



Area Planning Committee (South and West)

Date Thursday 11 December 2014
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 23 October 2014 (Pages 1 - 8)
5. Applications to be determined
 - a) DM/14/02713/FPA - Butterby Grange, Neville Close, Spennymoor
(Pages 9 - 20)
Demolition of existing buildings and erection of 14no. apartments and associated infrastructure
 - b) DM/14/01692/OUT - Land opposite High View Country House, Low Road, Kirk Merrington (Pages 21 - 40)
Outline application (all matters reserved with the exception of means of access) for the erection of up to 49 dwellings and 2000 sq ft of retail floor space (use class A1) with associated landscape and infrastructure
 - c) DM/14/03009/FPA - Land adjacent to Wellgarth, Hamsterley, Bishop Auckland (Pages 41 - 52)
Erection of dwelling (resubmission of 6/2013/0397/DM)
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
3 December 2014

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

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

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 23 October 2014 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), 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

Also Present:

J Byers – Planning Team Leader
A Caines – Principal Planning Officer
D Stewart – Highways Officer
C Cuskin – Solicitor (Planning and Development)

1 Apologies for Absence

An apology for absence was received from Councillor J Buckham.

2 Substitute Members

There were no substitute Members.

3 Minutes

The Minutes of the meeting held on 18 September 2014 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

The Chairman declared an interest in application numbered DM/14/02284/FPA – Tremeduna Grange, Trimdon Village as he was a member of the Board of Livin. The Councillor left the meeting during consideration of the application.

It was agreed that the order of business be amended as there were registered speakers in attendance and item numbered 5(c) on the Agenda was considered following item 5(a).

5 Applications to be determined

a DM/14/01540/OUT - Land to south of Etherley Road, Low Etherley

Consideration was given to the report of the Principal Planning Officer regarding an outline application for the erection of 13 dwellings with all matters reserved (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 Principal Planning Officer advised of revised comments received from Durham County Council's Drainage Section which stated that surface water should be disposed of via the main sewer until alternative solutions had been explored.

Mr C Furby, local farmer addressed the Committee against the application. His farm was located next to the site and he was of the view that new developments and working farmyards were not compatible. The new properties would be situated next to his farm and may impact on any proposals he had to keep livestock in the future. If the application was approved he believed that the impact on his livelihood would be to such an extent that he would be compelled to look at alternative uses for his land, such as housing, to mitigate against a loss of income.

Mr A Rogers, resident spoke against the application and addressed the main concerns of local people.

The risk of flooding was a key concern with some residents struggling to get home insurance. Surface water flowed off the fields and had flooded properties in the past. The current infrastructure could not cope and the problems would be exacerbated by the proposals for the site.

He was concerned that a traffic survey had not been carried out and surveys he had undertaken with the Police had shown that 380 vehicles travelled through the village in less than an hour, 22% of which were travelling in excess of 30mph, with the fastest recorded at 55 mph. There were in excess of 4,000 vehicles at peak times at Four Lane Ends. These figures demonstrated the significant risk in terms of highway safety.

The proposals would also have an impact on wildlife in the local area and the site was not in a sustainable location as there were no shops, post office, bus service or pub in the village. The closest services were a mile away up a steep incline.

If the application was approved he asked that trees be planted around the remainder of the site and that they be protected by a Tree Preservation Order to prevent further development.

Residents were also concerned about loss of view and questioned the need for a further 13 dwellings as there was a development of 600 houses less than a mile away from the site.

The Chairman asked if the proposed condition requiring a scheme for the disposal of surface and foul water mitigated residents' concerns about the risk of flooding. Mr Rogers responded that this did not alleviate their fears because they had not seen a detailed scheme. Mr Rogers was reminded by the Chairman that this was an outline application and a detailed drainage scheme would be dealt with at a later stage.

Mr T Armstrong addressed the Committee on behalf of the applicant and highlighted a number of key points from the report. The site did not lie in a flood plain or was linked to any watercourse, and the causes of flooding in the past had not been linked to this site. However notwithstanding this he considered that any concerns had been addressed by condition.

The Highways Authority had offered no objections to the proposals.

Whilst the land was classed as amber in the SHLAA conclusions on the site had acknowledged that frontage development may be acceptable. The proposals also conformed with Policy 15 of the emerging County Durham Plan.

Mr Armstrong referred to the appeal decision in 1991 which was referred to in the report and advised that there had been changes to National and Local Plan Policy since the appeal had been dismissed. The Inspector had focused on national guidance and the Teesdale Local Plan but this was now outweighed by the new emerging County Durham Plan and the NPPF which introduced a presumption in favour of sustainable development.

With regard to residents' concerns about a coal mine beneath the site the mining assessment acknowledged a recorded mine entry but Mr Armstrong considered that this was not an unusual situation across County Durham. The assessment recommended further site investigation works which would be carried out at the reserved matters stage.

The site was surrounded on three sides by housing and was within the built up area of the village. The County Durham Plan proposed over 34,000 houses over 20 years and whilst many of these would be located in main towns it was essential that smaller settlements had opportunities for development to help retain local services.

In conclusion the proposed provision of 15% affordable housing was in accordance with the target for the area.

D Stewart, Highways Officer was asked to address the highway safety concerns raised by residents. He confirmed that a survey had been carried out of vehicle speeds and in terms of traffic generation the figures were accurately represented. However a development of up to 13 dwellings would not have a material impact on existing traffic flows.

In terms of the concerns expressed about the access, this was an outline application and not a matter for consideration at this stage, however the Highways Authority was satisfied that a suitable access could be created and sight visibility would be adequate for speeds recorded along the B6282. The additional traffic could comfortably be accommodated on the existing highways network and this application could not be expected to address vehicle speeds through the village.

Councillor Boyes queried the statement in the report regarding the need for a continuous footway along the front of the site. The Highways Officer advised that this was no longer deemed necessary as the Adoptions Engineer had revised his advice, agreeing the principle of alternative pedestrian access arrangements. The Member was advised that matters such as access and layout would be considered at the reserved matters stage.

Councillor Boyes also noted the concerns about the risk of flooding and asked if residents could be consulted on the proposed drainage scheme at the reserved matters stage.

A Caines, Principal Planning Officer advised that consultation on the detailed drainage scheme with residents would be a matter for the developer. Consultation would be carried out by the Local Planning Authority on receipt of the reserved matters application.

Councillor Davidson commented that disposal of surface and foul water would be considered at a later stage, and if the detailed scheme did not address concerns it was unlikely that the development could proceed.

Councillor Richardson expressed concern about drainage on the site and about the risk of subsidence due to the coal mine entry. If Mr Furby decided to keep pigs this may generate complaints of odour from residents of the new development, potentially causing a detrimental impact on a farm that had been in the village for years.

In response to Councillor Huntington who referred to housing need and the comments made by objectors that there were already a number of vacant properties in the village, the Principal Planning Officer advised that a shortfall of 34,000 properties had been identified across the County. Whilst this development of 13 dwellings may not have a huge impact on the shortfall and there was no allocation identified for the area in the emerging County Durham Plan, consideration should be given to proposals for smaller settlements that would enhance or maintain the vitality of rural communities and which would support facilities in other villages nearby.

Councillor Todd asked when coal mining had ceased in the area, and the Chairman advised that whilst this was not specified in the report, paragraph 67 explained how the matter of the coal mine entry and potential risks from shallow mine workings should be addressed by the developer.

Councillor Davidson, in acknowledging Councillor Todd's concerns, stated that the proposals would not be viable if any issues relating to the coal mine could not be overcome. He was re-assured by Officers that this matter, and the issue of drainage had been addressed by condition. He was not convinced by the comments of the objectors about loss of light and this development did not join separate communities as the village was linear in form.

Councillor Clare concurred with the views of Councillor Davidson. The objectors clearly had some issues with the application but Officers had advised that these would be addressed at the reserved matters stage. This application at present was simply about the principle of the development.

He noted that an appeal against a previous application had been successful but there had been changes in Planning Policy since that time. It was for Members to determine what weight should be attached to the emerging County Durham Plan and he was therefore of the view that there were no grounds to refuse this outline application.

Following a procedural question from Councillor Boyes Members were advised that the application for reserved matters would be dealt with as a delegated decision. The application would be referred to Committee if it was called in by a Member of the Council.

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 15% affordable housing and £13,000 towards the provision/maintenance of open space and recreation facilities in the locality.

b 3/2013/0464 - Land to the south east of Highfields, Tow Law

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of a greenhouse, polytunnel and storage building, alterations to site levels and vehicular access, and formation of pond (part retrospective) (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Nichalson, the applicant was in attendance to respond to questions from Members.

In response to a question from the Chairman about condition 3 in the report and the proposed usage of the buildings, Mr Nichalson confirmed that whilst he did not wish to house livestock he was a bee-keeper and wanted to use the proposed storage building for this purpose. He advised that according to DEFRA bees were classed as livestock.

The Committee discussed the feasibility of amending the condition to allow bees and some Members also queried the need to prevent livestock altogether, given the rural position of the site and the potential for the land to be used to house other animals in future.

Councillor Clare pointed out that Mr Nichalson had only asked to keep bees in the building, and any future proposals for the housing of livestock could be dealt with by an application for change of use.

C Cuskin, Solicitor (Planning and Development) clarified that the purpose of the condition was to prevent unreasonable impact on neighbouring residents in terms of noise and smell due to the close proximity of the buildings to residential properties.

At this point the meeting adjourned to allow Members to seek advice on the legal position with regard to housing livestock and the proposal to amend condition 3. The Applicant left the meeting during the discussion.

During the discussion Councillor Patterson left the meeting.

On Mr Nichalson's return Members proceeded to determine the application.

Following a question from Councillor Wilson about the safety of the pond given the close proximity of houses, the Member was informed that this was not a material planning consideration, however Mr Nichalson confirmed that he had done as much as possible to minimise any risk.

The Committee were of the view that the building should not be used for housing livestock because of the potential impact on local residents but felt that bee-keeping was an acceptable activity, and that condition 3 should be amended to reflect this.

Resolved:

That the application be approved subject to the conditions in the report and to condition 3 being amended to read as follows:-

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

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

c DM/14/02284/FPA - Tremeduna Grange, Trimdon Village

Consideration was given to the report of the Planning Team Leader regarding an application for the demolition of Tremeduna Grange and construction of 17no. dwellings with associated access, parking and landscaping (for copy see file of Minutes).

