



Area Planning Committee (South and West)

Date Thursday 23 October 2014
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. The Minutes of the Meeting held on 18 September 2014 (Pages 1 - 12)
4. Declarations of Interest (if any)
5. Applications to be determined
 - a) DM/14/01540/OUT - Land to south of Etherley Road, Low Etherley (Pages 13 - 30)
Outline application for erection of 13 dwellings with all matters reserved
 - b) DM/14/02284/FPA - Tremeduna Grange, Trimdon Village (Pages 31 - 44)
Demolition of Tremeduna Grange and construction of 17no. dwellings with associated access, parking and landscaping
 - c) 3/2013/0464 - Land to the south east of Highfields, Tow Law (Pages 45 - 56)
Erection of greenhouse, polytunnel and storage building, alterations to site levels and vehicular access, and formation of pond (part retrospective)
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
15 October 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 The Witham, 3 Horse Market, Barnard Castle on **Thursday 18 September 2014 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), H Bennett, J Buckham, J Clare, S Morrison, A Patterson, G Richardson, L Taylor, R Todd, C Wilson and S Zair

Also Present:

A Caines – Principal Planning Officer
J Orr – Senior Planning Officer
S Teasdale – Senior Planning Officer
D Stewart – Highways Officer
C Cuskin – Solicitor (Planning and Development)
T Bennett – Senior Policy Officer
R Lowe – Senior Tree Officer

1 Apologies for Absence

Apologies for absence were received from Councillors D Bell, D Boyes, K Davidson and E Huntington.

2 Substitute Members

Councillor H Bennett substituted for Councillor D Bell.

3 Declarations of Interest

Councillor G Richardson declared an interest in planning application 6/2014/0005/DM – Land at Green Lane, Barnard Castle as he was on the Barnard Castle School Governing Body. The Member left the meeting during consideration of the application.

4 Minutes

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

5 Applications to be determined

5a 6/2014/0005/DM - Land at Green Lane, Barnard Castle

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 62 no. dwellings (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 Rowlandson, local Member addressed the Committee on behalf of residents. He expressed disappointment that consultation by the developers with local residents had been very poor with no attempt to alleviate fears about the impact of the development.

The proposed entrance to the site was very narrow with a school and residential properties in close proximity. It would be difficult for traffic to enter and exit the site safely and school drop-offs and pick-ups would be extremely dangerous.

Councillor Rowlandson then referred to the proposed layout. He expressed concern about the height of the proposed houses along the boundary which, because of the difference in levels would be overbearing on existing properties. Bungalows would have alleviated this. The Member also considered that the mix of housing was poor and that the proposed affordable housing provision was inadequate.

Councillor Blissett spoke on behalf of Barnard Castle Town Council. The Council considered that the application was contrary to Policies GD1, H12 and H14 of the Teesdale Local Plan, and represented a departure from Policies H3 and ENV 1. The proposals also conflicted with Policies 31 and 34 of the emerging County Durham Plan.

Councillor Blissett reiterated the concerns of Councillor Rowlandson regarding the mix of properties and the inadequate provision of affordable housing. The Town Council considered that 30% of the development should be allocated for affordable housing. The mix did not meet the specific needs of residents, and 2.5 and 3 storey properties were not in keeping with the adjacent residential development.

The Town Council was also concerned about water management. The existing drainage system was inadequate and would put adjacent properties at risk of flooding. He noted that there was no report from Northumbrian Water.

He was not convinced that the highways issues had been addressed. The proposals would have a significant impact on existing residents with road safety reduced. The land was close to the primary school which also had childcare and training facilities on site. During peak periods the road was very well used and the new development was expected to create in excess of 124 extra vehicles. The current traffic system would not be able to cope and he hoped that a traffic survey had been carried out during peak periods.

The Councillor noted that a Section 106 Agreement would secure a sum for the provision/maintenance of open space and recreational facilities in the locality, and he felt that this should be allocated to the Town Council.

He also expressed concern about the proposals for footpaths 8 and 9 and questioned the sustainability of the site. The existing infrastructure would not be able to withstand such an influx of residents, and facilities in the town would not be able to cope.

In conclusion he stated that he was not persuaded that the site was sustainable and if Members were minded to approve the application he urged that the concerns of local people be addressed.

Councillor R Bell, although not a local Member wished to object to the proposed development because of the volume of complaints received from local people. He was concerned about access to the site and that there had been no formal traffic survey carried out. The type of housing proposed would generate a large volume of traffic, with two cars per household.

A better mix of housing including bungalows would have been preferable, in line with Policy 3 of the emerging County Durham Plan. The local AAP had stated the need to reflect the age profile of the town and the developers had refused to do this. He urged Members to reject the application, asking that residents be better consulted in future with any proposed development designed to reflect the needs of Barnard Castle.

Paula Ford, Head Teacher of the Primary School spoke against the application. The facilities at the school were unique and this already put a strain on the road network in the area. The nursery was full and flexible sessions meant that there were pick-ups and drop-offs at all times of the day. The childcare and holiday club had trebled in capacity and was open from 7am until 6pm. The facility was only closed for two weeks in every year. The school site also accommodated a teacher training centre with 41 students plus staff, and was open all year including school holidays.

Mr N Courtley, a local resident referred to a photograph in the Planning Officer's presentation and noted that this had been taken on a day when the school was closed. He was concerned about the safety of children walking to school and it was difficult for vehicles travelling along Green Lane for most of the day but was even worse at peak times. The development would increase the risk of flooding and he had already seen residents put sandbags outside their properties.

The development would not bring employment to the town as he expected the builders to be from outside the area. In conclusion he could not envisage any benefits the proposals would bring to Barnard Castle.

Mr R Buckley of Barnard Castle School, the landowner, addressed Members in support of the application. He stated that this was part of a wider package of improvements to the school. A new 6th Form Centre had been approved recently and would be funded by the capital receipt from this land. The school was the second largest employer in Barnard Castle and was an integral part of the guest house and hotel market which were used by families of boarders. It was also a local venue for charitable organisations and sports clubs etc. This was an indispensable resource for Barnard Castle and the investment from the sale of the land would help to provide top class educational facilities.

Having listened to the concerns of objectors in relation to the access, he was of the view that the development should help to alleviate the problems experienced on Green Lane as the additional streets created would assist traffic movement.

Mr Milburn, the Applicant's Agent continued by referring Members to Planning Policy. The proposals complied with the aspirations of the emerging County Durham Plan in ensuring the delivery of an allocated site. The proposals would provide economic growth and employment in Barnard Castle. He had sympathy with the concerns but as could be seen from the report there were no objections from any consultees, including Highways, Northumbrian Water and the Environment Agency, and the application accorded with Planning Policy. There was no evidence to support refusal of the application.

The benefits of the development included the receipt of much needed finance to expand the school, the provision of affordable housing, the creation of jobs, investment in the area with an increase in local spending, and a contribution of £62k towards open space provision/maintenance.

D Stewart, Highways Officer was asked to respond to the issues raised about highway safety. The Officer appreciated the concerns expressed about traffic generation but the situation at Green Lane was not unusual. Residential traffic could be objectively estimated and analysis focused on peak periods where there was maximum impact. However at Green Lane a number of observations had been made at different times and on different days, and this was deemed to be appropriate for the location.

In response to a question from Councillor Zair about the completion of a traffic survey he explained that in view of the contentious nature of the application Officers ensured that more observations had been carried out than usual. A traffic survey was not deemed necessary at Green Lane because in highway terms the development was modest.

With regard to trip generation the assumption was that all households with two vehicles would leave at the same time during peak periods when in reality this was not the case. Peak hour traffic from the development would introduce a new vehicle movement on average of one every two minutes. Section 32 of the NPPF stated that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Observations at Green Lane had shown that much of the day was relatively quiet with busy periods. The additional traffic generated would not make the situation 'severe' within the meaning of the legislation.

In response to a question from Councillor Patterson the Highways Officer advised that the access would be a continuation of the road forward with a right hand spur into the development made up to an adoptable standard.

Councillor Nicholson, having listened to the submissions made, noted that the main concerns related to highways and drainage. Northumbrian Water had offered no objections and paragraphs 43, 45 and 57 in the report should address concerns and alleviate fears about the risk of flooding.

The Chairman noted the comments made with regard to affordable housing but advised that the proposed allocation of 15% was in accordance with the target identified in the emerging County Durham Plan.

Councillor Buckham referred to the NPPF and understood that the presumption of the current Government was that applications should be approved unless there were good planning grounds to refuse. If the application was refused without solid planning reasons, it was likely that the Applicant would appeal to the Planning Inspectorate. This was the legal framework within which the Committee was required to determine planning applications.

Councillor Clare continued that this site was included in the emerging County Durham Plan and careful consideration would have to be given to reasons for reaching a decision which was contrary to this. He appreciated the narrow width of the road and the issues regarding the access but the Highways Officer had explicitly stated that there were insufficient highway grounds to refuse the application. He was therefore of the view that the application could not be refused, given that the critical issue was traffic.

Councillor Zair remarked that consultation should have taken place by the developers with the school about the matter of road safety, and was also concerned that there were no bungalows included in the scheme. Mr Milburn advised that bungalows were difficult to sell and outlined the reasons for this.

Following discussion it was **Resolved:**

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

5b DM/14/01322/FPA - Land to the West of Marwood Terrace, Cotherstone, Barnard Castle

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of 8 no. dwellings (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 proposed an additional condition requiring the dedication of the proposed footpath link as a Public Right of Way to ensure that it was retained.

Councillor R Bell, local Member addressed the Committee and commenced by expressing the view that there appeared to be an inconsistent approach to the application of planning policy.

He noted that there had been some modification to the position of the houses within the site but he objected to the proposals because they were contrary to policies in the Local Plan. In his opinion the whole point of these policies were that they were local. This field was a valuable green space which had been used for agricultural purposes and grazing, although had been neglected more recently, giving it the image of a brownfield site. There was a play area to the north of the site.

Policy ENV1 referred to protection of countryside in a Conservation Area. This site was clearly greenfield land and was outside the village boundary.

Councillor Hunter, the Chairman of Cotherstone Parish Council spoke against the application, outlining the grounds on which their objections were based. The proposed development was outside the building line defined in the Local Plan and encroached onto agricultural land. Policies in the Teesdale Local Plan should be applied as the County Durham Plan was still in draft form.

Development of the site would have an impact on the character of the Conservation Area and would create an 'estate' type development on green space. The land was grazed until recently and the site had been untouched since this activity ceased, so this was a valuable green space.

If approved the scheme would represent over-development. This site and another recent development in the village would equate to 10% of the total number of houses in the village, all located in the east end of Cotherstone.

A significant number of residents were against the development which was demonstrated by a petition of 180 names and a further 74 household objections.

There was no real demand for the development as the village currently had a number of properties for sale, including the Post Office and shop and in view of this the Parish Council questioned the sustainability of the proposals.

In conclusion the Parish Council also had major concerns about the capabilities of the service infrastructure in the village, predominantly of the gas and sewerage network. Cotherstone was at the end of the gas main and problems had been experienced in previous winters. He was concerned that any further developments in the village would eventually have an impact on the existing networks.

Mr N Pennock, a resident spoke on behalf of local people against the application. He considered that too much emphasis had been placed on the emerging County Durham Plan and that detailed Local Plan Policy should be applied. Paragraph 8 in the report set out that the NPPF did not change the statutory status of the Development Plan as the starting point for decision-making. Proposed developments that accorded with up to date Local Plans should be approved and refused when they did not.

