures from the property owners to carry out regular works or removal. Good design would seek to design out this potential conflict to secure the longevity of the trees by providing greater separation between the trees and dwellings.
72. On the eastern boundary there would be removal of a large Beech tree within Group G1 of the TPO as well as some small Holly bushes which are accepted because of their condition and the large number of retained trees in this area of the site. There would be incursions of parts of the access road, visitor spaces and turning head into the RPAs. The Tree report states these areas could be subject to a no dig working methodology which could work in principle, however it is unclear how this would be compatible with rest of the road construction as the no dig solution specified in the report requires the road to be constructed above ground level and would therefore result in a raised road surface. This creates an added complication and uncertainty about site levels, importation of material and the resultant potential impact on the trees, which has not been detailed in the Tree Report.
73. In addition to all the above issues, so many of the properties would have the majority and in some cases (plots 16, 18, 26, 27, 28, 29, 30) nearly their entire rear gardens within RPAs of the TPO protected trees. This arrangement would be severely limiting on any alterations and garden works residents of those properties could undertake in the future. If any residents caused damage to the roots of the protected trees they could be liable to prosecution for an offence under the TPO Regulations. This is an impractical situation for residents and would be unduly burdensome for the Council who would have to regulate it. Removal of permitted development rights would be essential in the event of approval, but would not be a sufficient control to prevent more minor garden digging works that would fall outside of planning control, but could nevertheless be damaging to the tree roots and longevity of the trees.
74. Site drainage is another aspect of the development that the scheme has not taken fully into account in respect of the potential impact on trees. The scheme proposes to take a new drainage connection to the roadside watercourse to the south, which is shown within the Flood Risk Assessment to include provision of a new pipe along the roadside verge of Holy Well Lane into the development. That would involve considerable unacceptable excavation and root severage within the RPAs of all the roadside trees.
75. So taking all these matters into account, despite some improvements made to the layout of the scheme in respect of incursion into RPAs; there are still a number of areas of serious concern, as highlighted above, where proposed dwellings and other development are considered to be too close to protected trees with the potential for damage to be caused to the trees during and post construction. Nearly all the trees around the perimeter of the site are strictly protected by a TPO. The protected trees are an important factor which significantly limits the scale of development possible on

the site. The submitted scheme does not however pay sufficient regard to the protected nature of the trees by locating the development too close to those trees and would design in conflict rather than seek to design it out. The proposal has not therefore adequately demonstrated that the long-term vitality of all the retained trees would be protected in all respects. The proposal would not therefore accord with saved Policy GD1(ii), (iii) and (xi) of the Wear Valley District Local Plan, which seeks to ensure that all development is designed and built to a high standard and contributes to the landscape and natural quality of the surrounding area.

Highway safety

76. There have been a number of objections received in respect of the suitability of Holy Well Lane to accommodate the additional vehicle movements generated by the proposed development, as well as the safety of the access and the junction onto the A690.
77. The Highway Authority has acknowledged that Holy Well Lane is inappropriate for significant traffic volumes and this would normally be an unsuitable situation for the scale of development proposed, however, regard has to be given to the site's existing lawful planning use as a hospital. While vehicular movement and parking demand would not have been particularly high for much of its history, continued use in the present day could bring with it potential generated traffic greater than that which would arise from the proposed housing development. Therefore, despite having concerns and the strong representations received on this issue, the Highway Authority considers that a refusal could not be substantiated on those grounds.
78. Notwithstanding this, the Highway Authority would still prefer a reduced housing density as this would correlate to reduced vehicle movements, which would be more suitable for Holy Well Lane and the junction with the A690.
79. Regarding the layout, the proposal is a very standard rigid highway layout designed primarily for the movement and parking of vehicles. A pedestrian footway has been added along the southern section of the main access road at the request of the Highway Authority. The parking provision has been improved during the course of the application to meet the County parking standards, but there is still an unresolved issue with the location of a parking space at plot 47. The Highway Authority has noted that the existing Holy Well Lane street lighting between the site entrance and the A690 is not to current standards and would have to be upgraded as part of any consent, under s.278 works.
80. So despite the acknowledged concerns about the width of Holy Well Lane and a desire for fewer dwellings on the site, it is considered that the proposal would not lead to a severe cumulative impact on highway safety and therefore there are not sufficient grounds to justify a highways refusal on that basis. Other than repositioning the parking space on plot 47 which could be conditioned, in highways respects the development proposal therefore accords with Wear Valley Local Plan policies GD1 and T1, as well as NPPF paragraph 32.