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

Resolved:

That the application be approved subject to the conditions outlined in the report and to a Section 106 Obligation to secure a financial contribution of:-

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

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02713/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 14no. apartments and associated infrastructure.
NAME OF APPLICANT:	Livin
ADDRESS:	Butterby Grange, Neville Close, Spennymoor, County Durham, DL16 6XD
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 0.22ha in area and is located to the north east of Spennymoor. It currently consists of two storey, 21 unit sheltered accommodation. The building is currently unoccupied, in a poor state of repair and already undergoing demolition.
2. Residential properties surround the application site, largely consisting of semi-detached bungalows. The adopted highway and parking court of Neville Close is located to the east, providing the only vehicular access to the site. To the south is a small amenity area, to the west is a public footpath, beyond which beyond lies school playing fields. To the north are residential properties. Spennymoor town centre lies approximately 0.5miles to the west.
3. Planning permission is sought for the demolition of the existing building and the erection of 14no 2 bed apartments aimed to provide social accommodation for disabled persons and over 55's. The apartments would be arranged in three rectangular blocks of development, two storey in height arranged in a linear arrangement with an outlook over the school playing fields and public footpath to the west. The apartments would be brick built with timber cladding and render panels adding a contemporary appearance. An off street parking court of 17 spaces would be provided centrally in the development.
4. 2no. affordable units (10% of total proposed) and a public open space commuted sum of £14,000 are to be secured in line with policy requirements and as detailed within a draft s106 accompanying the application. However, all of the units would be managed by Livin as social housing.

5. This application is being reported to Planning Committee in line with the Scheme of Delegation as it falls within the definition of a major development.

PLANNING HISTORY

6. Prior notification for demolition of existing building, approved 2014

PLANNING POLICY

NATIONAL POLICY

7. 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 following elements of the NPPF are considered relevant to this proposal.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils;

recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

14. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.
15. *Saved Policy E11 – Safeguarding Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
16. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
17. *Policy H14 - Maintenance and improvement of housing stock* - seeks to support the improvement of housing stock through the redevelopment, conversion or modernisation of buildings.
18. *Policy H17 – Backland and Infill Housing Development* – Sets out that housing development on backland and infill sites will normally be approved providing a satisfactory means of access and adequate parking provision can be achieved, satisfactory amenity and privacy levels for both the new development and adjacent dwellings can be provided and the development is commensurate with the character of the surrounding area.
19. *Saved Policy H19 –Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
20. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
21. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.

22. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
24. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
25. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
26. *SPG Note 3 (The layout of new housing)* - sets amenity/privacy standards for new residential development.

EMERGING PLAN:

27. The emerging County Durham Plan is undergoing Examination in Public and is therefore advanced. 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:
28. *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.
29. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
30. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, of which 270 are to be provided in Chilton. 179 Ha of Employment Land allocation is also proposed, 8ha of which is to be provided in Chilton.
31. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the

scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.

32. *Policy 15 – Development on Unallocated Sites 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.
33. *Policy 31- Addressing Housing Need* - Sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
34. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.

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. *Highway Authority* - No objections to the development of the site, advising that the proposed parking provision is acceptable, as the existing development would have had access to some of the existing provision on Neville Close. It is however recommended that an amended plan be submitted to detail the stopping up the existing public highway adjacent to the entrance of the site.
36. *Northumbrian Water Limited* – Offer no objections subject to a condition requiring details of surface and foul water drainage to be submitted.
37. Spennymoor Town Council – No Objections

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – Advises that in the principle of developing the site for housing accords with relevant policies of the Sedgefield Local Plan and emerging County Durham Plan.
39. *Landscape* – Offer no objection subject to the submission of a detailed landscaping scheme.
40. *Trees* -Offers no objection subject to condition relating to tree protection measures.
41. *Ecology* – Advise that subject to the use of the Method Statement detailed in the Bat Survey Report the likely risk of impact on protected species is likely to be low.
42. *Environmental Health* – Offer no objections however highlight that soundproofing measures should be incorporated to prevent transfer of noise between apartments,

while a condition relating to the restriction of working hours on site should be imposed along with appropriate dust suppression

43. *Contaminated Land* –After reviewing the submitted Phase 2 Land contamination report, recommend the imposition of conditions requiring the submission of validation of remediation measures in relation to land contamination.
44. *Sustainability* – Offers no objection but recommends that the indicated sustainability and carbon reduction initiatives are embedded within the scheme, and controlled by condition
45. *Drainage and Costal Protection* – Offer no objections to the scheme subject to the submission of full means of foul and surface water drainage being submitted for approval.

PUBLIC RESPONSES:

46. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. No letters of objection have been received.

APPLICANTS STATEMENT:

47. The development relates to the redevelopment of a vacant building which no longer serves its functional need due to its layout and condition. The development will represent a high quality scheme that will enhance the surrounding area, protecting the privacy and amenity of existing residents. The accommodation proposed will help to fulfil the demand for older persons, disabled and affordable homes in the area.
48. 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/applicationDetails.do?activeTab=summary&keyVal=NBMOP6GDI0Y00>*

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

50. The NPPF seeks to direct new development to locations with good access to jobs services and community facilities. Spennymoor is a Main Town in recognition of the wide range of accessible work opportunities, health facilities, schools, shopping and leisure facilities. The application site is located within the defined settlement limits of Spennymoor, where saved policies H14 and H17 of the Sedgfield Borough Local

Plan outlines that planning permission for the redevelopment of housing stock and infill developments will be supported in principle.

51. In terms of the Emerging County Durham Plan, policy 15 outlines that development on sites in built up areas will be permitted providing the development is appropriate in location and function of the settlement.
52. The proposal is an appropriate scale of development on this site, consistent with the role the settlement plays within the County Durham hierarchy. The development of the site for social housing would be compliant with the NPPF in this respect while also boosting housing supply, a key component of the NPPF.
53. Livin is a Registered Social Landlord and the units are therefore intended to be available on an affordable basis and for over 55's. 2 units would be secured as affordable in perpetuity by S106 agreement. The S106 will also secure a public open space commuted sum of £14,000 for provision, maintenance or improvement of facilities in the local area.
54. Overall the development would meet the key aims of the NPPF and is in principle in accordance with saved policies of the Sedgefield Borough Local Plan and emerging policies of the County Durham Plan.

Accessibility and highway safety

55. The vehicular access to serve the development is proposed to be taken from the adopted highway to the east of the site, which serves the existing development and adjacent dwellings. This adopted highway has a number of off street parking spaces associated with it which are proposed to be retained while a court yard style parking layout is proposed to be created within the development.
56. The Highway Authority raise no objection to the proposed access or the parking levels due to the provision of 17no. off street spaces and that the existing use would have had some access to some of the existing provision on Neville Close. The Highways Officer has recommended that the site plan be amended to indicate the stopping up of an area of adopted highway adjacent to the entrance of the site. While the applicant has indicated a willingness to do this it is advised that this rationalisation will be perused outside of this planning application.
57. The proposal is acceptable in highways terms and accords with Saved Local Plan Policy D3.

Impact on character and appearance of the surrounding area

58. Local Plan Policies D1 and D5 require that developments are designed and built to a high standard which contribute to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. This is reflected within section 7 of the NPPF which sets out the importance of good design.
59. The existing development on site, although commensurate with the existing housing stock, offers little in terms of architectural merit. It is currently being demolished as it no longer meets its functional need.
60. It is considered that the proposed development would result in a significant improvement to the character of the surrounding area. The development would also have a more appropriate relationship with the surrounding highway and footpath layout, resulting in a less intensively developed site. An indicative landscaping layout

has been submitted indicating areas of shrub planting and hardstanding and the retention of existing semi-mature vegetation. Although this layout is considered acceptable, as advised by the councils landscape officer this needs to be fully detailed up, along with details of tree protection measures. A condition requiring this is recommended.

61. Overall it is considered that the scheme is of a high standard, contributing to the quality of the built environment while retaining existing landscaping surrounding the site, thereby complying with policies D1 and D5 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

62. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. In considering this matter, the site layout would achieve in excess of the minimum separation distances of 21m between habitable room windows in neighbouring properties as advocated in the Local Plan (23m to the dwellings of 46 Neville Close). Internal distances would be slightly less, but not unacceptable because of room arrangements.
36. In appraising the scheme the Councils Environmental Health Section raise no objection, but have commented on the need for soundproofing between apartments and to restrict hours of construction. However there are controls outside of the planning system that deal with these matters and in this instance it is not considered necessary to duplicate those controls.
63. A land contamination survey has been undertaken on the site which identifies a number of remediation measures necessary to safeguard any risk from pollutants. The Council's Land Contamination Officer considers the findings of the report sound subject to the implementation of the mitigation measures and the submission of a final validation report.

Ecology

64. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted ecology survey report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site and it is unlikely that a licence would be required from Natural England..
65. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

Flooding and Drainage

66. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
67. In terms of the disposal of surface and foul water, Northumbrian Water and the Councils Drainage Section have raised no objections to the scheme, subject to the submission of full details of the foul and surface water drainage layouts incorporating soakaway's where possible. The application site lies in flood zone one and therefore outside any area of high flooding risk.

Other Issues

68. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF and is required by policy 1 of the County Durham Plan. The applicant has undertaken a commitment to achieve improvements to energy efficiency through improvements to the buildings performance and a reduction in consumption resulting from energy efficiency improvements. The Council's sustainability officer raises no objection to this approach but recommends a condition to detail this, with an expectation to improve upon part L(2013) of Building Regulations.

CONCLUSION

69. 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 redevelopment of a vacant building which contributes little to the character of the surrounding area, and its replacement with an appropriate mix of well-designed social housing which would enhance the character of the area, while not impacting on neighbouring properties.
70. The proposed development is considered to satisfy highway safety requirements whilst also taking account of ecological and arboricultural restraints.
71. A S106 agreement will secure 2no. affordable units (10% of total proposed) in perpetuity and a public open space commuted sum of £14,000.