Officers relied on other material considerations, including the emerging Plan. The report stated that decision-takers may give weight to relevant policies but this depended upon the progress of the Plan, the extent to which there were unresolved objections to relevant policies and the degree of consistency of the policies in the emerging Plan to the policies in the NPPF. Planning Practice Guidance stated that permission could be refused on prematurity grounds. He was of the view that the emerging Plan was not advanced and policies with unresolved objections could not be taken into account at this stage. For these reasons he believed that no weight should be attached to policies in the County Durham Plan. He suggested that the developers could re-submit an application when the Plan became final.

However, if Members were minded to attach weight to the emerging Plan the key judgements for new housing proposals on the edge of settlements were sustainability, settlement form and scale. These proposals constituted a significant alteration to existing settlement form. Cotherstone was a chocolate box village and if approved the development would also have a detrimental impact on a nearby historic asset, the Church.

Mr R Hepplewhite, the Applicant's Agent, stated that the proposals were a result of close dialogue with Planning Officers and the developers had produced a high quality development which respected the character and amenities of Cotherstone. Revised drawings had been submitted and he believed that the proposals would make a significant improvement to the surrounding area. The land was previously occupied by sheds and a stripped car, and was currently used as a dog toilet.

The land was surrounded on three sides by housing with a play area on the fourth. This was an ideal location for infill development and was similar to the new housing scheme to the south east of the site.

The proposals would bring the land back into use, was sensitively designed and was sustainable in form and location. The application complied with policies in the Teesdale Local Plan and the emerging County Durham Plan.

By way of clarification he informed Members that the spring/watercourse referred to was an old water pipe that leaked from time to time, and would be addressed by condition 11 in the report.

In conclusion the County Durham Plan was at an advanced stage and should be given significant weight.

In response to a request for clarification, C Cuskin, Solicitor (Planning and Development), advised that Members had heard arguments from both the Applicant's Agent and Mr Pennock about the weight to be attached to Local Plan Policies and the emerging County Durham Plan. It was for Members to decide, in the exercise of their planning judgement, what weight to attach to each material planning consideration.

The Principal Planning Officer responded to the matters raised. The report set out the material planning considerations and the weight to be attached to each. Settlement form, sustainability and a contribution to the provision of off-site affordable housing were material planning considerations that accorded with Local and National Planning Policy and the emerging County Durham Plan. The weight to be attached to these outweighed the conflict with the Teesdale Local Plan and the proposals constituted an acceptable departure. Weight could be attached to the emerging County Durham Plan given its advanced status.

The Chairman referred to the Post Office, shop and bus service and asked if this development would help the long-term sustainability of these facilities.

Mr Hepplewhite advised that in his experience of new developments in other villages, residents tended to commute to services.

Councillor Wilson referred to the representations made about the potential impact on bats and other wildlife, and was advised by the Chairman that this was considered in paragraphs 55 and 56 of the report. The Council's Ecologist was satisfied that the likely risk of impact on protected and priority species and habitats was low.

Councillor Richardson stated that Cotherstone already had a new housing scheme in the east end of the village, and if approved these proposals would constitute over-development. He did not believe that there would be a demand for these new properties. The site was outside the boundary line in a Conservation Area, and the development would have a detrimental visual impact on the Church. For these reasons he could not support the application.

Referring to Planning Policy, Councillor Buckham commented that there were reasons within the saved policies in the existing Local Plan to refuse the application, but this was balanced against reasons to support the application contained in the NPPF. However, given the proximity of the Church and the comments made by the Parish Council regarding the size of the development in proportion to the total number of properties in Cotherstone, he could not support the application.

Councillor Clare noted that the site had been included in the SHLAA, and the NPPF, which superseded all previous PPS and PPG documents, stated that housing applications should be considered in the context of the presumption in favour of sustainable development. The quality of housing proposed was very high and he considered that if the application was refused any future proposals that may come forward in accordance with the County Durham Plan may not be as desirable.

Having said that the site was in a Conservation Area and clearly conflicted with BENV 4 of the Teesdale Local Plan. Mr Pennock talked about sustainability and settlement form. The issue of sustainability was irrelevant but in terms of settlement form, Cotherstone was mainly linear except at this point of the village, which clustered around a green. The site also looked across towards the Church.

There was a need to consider whether the arguments for the development were strong enough to allow a departure from the Local Plan. The report stated that the proposal would not result in substantial harm to the character of the Conservation Area, however he was of the view that no greater harm could be caused than covering a grassed area with houses.

Sufficient grounds had not been argued to justify such a large change in the character of this part of the village. In conclusion, the application did not accord with BENV4 and the damage which would be caused to an area that was protected would be so great that departure from Local Plan Policy should not be allowed.

The Principal Planning Officer responded to Members' comments and stated that the Conservation Area designation aimed to ensure that the overall character was not significantly harmed, not to prevent development. This site was not widely visible or significant to the rest of the village. Cotherstone would benefit from a high quality development that would not cause harm to the Conservation Area and that did not impact on the setting of the village.

Resolved:

That the application be refused for the following reasons:-

The proposed housing development would detract from the existing form and character of the settlement of Cotherstone, and together with the change of character of the site from a greenfield site to a developed site and the resultant impact on southerly views of St Cuthbert's Church it would fail to preserve or enhance the character and appearance of the Cotherstone Conservation Area. This is contrary to Teesdale Local Plan Policies GD1(A, Bb, Bd) and BENV4(A, D), as well as conflicting with NPPF Part 12 in relation to the conservation and protection of a designated heritage asset.

5c 6/2014/0033/DM - Jobs Lodge Farm, Woodland, Bishop Auckland

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of a 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) (for copy see file of Minutes).

S Teasdale, 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.

Councillors, in discussing the application noted that permission had already been granted for a similar turbine 50m from the proposed site, and considered that two turbines would not represent cumulative impact, given their small scale and setting against the landscape of the North Pennines. It was also pleasing to note that, as seen in the photo montages, the proposed colour scheme would improve the overall appearance and impact of the turbines.

Resolved:

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

5d 3/2013/0413 - Former Homelands Hospital, Holy Well Lane, Helmington Row, Crook

Consideration was given to the report of the Principal Planning Officer regarding an application to demolish existing buildings and the erection of 49 dwellings (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.

Mr E Alder of Gleeson Homes, the Applicant addressed the Committee. He provided background to the company which predominantly developed on brownfield sites in difficult locations and provided low-cost accommodation. The company also offered employment opportunities and apprenticeships to local people.

The developer had worked with Planning Officers for over 18 months and had revised the scheme considerably in response to comments. It would be unviable to make any further amendments.

Despite the poor market conditions in the area and that the site had been identified as unsuitable for housing within the SHLAA, he understood that a proposal for executive homes would be preferred by the Local Planning Authority. This was in direct conflict with the aims of Gleeson Homes. The developer had come forward with a scheme that it felt would succeed in the current market.

The landowner, the Homes and Communities Agency had invested heavily in funding affordable housing in Durham. The receipt from the sale of the land could be put into further funding for affordable homes in the County. The site currently cost the HCA £30k per year to maintain.

In terms of sustainability, the site was a one minute walk from the A690 where a bus service operated every 20 minutes. Refurbishment of existing buildings was not practical as the cost of asbestos removal would make this unviable.

Concern had been expressed about the proximity of houses to the trees around the site perimeter. Mr Alder advised that properties would be separated from the trees by the rear gardens and concerns that construction may cause damage to roots could be overcome.

In terms of design, the dwellings would be constructed using red brick, in line with existing buildings. The development would be less visually intrusive from the main road than the former hospital.

Only four letters of objection had been received and the Highways Authority had offered no objections.

In conclusion, Mr Alder urged Members to approve this application on a brownfield site and referred to the offer of a S106 Agreement for the provision/maintenance of open space in the locality. The Principal Planning Officer informed Members that no reference had been made to such an obligation in the scheme submitted by the developer.

Members felt that the inclusion of a Section 106 Agreement was integral to their determination of the application. C Cuskin, Solicitor (Planning and Development), advised that, if Members were minded to approve the application, this could be subject to the completion of a Section 106 Agreement to secure the provision/maintenance of open space in the locality.

Members proceeded to determine the application. Councillor Patterson stated that as local Member an application to develop a suitable scheme on this site would be welcomed as it had stood undeveloped for years. Having listened to the submissions made by the developer and having taken into account the views and concerns of Planning Officers and consultees, she agreed with the recommendation that the application should be refused, for the reasons detailed in the report. The scheme was not in keeping with the design and character of the site's surroundings.

R Lowe, Senior Tree Officer was asked to respond to the comments made about the trees. He advised that the applicant had spoken about the character of the site, yet all that would remain following the demolition of the buildings were the trees. The current buildings were predominantly located in the middle of the site but the scheme proposed the erection of dwellings around the perimeter. He questioned whether potential purchasers would wish to live in such close proximity to mature trees which were protected.

Councillor Buckham expressed concern about the lack of affordable housing provision although noted that the developer offered schemes to enable people to purchase their homes. He was also concerned about the absence of a Section 106 Agreement.

Councillor Clare stated that whilst he appreciated the submissions made by the applicant in his presentation, he was convinced by the reasons for refusal of the application.

Resolved:

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

At this point the Chairman left the meeting and the Vice-Chairman, Councillor H Nicholson took the chair.

5e DM/14/01524/VOC - Land to the Rear of 17 North End, Sedgefield

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

Resolved:

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

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01540/OUT
FULL APPLICATION DESCRIPTION:	Outline application for erection of 13 dwellings with all matters reserved
NAME OF APPLICANT:	Ms Hazel Kellett
ADDRESS:	Land to south of Etherley Road, Low Etherley, Bishop Auckland, County Durham
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adrian Caines Principal Planning Officer 03000 263943 adrian.caines@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is an agricultural field which lies on the southern side of the B6282 on the eastern approach into Low Etherley. The field is located immediately to the east of a row of terraced houses and to the west of a farm access and the dormer bungalow, no. 3 Low Etherley. A hedgerow defines the boundaries of the field on all sides. There is an existing field access onto the B6282 in its north western corner. The site is located outside of the settlement boundary for Etherley and Toft Hill and is thus within the countryside.

The proposal

2. The application seeks outline planning permission with all matters reserved for the erection of 13 dwellings. The applicant has supplied an indicative layout which suggests how the development could be accommodated on the site and accessed from the B6282, but these details would not form part of any outline approval as all matters are reserved.
3. The application is brought to Committee under the Scheme of Delegation because it is classed a major development by reason of the scale of the proposal.

PLANNING HISTORY

4. An outline application on the same site for 12-15 dwellings (6/1991/0160/DM) was refused in 1991. The subsequent appeal was dismissed with the Inspector concluding that "It would result in the loss of an area of open countryside and would limit southward views by pedestrians across a relatively attractive agricultural landscape. To my mind the scheme would not help to reinforce the existing framework of the village, but would appear as an inappropriate extension

of development into open countryside damaging to both the character and appearance of the area.” The Inspector also suggested that “the creation of an additional access serving up to 15 dwellings in this section of the B6282 would increase the likelihood of accidents and is a further disadvantage of the scheme”.