Ecology

81. The NPPF requires new development to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Wear Valley Local Plan policy GD1 also requires that new development does not endanger wildlife habitats and where appropriate creates wildlife habitats.

82. The proposal involves demolition of all existing buildings and removal of some trees within the site so it has potential for impact on bats and breeding birds. In 2007 there was a known bat roost in one of the buildings. Bats are a protected species.
83. The site has been resurveyed and the findings are set out in the supporting Habitat Survey and Bat risk assessment, which found no further roost present. It is noted that since the previous roost was found, the buildings have been empty and unheated and the roof tops and slates have deteriorated which is possibly why the roost is no longer present. The risk of bats still being present in the buildings is therefore considered to be low and any risk could be sufficiently addressed in a method statement to control demolition. This has been agreed with the County Ecologist. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations.
84. The County Ecologist has however commented on the lack of biodiversity enhancement in the scheme and one of the observations has suggested that additional bat habitats should be incorporated into the fabric of the new buildings. There have since been improvements to the internal landscaping scheme and the majority of the mature perimeter trees will be retained with new bat boxes. There could however be further enhancement to meet the requirements of the NPPF, particularly given the previous history of a bat roost on the site. It is therefore recommended that in the event of any approval additional mitigation measures should be incorporated into the new dwellings and secured by condition for the proposal to fully comply with the biodiversity enhancement requirements of the NPPF and Wear Valley Local Plan policy GD1.

Drainage

85. The site does not lie within an area of flood risk, but there was an initial objection from the Environment Agency because of concerns about the proposed discharge of surface water runoff into the nearby watercourse. This surface water arrangement was a requirement of Northumbrian Water because the existing sewerage pumping station is at full capacity and could not accept the additional foul and surface water in the existing combined system.
86. The Environment Agency has now withdrawn its objection following additional work, subject to designing a surface water drainage scheme to limit the surface water to a maximum of 9 litres per second.
87. Northumbrian Water have confirmed this remains an acceptable option as it would remove the current discharge of surface water into the combined system, thereby freeing sufficient capacity for the foul drainage from the development. This would occur through the use of permeable crushed aggregate construction on private and shared drives and surface water being directed to the watercourse in a flow attenuation structure using oversized pipes. In the event of any approval this could be adequately dealt with by a condition requiring submission of a detailed scheme designed to the Environment Agency requirements.
88. In respect of drainage issues the proposal complies with Wear Valley Local Plan policy GD1.