RECOMMENDATION

That the application be **APPROVED** subject to completing a Section 106 Agreement to secure the provision of 2 affordable dwellings and £14,000 towards the provision/maintenance of open space and recreation facilities in the locality; in addition to the following conditions and reasons:

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

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

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

Proposed Site Plan, Ref 2505-D-90-003 Rev P3, Received 10th September 2014
Proposed Street Scene, Ref 2505-D-20-001, Received 10th September 2014
Proposed Floor Plans and Elevations Block 1, Ref 2505-D-22-001, Received 10th September 2014
Proposed Floor Plans and Elevations Block 2, Ref 2505-D-22-002, Received 10th September 2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies D1, D2, D3, D5 of the Sedgefield Borough Local Plan

3. No development shall take place unless in accordance with the Method Statement (appendix 3) detailed in the Bat Survey, prepared by E3 Ecology received 10th September 2014.

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

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

Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

5. Prior to the commencement of development a detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide detail for:-

- The retention and protection of existing trees on site in accordance with BS 5837 (Trees in relation to construction).
- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to improve the appearance of the development taking account of ground contamination remediation measures.
- The provision of any fences or walls (including retaining walls)
- The movement of earth, the formation of banks or slopes
- Full details of any hard standing proposed

The tree protection measures shall be implemented prior to the commencement of development and retained throughout construction. The approved landscaping scheme implemented in accordance with the approved details in the first planting season following completion of the development.

Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

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

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

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

8. 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 D1 of the Sedgefield Borough Local Plan.

9. No development shall commence until a scheme for the provision of surface water and foul 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: In the interest of the adequate disposal of foul and surface water in accordance with saved policy D1 of the Sedgefield Borough Local Plan and part 11 of the National Planning policy Framework.

10. No development other than demolition and preliminary clearance and ground works or that is required to be carried out as part of an approved scheme of remediation shall commence until the remedial work detailed in the Phase 2 Land Contamination Study compiled by Solmek, Received 10th September 2014 have been implemented. Upon completion of the remedial works a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

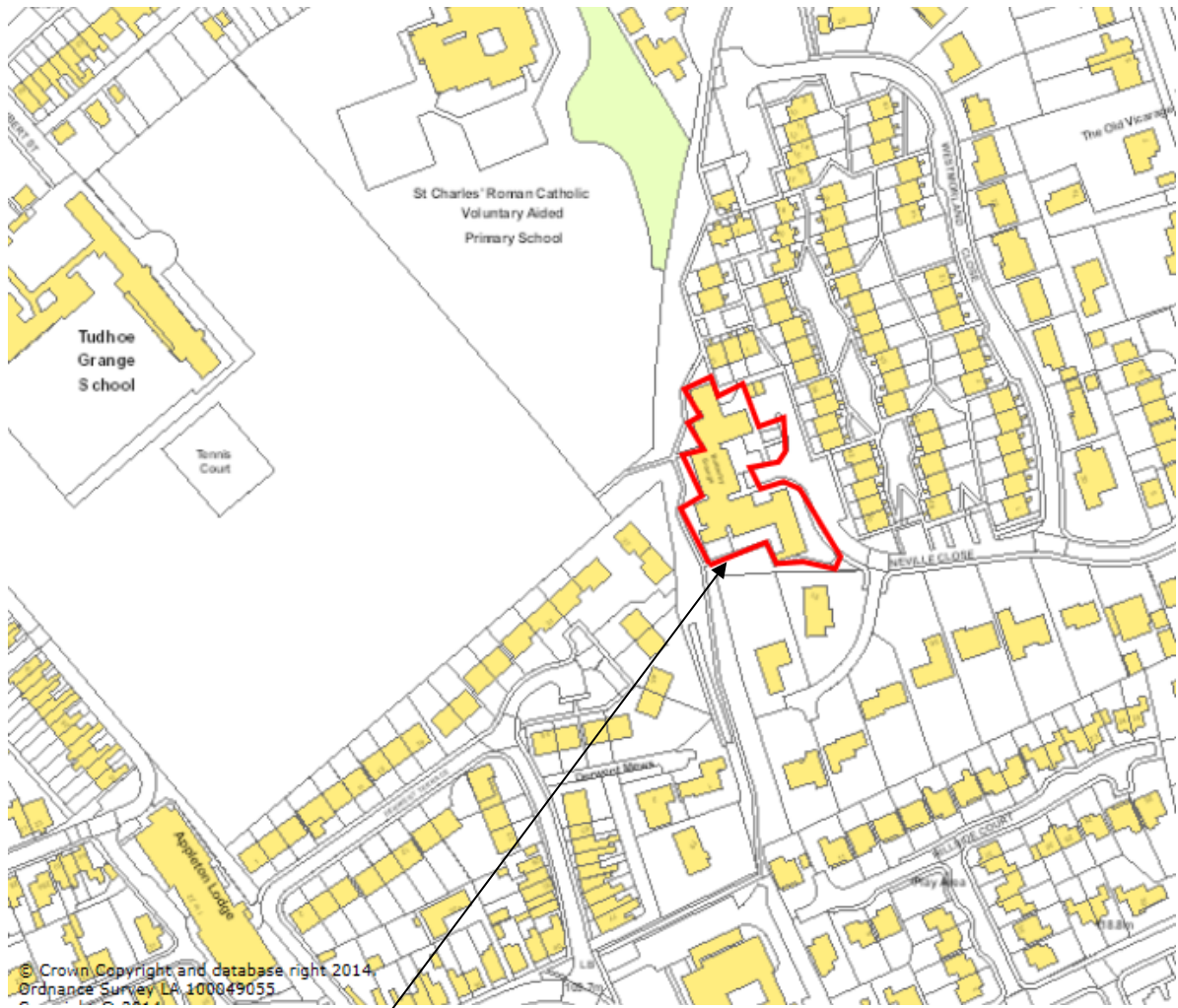
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgefield Borough Local Plan
County Durham Plan (submission version)
Consultation responses



Application Site



Planning Services

Demolition of existing buildings and erection of 14 units

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Comments

Date 1st December 2014

Scale 1:2500

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01692/OUT
FULL APPLICATION DESCRIPTION:	Outline application (all matters reserved with the exception of means of access) for the erection of up to 49 dwellings and 2000 sq ft of retail floor space (use class A1) with associated landscape and infrastructure.
NAME OF APPLICANT:	Mr Wayne Baister, Initial Developments
ADDRESS:	Land opposite High View Country House, Low Road, Kirk Merrington.
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is an undeveloped parcel of agricultural land measuring 2.26ha in area located on the north-western edge of the village of Kirk Merrington. A level change is evident across the site, with the gradient falling away in a south westerly direction from the eastern boundary which forms the existing settlement limit of Kirk Merrington. Agricultural fields and a group of isolated buildings are located to the south of the site and to the west there are open fields. The adopted highway Low Road and two isolated dwellings are located to the north, beyond which lie agricultural fields. Two Public Rights of Way cross the site in an east-west direction. Approximately 0.12ha of the site is however located within the village envelope and the Kirk Merrington Conservation Area, bordered by residential properties and a Public House fronting the highway West View.
2. Outline Planning permission is sought for the erection of up to 49 dwellings, including the means of access. The scheme indicates that the dwellings would be a mix of semi-detached and detached houses and bungalows arranged around a series of cul-de-sacs, and. An upgraded vehicle access would be provided from an existing field access on to Low Road and would involve the removal of a section of existing hedgerow and a tree to improve site visibility. The indicative layout shows that a 8m landscaping buffer would be provided to the western and southern boundary, along with areas of open space to the entrance and heart of the site.
3. Outline permission for a retail store 2000sqft in area is also proposed, located adjacent the existing Fox and Hound's public house. It is proposed to serve this off

the existing access on to the B6287, the main highway through the village, with a parking area proposed to the rear.

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

PLANNING HISTORY

5. An application for an outline residential development was refused in 1988 and subsequently in 1989 based on a similar site area.
6. Consideration has been given to the suitability of the site to meet the projected demand for housing in the County Durham Plan through the Strategic Housing Land Availability Assessment (SHLAA). Following appraisal the site has been rated Amber due to the edge of settlement location with poor access to services and facilities. The site was considered to result in significant adverse landscape and visual impact, and have a detrimental impact on the Conservation Area.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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.
9. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
11. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

12. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
16. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

17. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
18. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
19. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be

normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.

20. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
21. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
22. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
23. *Saved Policy H18 – Acceptable uses within Housing Areas* – Sets out that shops up to 100sqm will normally be granted permission within residential areas.
24. *Saved Policy H19 –Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
25. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space-* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
26. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
27. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
28. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
29. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
30. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
31. *Saved Policy D8 – Planning for Community Benefit* - Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

EMERGING PLAN:

32. The emerging County Durham Plan was submitted in April 2014 and is currently undergoing an 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 Version are considered relevant to the determination of the application:
33. *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.
34. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
35. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420.
36. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
37. *Policy 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 settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses.
38. *Policy 30 – Housing Land Allocations* – Sets out the quantity and distribution of housing on specific sites to meet housing need.
39. *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.
40. *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.

41. *Policy 35 – Development in the Countryside* – Sets out that planning permission for developments in the countryside, with the exception of minerals, wastes and renewable energy proposals, will only be granted where the land is developed is allocated in the CDP or Neighbourhood Plan, the development proposals are necessary for the continues viable operation of agriculture, will directly enhance local services, community facilities, enhance the environmental or tourism assets of the county or for the change of use of disused buildings or structures.
42. *Policy 39 – Landscape Character*. Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh the impacts.
43. *Policy 49 – Delivering Sustainable Transport* – New developments should accommodate sustainable modes of transport and provide appropriate, well design, permeable and direct routes for all modes of transport and that traffic generated by the development can be safely accommodated on the strategic highway network without causing additional congestion.

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:

44. *Highway Authority* – Advise that although the development falls below the threshold requiring a formal Transport Statement the submitted statement has been reviewed and following minor clarifications is deemed to be acceptable. Following submission of an amended plan demonstrating that visibility splays from the propose access can be achieved, no objections are raised on highway safety grounds. The surrounding road network is considered acceptable to accommodate addition vehicle movements associated with the development.
45. *Environment Agency* - Offers no objection, but advise that consultation is held with the local sewerage operator to ensure that sufficient capacity exists to accommodate additional flows.
46. *Northumbrian Water Limited* – Request a condition requiring the submission of a detailed scheme for the disposal of surface and foul water from the scheme before development commences.
47. *Spennymoor Town Council* – Offer no comments on the scheme.
48. *Ramblers Association* – Advise that any realignment of the public right of way should avoid the use of estate roads wherever possible and preference should be given to the use of paths through landscaped or open space areas away from vehicular traffic.