5. Earlier in 2014, the applicant submitted an outline application for 21 dwellings, but the application was withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY:

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following elements of the NPPF are considered most relevant to this proposal:
 7. *Part 4 – Promoting sustainable transport.* On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
 8. *NPPF Part 6 - Delivering a wide choice of high quality homes* states 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. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
 9. *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.
 10. *NPPF 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.
 11. *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:

12. The current development plan is the Teesdale Local Plan 2002 as amended by Saved and Expired Policies September 2007:
13. *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. The policy contains a number of general development criteria in respect of design, landscape, heritage, amenity, drainage, energy efficiency, crime prevention, ecology, pollution, access and highway safety.
14. *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.
15. *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.
16. *Policy H14 (Provision of Affordable Housing Within New 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.
17. *Policy BENV11 (Archaeological Interest Sites)*
Development which would unacceptably harm the setting or physical remains of sites of national importance, will not be approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.

EMERGING POLICY:

18. The emerging County Durham Plan was Submitted in April 2014 and is currently undergoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies 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:

19. *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.
20. *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.
21. *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.
22. *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.

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:

23. *Etherley Parish Council* commented initially that it had no objections to linear development in this location but considered it important to highlight the history of flooding in the area as a result of inadequate drainage system, sewerage problems and road safety issues. Further comments reinforced road safety concerns in respect of the development being located directly adjacent to the B6282, which currently experiences a number of significant road safety issues from the number and mix of vehicle types using the road, as well as car parking on pavements either side of the carriageway restricting visibility.
24. *The Highway Authority* has no objection to the principle of the development on highway safety grounds, although the sustainability of the site in transport terms is questionable. In respect of highway safety the previous appeal decision is noted however the B6282 traffic flow and carriageway width are in fact not atypical, being, in objective terms, neither subject to a substantial traffic volume or of substandard width. It is duly noted that parking takes place on-street outside properties to the north of the site however this situation is not unique nor sufficiently detrimental to highway safety such that there is realistic scope for a highways refusal to be sustained, particularly in view of recent planning guidance. The detailed scheme would need amendments to the layout and would also need to be subject to a 1.8m continuous footway along the front of the site.

25. *The Environment Agency* has no objections and notes that the flooding that neighbouring properties have referred to is not related to a watercourse and hence they have had no involvement and are not able to comment on this issue.
26. *Northumbrian Water* do not consider that sufficient detail is provided with regard to the management of the surface and foul water arising from the development although this is predominantly due to the outline nature of the application. A condition requiring the submission of a scheme for the disposal of surface and foul water is recommended to be imposed in the event of an approval.
27. *The Coal Authority* has no objections to the proposed development subject to the imposition of a condition requiring further detailed site investigations.

INTERNAL CONSULTEE RESPONSES:

28. *Planning Policy* has no objections and the development is considered to be acceptable in terms of the NPPF. It is noted that the proposal is contrary to policies of the adopted Teesdale Local Plan so to be considered acceptable other material considerations would need to apply. The proposal accords with the emerging Local Plan but the stage of preparation means that only limited weight can be given to the Plan. The NPPF introduces a less restrictive approach to rural housing and it is considered that this scheme accords with the guidance and that of the National Planning Policy Guidance (NPPG). The site has also been assessed against the Council Paper on dealing with such sites in this period prior to adoption of the County Durham Plan. The site does bring some benefits and on this basis it is supported by the Policy section.
29. *Drainage and Coastal Protection* note that notwithstanding the incidents of flooding of the road and properties opposite, the site is not considered to be a high risk area for flooding. It is noted that the application forms state that surface water from the development would discharge into the main sewer which would be contrary to the Council's Surface Water Management Plan. This places a preference on water being discharged to a soakaway or infiltration system. Any subsequent reserved matters application would therefore need to accord with this.
30. *Environmental Health* has raised no objections and agrees with the noise and odour assessments submitted. Recommends conditions in relation to noise and construction working practices.
31. *Archaeology* has raised no objections following the submission of an archaeological report including a geophysical survey and the carrying out of further trial trenches which did not find any features of significance. No further survey work is required.
32. *Ecology* has no objection and is satisfied that the likely risk of impact on protected and priority species is low. It is recommended that an informative relating to breeding birds is imposed on any approval.
33. *Landscape* has no objections in principle to the proposal on landscape grounds and welcomes the retention of the existing trees and hedges. If any hedgerows are proposed to be removed this would need to be supported by sufficient justification.

34. *Sustainability* notes that the site performs poorly in sustainability terms as a result of the lack of bus service and accessibility to employment and other services.

PUBLIC RESPONSES:

35. The application was advertised by site notice, press notice and letters were sent to neighbouring properties. At the time of writing, 45 letters of objection have been received along with a petition with 53 signatories, the key issues of which are summarised below:
- a) Flooding. The application site and area immediately outside have been subject to serious flooding and drainage problems for some time which has led to the road outside of the site being underwater as well as the flooding of a number of the neighbouring houses and gardens. Photographs of flooding incidences have been provided. There is significant concern from the majority of the respondents that the proposed development would exacerbate this existing situation as a result of the amount of hardsurfacing within the development.
 - b) Highway Safety. The B6282 is considered to be a busy road that is becoming more congested with motorists using the village as an alternative route to Bishop Auckland. The majority of the properties in this part of the village have no off street parking leading to a number of parked cars on the road. This narrows the road meaning vehicles have to give way and has led number of accidents over the last few years, some involving vehicles hitting parked cars or pulling into the path of oncoming traffic. A recent speedwatch survey recorded that out of the 190 vehicles passing in the 50 minute period 23 were speeding in excess of 34 mph. More houses would lead to more vehicles using the road, especially at peak times, leading to a higher likelihood of an accident and more parked cars on the road.
 - c) Parking. The proposal does not show sufficient parking to achieve the stated 2 spaces per dwelling, which would lead to a higher demand for parking on the roadside.
 - d) Access. Visibility from the proposed access which is sited close to a bend in the road would be poor and is blocked by telegraph poles in the verge, which combined with the increased traffic would be detrimental to highway safety.
 - e) Character of the Area. The site is too large to be considered an infill and the proposal would lead to a loss of open countryside which would be detrimental to the rural character of Low Etherley, as the Inspector found in dismissing the appeal in 1992.
 - f) Sustainability. There is no bus service, no pub, no post office and no shop all of which have been withdrawn or closed in the last few years. There are also no employment opportunities. There are services in Toft Hill and High Etherley but this is a substantial walk which includes a steep incline. The site is therefore not considered to be a sustainable location that would be suitable for new housing development and a number of respondents refer to the conclusions in the 2013 DCC SHLAA which defines the site as unsuitable for development.
 - g) Coal Mining. There is concern that there is a coal mine beneath the site and this could create problems for the new development.
 - h) Impact on infrastructure. The local water, electricity, gas and sewerage infrastructure would be adversely affected by additional dwellings.
 - i) Need for Dwellings. There are 16 houses for sale in Etherley at present, whilst there are 2 properties to rent immediately opposite the site which suggests that there is no need or demand for the proposed dwellings.

- j) Loss of View. The properties to the north of the B6282 currently have an open southerly aspect across the application site. This would be lost if the houses were developed which would impact on property value.
- k) Previous Refusal. An application for residential development of the same site was submitted in 1991 and was refused by Teesdale District Council. The subsequent appeal was dismissed by the Inspector on the grounds of the impact on the character of the area and highway safety. These issues remain just as relevant.
- l) Wildlife. The ecological value of the site has not been fully assessed and the proposal would have an adverse impact on biodiversity within and around the site.
- m) Construction Impact. There will be noise, dust, disturbance and inconvenience to neighbouring residents during construction.

In addition to the letters of objection, there have also been 11 letters in support of the application.

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:

- 36. My family farmed in Etherley for decades from the early nineteen hundreds. They employed lots of local people throughout that time, and have always maintained strong links with this beautiful village, taking part in different events and sharing local community life. I subsequently brought my children up in Etherley where they thrived and have gone on to have great careers. During my years in the village I have gained a strong affinity and love for the village taking part in the community and activities. Myself and my children were baptised and I was confirmed in Etherley church, attended the local school from being 4 years old and lots of my friends still live in the village. I do not farm myself but my house is in the village and I spend a huge amount of time in Etherley and really care strongly for the future of this village and its people. This is the reason I would like to see it developed to its potential that will sustain it for future generations who can share the happiness we have experienced.
- 37. The proposed site is an infill one with houses either side and opposite it and I feel the plans drawn up by Terry Greenwell will truly enhance the village and meet future sustainability criteria. Terry has many important masterplans in County Durham to his credit. Tony Armstrong has also been invaluable to this plan with his many years of experience in planning. I have commissioned reports on Wildlife, Mining, Archaeology, Noise and Odours so I feel we have responded to every possible reasonable concern that could be considered detrimental to the village. In addition I am aware that the Council's own specialist officers in traffic, landscape, ecology, archaeology and planning policy have confirmed that they have no objections to the proposal. The application has been amended in line with the suggestions of the Council's planning officer. Finally, in response to queries from the planning department about the surface water drainage provisions, I confirm that in accordance with the original application, the intention is to utilise a sustainable urban drainage system within the site. This matter has already been addressed by my architects under the current application. I would therefore

request that the Committee supports the planning officer's recommendation and approves the application.

PLANNING CONSIDERATIONS AND ASSESSMENT

38. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that as this is an outline application with all matters reserved the main planning issues in this instance relate to the principle of the development, highway safety and flooding, with consideration also given to ecology and land stability.

Principle of the development

39. The application site is located outside of any development limit boundary as defined in the Teesdale Local Plan and as such is within the open countryside. The proposal therefore represents a departure to policy ENV1 of the Teesdale Local Plan. It is also noted that the planning history on the site includes an outline application for 12-15 dwellings which was dismissed at appeal in 1992. Accordingly, regard has to be given to whether there are any special circumstances and other material considerations to justify development of housing on the site.
40. Those material considerations include having regard to the most up to date planning policy framework. In this respect the Teesdale Local Plan 2002, pre-dates the publication of the NPPF. The NPPF is a significant material consideration and the amount of weight which can be given to the Local Plan policies is dependent on their level of consistency with the NPPF. Another material consideration is the emerging County Durham Plan, which is currently undergoing examination in public and is therefore at an advanced stage and carries some weight.
41. The NPPF does not change the longstanding aims to prevent isolated dwellings and protect the character of the countryside, however, it does take a more permissive approach to new development and it is notable that the emerging County Durham Plan does not propose to retain defined settlement boundaries. Sustainability, settlement form and scale are now considered to be the key judgments for new housing proposals on the edge of settlements, rather than sticking to strictly defined development limits.
42. A number of objections have questioned the need for housing, but the NPPF seeks 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 guidance in the NPPF and other material considerations. Paragraph 55 of the NPPF also 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 the spatial approach to development set out in Policy 2.