CONCLUSION

89. The site is located in the countryside where reliance on private car travel to access services and facilities is likely to be high, thereby reducing the benefits to be gained from redeveloping a brownfield site in this location. The site was considered to be unsuitable for housing in the SHLAA and was not included in allocations of the emerging County Durham Plan. There is no overriding need for the development as the Council can demonstrate a 5 year housing supply. In addition, the failure of the proposal to deliver wider social and environmental benefits in the form of reuse of existing buildings, affordable housing and sustainable construction/renewable energy that might otherwise outweigh the poor sustainability credentials of the site's location, as previously discussed with the landowner (HCA), tips the balance firmly against the proposal in principle. The proposal is therefore contrary to Wear Valley Local Plan Policies ENV1 and H3, as well as the aims of the NPPF to support the transition to a low carbon future by promoting sustainable patterns of development, reducing reliance on private car travel and encouraging sustainable design and construction. Similarly, the proposal also conflicts with the direction of emerging policy in the County Durham Plan.
90. The density and suburban character of the proposal would also represent an inappropriate form and overdevelopment of the site in a rural context. In particular, the design treatment of the dwellings and layout would fail to reinforce the strong local character and distinctiveness of the site and its surroundings, while the density of development and proximity of the dwellings to the site perimeter would make it a highly prominent suburban development, which would relate poorly to the surrounding countryside and fail to adequately safeguard the long-term vitality of all the retained protected trees. Internally, the rigid highway layout and car dominance of the highway design and front-of-plot car parking would also detract from the overall design quality of the scheme. All these matters represent poor design in relation to the rural context of the site and would result in the development having a detrimental impact on the character and appearance of the area. This is contrary to Wear Valley Local Plan Policies GD1 and H24, and falls significantly short of the expectations of high quality design and the aims of reinforcing local distinctiveness set out in the NPPF.
91. The proposal does not therefore represent a sustainable form of development and any benefits of seeing this brownfield site redeveloped do not in this case justify a departure to the Wear Valley Local Plan, the direction of the emerging plan and are outweighed by the conflict with the aims of the NPPF as set out in this report.
92. Previous discussions with the land owner have made it clear that in light of the policy presumption against redevelopment of the site for housing any proposal would have to be of a very high quality in respect of design and sustainability, while also delivering wider public and environmental benefits, but this proposal falls significantly short in all those respects.

RECOMMENDATION

93. That the application be **REFUSED** for the following reasons;
1. The proposal by reason of the residential development of an unallocated site outside the development limits of Crook would be contrary to Wear Valley Local Plan Policies ENV1 and H3, and the scheme as a whole would be contrary to the core principles and aims of the NPPF which seek to support the transition to a low carbon future by promoting sustainable patterns of development, reducing reliance on private car travel and encouraging sustainable design and construction.

2. The proposal by reason of its density, layout and design would relate poorly to the character of its surroundings, while also failing to adequately safeguard the long-term vitality of all the retained protected trees around the perimeter of the site. Accordingly the proposal would have a detrimental impact on the character and appearance of the area. This is contrary to Wear Valley Local Plan Policies GD1 and H24, and does not meet the expectations of high quality design and the aims of reinforcing local distinctiveness which are set out in the NPPF paragraphs 56, 58 & 60.

STATEMENT OF PROACTIVE ENGAGEMENT

94. The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, issues raised, and representations received, advised the applicant of objections and concerns regarding the proposal and encouraged discussions and opportunities to resolve issues arising. However, the issues of concern could not all be overcome and a positive outcome delivering high quality sustainable development which would improve the economic, social and environmental conditions of the area in accordance with the NPPF could not be achieved in this case.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
National Planning Policy Framework
Wear Valley Local Plan
County Durham Plan Submission Draft
Consultee comments
Public Consultation Responses



Planning Services

Homelands Hospital, Crook

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01524/VOC
FULL APPLICATION DESCRIPTION:	Variation of condition 2 of planning approval 7/2013/0522 (for the erection of a dwelling) to allow for a minor material amendment to provide bin/ log store, shed and enclosure
NAME OF APPLICANT:	Mr and Mrs G and M Clark
ADDRESS:	Land to the rear of 17 North End, Sedgefield TS21 2AZ
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Hilary Sperring, Planning Officer, 03000 263947, Hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to the former garden area to the rear of Hardwick House, 17, North End on the western periphery of Sedgefield and within the Sedgefield Conservation Area. To the north, east and south of the site lie residential dwellings, of various forms and it is bounded to the west by West Park Lane with Hardwick Park beyond.
2. In February 2014 conditional planning permission was granted by the Planning Committee for the erection of 1 no. dwelling on the site. This dwelling is a two storey detached four bed property and is currently under construction.
3. The current application seeks to vary condition 2 of this approval to allow for a minor material amendment to provide a bin/log store, shed and enclosure within the proposed garden to the rear of the main house.
4. The bin store would, be located immediately behind the garage on the east side of the garden. It would be enclosed on two sides by the existing boundary fence and by a 1.8 metres high brick wall on its west side. This would also form one wall of the adjacent open fronted log store that would back onto the existing fence and have a further brick built side wall to the west. The log store would have a pitched timber roof to 1.9 metres in height and measures approximately 1.5 metres by 2.5 metres in area. The proposed brickwork of the structures would match the main house.
5. The shed and associated paving and enclosure is already in place at the south eastern corner of the site. The shed measures 3 metres by 2.4 metres and has a low angle mono pitch roof up to 2.17 metres high. It on constructed on a permeable base, and enclosed by a 1.8 metre horizontal boarded fence (and gate). The shed is currently being used for storage purposes in association with building works on the site. The foundations of the proposed bin/ log store have also been laid.