INTERNAL CONSULTEE RESPONSES:

49. *Spatial Policy Section* – Advise that the principle of developing the site as a residential extension to the existing settlement would not be supported by the existing local plan or the emerging development plan. This site has not been

identified as a housing allocation within the 'Submission Version' of the CDP and the proposal therefore conflicts with the emerging County Durham Plan (policies 15 & 35). Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the plan period. Kirk Merrington is a medium-sized village (4th tier) where only limited housing development is required to sustain its role/function. It is also advised that the release of this greenfield site for housing could have a detrimental impact on the deliverability of previously developed sites within Spennymoor for housing.

50. *Design and Historic Environment Section* – Advise that due to the steep topography of the application site and the well defined western boundary of Kirk Merrington the development would relate poorly to the existing settlement and would appear as an urban expansion. It is considered that this would have a negative impact on the setting of the conservation area and relationship with the existing village.
51. *Landscape Section* – Advise that development in this location would not form a natural extension to the settlement of Kirk Merrington, but would be a significant visual incursion into an attractive landscape. It would have a local, but significant adverse residual impact on the surrounding countryside, especially to the south and west within about 1km distance, and affect the setting of the village on approaching Kirk Merrington from the western flank. Whilst landscape mitigation measures are welcome, this would not be sufficient to mitigate the impact on the setting of Kirk Merrington, especially in the early years following development.
52. *Arboricultural Officer* -Offers no objection in terms of impact on trees.
53. *Archaeology Section* - Offers no objections, subject to the development being carried out in accordance with an agreed scheme of Archaeological investigation, recording and evaluation.
54. *Access and Rights of Way Section* – Advise that two recorded Public Rights of Way would be affected by the development and would likely need diverting. The surfacing of the sections of the Public Rights of Way leading from the development to the Fox and Hounds Car Park and to the South of the Croft should be upgraded.
55. *Ecology Section* - Has no objections, subject to the proposed mitigation measures detailed in the submitted ecological survey.
56. *Environmental Health Unit* – Offer no objections to the scheme subject to conditions relating to the control of noise generated from plant and machinery associated with the retail use and details of any of external lighting. It is also advised that the proposed development is not located in an area that will give rise to 'sensitive' receptors being exposed to elevated levels of local air quality pollutant levels.
57. *Contaminated Land Section* -Recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
58. *School Organisation Manager* – Highlights that the development would likely produce an additional 11 pupils of Primary School age. It is advised that Kirk Merrington Primary School will have no additional capacity after 2018, if not sooner and therefore a contribution from the developer to fund additional classroom space equating to £100,430 would be expected.

59. *Sustainability Officer* – Considers that the site is considered to be classed as average in sustainability terms, while concerns are raised regarding the residual environmental effect of the development in terms of its landscape/visual impact. Carbon reduction initiatives would be required to be embedded within the development, and controlled by condition should permission be granted. An offsite contribution for offsite sport and recreation should also be secured.
60. *NHS Trust* – No response received
61. *Housing Officer* - States that an affordable requirement of 10% would be expected on this site.
62. *Drainage and Coastal Protection Team* - Advise that a surface water drainage scheme should be developed prior to the commencement of development which utilises soakaways where appropriate, limiting discharge from the development to greenfield run off rates.
63. *Petroleum Officer* – Indicates that the site of the proposed shop uses to be a petrol filling station, records suggest that the storage tanks have been removed from the site and made safe from fire and explosion. An informative is however recommended that caution is taken during any excavation.

PUBLIC RESPONSES:

64. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. Nineteen letters of objection have been received from neighbouring residents, including an eight signature petition in relation to the issues below:-
 - There are concerns regarding the capacity of schools and other amenities to accommodate additional residents, at present the school is not big enough to take all pupils from the village.
 - The proposal represents a Greenfield development where there are other housing developments on brown field sites in close proximity of the site which is in conflict with the existing Local Plan planning policies and those of the emerging County Durham Plan. It is considered that there are better sites capable of development within the village with more sustainable links. The site is identified as Amber in the SHLAA, not suitable for development whereas several green sites were identified around Spennymoor, Chilton, Ferryhill and Coundon. Development of this site will lead to over supply issues.
 - The demand and viability of the proposed shop is questioned as previous retail units have closed down, it is suggested that the village store is an empty gesture to comply with Government Guidelines.
 - Objections are raised regarding the impact on highway safety due to increased vehicular movements caused by the development and the ability of junction and road network within Kirk Merrington to accommodate increase traffic flows. The assumptions and conclusions of the submitted traffic survey are brought into question as some data is based on the 2001 census. There are significant highway pressures on the main road running through Kirk Merrington, where crossing is dangerous, provision of the proposed shop and houses would exacerbate problems on the B6287.

There is limited connectivity for pedestrians and cyclists to surrounding villages.

- Concerns are raised regarding the potential loss of residential amenity including noise generated, privacy, overbearingness and loss of outlook due separation distances.
- Concerns are raised regarding the potential ecological impact on protected species, including bats which are reported to be present on the site in hedgerows and trees that are proposed to be removed.
- The development would have an unacceptable visual impact encroaching onto surrounding countryside altering the form of the settlement also impacting on the conservation area. This is principally due to the attractive undeveloped nature of the site and level changes.
- Concerns are raised regarding potential land contamination issues due to proximity of a former landfill site and tipping on the site.
- The ability of a suitable foul and surface water drainage system is questioned given the level differences on site and the level of infrastructure that would need to be provided to pump water.
- Limited of amenity/play space is proposed to be provided in the development which is considered unacceptable.
- The development would have an unacceptable impact on Public Rights of Way crossing the site, these provide a recreation function for neighbouring residents.
- The representation of the level and outcome of the community involvement highlighted in the application is brought into question.
- A planning application in 1988 was turned down, the objections raised then are still valid today. Planning permission for garden extensions into the application site have previously been refused.

65. Six letters of support including a letter from a local land agent and prospective tenant of the retail unit have been submitted in relation to the application as summarised:-

- The scheme would have potential benefits, including the provision of a shop which would increase the level of services in the village,
- The proposed varied mix of housing would also meet demand while providing much needed growth which may attract more facilities. The provision of 49 houses would bring much needed business to the local economy.
- The proposed S106 contributions would have a positive benefit, potentially helping to improve access and parking facilities in relation to the school.
- Pre application discussions have been held and the developer has responded positively to concerns raised in the consultations
- It is considered that the development is sympathetic and would have an acceptable impact on the village and surrounding area.

- Developer interest in the housing site has been expressed while advising that Spennymoor and Kirk Merrington are considered two distinct housing areas.
 - Interest has been expressed from a potential retailer of the convenience store.
66. Cllr Avery offers support for the development as Kirk Merrington has lost a number of shops and amenities. However it is recognised that concerns have been raised regarding the access to the site and the scheme would represent development outside of the boundary of Kirk Merrington.
67. Cllr Crathorne considers that the proposed new shop would be an asset to the older residents and wider community, and that new houses would encourage younger families into the village which will secure the future of the local school and keep the village sustainable for the future.

APPLICANTS STATEMENT:

68. The proposed development was submitted following extensive proactive and positive pre-application discussions with senior officers at the Council.
69. The applicant has prepared a scheme that seeks to address the housing needs within Kirk Merrington to ensure it remains a thriving, attractive sustainable settlement. As such the development includes a genuine mix of residential type and tenure through the provision of market family housing, alongside affordable housing, and also bungalows to meet the specific needs for the more elderly generation of the community. A mix of housing sizes is proposed to ensure the needs of both first time buyers and families are specifically catered for.
70. The design and layout of the proposed development has had due regard to the character and features of the conservation area. As such the use of traditional materials is proposed for the site to ensure a natural complement of the development with the surrounding area. The layout has also been determined following a detailed landscape appraisal to ensure that views towards Kirk Merrington remain uninterrupted.
71. The proposal includes a number of economic and social benefits, which will be created as part of the proposals. The provision of a small convenience store adjacent to the Fox and Hounds Pub has been specifically included by the applicant, who as a resident of Kirk Merrington for a number of years has witnessed the closure of such facilities within the village. One Stop, who is a subsidiary of Tesco, has confirmed their interest in operating the convenience store, providing job opportunities for residents within Kirk Merrington and local people in the South Durham area.
72. The applicant has also purchased the Fox and Hounds Pub and has invested significant time and finances into securing the continued use and it is now a well-used community facility. This clearly demonstrates the applicant's commitment to enhancing the role and function of the village.
73. The applicant is also committed to ensuring the primary school is of an excellent standard to accommodate the additional children, which would use the school through the proposal. The school building, children's safety and access, including an

improved drop-off area, could be improved through the applicant's significant financial contribution of £100,430.

74. In addition to the permanent employment opportunities that would be created by the convenience store and the Fox and Hounds Pub, the development would also generate employment during construction. It is estimated that the development would represent a £4million investment into the local economy which could generate 24 construction jobs during each year of construction.
75. New residents would increase the level of economically active people within Kirk Merrington, which would increase expenditure within the local economy by approximately £430,000 per annum. The residential element of the development would generate £77,000 per annum in Council Tax payments, along with a New Homes Bonus payment of £383,000.
76. In preparing the proposals for the site, the applicant undertook extensive consultation with local members and the community. The feedback from the community is set out within the Statement of Community Involvement, which accompanies the planning application. In summary, two thirds of the respondents supported the proposed convenience store and over half of the respondents supported the residential development.
77. Throughout the preparation of the application and its consideration by the Council, the applicant has demonstrated a clear commitment to ensuring that the development delivers a number of benefits for the local community. This proposal represents genuine sustainable development, which will enhance the housing and services on offer within Kirk Merrington.