43. 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. However, The Highway Authority and the Council's Sustainability Section have noted the lack of bus service through Low Etherley and the need to access employment and other facilities primarily by car.
44. Low Etherley is classed as a Tier 4 settlement in the Council's Settlement Study as a reflection of its limited range of local services. The location of the site is therefore not the most sustainable, however, at the same time, it could not be said to be a remote rural settlement. Low Etherley is grouped with Toft Hill and High Etherley as one settlement for the purposes of the Teesdale Local Plan. The settlements merge into one another and share services as well as being unified under one Parish Council. The edge of Bishop Auckland, a major centre in respect of services, employment and education, lies just 1900m to the east along the B6282.
45. It is therefore considered that Low Etherley could accommodate a small scale of development commensurate with its Tier 4 status to help support and sustain local services. The proposal for up to 13 dwellings is considered to be an appropriate small scale of development in this respect and would not place undue pressure on local utility infrastructure. This would be consistent with the aims of NPPF paragraph 55 and would not compromise the spatial approach of the emerging County Durham Plan; however this should be reflective of the existing form of the settlement.
46. While the site was classed as amber in the Strategic Housing Land Availability Assessment (SHLAA), this was primarily due to deeper incursion of development south into the countryside beyond the established settlement form. The conclusions on the site still however acknowledged that frontage development may be acceptable.
47. Policy 15 (Development on Unallocated Sites in Built up Areas) of the emerging County Durham Plan 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. This proposal does not result in loss of the last community facility and the scale of development proposed would be appropriate for the function of the settlement as discussed above. Subject to detailed design consideration there is no reason to believe the proposed housing would not be compatible with adjacent existing housing and the Council's Environmental Health Section are satisfied that the submitted noise and odour assessments have adequately demonstrated that the development could be compatible with the agricultural activities at Greencroft Farm.
48. The definition of a "built up area" for the purposes of Policy 15 includes land on the edge of a settlement where it is physically very well contained by existing built development and its development would not result in coalescence with neighbouring settlements or encroachment into the countryside such that it would cause significant adverse landscape or townscape impact. In the case of smaller

linear settlements it could also include small gaps in a built up frontage that have no recreational, historical or amenity value.

49. Low Etherley is a linear settlement. There is a ribbon of housing development to the north, opposite the site, comprising of terraced housing graduating to detached and semi-detached houses, which extend considerably past the application site to the east. On the south side of the road, the application site forms a gap between the end of a terrace at its western side and no. 3 Low Etherley, a detached property at its eastern side. The large complex of agricultural buildings at Greencroft Farm lies almost directly south of no. 3 Low Etherley.
50. It is noted that the Inspector in the 1992 appeal considered that the site could not be classed as infill development because of its size, but that was based on definitions in outdated national guidance and the context of local policies which pre dated both the Teesdale Local Plan and the NPPF and are therefore no longer relevant. It also appears that his overall conclusions were strongly influenced by the fact the site fell outside the development limits and that there were already two major housing allocations already within the village envelope.
51. There are now no remaining housing allocations to be built out in either Low Etherley, High Etherley or Toft Hill; the emerging County Durham Plan does not propose any new housing allocations in these villages; and under the current policy context there is less reliance on enforcing strict development limits. Notwithstanding the views reached by the Inspector in 1992, it is considered that the combination of no.3 Low Etherley, Greencroft Farm and the housing further east on the north side of the B6282, which extends further east past the application site, represents a defined built framework within which the application site sits. With a proposal which limits development only along the site frontage, it is considered that this would not represent an encroachment into the countryside. Development of the site would not result in coalescence of settlements and the site has no public recreational access. Detailed archaeological evaluation and site investigations have confirmed the site has no archaeological significance. In addition, the landscape has no special landscape designation and the Council's Landscape Section have not raised any objection on landscape impact grounds. Accordingly, the site can be considered as falling within a built up area as defined by Policy 15 of the emerging County Durham Plan and the proposal complies in principle with Teesdale Local Plan Policy GD1 requirements in respect of landscape, heritage and amenity.
52. In accordance with Teesdale Local Plan Policies H14 and H1A, as well as Policy 31 of the emerging County Durham Plan, the proposal would fully comply with the local requirement of 15% affordable housing and offers a contribution of £13,000 towards the provision or maintenance of open space and recreation facilities in the local area, to be secured by Section 106 legal agreement. These added public benefits, particularly the affordable housing, are further material considerations which carry favourable weight in the planning balance.
53. The application includes an indicative layout suggesting how the development could be accommodated on the site, however, as all matters are reserved the indicative details are not for consideration at this outline stage and there is no implied acceptance of the form and layout of development shown in the indicative details. A number of objections have commented on detailed layout issues

including privacy and the level of parking provision, but for the above reason these are not matters for consideration in this application and can be addressed at the detailed application stage. While views over the site would be notably changed, that cannot be a reason to prevent development on the land being brought forward and does not necessarily mean the impact on those neighbours' living conditions would be unacceptable. Assuming the new houses were sited sufficiently far away to safeguard privacy, there is nothing unreasonable about looking onto other dwellings. It is the principle of frontage development which is considered acceptable in this case in respect of consolidating the existing settlement form and being in keeping with the linear character of the settlement. It is noted that the Parish Council have raised no objection to this form of development.

54. It is therefore considered that notwithstanding the proposal being a departure to Teesdale Local Plan Policy ENV1 and having regard to the previous appeal decision, the proposal would accord with the core principles and aims of NPPF Part 6, as well as being compliant with emerging policies 2, 4 and 15 of the emerging County Durham Plan. It would also comply in other respects with Teesdale Local Plan Policies GD1, H1A, H14 and BENV11, Policy 31 of the emerging County Durham Plan and Parts 11 and 12 of the NPPF. The proposal for housing development along the site frontage is therefore acceptable in principle.

Highway Safety

55. Highway safety has been one of the main concerns raised in the objections received and the Parish Council amended their comments to reflect local concerns on the issue. It is also noted that in the 1992 appeal decision the Inspector considered that the creation of an additional access serving up to 15 dwellings in this section of the B6282 would increase the likelihood of accidents, noting the road carried a substantial volume of traffic and that cars frequently parked on the road.
56. This current proposal for up to 13 dwellings is only marginally smaller than that considered in 1992; however there have been significant planning policy and highway guidance changes since 1992. The most significant has been the introduction of the NPPF, while national highway guidance has also been issued in Manual for Streets 1 and 2. Paragraph 32 of the NPPF is clear that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
57. The Highway Authority has assessed the proposal, and while acknowledging the previous appeal decision and current highway conditions, has raised no objection to the proposal in light of current policy and guidance. In reaching this conclusion the Highway Authority notes that the B6282 is part of the classified road network, intended for carrying inter-urban traffic within the County and that cars are sometimes parked on the highway near the application site. The results of recent speedcheck surveys have also been noted, but were already known. However, the B6282 in this location is not considered to be of substandard width and it does not carry an atypical traffic flow for a B road in the County. The same road 1600m further east of Four Lane Ends is subject to 90% more traffic than the section adjacent to the application site.

58. The proposal is for a very small scale of development in respect of additional traffic generation. A development of up to 13 dwellings would not have a material effect on traffic flows on this section of the B6282 and the Highway Authority considers that the minimal level of additional traffic can be easily accommodated by the existing highway network.
59. A number of comments have been made on the suitability of the position of access shown in the indicative layout, but access and layout are not matters for consideration in this outline application. The Highway Authority is nevertheless satisfied that a suitable vehicular access could be created to serve the site and that sight visibilities would be adequate for the typical speeds recorded along this section of road to ensure safe manoeuvres could be made. Any reserved matters proposal will be required to meet the Council's parking standards.
60. Therefore, despite the Inspector's comments in the 1992 appeal decision and notwithstanding the concerns of local residents, the potential impact of the proposal on the B6282 highway is not considered to be sufficiently detrimental to highway safety to be classed as severe in view of the NPPF guidelines. The principle of the proposal therefore accords with Teesdale Local Plan Policy GD1 in this respect.

Flooding

61. Another of the main concerns raised in the objections from local residents is in relation to previous incidents of flooding of the highway and some adjacent existing properties, with fears expressed that development on the application site could make the situation worse.
62. It is clear from the many photographs submitted with the objections that incidents of flooding have taken place and therefore the fears expressed are entirely understandable.
63. The application site and immediate surroundings fall within Flood Zone 1, which is the area at least risk of flooding so the previous flooding incidents are most likely to have been from surface water during extreme rainfall events, which saw many drains throughout the County being unable to cope with the large volumes of water. The situation is therefore not entirely unique to this site, but is nevertheless something to take account of at the detailed application stage when the drainage scheme is designed.
64. This application is to consider only the principle of residential development on the site, not the specific drainage details. Notwithstanding the concerns of local residents, there have been no in principle objections from The Environment Agency, Northumbrian Water or the Council's Flooding and Coastal Protection Section on flooding grounds. The development proposal is under no obligation to address or improve any existing problems with highway drains. A suitable drainage scheme could however be designed on the site to ensure that no greater amount of water ran from the site than at present. As suggested by Northumbrian Water Ltd, a condition can require the submission of a scheme for the disposal of surface and foul water, which would be assessed by the relevant drainage bodies.

65. It is therefore considered that subject to a condition requiring approval of a drainage scheme, the proposal would not be likely to exacerbate any flooding or drainage matters in the area and so the effect in this regard would not be unacceptable. The proposal therefore complies with Teesdale Local Plan Policy GD1 and NPPF Part 11 in respect of flooding.

Other Matters

66. The application is supported by an ecological assessment which concludes that the development of the site would not adversely impact on any statutorily designated wildlife sites or protected species. The ecological value of the surrounding hedgerows is acknowledged in the report and a detailed scheme should seek to retain these features. While some residents have questioned the adequacy of the report, the Council's Ecology Section is satisfied that the ecological impact of the proposal has been properly considered and has no objection to the proposal. It is considered that the effect on ecology would not be unacceptable and so the proposal would not conflict with NPPF paragraph 118 or the relevant requirements of Teesdale Local Plan Policy GD1.
67. The site falls within the Coal Authority Development High Risk Area, as does the whole of Low Etherley, High Etherley and Toft Hill and local concerns have been expressed in this respect. The submitted Mining Risk Assessment acknowledges a recorded mine entry within the site and potential risks from shallow mine workings. It therefore recommends further intrusive site investigations. The Coal Authority has assessed the Report and considers that the content and conclusions of the Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF. The requirement for intrusive investigations should be conditioned and any detailed scheme will have to take account of the mine entry in the layout.
68. Other concerns from objectors about construction traffic and the associated noise and disturbance are noted, as are the recommendations in this respect from the Council's Environmental Health Section, but these impacts are a temporary consequence of any new development and not matters the planning system can reasonably prevent or control. There are controls outside of planning that deal with noise nuisance and other disturbance.

CONCLUSION

69. Although the application site lies outside the development limits of Low Etherley and therefore represents a departure to Teesdale Local Plan Policy ENV1, the proposal for development along the site frontage would not represent a harmful intrusion into the countryside and the scale of development would be appropriate for its location. In this respect the proposal complies with the aims of the NPPF and emerging policies in respect of the location of new development. The proposal would also deliver its full quota of affordable housing and open space contributions as required by current and emerging policies. The Council's Spatial Policy Section supports the proposal and there is no objection from the Council's Landscape Section.