6. This application is being reported to Planning Committee as it has been made by a member of staff within the Council's Regeneration and Economic Development Service.

PLANNING HISTORY

7. In 2013 conditional planning permission was granted for the erection of 1 no. dwelling on the site (7/2012/0248/DM). Later in 2013 a discharge of condition application in respect of this approval was approved.
8. In 2014 conditional planning permission was granted by Committee by the current applicant for the erection of 1 no. dwelling on the site (7/2013/0522/DM). A subsequent discharge of condition application in respect of this approval was approved.
9. A section 211 notice was also submitted in 2014 for the felling of 1 no. beech tree. No objection was raised to this proposal.

PLANNING POLICY

NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.

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.

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.

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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LOCAL PLAN POLICY:

12. 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 Council Local Plan (saved policies 2007) are considered relevant.

Policy D1 (General principles for the layout and design of new developments) requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.

Policy D5 (Layout of new housing development) sets criteria for the layout of new housing developments.

Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.

Policy E18 (Preservation and Enhancement of Conservation Areas) the Council will seek to preserve or enhance the character and appearance of the Borough's Conservation Areas.

Policy H17 (Backland and infill housing development) sets criteria for new backland and infill housing development.

SPG1: (Conservation Areas) provides details on the character and description of conservation areas.

SPG3: (The Layout of New Housing) sets amenity/ privacy standards for new residential development.

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:

13. 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 following policies are considered relevant but would carry very limited weight to the consideration of this application.

Policy 1 – Sustainable Development, sets out a presumption in favour of such through 18 subsections including directing economic growth to existing centres, protecting

agricultural land, promoting inclusive and healthy communities, achieving well designed accessible places, making the most effective use of land, and conserving the quality diversity and distinctiveness of the County including the conservation and enhancement of designated and non-designated heritage assets.

Policy 18 – Local Amenity - states that permission will only be granted for proposals providing it can be shown that a significant adverse impact on amenity would not occur including, for example, loss of light and privacy, visual intrusion, overlooking, noise and odour. In addition to this, permission will not be granted for sensitive land uses where suitable mitigation measures can not be put in place to rectify the adverse impact on amenity.

Policy 40 – Trees Woodland and hedges – Proposals for new development will not be granted that would result in the loss of or damage to trees or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the loss. The fragmentation, loss, deterioration of identified ancient woodland will require exceptional circumstances and appropriate compensation.

Policy 41 – Biodiversity and Geodiversity – New development will not be permitted if significant harm to biodiversity and geodiversity cannot be avoided, adequately mitigated, or as a last resort compensated for.