*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/applicationDetails.do?activeTab=summary&keyVal=N79266GDH0T00>*

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

79. The housing element of the scheme is located outside of the residential framework of Kirk Merrington, where saved policy H8 of the Sedgfield Borough Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing other than in exceptional circumstances. The development of this site for housing would therefore conflict with saved policies of the Sedgfield Borough Local Plan in this respect.
80. 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. It is considered that the general approach of policies E1, H8 and D1 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development. It is however recognised that the NPPF promotes a more flexible approach to settlement growth and development.

81. When determining planning applications, all material considerations need to be taken into account; this includes the NPPF and the emerging County Durham Plan (CDP), and other potential benefits that may arise from the development.

NPPF

82. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles, whilst Paragraph 17 identifies 12 core land use principles. These include identifying that planning should be planned, take account of the character of different areas, recognise the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. The key matter in applying the NPPF relates to directing development to sustainable locations.
83. The NPPF states that where a Local Planning Authority cannot demonstrate a 5 year housing land supply of deliverable sites, its housing policies should not be considered to be up to date. The Council's Spatial Policy Team has confirmed that the Council can demonstrate an adequate supply. This supply has been disputed by the applicant, based on the requirement to add a 20% under performance buffer and a further 10% discount on delivery of housing commitments. The wider implication of this variance is currently being given consideration by the Planning Inspector in stage 1 of the examination of the County Durham Plan. The Council has provided the Planning Inspector with an updated note outlining that the Council can still demonstrate a 5 year supply irrespective whether these discounts are applied. Consequently, its housing policies are considered to be up to date in this regard. Whilst it is recognised that schemes should not be resisted solely on housing oversupply grounds, this does enable the LPA to be more selective over which sites it does release, to ensure that the most sustainable and appropriate sites are brought forward for development.
84. In regards to the sustainability of the site, Kirk Merrington is identified as a medium-sized village (4th tier) containing limited services and employment opportunities. Consequently, residents of the settlement are likely to be reliant upon accessing employment and main shopping requirements in higher order neighbouring settlements such as Spennymoor, Bishop Auckland and Chilton, as well as further afield in Durham City and Newton Aycliffe. These trips are more likely to be made using the private car and the site is not considered to be as accessible to shops, services and facilities as proposed housing sites identified within the emerging CDP. Any development which does take place in medium-sized villages therefore needs to be commensurate with the role and function of the settlement. The provision of up to 49 dwellings is made up of a significant addition to Kirk Merrington that currently consisting of 414 houses and a population of 739 (County Durham Settlement Study 2012). It is accepted that the formation of a retail store would improve the sustainability credentials of the village. However the provision of this is not

considered to significantly change its sustainability as a whole in comparison to larger villages and towns in the vicinity which are the focus of growth.

County Durham Plan

85. The NPPF advocates a plan-led system and the most sustainable settlements (and sites within them) for development are identified in the CDP. Paragraph 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. Essentially, the more advanced the plan is in preparation, the greater the weight that may be given to the policies contained within it. Allied to this, the fewer and less significant the objections to the plan, the greater the weight that may be given. The CDP is considered to be at an advanced stage as it is currently being publicly examined.
86. Policies 15 and 35 are of relevance to the consideration of the proposal. However because of unresolved objections to both which are being considered at the Examination in Public, only limited weight can be applied to them at this time. This approach is consistent with recent appeal decisions which have attributed limited weight to emerging Plans in recognition that they could be subject to further amendments.
87. Policy 15 of the CDP makes provision for development on unallocated sites within built up areas. The CDP provides a definition of a built up area as being land contained within the main body of existing built development of a settlement identified in the Settlement Study. Land on the edge of a settlement can be considered to be part of the built up area where it is physically 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.
88. The housing element of the scheme would be located beyond the edge of the current settlement, on land that is not well contained by existing built development, and additional housing would not consolidate the existing built form of the village. The site is not considered to form part of the built up area, and the development would instead form an extension of the settlement into the countryside. Consequently, the proposal cannot draw support from Policy 15.
89. As the site is situated within open countryside, it is appropriate to assess the proposal against Policy 35. This makes provision for development in the countryside where it is in accordance with a proposed allocation, is necessary for rural business purposes, would support local services, enhances environmental or tourism assets or involves the reuse of heritage assets or existing redundant buildings. It is considered that the proposal fails to meet any of these criteria, and consequently is considered to be contrary to this policy.
90. The main town of Spennymoor is located approximately 1.5 miles to the north of Kirk Merrington where there are a number of sites earmarked for housing development through extant planning permissions. These include Merrington Lane where the former factories of Electrolux and Thorns were previously located. Whilst Barratt Homes are now on part of Merrington Lane delivering their 366 unit scheme, the former Electrolux site has no committed developer despite benefitting from outline planning permission for 425 homes. Granting approval on an attractive greenfield site on the edge of Kirk Merrington could impact on both the deliverability and build out rates of sites within Spennymoor. From both a sustainability, and realisation of plan objectives perspective, the priority is to see those previously-developed sites on the edge of Spennymoor brought back into productive use through development for housing. Schemes such as the proposed have the potential to compete with, and

undermine the delivery of these sites. The applicant does content that Kirk Merrington and Spennymoor are two distinct housing market. However given the distance between these areas this view is not shared.

Potential Benefits

91. The applicant has highlighted a number of benefits that could arise from the scheme including, a total capital investment of £4 million in relation to the total development, an expected generation of 24 direct and 36 indirect construction jobs, increased expenditure potentially worth £430,000 to the local economy, annual council tax receipt of £77,000, potential new homes bonus of £383,000 and £9,000 per annum in business rates. It is also highlighted that the development would provide a mix of housing to meet housing needs, including six bungalows and a 10% affordable housing provision.
92. It is accepted that provision of a retail store would improve the sustainability of Kirk Merrington and would be a welcomed addition given the lack of retail provision at present. However in comparison to other larger villages and towns in close the village as a whole performs poorly against sustainability objectives, including ready access to services and amenities without the reliance on the private motor car. The scheme would deliver the required amount of affordable housing as well as bungalows, but this should not in itself render an unsuitable site acceptable for development. Whilst not disputing that the proposal would have economic and construction benefits, many of these are of a type which would accrue from any housing development and are not necessarily specific to the application site. There are a significant number of homes within the local area that are proposed to be allocated across the plan period, already have permission or are under construction and these create local economic benefits when development is realised.
93. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. It also implies that these should not be seen in isolation and are mutually dependent. It is accepted that the development of the site would boost housing supply and has the potential to provide a proportion of affordable housing which is a key aspect of government policy. The provision of the convenience store also has the potential to improve the sustainability of the village. However the promotion of growth and development should not be at the expense of other elements of sustainable development. This includes the protection of the rural landscape and open countryside and promotion of locations that provides good access to services. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, the plan led provision within the CDP, and availability of housing on more accessible previously developed land in close proximity.

Infrastructure

94. Saved Policy D8 of the Local Plan sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. In this instance the Local Education Authority has highlighted that Kirk Merrington Infant School will be at capacity in 2018. It is calculated that a development of 49 dwellings (discounting the 6 bungalows for older persons) would likely generate 11 pupils of Primary School age. Based on a breakdown cost of £9130 per pupil a figure of £100430 has been requested to contribute towards offsetting the cost of providing this additional accommodation and facilities, which could include the provision of a drop off area for children. The applicant has indicated a willingness to provide this contribution but

this would need to be secured through a S106 agreement to date no agreement has been received, However this could be dealt with as part of the appeal process and therefore a reason for refusal on this basis could not be sustained.

Visual Impact and impact on Conservation Area

95. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. Policies 35 and 39 of the emerging County Durham Plan seeks to protect character of the countryside from inappropriate development.
96. The application site is a predominately green field location. Its eastern boundary borders the existing development of Kirk Merrington but the remainder of the site is surrounded by agricultural fields with sporadic developments to the north east and to the south. There is a level change evident across the site with the land falling away from the existing dwellings of Kirk Merrington in a south westerly direction. This results in the western edge of Kirk Merrington being prominent within the local landscape. It also gives the impression that this existing boundary forms a natural limit to the built development of the village and that land to the west is located within the open countryside. Although the surrounding landscape is not covered by any specific landscape designation, the site and surrounding land form part of an attractive approach to Kirk Merrington from the highway to the south west.
97. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted information suggests that the development would be arranged around a series of cul-de-sacs with small areas of public open space through the scheme. The layout also indicates that landscaping buffers would be located to the western and southern boundary of the site, to mitigate the impact of the development in the landscape.
98. As part of the supporting information a Landscape and Visual Impact Assessment has been submitted appraising the development from a number of key views, principally to the west and south of the site. The Council's Landscape Officer has reviewed this assessment and considers that a development in this location would not form a natural extension to the settlement of Kirk Merrington, but represent a significant incursion into an attractive landscape. This would have a local, but significant adverse residual impact on the surrounding countryside, especially to the south and west within about 1km distance. Development in this location would also affect the setting of the village in the surrounding landscape on approaching Kirk Merrington from the western flank. While the landscape mitigation measures are welcome, it is considered that these would not be sufficient to mitigate the landscape impact especially in the early years of the development and due to the level changes on site. The scheme is therefore considered contrary policies E1 and D1 of the Local Plan
99. Concerns are also raised by the Council's Design and Conservation officer in respect of the setting of the Kirk Merrington Conservation Area, due to alterations to the form of the ridge top medieval village. Although the housing development would have an effect on the form of the village, it is also recognised that the western conservation area boundary is predominately set back from the boundary of the site and the housing would not necessarily be seen in the context of the application site. It is therefore considered that this objection could not be sustained.