70. The highways impacts have been assessed and there is no objection from the Highway Authority. It is considered that the proposal would not have a material effect on traffic flows on the B6282 highway and a suitable vehicular access could be achieved onto the B6282 without having a detrimental impact on highway safety.
71. With regards to drainage and flooding there are no in principle objections from The Environment Agency, Northumbrian Water or the Council's Flooding and Coastal Protection Section. The site lies in Flood Zone 1 and a suitable drainage scheme could be designed on the site at the detailed application stage to ensure the development would not exacerbate any localised surface water flooding or drainage matters.
72. There are no objections from the Council's Archaeology or Ecology Sections and the proposal is considered acceptable in those respects.
73. The Coal Authority has confirmed that the coal mining legacy risks have been appropriately considered for this outline proposal and further intrusive investigations can be conditioned and used to inform any detailed development proposals in the future.
74. The concerns of the objectors have been considered. Whilst comments on detailed layout matters cannot be taken into account at this outline stage, the other matters highlighted above have been assessed and on balance, the issues raised are not considered to be sufficient to warrant refusal of the application. Regard has also been given to the previous appeal decision in 1992, but under the current planning policy framework and for the reasons above a different conclusion has been reached.
75. Therefore, while acknowledging the proposal as a departure to Teesdale Local Plan Policy ENV1, the proposal would nevertheless comply with Teesdale Local Plan Policies GD1, H1A, H14 and BENV11; emerging County Durham Plan policies 2, 15 and 31; as well as NPPF Sections 4, 10, 11 and 12.
76. It is therefore felt that the proposal is acceptable in planning terms, subject to the suggested conditions.

RECOMMENDATION

77. That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of 15% affordable housing and £13,000 towards the provision/maintenance of open space and recreation facilities in the locality; in addition to the following conditions and reasons:
 1. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The number of dwellings shall not exceed 13.

Reason: To define the permission and ensure that the development is of an appropriate scale and character for the area. In the interests of the amenity of the area in accordance with Policy GD1 of the Teesdale District Local Plan.

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

Plan Reference Number	Date received
Site Location Plan	30/05/2014

Reason: To define the permission.

5. No development shall take place until a detailed scheme for the provision and future management and maintenance of foul and surface water drainage, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details and timetable.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system in accordance with Policy GD1 of the Teesdale District Local Plan.

6. 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 efficiency in accordance with the aims of the NPPF Part 10.

7. No development shall commence until the results of site investigation works to identify the depth to rockhead; thickness of coal workings; exact location and nature of the mine entry; monitoring of hazardous gases and identification of any required remedial works have been submitted to and approved in writing by the

local planning authority. Any remedial works identified shall be carried out in accordance with the agreed details prior to the commencement of development.

Reason: To ensure that the coal mining legacy risks to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

8. Prior to the commencement of the development of any individual house a scheme for the sound insulation of that house shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in each dwelling before the first occupation of that dwelling and thereafter retained.

Reason: To ensure suitable noise levels are achieved within each property. In the interests of residential amenity. In accordance with policy GD1, of the Teesdale Local Plan and aims of the NPPF Part 11.

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

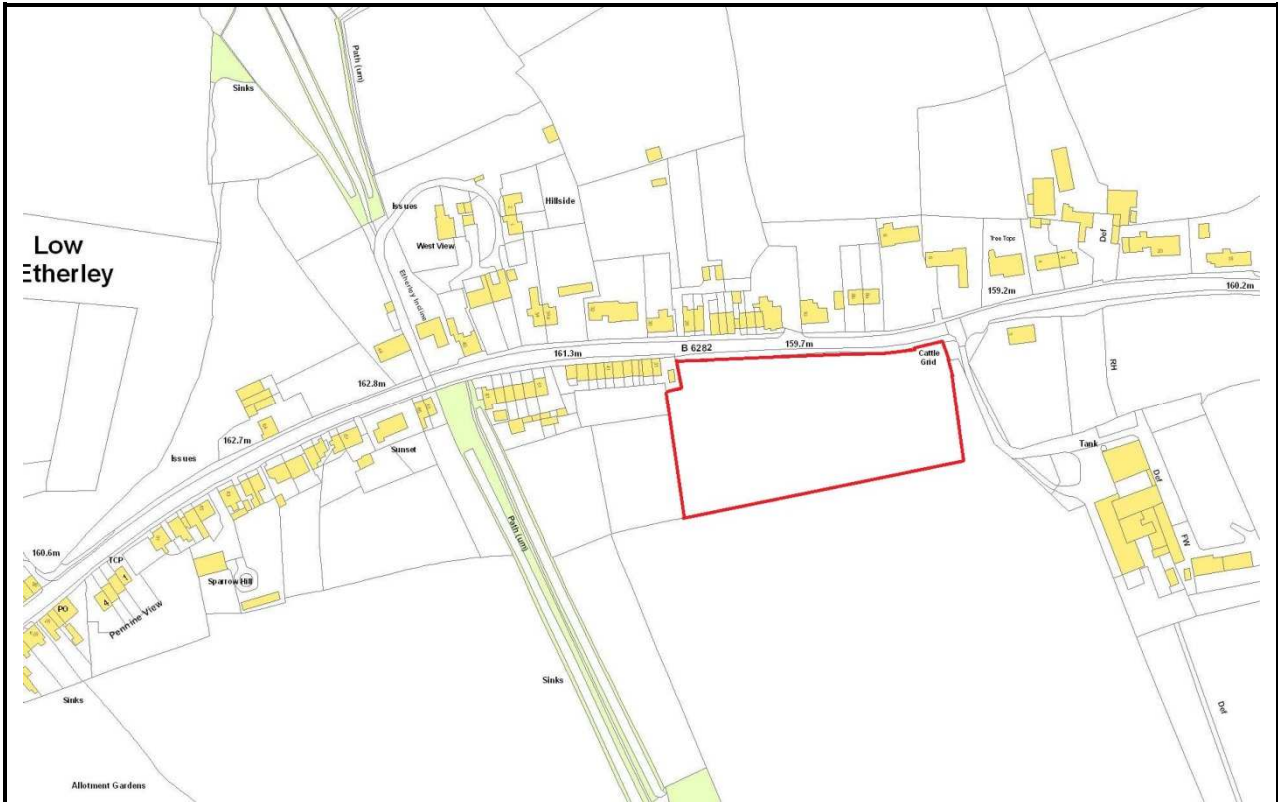
Reason: To prevent disturbance and loss of habitat to breeding birds in accordance with the aims of the NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

71. 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 to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
National Planning Policy Framework
Teesdale Local Plan
Emerging County Durham Plan
Consultee comments and public consultation responses
Planning history and Appeal Decision



Planning Services

Land to south of Etherley Road, Low Etherley, Bishop Auckland, County Durham

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Date 23/10/2014

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02284/FPA
FULL APPLICATION DESCRIPTION:	Demolition of Tremeduna Grange and construction of 17no. dwellings with associated access, parking and landscaping
NAME OF APPLICANT:	Livin
ADDRESS:	Tremeduna Grange, Trimdon Village
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to the former Tremeduna Grange sheltered housing complex which was built in the 1970s. The building is a T-shaped, 2 storey block and currently comprises 10no. one bed flats and 9no. bedsits (all of which are unoccupied) and office space. The application site is located centrally within Trimdon Village to the south of the village green and Grade II Listed St Mary Magdalene's Church. It is bordered by residential property to the east, south and west and accessed from the east via Landreth Grove. Land levels drop to the south of the site, with the nearest neighbouring properties in this direction (bungalows) located at a lower level than the application site. This site is within the Trimdon Village Conservation Area.
2. Planning permission is sought to demolish the existing complex and construct 17no. dwellings in its place (comprising 10no. two bed apartments, 3no. two bed houses, 3no. two bed bungalows and 1no. three bed bungalow) with associated access, on-site parking and landscaping. The dwellings would be arranged in a combination of detached, short terraces and semi-detached pairs comprising two storey units and bungalows. Materials to be used would comprise a mix of brick and tile, with render and timber clad finish. Vehicular access would be taken from a new point on Landreth Grove to the east of the site, just to the north of the existing site access. On-site parking provision for residents and visitors would be provided within a central courtyard area.
3. 2no. affordable units (10% of total proposed) are to be provided in accordance with Council policy alongside a public open space commuted sum of £17,000 in line with policy requirements and as detailed within a draft s106 accompanying the application. All of the units would be managed by Livin as social housing.

4. This application is being reported to Planning Committee as it falls within the definition of major development.

PLANNING HISTORY

5. No relevant planning history for this site.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. 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.
8. *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.
9. *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.
10. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
11. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by 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.
12. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The NPPF can be accessed at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

LOCAL PLAN POLICY:

13. 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 saved policies of the Sedgefield Borough Local Plan are considered relevant.

14. *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.
15. *Policy D3 (Design for access)* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
16. *Policy D5 (Layout of new housing development)* - sets criteria for the layout of new housing developments.
17. *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.
18. *Policy E18 (Preservation and enhancement of Conservation Areas)* - seeks to enhance the character and appearance of Conservation Areas, preventing developments which would detract from the character or appearance of a Conservation Area or its settings.
19. *Policy E23 (Priorities for environmental improvements)* - seeks to encourage improvements to the built environment supporting the re-use or demolition of vacant sites.
20. *Policy H8 (Residential frameworks for larger villages)* - establishes residential development as an acceptable use within the identified residential framework of Sedgefield.
21. *Policy H14 (Maintenance and improvement of housing stock)* - seeks to support the improvement of housing stock through the redevelopment, conversion or modernisation of buildings.
22. *Policy H17 (Backland and infill housing development)* - sets criteria for new backland and infill housing development.
23. *Policy L2 (Open Space in New Housing Development)* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
24. *SPG Note 1 (Conservation Areas)* - sets out the key characteristics of the Trimdon Village Conservation Area.
25. *SPG Note 3 (The layout of new housing)* - sets amenity/privacy standards for new residential development.

EMERGING PLAN:

26. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering

substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

27. *Policy 1 – Sustainable Development* – Outlines that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. The policy also outlines that where there are no relevant policies to the application the council will grant permission for sustainable development.
28. *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.
29. *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,.
30. *Policy 15 – Development on Unallocated Sites in Built up Areas* – Sets out all development on sites in built up areas that are not allocated in the County Durham Plan will be permitted providing that the development is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of the settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses.
31. *Policy 30 – Housing Land Allocations* – Sets out the quantity and distribution of housing on specific sites to meet housing need.
32. *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.
33. *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.
34. *Policy 44 – Historic Environment* - Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and seek opportunities to enhance structures and areas of significance throughout County Durham.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at
<http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Trimdon Parish Council* – No comments received.

36. *Highway Authority* – No objections.

INTERNAL CONSULTEE RESPONSES:

37. *Design and Historic Environment Section* – Support approval, subject to minor amendments to proposed boundary treatments and conditions controlling details of materials, window/door joinery details and an archaeological watching brief of the site.

38. *Archaeology Section* – Concerns raised over the level of information submitted regarding potential on-site heritage features of archaeological interest. Further investigation of their significance and character is required.

39. *Policy Section* – No objection, although it is considered reasonable to request a contribution from the developer towards the improvement and maintenance of existing open spaces in and near to the village.

40. *Sustainability Section* – No objection, subject to a condition requiring the submission of a Code for Sustainable Homes assessment and a scheme to minimise carbon from construction and in-use emissions.

41. *Ecology Section* – No objection, subject to a condition ensuring adherence to mitigation and recommendations detailed within the submitted ecology report.

42. *Landscape Section* – No objection. Suggestions made re positioning of bin stores, the omission of a privacy fence to the front of plots 4 and 6 and landscaping measures.

43. *Arboriculture Section* – The potential impact of proposed boundary treatment construction on T6 and T7 (both protected trees) ought to be considered. If a boundary wall is granted permission, construction detail and method statement should be controlled by condition. A tree protection condition is also recommended.