Policy 44 – Historic Environment – seeks to ensure that designated and nondesignated heritage assets and their settings are appropriately protected.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. *Sedgefield Town Council* - No objections

INTERNAL CONSULTEE RESPONSES:

15. *Arboricultural Officer* - Notes that the works will have caused damage to the roots of adjacent trees including a fir tree (T39) on neighbouring land. As the harm that has been done can't be undone no objection is raised as such although it is recommended that consideration be given to adjustment of finished levels in the log store to retain an area of remaining roots that has not yet been excavated. Additional planting elsewhere within the site would also help to compensate for any future loss of trees that may have been occasioned by the works.
16. *Design and Historic Environment Section* - No objections

PUBLIC RESPONSES:

17. The application has been publicised by way of press and site notices and individual notification letters to neighbouring residents. No responses have been received.

APPLICANTS STATEMENT:

18. We believe that the scale of our proposal is in keeping with our existing planning permission and has minimal impact upon neighbours and /or the surrounding location.

19. The bin store has been designed to accommodate our refuse bin, recycle bin, garden refuse bin and bottle/ glass bin. It's height will screen these bins from us but will not exceed the height of existing perimeter fences.
20. The log store is required to provide us with dry wood for our environmentally friendly log burner. As per our bin enclosure, the scale of the structure has been kept to a height no higher than the existing perimeter fence and we believe it will have no impact upon neighbours or the surrounding location.
21. The shed and enclosure are constructed of softwood and are of a style and scale in keeping with the existing permission. Our garden is quite large and we need a place to store equipment for gardening purposes.
22. We believe that our proposal is reasonable and we have considered the design and impact upon others carefully and do not think that the scale of these structures is of any detriment to the existing permission, infact we believe that these structures enhance and compliment it.

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 the Council Offices, Green Lane, which can be viewed at: <http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842> and <http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=72155>

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key planning issues in this instance relate to the principle of development and the impact of the proposed works upon heritage assets, residential amenity and trees.

The Principle of Development

24. Having regard to the provisions of the NPPF, saved local plan policies and the previous planning permissions the principle of residential development in the form of one dwelling on the site has been established. In the context of this framework and the approved development that is currently being implemented it is considered that the proposed works are minor in nature and do not raise new in principle development issues.

Impact upon heritage assets

25. Paragraph 129 of the NPPF advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of a heritage asset). The application site is located within Sedgefield Conservation Area. The boundary of the Hardwick Park Conservation Area runs along West Park Lane, to the rear of the site, with the registered historic Hardwick Park extending beyond to the west. Additionally the site is located within an archaeological sensitive area.
26. SPG Note No.1 (Conservation Areas) provides detail regarding the character and description of the Sedgefield Conservation Area, specifically mentioning properties along North End and the open areas to the rear of properties contributing to the character of the Conservation Area. Local Plan Policy E18 reiterates the statutory duty set out at S72 of the Planning (Listed Buildings and Conservation Areas) Act

1990, in seeking to ensure that the character and appearance of Conservation Areas is preserved or enhanced through preventing development which would detract from Conservation Areas or their settings.

27. The proposed bin/ log store and shed/ enclosure, the subject of the current proposals, are both located in positions within the enclosed rear garden of the dwelling and are of a generally low scale and height. The bin and log store in particular would be screened from longer views from outside the site by the dwelling itself. The proposals would not result in a significant loss of the open space characteristic of this part of the Conservation Area or indeed significantly detract from the wider Conservation Areas setting.
28. In addition to policy E18, Local Plan Policies D1 and D5 seek to ensure the layout and design of new development is in keeping with the surrounding area. Policy H17 states that development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.
29. In terms of detailed design the proposals are considered of a minor nature and would appear subservient to the main dwelling. The main house itself includes Ibstock Beamish Blend Brick type. Proposed brick work for the bin/ log store is to match the main house, with the log store including a timber lapped roof. The shed is comprised of timber and situated at the bottom of the garden and relates acceptably to its setting. The proposals are also considered to still retain a suitably sized garden area for the new dwelling.
30. An archaeological evaluation was submitted as part of the original application proposals and trenches dug within the rear garden area of Hardwick House. At the time the Archaeology Section confirmed that appropriate mitigation would be necessary as part of the development and appropriate conditions were attached to the approval of the new dwelling. An Archaeological Monitoring Report undertaken by Durham University was submitted in May 2014 to discharge these requirements and indicated that no archaeological features or artefacts were discovered as part of the watching brief during the course of works to build the house. The proposals are limited in terms of ground disturbance (and the shed is on a permeable base) and are not considered to impact upon the significance of any archaeological heritage asset.
31. It is therefore considered that the proposed scheme would not have a significant affect upon the heritage assets, and the character and appearance of the conservation area would be preserved. The proposal would accord with section 7 and 12 of the NPPF and relevant Local Plan Policies, in particular D1, D5, E18 and H17.