100. The proposed retail store would be located within the boundary of the conservation area. Although in outline form at present, it is considered that a suitable scheme could be developed that would preserve or enhance the Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety and accessibility

101. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access from the development and the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the junction from Low Road on to the main highway through the village and the increase in vehicle movements.
102. It is proposed that the existing field access to the site would be widened to adoptable standards and would serve as the only vehicle access to the site. Internally it is indicated that the dwellings would be arranged a series of cul sacs. It is also indicated that there would be pedestrian links from the south west of the site and in an easterly direction into the rear of the Fox and Hounds Public House. These foot path links would be in a similar position to established Public Rights of Way that cross the site. The Council's Rights of Way Officer has stated that a scheme of deviation separate to the planning application would most likely need to be agreed should the scheme progress.
103. Although the proposal falls below the thresholds requiring a Transport Assessment, the applicant has submitted an assessment in support of the application. In appraising this assessment the Council's Highway's Officer raises no objection to the scheme following minor amendments to the visibility at the junction with the development. It is also advised that the surrounding road network could adequately accommodate the likely traffic generated from the development, particularly in relation to the junction of Low Road and the B6287.
104. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding highway layout, parking provision and accessibility could be controlled in any future reserved matters application. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

105. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, subject to a number of small amendments, a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. No nuisance, noise or disturbance impacts above those associated with residential uses are predicted. Subject to suppressing dust and controlling working hours through the construction phase no objections are offered by the Council's Environmental Health Unit.
106. The retail unit is shown with a frontage to the main road and set off the boundary with adjacent residential properties while a parking area is proposed to the rear. It is considered that given the existing commercial use of the site and surrounding boundary treatments there would be no significant loss of amenity for existing residents. However in order to safeguard the amenity of neighbouring residents the

Environmental Health Unit suggests conditions controlling the nature of plant and machinery be installed.

107. Objections have been raised by local residents regarding the loss of views from the residential properties of the Croft and Merrington Heights. While residents would experience a reduction in outlook, a loss of a view is not a material consideration which should be afforded any weight in the determination of this application.
108. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 2940sqm across the scheme. Although the site layout indicates an open space provision, this falls short of the policy target. However the applicant has indicated a willingness to enter into a S106 agreement for an offsite contribution. Alternatively this is a matter that could be covered by condition to ensure that any reserved matters application reflects this requirement
109. A land contamination survey has been undertaken on the site which identifies the low risk of contaminants being present. The Council's Land Contamination Officer considers the findings of the report sound subject to conditions requiring appropriate site investigations.

Ecology

110. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
111. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Flooding and Drainage

112. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
113. In terms of the disposal of foul water, Northumbrian Water raise no objections to the scheme subject to a condition detailing the drainage system for approval. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to greenfield runoff rates. Having considered this flood risk assessment the Environment Agency and Council's Drainage Officer have no objections to the scheme.

Other Issues

114. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey and has prepared a written scheme of archaeological investigation. In reviewing these documents the Council's Archaeology Officer advises that subject to the investigation works being carried out

before ground works commence the development should have a low risk of impacting on anything of archaeological interest.

115. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. This matter however could be controlled by condition to demonstrate how energy efficiency would be addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

CONCLUSION

116. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development would represent an unacceptable encroachment into the countryside that would have an adverse visual impact on the surrounding landscape. It is therefore considered that the application conflicts with policies E1, H8 and D1 of the Sedgefield Borough Local Plan, which are considered consistent with the NPPF in this respect.
117. Although the scheme would make a contribution to housing supply, and has the potential to provide a proportion of affordable housing, the promotion of growth and development should not be at the expense of other elements of sustainable development. It is considered in this instance that these potential benefits and others listed do not outweigh the adverse visual impacts of the development and the poor accessibility of the site to services in comparison to surrounding settlements. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, and plan led approach to provision within the CDP. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.
118. Although the applicant has confirmed a commitment to securing affordable housing on site, this does not override other considerations.

RECOMMENDATION

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

1. The Local Planning Authority considers that the site is not a sustainable location for significant new residential development, and represents a significant incursion into the open countryside in conflict with policies H8 and D1 of the Sedgefield Borough Local Plan, policies 15 and 35 of the Submission Draft County Durham Plan as well as paragraphs 7 and 17 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development, as a result of its siting and scale in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Kirk Merrington, contrary to policies E1, H8 and D1 of the Sedgefield Borough Local Plan, polices 15, 35 and 39 of the Submission Draft County Durham Plan as well as paragraphs 7 and 17 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. However, in this instance, fundamental matters of principle were unable to be addressed satisfactorily.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

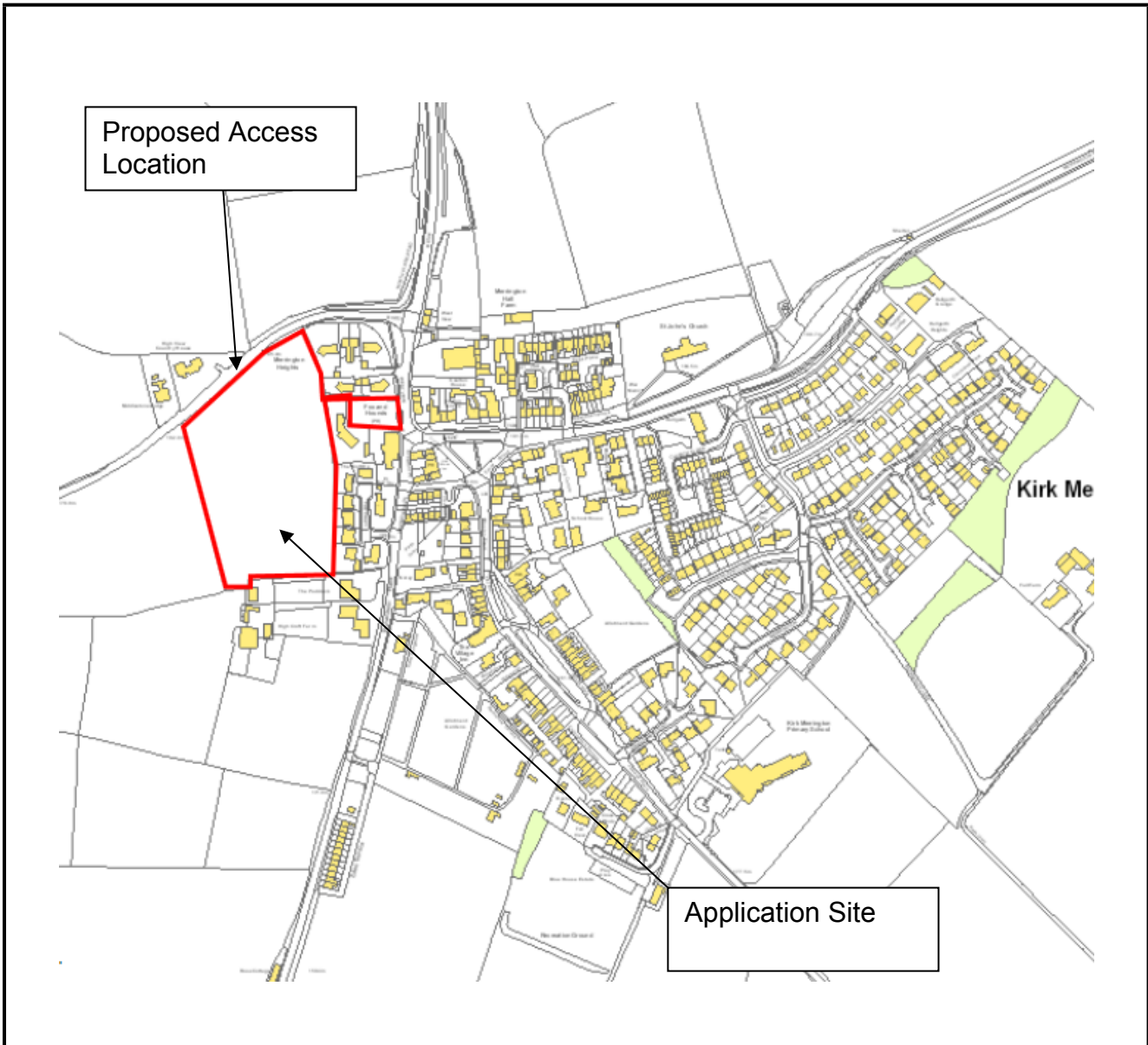
County Durham Plan (Submission version) and

Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited.

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

Representations received from the public and other representative bodies



Planning Services

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Erection of retail store and 49 dwellings (outline)

Comments

Date 1st December 2014

Scale 1:5000

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03009/FPA
FULL APPLICATION DESCRIPTION:	Erection of dwelling (resubmission of 6/2013/0397/DM)
NAME OF APPLICANT:	Mrs.T.Hull and Mr.T.Kirby c/o George F.White LLP
ADDRESS:	Land adjacent to Wellgarth, Hamsterley, Bishop Auckland, County Durham DL13 3PP
ELECTORAL DIVISION:	Evenwood ED Steve Teasdale Planning Officer
CASE OFFICER:	03000 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site is a grassed field/paddock located within the centre of the village of Hamsterley. The land slopes relatively steeply from north to south and is delineated from the open countryside to the south by a mature hedgerow and a stone wall to the north, which abuts a narrow area of registered village green adjacent to the highway. The field extends behind the residential properties of Wellgarth, Holly View and Orchard View and abuts the western boundary of Pear Tree Cottage, a Grade II Listed former farmhouse that is currently undergoing redevelopment including substantial extension. The field is currently accessed by the shared access over the village green, which is located adjacent to Pear Tree Cottage. The site is located centrally within a cluster of Listed buildings comprising of Pear Tree Cottage, the Grade II* Listed Baptist Church and attached Grade II Listed Manse, and the Grade II Listed former Post Office.

PROPOSAL:

2. The application seeks planning permission for the erection of 1no. dwelling. The proposed dwelling would be single storey and located towards the front of the site between the shared access with Pear Tree Cottage and the boundary of the garden to the side of the neighbouring property, Wellgarth.
3. The application would normally be dealt with under delegated powers, but has been called to the South West Area Planning Committee at the request of Hamsterley Parish Council who have objected to the proposal.

PLANNING HISTORY

4. 6/2013/0397/DM - Erection of 1 No. dwelling and machinery store – REFUSED for the following reason:

5. *“The proposed dwelling by reason of its design, access arrangements and the resultant loss of a visually and historically important green space which contributes to the setting of surrounding designated heritage assets, would cause substantial harm to the significance of those heritage assets contrary to policies GD1 and BENV3 of the Teesdale Local Plan and the guidance contained within section 12 of the NPPF.”*
6. In the vicinity of the site there have been three planning permissions to the rear of the neighbouring Pear Tree House. Two for the erection of 3 dwellings (6/2007/0397/DM and 6/2010/0292/DM) have expired. The most recent outline application for 2 dwellings on the same site was approved on 29th May 2014.
7. Planning permission and listed building consent (6/2013/0127/DM and 6/2013/0128/DM/LB) were approved on 23/09/2013 for the extension, alteration and conversion of the attached barns at Pear Tree Cottage which borders the application site of the current proposal.