44. *Drainage Section* – No objection. Subject to the prior approval of all surface water drainage proposals.

PUBLIC RESPONSES:

45. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents. No representations have been received in response to this consultation and publicity exercise.

APPLICANTS STATEMENT:

46. The design team brief for new accommodation was to provide a mix of smaller properties better suited to current local housing needs and community aspirations.

47. Prior to the submission of the application, a community consultation event was held on 08 July 2014 at Tremeduna Grange and a leaflet drop carried out to neighbouring streets to maximise attendance. This provided local residents an opportunity to examine and discuss the scheme. In excess of 60no. people attended and views expressed were taken into consideration.

48. Informal advice was also sought from the planning department through the Councils' informal enquiry procedure. Following initial planning authority feedback, Livin approached the North East Design Review and Enabling Service (NE DRES) to refine the design proposals and address the qualitative issues inherent in building within the

Conservation Area. The outcomes of the design review were issued to the design team for consideration.

49. A draft s106 agreement is included as part of the application in relation to offsetting the lack of open space provision proposed with the requirement for 10% affordable housing provision also outlined within the agreement.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<http://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?jsessionid=FC5A0ECA627519D2F574DC0A48E94111?action=firstPage>

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key issues are the principle of the development, impact on the character of the conservation area, impact on residential amenity, highway safety, open space provision, landscape, archaeological, ecological and arboricultural implications.

Principle of development:

51. The National Planning Policy Framework (NPPF) sets out the Government's overarching objectives for the planning system, promoting sustainable development as a key objective. Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 111 explains how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, providing it is not of high environmental value.
52. Saved policy E23 of the Sedgefield Borough Local Plan (SBLP) seeks to encourage improvements to the built environment through the re-use or demolition of derelict buildings, with saved policy H14 supporting the maintenance and improvement of housing stock through granting permission for schemes which lead to the improvement of housing areas through the redevelopment, conversion or modernisation of buildings.
53. Saved policies H17 and D5 of the SBLP support new residential development on backland and infill locations where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.
54. The application site comprises previously-developed land located within the Trimdon Village residential settlement as defined by saved policy H8 of the SBLP. The proposed development would be located in a sustainable and accessible location with regard to the NPPF and relevant local plan policies. The redevelopment of this site for residential use is considered acceptable in principle, providing a range of affordable housing types to meet current needs that would be owned and managed by a registered provider (Livin).

Impact on character of the Conservation Area:

55. The application site is located within the Trimdon Village Conservation Area as detailed within Supplementary Planning Guidance Note 1 (Conservation Areas). The Local

Planning Authority has a duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining planning applications. Part 7 of the NPPF and saved policies H17 and D1 of the SBLP seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses and activities.

56. Part 12 of the NPPF seeks to ensure that Local Planning Authorities recognise the importance of heritage assets as an irreplaceable resource and conserve them in a manner appropriate to their significance, whilst policy E18 of the SBLP seeks to preserve or enhance the character or appearance of Conservation Areas by preventing development which would otherwise detract from the character or appearance of a Conservation Area or its settings.
57. The site is currently occupied by a former sheltered housing complex which is of little architectural merit or historic value. It occupies a prominent position adjacent to the Grade II Listed St Mary Magdalene Church to the immediate north and does not make any positive contribution to the Conservation Area or setting of this Church. The demolition of this complex is therefore acceptable in principle and the opportunity to improve the appearance of this site and setting of the Listed Building is welcomed.
58. The proposed development has been subject of extensive pre-application discussion both with the Local Planning Authority and a design review panel. The proposed design has evolved from these discussions, with replacement dwellings to respect the scale, design and form of surrounding properties, incorporating design features sensitive to the appearance of these neighbours without detracting from the character or appearance of the area. The proposal would enhance the appearance of the Conservation Area and the setting of the adjacent Listed Church in line with current and national policies, subject to control over materials to be used, window and door joinery details.
59. Some design reservations were expressed by the Councils Design section over the use of an artificial stone for the boundary walls which would contrast with the historic stone walls of the churchyard opposite and the neighbouring terrace. However, there is no consistency in the style or material of boundary treatments in the wider Conservation Area as a whole. The applicant argues that the use of reconstituted stone would provide an appropriate and affordable solution which echoes the scale and texture of other local boundary treatments. On balance this compromise in the proposed materials to be used is considered acceptable. Furthermore, the proposed boundary treatment is considered to represent a significant improvement in design terms on the existing low level red brick wall currently in this location.

Residential amenity:

60. Saved policies H17 and D5 of the SBLP and Supplementary Planning Guidance Note 3 seek adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development.
61. All proposed dwellings would benefit from sufficient levels of private amenity space and be suitably enclosed by a mixture of boundary treatments comprising low level railings, timber fencing and stone walls. Each dwelling would achieve satisfactory separation from existing and proposed neighbouring uses in line with the minimum 14m separation distance between principle to side elevations and 21m between opposing principal elevations. There would be no directly overlooking windows within close proximity of each other, and no unacceptable privacy/amenity issues for either proposed or existing residents.

62. Land levels drop towards the south of the site with the nearest existing properties along the southern boundary set lower down than the proposed development. The scale of this drop is not deemed significant and the new bungalows to be developed along this boundary would not give rise to any significant level of overshadowing of existing neighbouring bungalows to the south. Furthermore, there would be no unacceptable overlooking or loss of privacy given acceptable separation distances are to be achieved in line with the authorities' minimum spacing requirements. Approval is subject to a condition controlling site levels to ensure additional management of such detail at a later date in the interests of residential amenities.

Highway safety:

63. Saved Local Plan policies H17 and D3 together seek to ensure that new development achieves a satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development.

64. The proposals would involve the adjustment to the existing vehicular access arrangement onto Landreth Grove, which will involve the removal of part of the original vehicular access and the creation of new vehicular access road to the north of the existing site junction. Submitted plans show 17no. allocated car parking spaces and 7no. non-allocated visitor car parking spaces distributed evenly across the site. The highway authority raise no objections to the submitted scheme which is deemed to comply with Durham County Council's Residential Car Parking Standards, and no highway safety concerns are raised over the proposed access arrangements.

Open space provision:

65. Saved policy L2 of the SBLP seeks to ensure the provision of open space within or adjacent to housing developments of ten or more dwellings. For every ten dwellings, a minimum of 100m² of informal play space and 500sqm of amenity space is required. For the purposes of this application this equates to 170m² informal play space and 850m² amenity space. Where this level cannot be provided, either fully or in part, an in lieu commuted sum equivalent to £1000 per dwelling, would be required.

66. The proposed layout would provide no areas of public amenity space and would not therefore meet the aforementioned policy objectives. In lieu of on-site provision, the applicant has agreed to enter into a s106 agreement, providing a commuted sum of £17,000 to be directed towards the improvement or provision of open space elsewhere in the locality. A draft agreement confirming this figure has been submitted in support of the application. Accordingly, the scheme is considered to comply with the provisions of saved policy L2 subject to adherence to the terms of this agreement.

Landscape:

67. A detailed landscape scheme has been submitted in support of the application outlining details of all proposed hard and soft landscaping across the site. A small number of existing trees to the east and south of the site are to be removed to facilitate the proposed development, with 4no. existing trees around the perimeter of the site to be retained.

68. No objections are raised over the proposed scheme which would provide an attractive and sensitive scheme appropriate to the Conservation Area and village centre. Early suggestions to relocate the proposed bin store serving plots 3, 4, 5 and 6 to the north of the development were considered but negated given resulting highway implications.

69. Initial concerns relating to privacy screens to the north of the site opposite the church having been overcome through their removal from the proposals and replacement with lower level railings.

Archaeology:

70. Archaeology officers have expressed concern over the lack of any site assessment works carried out in advance of the submission of the application. Given previous historical uses of this site there is a likelihood that remains may exist sub surface which are deemed to be of high local significance. Given the site contains potential heritage features or archaeological interest, it is recommended that their significance and character require further investigation before the development can be implemented. The recommendation for approval is therefore conditioned to this effect in the interests of adhering to Paragraph 128 of the NPPF.

Ecology:

71. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has submitted a bat risk assessment confirming no bat roosts within the site and no breeding bats present. The Ecology Section has raised no objections to the proposal based on the findings of this survey, subject to adherence to the mitigation and recommendations detailed within the report. The proposals are considered to satisfy the provisions of section 11 of the NPPF in this regard.

Arboricultural implications:

72. The Arboriculture Section offers comment only in respect to the impact of the proposed boundary treatment adjacent to T6 and T7 (both mature cherry trees to be retained) on the eastern boundary of the site. It is recommended that a condition be imposed controlling construction details in the interests of managing the impact on these trees. It is also considered that tree protection measures be put into place and inspected on site prior to commencement of development. Subject to adherence to both conditions, the proposals would accord with Policy E15 of the SBLP which seeks to ensure the retention and protection of important trees and hedgerows. No objections are raised over the trees to be removed.

CONCLUSION

73. The principle of redeveloping this site for residential use is considered acceptable given its sustainable location and previously developed nature. The proposal would see the demolition of a redundant structure which contributes little to the character of the Conservation Area, and its replacement with an appropriate mix of well designed social housing which would enhance the character of the area.

74. Careful consideration has been given to the scale and design of the proposed development, its relationship to surrounding development including the impact on amenity/privacy standards, Conservation Area setting and Grade II Listed Church. The proposed development is considered to satisfy highway safety requirements whilst taking account of ecological and arboricultural restraints.

75. Although the on-site provision of public open space proposed falls below the minimum requirements, a commuted sum with the Local Planning Authority has been agreed through a s106 legal undertaking.

76.No public objections have been raised over the proposed development which is considered to accord with relevant national and local plan policies. Subject therefore to the imposition of appropriate planning conditions and completion of the legal agreement it is recommended for approval.

RECOMMENDATION

That the application DM/14/02284/FPA be **APPROVED** subject to the entering into of a Section 106 Obligation to secure a financial contribution of:-

- £17,000 for off-site public open space provision; and
- Affordable housing provision

And subject to the following conditions:-

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

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

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

SL05 rev B (Site location plan), received 04 August 2014
SL06 rev E (Site layout Tremeduna Grange), received 08 October 2014
SL07 rev D (Roof plan site layout), received 08 October 2014
A1-2 rev C (2B3P Apartments, Type A1 and A2), received 15 August 2014
A3-4 rev B (2B3P Apartments, Type A3 and A4), received 15 August 2014
B1 rev B (2B3P Bungalow, Type B1), received 15 August 2014
B3 rev B (2B3P Bungalow, Type B3), received 15 August 2014
B4 rev B (3B5P Wheelchair Bungalow, Type B4), received 15 August 2014
H1 rev B (2B3P House, Type H1), received 15 August 2014
H2 rev C (2B3P House, Type H2), received 15 August 2014
SE01 rev C (Street elevations 1 of 2), received 25 September 2014
SE03 rev C (Street elevations 2 of 2), received 25 September 2014
EX01 rev A (Bin store 1), received 25 September 2014
EX02 rev A (Bike shed), received 25 September 2014
EX03 (Boundary fences), received 04 August 2014
EX04 (Boundary walls), received 04 August 2014
L01 rev A (Planting plan), received 25 September 2014

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

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

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

4. No development shall commence until full joinery details including plans at a scale of 1:20 and cross sections, of the proposed windows and doors have been submitted to and approved in writing by the Local planning authority. Windows and doors shall be installed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E18 (Preservation and enhancement of Conservation Areas) of the Sedgfield Borough Local Plan.

5. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area;
- ii) An assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii) Proposals for a mitigation strategy including the preservation in situ wherever feasible, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings;
- iv) Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) Notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works."

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with paragraphs 128, 135 and 141 of the NPPF.

6. Prior to the development being beneficially occupied, 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 if necessary.

Reason: To comply with paragraph 141 of NPPF 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. No development shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained whilst the approved buildings are in existence.

Reason: The proposed development is expected to attain current Building Regulations Levels for CSH Level 3.

8. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3, in accordance with details that shall be submitted to and approved in writing by the local planning authority showing that: prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and, prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate

level 3, or alternative.

Reason: In order to minimise energy consumption in accordance with Part 10 of the NPPF.

9. No development shall take place unless in accordance with the mitigation and recommendations detailed within part F of the protected species report 'Bat survey, Tremeduna Grange, Trimdon, Report No4 update, July 2014, prepared by E3 Ecology Ltd.

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

10. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme (plan ref: L01 rev A, Planting Plan, received 25 September 2014) shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

11. No construction or demolition work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved scaled tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan, inspected by the local authority and agreed in writing as satisfactory. Fencing should comprise of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012 unless otherwise agreed by written consent of the local planning authority. Fencing shall remain insitu until the practical completion of the development.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodland, trees and hedgerows) of the Sedgefield Borough Local Plan.

12. Notwithstanding any details of enclosures submitted with the application, no construction or demolition work shall take place until a suitable means of enclosure adjacent to trees T6 and T7 as detailed within the submitted Arboricultural Impact Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall include construction details and a method statement outlining how the impact of construction and root expansion of these trees has been considered. Works shall be carried out in full accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodland, trees and hedgerows) of the Sedgefield Borough Local Plan.

13. Site levels

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

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policy H17 (Backland and infill housing development) and D1 (General

principles for the layout and design of new developments) of the Sedgefield Borough Local Plan.

14. Surface water drainage details

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

Reason: To prevent pollution of the water environment in accordance with Part 10 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 to seeking to resolve issues during the application process whilst ensuring the prompt determination of this application within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents;

National Planning Policy Framework;

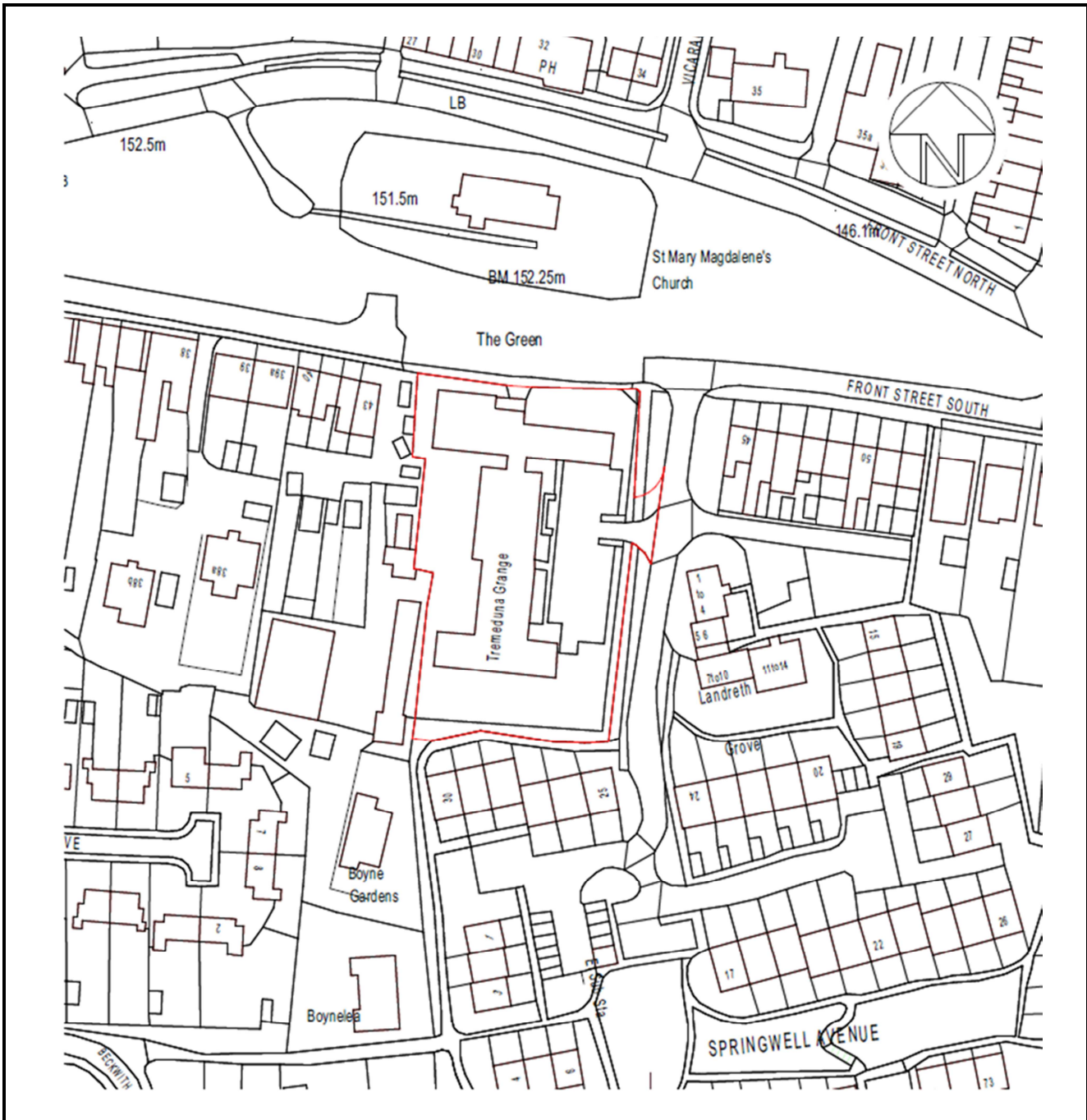
Sedgefield Borough Local Plan 1996;

Consultation response from the Highway Authority and NE DRES

Internal responses from Design and Historic Environment Section, Spatial Policy Section,

Landscape Section, Sustainability Section, Drainage Section, Archaeology Section,

Ecology Section, and Arboriculture Officer



Planning Services

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Demolition of Tremeduna Grange and construction of 17no. dwellings with associated access, parking and landscaping

Comments

Date 23 October 2014

Scale

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0464
FULL APPLICATION DESCRIPTION:	Erection of greenhouse, polytunnel and storage building, alterations to site levels and vehicular access, and formation of pond (part retrospective)
NAME OF APPLICANT:	Mr Alan Nicholson
ADDRESS:	Land to the south east of Highfields, Tow Law, Bishop Auckland, DL13 4BA
ELECTORAL DIVISION:	Tow Law
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site consists of an area of scrub and grassland to the rear (south) of the Highfields residential estate, Tow Law. The properties of Highfield line the northern boundary of the site. The land is valley-shaped, sloping down steeply from Highfields before rising up steeply to the south. There is dense planting along the southern and western boundaries with further residential properties beyond. The site is accessed from the turning head at the end of Highfields. The site is excluded from the development limits for Tow Law, but is surrounded by development on three sides.

The proposal

2. The application contains a number of elements including engineering operations to alter land levels and formation of a pond, as well as the erection of buildings including a storage building, greenhouse and polytunnel. Some engineering operations including the formation of the pond and works to the access have already taken place. There are some other structures on the land including a poultry houses, a small plastic shed and beehive, but they are considered to be moveable chattels on the land and do not therefore require planning permission.
3. The proposed storage building and polytunnel would be located fairly centrally in the lower part of the site, albeit on raised ground, while the green house would be located on higher ground to the south.
4. The main body of the proposed storage building would measure 13.7 metres by 8.1m metres, 4 metres to the eaves and 6.6 metres to the ridge. It would be

constructed from brickwork to 1.8 metres in height, with timber cladding above this level and corrugated sheeting for the roof. The projecting front elevation would be stone faced. Use of the building would be for hay, tool, tractor and general storage associated with maintenance of the land.

5. The proposed polytunnel would measure 10.9 metres by 7.4 metres, and 2.8 metres to the highest point.
6. The proposed greenhouse would measure 6.3 metres by 3.2 metres, 1.4 metres to the eaves and 2.3 metres to the ridge.
7. The engineering operations include excavations along the northern slope to provide an access track leading from the site entrance at the end of Highfields down to the lowest part of the site. They also include the depositing of soil (approximately 3000 tonnes) within the valley bottom at its western end which would raise the ground level in that area by between 1.5m to 3.5m. The (duck) pond approximately 13m in length has already been formed at the eastern end of the site and there is a small area of paving and gravel adjacent to it.
8. The application was called to Committee by Tow Law Town Council who are concerned about the size/height of the proposed building, access to and from site by heavy goods vehicles, the proximity to residential homes and the keeping of livestock near residential homes.

PLANNING HISTORY

9. There is no planning history associated with the site.

PLANNING POLICY

NATIONAL POLICY

10. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). 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:

11. *NPPF 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.

LOCAL PLAN POLICY:

12. The current development plan is the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007:
13. *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. The policy contains a number of relevant general development criteria in respect of design, landscape, amenity, ecology, access and impact on the local road network.

14. *T1 General Highways Policy* - Developments which generate additional traffic must provide adequate access and not exceed the existing highway capacity.
15. *ENV1 Protection of the Countryside*- Within the countryside development will be permitted for the purposes of agriculture, rural diversification, forestry, outdoor recreation, or compatible countryside uses.
16. *Policy BE19 (New Agricultural Buildings)*: New agricultural buildings in the countryside will be allowed provided the development fulfils criteria relating to design and landscape impact.

EMERGING POLICY:

17. The emerging County Durham Plan was submitted in April 2014 and is currently undergoing 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. The policies in the Plan can now be given some weight because of the advanced stage of the Plan.
18. Policy 18 (Local Amenity) Permission will not be granted for development which would have a significant adverse impact on amenity.
19. Policy 35 (Development in the Countryside) Development in the countryside will only be allowed for agriculture and other appropriate purposes.
20. Policy 39 (Landscape Character) Development will not be allowed where it would cause significant harm to the character, quality or distinctiveness of the landscape.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. *Tow Law Town Council* objects to the proposal as they are concerned about the size of the storage building, access through the residential estate by heavy vehicles, and the keeping of livestock close to residential properties.
22. *The Highway Authority* has no objection as the impact on the highway network would only be temporary as a result of the movements of heavy vehicles bringing soil to the site, however conditions are recommended to address concerns about potential damage to the estate road and to restrict the hours of heavy vehicle movement to avoid peak times and weekends.

INTERNAL CONSULTEE RESPONSES:

23. *Ecology* has no objection to the proposal.