Residential Amenity

32. Policies H17 and D5 and Supplementary Planning Guidance Note 3 (SPG 3) seek to achieve adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development.
33. The proposed structures are positioned within the rear garden area and are largely screened from neighbouring properties. The height of the bin and log store is in line with the boundary fence with 17 North End some 22 metres from the back of this property. The proposed shed is just visible above the existing boundary treatment and comes within 4 metres of Pear Tree House at its nearest point. However it is of limited scale and partially enclosed by planting and does not directly impact on the

privacy of occupiers. Given the position and purpose of the structures and relationship to neighbouring dwellings the application is not considered to have a significant impact on residential amenity and are considered to accord with policies D5 and H17 of the Plan and SPG 3.

Impact on trees

34. Policy E15 seeks to permit development only where it would not damage areas of important woodland and important groups of trees or Tree Preservation Orders (TPO's). Wherever possible, new trees should be planted to replace those which are lost as a result of development. No additional tree works are required to facilitate the proposed bin/ log store or shed and enclosures although the structures have been placed close to trees on adjacent land. This has resulted in the severance of some roots particularly in respect of a large conifer tree that is close to the site boundary in the vicinity of the bin store. This is very much regretted and any damage caused cannot be undone. The finished ground floor level of the log store is shown to be marginally below that of the bin store on the submitted plans. The applicant has verbally confirmed that no further ground works will be undertaken in the area of the proposed log/ bin store. Given that any damage that may have occurred has already happened and as the proposals are situated within an area of lawn and future root growth would not be constrained by the new structures. The issue of the provision of additional planting elsewhere within the site to help to compensate for any future loss of trees that may have been occasioned by the works has been raised with the applicant. The applicant however does not wish to provide any additional tree planting considering the request to be unnecessary as the impact upon of any works upon the longevity of neighbouring trees not established at this stage. The site itself retains a number of large trees that provide a landscape setting for the new dwelling and in light of this it is considered that it would not be necessary to require the provision of additional planting.

Other matters

35. The proposals represent a change to the approved scheme albeit of a relatively minor nature and would necessitate the issue of a new planning permission to cover the matters under consideration and those that were covered by previous planning conditions on the original consent. The suggested conditions reflect this position.

CONCLUSION

36. The principle of a residential dwelling on the site has previously been established and the current proposal involves minor additional works in the garden off the dwelling which is now under construction. The addition of a bin/ log store and a shed and enclosure is acceptable in terms of scale and design, impact upon heritage assets, and residential amenity of neighbouring occupiers. Although there has been some adverse effect on the roots of an adjacent tree these impacts are not considered to be so severe that the tree cannot adapt to the changes in part of its environment. The application is therefore considered to satisfy the requirements of the NPPF and relevant Local Plan Policies and subject therefore to the imposition of appropriate planning conditions to ensure that the entire development continues to meet previously agreed planning requirements that remain relevant, it is recommended for approval.