PLANNING POLICY

NATIONAL POLICY:

8. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following elements of the NPPF are considered most relevant to this proposal:
9. *NPPF Part 6 - Delivering a wide choice of high quality homes* states housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
10. *NPPF Part 7 - Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *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. The more important the asset, the greater the weight should be.

LOCAL PLAN POLICY:

12. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application:
13. *H4 Small Scale Sites of Less than 0.4 Hectares* – Presumes in favour of sites within the development limits of settlements, particularly where they have previously been developed.

14. *BENV3 Development Adversely Affecting the Character of a Listed Building or its Setting* – Does not support development proposals which would have an adverse impact upon listed buildings or their settings.
15. *ENV8 Development affecting a protected wildlife species* - Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.
16. *GD1 General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area and satisfy the criteria in the policy.

EMERGING POLICY:

17. The emerging County Durham Plan was Submitted in April 2014 and has been through Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application and can be given some weight given the advanced stage of the Plan:
18. Policy 15 – Development on Unallocated Sites in Built up Areas – Is permissive of development on unallocated sites in built up areas provided it is appropriate in scale, design and location to the character and function of the settlement; is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet the criteria defined in Policy 35 (Development in the Countryside).
19. Policy 18 – Local Amenity - In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of: noise; vibration; odour; dust; fumes and other emissions; light pollution; overlooking; visual intrusion and visual dominance; loss of light or loss of privacy.
20. Policy 44 – Historic Environment – Requires development 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://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:

21. Hamsterley Parish Council – Objects and expresses concerns on the following grounds;
 - The proposed development is not sympathetic to the surrounding listed buildings that are adjacent to and immediately opposite the site.
 - Specifically, the Councillors feel that a modern house, even in sympathetic materials, in the immediate proximity of Pear Tree Cottage is inappropriate.
 - The listed Baptist Chapel opposite would be adversely affected in terms of outlook. The Parish Council still feels that this would be regrettable, given the recognition of this building as one of the oldest such chapels in the country.
 - There are considerable concerns about access, which the Councillors note are shared by the DCC Highways Department response.
22. Highway Authority – No objections. Attention is drawn to the likely intensification of use the shared access over the narrow strip of registered village green which was reinforced using a geotextile membrane as part of the approved development of Pear Tree Cottage.
23. Northumbrian Water Ltd. – No comments

INTERNAL CONSULTEE RESPONSES:

24. Design and Conservation – No objections; noting that while it would still be preferable for this site to be retained in its open form, design solutions have been employed to reduce the impact so refusal on such grounds is unlikely to be sustained.
25. Archaeology Section – No objections.
26. Tree Officer – No objections.
27. Ecology Section – No objections.
28. Landscape Section – Does not support the proposal and considers that it would have an unacceptable adverse impact upon landscape character and visual amenity.

PUBLIC RESPONSES

29. Three letters of objection have been received from local residents living at Chapel Close, Hamsterley House, and Pear Tree Cottage immediately adjacent to the site. The points raised can be summarised as follows;
 - The land is greenfield and has always been undeveloped
 - Views of the open countryside would be disrupted
 - There is no demand for more housing in the village
 - There would be an adverse impact upon nearby designated heritage assets
 - Residential amenity and safety would be compromised by the shared access
 - Increased use of the access would damage the village green
30. Concerns had also been raised because the access had not been included in the red line boundary, however, that was amended along with the relevant ownership

notices. Comments had already been received about the access from the relevant land owners as reflected above and therefore they have not been prejudiced by the amendment.

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

APPLICANTS STATEMENT:

31. The proposed development of a single dwelling and associated curtilage is considered to be acceptable in principle. Whilst the development partially complies with saved policy H4 contained within the Teesdale Local Plan, this policy is largely out of date and a greater emphasis should be placed on the provisions of the NPPF, with which the development does comply.
32. The proposed development would not harm the setting of the surrounding Listed buildings or the character and appearance of the wider village setting. Indeed, every effort has been made to ensure that the proposed development will respect the form and setting of these heritage assets.
33. In consideration of all the above factors, it is apparent that the proposed development has overcome the previous reason for refusal and is in line with the provisions of the NPPF, saved policies of the Teesdale Local Plan and policies within the Draft County Durham Plan (where relevant).

PLANNING CONSIDERATIONS AND ASSESSMENT

34. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase act 2004, the relevant development plan policies, relevant guidance and all other material considerations including representations received, it is considered that the main planning issues in this instance relate to principle of development; scale and design, access, impact upon privacy and amenity, and ecology.

Principle

35. The application site was formerly part of a small agricultural enterprise until the Grade II listed farmhouse and byre (Pear Tree Cottage) and the remaining agricultural land were sold separately into private ownership. The adjacent Pear Tree Cottage has been extensively enlarged and refurbished to form a good sized family home. The remainder of the land was purchased by the applicant, who proposes to build a single dwelling at the front of the site.
36. Whilst the site currently retains its agricultural appearance as paddock land, it lies within the development limits of Hamsterley as defined by the Teesdale District Local Plan and therefore in spatial terms, the proposal would comply with Policy H4 of the local plan. The land is not previously developed, but this requirement of Policy H4 is considered to be largely superceded by the NPPF, which places less emphasis on whether a site is greenfield or brownfield and more emphasis on sustainable development. Hamsterley is a village of about 550 population, and provides a range of facilities including churches, school, village hall, public house and club and is therefore a sustainable location for a small scale of development. The principle of the proposal is considered to be substantially in accordance with the NPPF.

37. In respect of emerging policy, the definition of a “built up area” for the purposes of Policy 15 of the County Durham Plan includes land which is physically very well contained by existing built development and its development would not result in encroachment into the countryside. It could also include small gaps in a built up frontage. The application site therefore falls within this definition. A single dwelling would be appropriate in scale and location to the character and function of the settlement; would be compatible with use of adjacent sites and land uses; and would not involve development in the countryside. Although the Council can demonstrate a 5 year housing supply, housing targets are not ceilings and a single dwelling would not have any material impact on the housing delivery strategy of the County Durham Plan. Therefore, subject to detailed design and heritage considerations the proposal would be consistent with the aims and objectives of the emerging County Durham Plan.
38. The principle of residential development would therefore accord with current and emerging local planning policies and the core principles and aims of the NPPF Part 6. There were no objections to the principle of development in the previously refused application.

Scale, design and impact on the surrounding area

39. Hamsterley does not have a designated conservation area, but several listed buildings lie within the vicinity of the application site. To the north side of Saunders Avenue is a block of listed buildings; The Manse (Grade II). The Baptist Church (Grade II*) and the former Post Office (Grade II). These are set back with front gardens and there is a separation distance of approximately 30 metres to the proposed dwelling. Pear Tree Cottage (Grade II) lies some 15 metres to the east. Within the site is a historic well, which is regarded as a non-designated heritage asset. Regard must therefore be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as NPPF Section 12 requirements in assessing the impact of the proposals on the setting and significance of the surrounding heritage assets, in addition to the general impact on the character and appearance of the area.
40. The previously refused application was considered to have a detrimental impact on the setting and significance of the adjacent designated heritage assets. However, since the previous refusal of planning permission, some notable things have changed.
41. Most significantly, Pear Tree Cottage has itself been considerably extended and it no longer retains its simple and modest character which the original proposal would have dominated in visual terms. It has also established a reinforced access over the narrow strip of village green, which would be shared with this proposal. Additional use might affect the physical condition of the access, but it is difficult to envisage that it would be to a significantly greater extent than existing now that it has a reinforced surface, and it has to be noted that a legal right of access already exists into the field which could be traversed by large agricultural vehicles with a damaging effect on the narrow strip of village green. Neither the use of and condition of the access would therefore have a significantly harmful effect on the setting of Pear Tree Cottage.
42. This amended proposal has also been substantially amended to reduce the scale and form of the dwelling and set it back relative to Pear Tree Cottage. The dwelling has been reduced from two storeys to single storey, and a large detached outbuilding has been removed from the scheme. The application site slopes significantly from north to south, and the proposed dwelling has been carefully designed to exploit these changing levels to reduce its prominence. The front of the

building would have a simple appearance featuring only one window and a glazed entrance door feature running up part of the roof plane, aiming to replicate in many respects conversion of a rural building. Random natural stone would be used for this elevation, with natural slate for the roof. The ridge height would only be 6 metres above the natural ground level at this point.

43. Behind this modest frontage element would be an extension set some 1200mm lower. Natural slate would be used for the roof covering, but the walls would be constructed from brick, which is acceptable in the context subject to final approval of samples. Notwithstanding the Landscape section concerns, there would be ample space between the historic well and the new dwelling and there are no objections from Archaeology or Design and Conservation on this matter.
44. The dwelling would be set back from the existing dry stone wall along the frontage to provide greater spaciousness as seen from the road and importantly, would allow views of Pear Tree Cottage when looking east along Saunders Avenue. It would have a subordinate appearance when viewed from Saunders Avenue and while the Parish Council views are noted, it is considered that the proposed dwelling would not compete in visual terms with other nearby properties, particularly Pear Tree Cottage. It would therefore sit comfortably within the street scene and in relation to the adjacent listed buildings in terms of design and scale and therefore represents a considerable improvement from the previously refused application.
45. There is still no doubt that the site contributes to the character of the village and setting of the nearby listed buildings. The erection of a dwelling would change the character of the site, as well as prevent general views of the countryside beyond, as noted in the response from the Landscape Section. However, while aims of retaining the undeveloped character of the site and views out to the countryside are desirable, the site was not excluded from the development limits of the village; it has no conservation area protection and is not subject to any landscape designation. In addition, the landscape immediately beyond the site does not have any national designation and the current local Area of Landscape Value designation is soon to be removed when the emerging County Durham Plan is adopted, all of which diminishes the importance of those views in general landscape terms.
46. The amended dwelling would now be acceptable in scale and design. The spaciousness of the front of the site and unassuming character of the dwelling's front elevation, similar to that of a converted rural building, would retain some sense of agricultural character to the site viewed from Saunders Avenue and the Baptist Chapel. This is however subject to removal of the overly domestic front footpath and new pedestrian opening within the front wall, which can be secured by condition. The quality of the proposed development, as described above, and its set back from the road would therefore offset to an acceptable degree the loss of the open aspect of the site and while the outlook from the Baptist Chapel would be changed, the change would not be to an unacceptable degree or extent that it would result in substantial harm to its setting, or that of any of the other nearby listed buildings. On this basis, it is considered that continued resistance to development of the site could no longer be justified, a view supported by the Design and Conservation Section. There are other similar developments within the village which have occupied frontage land previously in agricultural use. This is primarily how Hamsterley has developed since the 19th century, with very little development in depth and the proposal would continue this pattern.
47. Accordingly, while the Landscape Section remains concerned on a number of points, some of those being heritage matters, it is considered that the revised scheme has responded appropriately to the previous refusal reasons and produced a scheme

that would sit acceptably within the local context, including the setting of nearby listed buildings. The Design and Conservation Section, as well as the Archaeology Section have not objected to the proposal on heritage grounds and their views in that respect carry greater weight.