PUBLIC RESPONSES:

24. Notification letters were sent to neighbouring properties. 12 letters of objection have been received. The main points raised in the objections are summarised below:

- a) Scale of the storage building. Concerns that the raising of ground levels will cause the height of the building to be overbearing on neighbouring properties and it is considered to be too large for personal use. It will also impact on views and property values.
- b) Use of the storage building. Concerns that the building will be used for livestock in close proximity to residential properties with resultant noise and odour. Residents have already complained about noise nuisance from cockerels kept on the site.
- c) Damage to the estate road from heavy vehicles delivering materials to the site. The road has only recently been finished off and the size of vehicles and number of deliveries could damage the road surface.
- d) Traffic and noise impact from the delivery vehicles. The large dumper trucks will be travelling directly through a residential street.
- e) Ground stability. The works could affect the stability of adjoining properties.

APPLICANTS STATEMENT:

- 25. The size of the building was governed by the various storage areas being grouped together, the design was arrived at to convey the agricultural look and feel of the area but to break up the slab sides of a traditional "Green Shed" with some stone walling. I intend to use stone walling as retaining walls where the level areas have been created to further tie the agricultural theme together. It is likely to take a long time to see the project finished but I think it will be a vast improvement of the rough unused land at present
- 26. It will not house Pigs, Cows, Horses, dogs or cats or any excrement and smell and noise producing animals as has been variously suggested by the residents objecting. I have sent a list of the plants I have so far planted, it can be seen that this is primarily aimed at providing food for bees and Humans not sheep and pigs. I also intend growing more of the families' own food which is why we want a greenhouse and poly tunnel, it is Tow Law and the weather can be brutal up there even in summer.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

- 28. As the application site falls outside the development limits of Tow Law it is classed as being in the countryside. Wear Valley Local Plan Policy ENV1 permits development in the countryside for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
- 29. The applicant intends to use the land for small scale agricultural/horticulture purposes. The earth works, pond and buildings are required to that effect. Whilst the proposed activities on the site are not of a sufficient size to constitute an agricultural business and the applicant has no intention to operate a business from the site, the buildings and structures proposed are of a reasonable size commensurate in size to the site and for their intended purpose. The principle of development is therefore in

accordance with Wear Valley Local Plan Policy ENV1 and Policy 35 of the emerging County Durham Plan.

Impact on the character and appearance of the surrounding area

30. The site comprises a steeply sloping valley sandwiched between residential development to the north, south and west. It is viewed largely as falling within the physical built confines of Tow Law, rather than being part of the open grazing land further to the east. It has no special landscape designation. Because of the way the topography falls into the valley and dense vegetation around the western and southern perimeter, views of the site are confined to a small number of properties at the eastern end of Highfields.
31. The polytunnel and greenhouse would be relatively small structures, not uncommon in large gardens or smallholdings and visible only from surrounding properties. It is the size of the storage building that has been the source of concern in the objections received. However, the building would be small in relative terms compared to typical agricultural storage buildings measuring 13.7m in length and 8.1m in width with a height of 6.6m. The materials of stone, timber boarding and corrugated steel roof are an appropriate choice for the locality and typical of agricultural buildings. It is proposed to raise the land by 1.5m where the building is to be sited, but the finished floor level would still be approximately 4m lower than Highfields. That means only the roof would be above the ground level of Highfields. The building would not therefore be a prominent or incongruous structure.
32. The various level changes would only really be visible from within the site and would not detrimentally affect the character or appearance of the wider area and adjacent countryside. The duck pond is located at the lower east end of the site and is a feature that has a positive effect on the character and appearance of the site.
33. The proposal is therefore in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan in respect of design and landscape impact. It would also meet the aims of Policy 39 of the emerging County Durham Plan and NPPF Part 11 in this respect.

Highway Safety

34. The access into the site is taken through the turning head at the end of Highfields, which is a residential cul de sac.
35. From the cross section plans submitted, it is estimated that between 1000 to 3000 tonnes of material will be brought onto the site to facilitate the raising of site levels. This material will be brought to the site by lorries carrying 20 tonne loads, equating to between 50 and 150 lorry movements. There would be 5 deliveries to the site per day which means anywhere from 10 to 30 days' worth of lorry movements. The vehicles will not need to enter the site beyond reversing to a concrete pad area leading from the public highway turning head where material would then be tipped into the site for subsequent re-distribution using on-site plant.
36. The size of vehicles and number of movements are decidedly unwelcome on residential roads such as Highfields, however, it is acknowledged that other locations can have new residential and other development approved which is accessed solely via existing residential estates, and which can involve similar or greater levels of HGV construction traffic movements. Given also that the proposal will be a temporary situation it cannot ultimately be considered that the highway issues arising

are capable of sustaining a highway refusal. The Highway Authority therefore has no objection to the proposal, however, it would be necessary from both an amenity perspective and to ensure the movements do not unduly impact on the free flow of traffic in Highfields, to restrict the lorry movements to outside of peak traffic and on-street parking periods, i.e. avoiding periods before 9am and after 4pm, as well as on weekends and bank holidays. As local residents have also pointed out, the road surface has only recently been finished off after having been left unfinished for a number of years. The Highway Authority shares local residents' concerns that the large number of movements of lorries delivering heavy loads to the site could damage the new road surface. Accordingly it would be necessary to condition that a highway condition survey is carried out before and after the related lorry movements so that any damage can be rectified after.

37. The use of the site and proposed buildings would not itself generate any significant traffic or lead to any high safety concerns.
38. It is therefore considered that subject to the conditions recommended by the Highway Authority, the proposal would not have a detrimental effect upon highway safety. The proposal therefore accords with policies GD1 and T1 of the Wear Valley District Local Plan.

Residential amenity

39. The amenity issues in respect of vehicle movements have been addressed above and a condition restricting the timing of lorry movements would help to limit the impact. There have however been other concerns raised by local residents in respect of the use of the proposed storage building, particularly if used for livestock. Other comments have been made in respect of keeping livestock and poultry on the land, but that is an agricultural activity and does not require planning permission.
40. The applicant has made it clear that the storage building is not required to house livestock. Its design and size also does not lend itself to livestock accommodation. A condition can also be applied to ensure it is not used to accommodate livestock.
41. The building is to be considered as a storage building for hay, tools and equipment necessary for maintaining the land. It would be sited over 20 metres from the nearest property on Highfields, and as previously stated would have only its roof above the ground level of the properties in Highfields. The building would be screened by the existing tree cover to nearly half of the properties in Highfields. It would not therefore be an overbearing structure as viewed from neighbouring properties and the activities related to the proposed building are unlikely to be at a significant level that would impact on the amenity of residents of those properties.
42. Notwithstanding the potential for a temporary period of inconvenience during the times when material is delivered to the site, the development would not fundamentally have a detrimental impact on the amenity of neighbours. The proposal therefore accords with Wear Valley Local Plan policy GD1 and Policy 18 of the emerging County Durham Plan.

Ecology

43. The application is supported by an extended phase 1 Ecology survey which concludes that the development of the site would not adversely impact on any statutorily designated wildlife sites or protected species. The site is mostly course

semi improved grassland with a small pond which is not suitable for Great Crested Newts. Its ecological value is largely as a foraging resource for a moderate range of bird species and possibly bats. The pond is likely to have improved the foraging value of the site. The Council's Ecology Section is satisfied that the ecological impact of the proposal has been properly considered and has no objection to the proposal subject to conditioning the mitigation recommended in the report, which includes no ground vegetation clearance during the bird breeding season and no lighting on the building elevations facing the trees. It is considered that the effect on ecology would not be unacceptable and so the proposal would not conflict with NPPF paragraph 118 or the relevant requirements of Wear Valley Local Plan Policy GD1.

Other issues

44. Other concerns have been raised about impact on property values and maintenance of boundary fences, but those are not material planning considerations which can be given any weight in the consideration of the application. Neither are concerns about potential property damage from instability resulting from the ground works.
45. Questions have been asked about the nature and origin of the material that will be deposited on the site. The applicant has provided confirmation of the necessary exemption from the Environment Agency.

CONCLUSION

46. The proposed developments and those for which retrospective consent is sought are required in connection with the applicant's personal agricultural use and maintenance of the land. They are considered to be reasonable in scale, design and location on a site where wider landscape views are limited by the topography of the site and screening by trees and surrounding development. The proposal is therefore in accordance with Wear Valley Local Plan Policies ENV1 and GD1 in these respects.
47. The highways impacts have been assessed and there is no objection from the Highway Authority. Although there would initially be a period with undesirable heavy lorry movements through Highfields, the impact on the highway and surrounding properties would be temporary and movements could be restricted by condition to avoid peak traffic times, as well as times when there is likely to be more on street parking. The proposal is not therefore sufficiently in conflict with Wear Valley Local Plan Policies GD1 and T1 to justify refusal on highways grounds, or amenity grounds in respect of the delivery vehicle movements.
48. The proposed buildings are not required to house livestock and their scale and siting in relation to neighbouring properties would be acceptable and in accordance with Wear Valley Local Plan Policy GD1.
49. There is no objection from the Council's Ecology Section and the proposal is considered acceptable in that respect.
50. There has been a significant level of public objection and the views of the Town Council have been noted, but for the reasons set out in the report it is considered that the issues raised are not sufficient to warrant refusal of the application and the proposal is therefore acceptable in planning terms.

RECOMMENDATION

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

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 Ref No.	Description	Date Received
	Red Line Site Plan	23.12.2013
1	Proposed floor plan	23.12.2013
43_HIG_001	Proposed building	23.12.2013
43_HIG_012	Proposed polytunnel and greenhouse	23.12.2013
AN/02	Proposed site plan	05.03.2014
AN/02/S1	Proposed sections	05.03.2014
AN/02/S2	Proposed sections	05.03.2014
AN/02/S3	Proposed sections	05.03.2014

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

3. The buildings hereby approved shall be used for agricultural purposes only, but not including the housing of livestock, or any business purposes.

Reason: To ensure the use of the building is appropriate to the location and to protect the amenity of neighbours. In accordance with policies ENV1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. The profile steel sheets to be used for the roof of the storage building hereby approved shall have an external colour finish of dark green or dark brown.

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

5. The use of the storage building hereby approved shall not commence until details of the surface treatment and construction of all hardsurfaced areas, including the access track, have been submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

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

6. Before any 'fill' material required to raise the ground levels as approved is brought onto the site, a joint survey shall be undertaken of Highfields public carriageway in conjunction with a Highway Authority representative to record the condition of the public highway before vehicles deliver the material to the site. Thereafter, the use of the storage building shall not commence until a final joint survey of Highfields public carriageway in conjunction with a Highway Authority representative has been undertaken and the findings on the condition of the highway, including recommendations for any necessary repair works and their timing have been agreed in writing by the local planning authority. Any repair works shall be undertaken in accordance with the agreed details.

Reason: To protect the integrity of the carriageway in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. The delivery of 'fill' material required to raise the ground levels as approved shall not take place outside the hours of 9am to 4pm Monday to Friday. There shall be no deliveries of fill material to the site on weekends and Bank Holidays.

Reason: In the interests of residential amenity and to ensure the free flow of traffic in Highfields. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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

Reason: To prevent disturbance and loss of habitat to breeding birds in accordance with the aims of Wear Valley District Local Plan Policy GD1 and the NPPF Part 11.

9. No security lighting shall be installed on the west facing elevation of the storage building hereby approved.

Reason: To prevent disturbance to foraging bats in accordance with the aims of Wear Valley District Local Plan Policy GD1 the NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

51. 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 to deliver an acceptable development.

BACKGROUND PAPERS

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



Planning Services

Land south east of Highfields, Tow Law, County Durham, DL13 4BA

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