RECOMMENDATION

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

1. The development hereby approved shall be begun not later than the expiration of 3 years from 24 February 2014.

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:

Plan Ref No.	Description	Date Received	
Plan no. 1	Site Layout	10 2013	December
Plan no. 2	Proposed Elevations	10 2013	Decemebr
Plan no. 3	Proposed Floor Plans	10 2013	December
Plan no. 4	Location Plan	19 2013	December
Plan no. 5	Details	10 2013	December
Plan no. 6	Street scene	10 2013	December
Plan no. 7	Door Details	10 2013	December
Plan no. 8	Window Details	10 2013	December
Plan no. 9	Chimney Detail	10 2013	December
	Photographic Porch detail and letter	12 2013	December
	Materials Specification amended by email of 22 December 2013 confirming use of Ibstock Beamish Blend Brick type and email of 10 February 2014	19 2013	December
	Archaeological Services Durham University	10 2013	December
	Archaeological Desk Based Assessment Report 2921 revised December 2012		
	Archaeological Services Durham University	10 2013	December
	Archaeological Evaluation written scheme of investigation DS12.594rev		
	Aboricultural Method Statement for trees at Hardwick House, 17, North End, Sedgfield Revision A (Amended 2 January 2013) as amended by Document entitled 'Tree Matters for Clarity'	10 2013	December
	Drawing AMS TPP-B dated 02.0113 as amended by Document entitled 'Tree	10 2013	December

Matters for Clarity'		
All About Trees Bat Potential Survey issued 12 June 2012		10 December 2013
All About Trees Nesting Birds Assessment – letter dated 18 July 2012		10 December 2013

A3 drawing	Shed and fence details	12 June 2014
A3 drawing	Site Plan showing proposed locations	12 June 2014
A3 drawing	Shed and fence details	12 June 2014

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

3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies D1 (General principles for the layout and design of new developments) and E18 (Preservation and Enhancement of Conservation Areas) of the Sedgefield Borough Local Plan.

4. No development shall be commenced until details and plans of protective fencing for retained trees have been submitted, inspected after erection and approved in writing by the Local Planning Authority. The location and design of protective fencing details shall follow the guidelines set out in BS5837:2012 Trees in relation to Design, Demolition and Construction, Recommendations and detailed in All About Trees Tree Protection Plan that accompanied the application. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without prior written agreement of the Local Planning Authority.

Reason: To ensure that the trees are appropriately protected from potential damage by the engineering or building operations in accordance with policies E15 (Safeguarding of Woodlands, Trees and Hedgerows) and E18 (Preservation and Enhancement of Conservation Areas) of the Sedgefield Borough Local Plan.

5. No development shall take place until the implementation of a programme of archaeological work in accordance with a mitigation strategy document has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii., Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
- iv., Report content and arrangements for dissemination.
- v., Archive preparation and deposition with recognised repositories.
- vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii., Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii., A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall thereafter be carried out in accordance with the agreed scheme.

Reason: To comply with paragraph 141 of the National Planning Policy Framework 2012.

6. The development hereby permitted shall not be occupied until a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason: To comply with paragraph 141 of the National Planning Policy Framework 2012 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A-H of Part 1, Class A of Part 2, and Classes A-C of Part 40 of Schedule 2 of the said Order shall be carried out.

Reason: In order that the local planning authority may exercise further control in this locality in the interests of residential amenity and the visual amenity of the area and to comply with Policies D1 (General principles for the layout and design of new developments) and E18 (Preservation and Enhancement of Conservation Areas) of the Sedgfield Borough Local Plan.

8. No development shall take place unless in accordance with the mitigation detailed within the Bat Potential Survey undertaken by All About Trees June 2012, including but not restricted to the provision of a suitable artificial bat roost to be incorporated within the building, details of which shall be submitted to and agreed by the Local Planning Authority.

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

9. All works shall take place outside the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the local Planning Authority prior to the removal of vegetation during the bird breeding season.