48. It is therefore considered that this revised proposal is acceptable having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that it would meet objectives outlined in policies GD1 and BENV3 of the Teesdale District Local Plan, policy 44 of the emerging County Durham Plan and the aims within the NPPF Sections 7 & 12.

Access

49. Access to the site would be by way of an existing vehicular crossing shared with Pear Tree Cottage, over which the applicant has access rights. The crossing over the narrow strip of village green was a matter discussed thoroughly and ultimately accepted in 2013 as part of the approved proposals for extension and restoration of Pear Tree Cottage. The intervening grass verge has now been reinforced with geotextile membrane.
50. It is acknowledged that the proposed dwelling would increase use of the access surface. This has also been noted by the Highway Authority, but their concern is not in respect of highway safety, but rather the effect on the visual condition of the access, and this has already been considered in the section above.
51. The objection from the neighbour at Pear Tree Cottage has raised concerns about potential conflict between vehicles and people from two separate properties using the access. These concerns were also raised for the previously refused application, but they did not form part of the refusal reasons. Shared accesses are common and do not raise highway safety concerns for a small number of properties and again, there is already a shared access arrangement into the field, which could be used by large farm vehicles. This applies equally to the Parish Council concerns about the safety of the access.
52. The Highway Authority has no objection to the access on highway safety grounds and given rights of access already exist, the proposal would not result in a severe cumulative impact on highway safety, which is the required test within the NPPF. The proposal therefore accords with Teesdale Local Plan Policy GD1 and the NPPF.

Privacy and amenity

53. The closest neighbouring dwelling would be Pear Tree Cottage, 15 metres away to the east. A pair of roof lights would be installed in the west facing roof slope, and habitable room windows would predominantly be in the west facing elevation. The only east facing windows would serve a utility room and two ensuite bathrooms. As a result, the proposed design and window layout carefully avoids conflict with other properties in terms of privacy and amenity. In addition, use of the access by a single dwelling, particularly when there is already an existing right of access into the site, would not impact on the amenity of neighbouring properties. The proposal is therefore in accordance with Teesdale Local Plan Policy GD1 and policy 18 of the emerging County Durham Plan.

Ecology

54. The application was accompanied by an Ecology Survey. Existing hedgerows and mature trees are to be retained and there were no identified impacts on protected

species. The Ecology Section is satisfied with the findings of the report and has no objections. No specific mitigation is required. The developer will have a responsibility to comply with legislation regarding nesting birds if any vegetation clearance is carried out within March to August.

55. The proposal accords with Teesdale Local Plan policies GD1 and ENV8, as well as the NPPF.

CONCLUSION

56. While the site is greenfield land, and in that respect not strictly in accordance with Teesdale Local Plan Policy H4, it is nevertheless within the development limits and wholly in conformity with the more up to date NPPF and policy 15 the emerging County Durham Plan.
57. The development would take place within the settings of a number of listed buildings, however the design and scale of the dwelling has been substantially amended since the previous refusal so that the impact would not be of such a magnitude that it would cause unacceptable harm to the setting and significance of those heritage assets, or in general landscape terms.
58. Access would be via an existing access shared with Pear Tree Cottage over which access rights exist. The Highway Authority has no objection on highway safety grounds.
59. The proposed design and window layout carefully avoids conflict with other properties in terms of privacy and amenity.
60. There are no objections on ecology grounds.
61. The objections of Hamsterley Parish Council and local residents, together with the comments of the Landscape Section have been considered and taken into account in arriving at a recommendation on the proposal. However, because the proposed dwelling is considered acceptable in respects of its design, the way it relates to surrounding listed buildings and in all other respects, there are no longer compelling reasons for resisting development on the site, which lies within the development limits of the village.
62. The proposal is therefore considered to accord with Policies BENV3, ENV8 and GD1 of the Local Plan, emerging County Durham Plan policies 15, 18 and 44, as well as the NPPF.

RECOMMENDATION

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

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

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

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

Plan Reference Number	Date received
Site Location Plan	1 st December 2014
BDL702742-P01B	1 st December 2014
BDL702742-P02A	7 th October 2014
BDL702742-P03A	7 th October 2014
BDL702742-P04A	7 th October 2014

To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policies BENV3 and GD1 of the Teesdale District Local Plan 2002.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling, roofing and window 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.

In the interests of the appearance of the area and to comply with Policies BENV3 and GD1 of the Teesdale District Local Plan 2002.

4. No development shall commence until a scheme for the provision of foul and 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.

To prevent pollution of the water environment in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

5. Notwithstanding the details shown on the approved plans there shall be no pedestrian access opening formed within the front boundary wall and no associated footpath created from the front entrance of the dwelling across the front garden area to the front boundary wall.

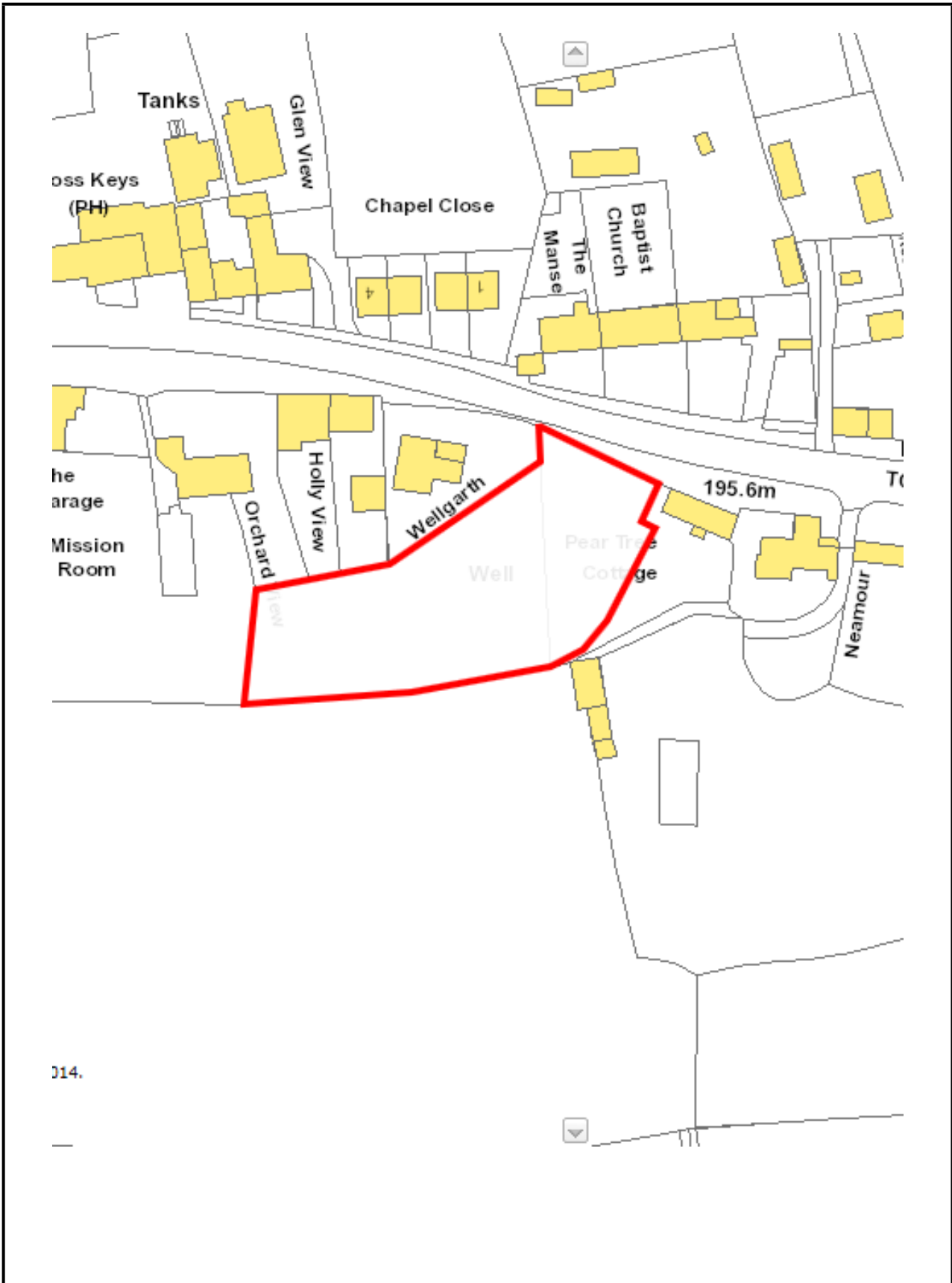
The provision of a pedestrian opening in the front boundary wall and associated footpath would be overly domestic and detract from the aims to retain a rural character and appearance in the development to preserve the setting of adjacent listed buildings. To comply with Policies BENV3 and GD1 of the Teesdale District Local Plan 2002.

STATEMENT OF PROACTIVE ENGAGEMENT

The local planning authority has engaged with the applicant in a proactive manner by discussing the proposal prior to formulating a recommendation.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan 2002
County Durham Plan (submission version)
Consultation responses
Representations received from the public and other representative bodies
Page 50



Planning Services

Application ref. DM/14/03009/FPA
 Land adjacent to Wellgarth, Hamsterley,
 Bishop Auckland, Co.Durham

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Date November 2014

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