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

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner whilst ensuring the prompt determination of this application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Council Local Plan

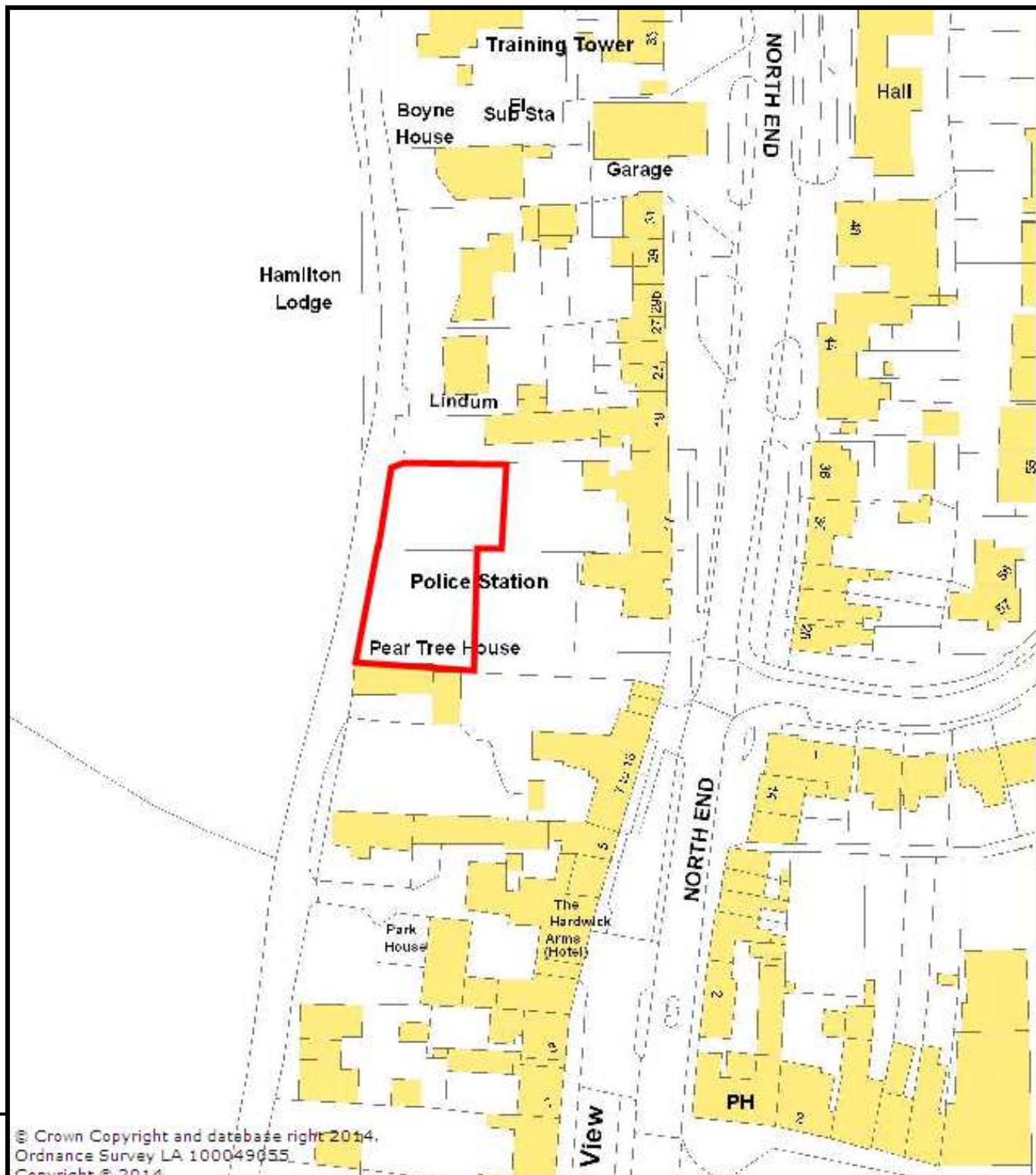
County Durham Plan (pre submission version)

Planning application 7/2013/0522

Discharge of condition application DRC/14/00114

Statutory response from Sedgefield Town Council

Internal responses from Design and Historic Environment Section and Arboricultural Officer



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Land to the rear of Hardwick House, 17, North End, Sedgefield

Date September 2014