



Area Planning Committee (South and West)

Date Thursday 19 March 2015
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 February 2015 (Pages 1 - 10)
5. Applications to be determined
 - a) DM/15/00361/FPA - Land to the south of Garden House Lane, Cockfield (Pages 11 - 22)
Erection of single detached dwelling and garage (resubmission)
 - b) DM/14/02418/FPA - Thorpe Lido, Whorlton (Pages 23 - 36)
Erection of ten holiday lodges
 - c) DM/14/03438/FPA - Land adjacent to Park Road, Witton Park (Pages 37 - 50)
Erection of 32no. dwellings, retail unit and associated infrastructure
 - d) DM/14/03523/OUT - Land to the west of St Paul's Garden, Witton Park (Pages 51 - 60)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
11 March 2015

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 19 February 2015 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, O Gunn, S Morrison, A Patterson, G Richardson, L Taylor, R Todd, C Wilson and S Zair

Also Present:

S Pilkington – Senior Planning Officer
T Burnham – Senior Planning Officer
D Stewart – Highways Officer
N Carter – Solicitor – Planning and Development

Prior to the commencement of business N Carter, Solicitor – Planning and Development provided advice to Members following the release of the Inspector's Interim Report in relation to the County Durham Plan.

The Officer advised that as the Council was considering its options in light of the Inspector's report, then at the present time it would be inappropriate to afford any weight to emerging policies in the County Durham Plan and asked Members to disregard any references to the Plan in the applications reported to the Committee. The applications should be assessed against relevant saved policies in Local Plans and the NPPF.

1 Apologies for Absence

Apologies for absence were received from Councillors J Buckham and E Huntington.

2 Substitute Members

Councillor O Gunn substituted for Councillor J Buckham.

3 Declarations of Interest

Councillor H Nicholson referred to planning application DM/14/03652/VOC Glencrest, Butterknowle and advised that his daughter used to work for the applicant and that he had used the facilities in the past.

It was agreed that he did not need to withdraw from consideration of the application.

4 Minutes

The Minutes of the meeting held on 11 December 2014 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

a DM/14/02040/FPA - Dovecot Hill, South Church, DL14 6TA

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 61 dwellings with associated infrastructure works and access (for copy see file of Minutes).

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

In presenting the report the Officer advised that since the report had been circulated an additional 6 letters of objection had been received from residents. There were no new matters raised that had not already been addressed in the report. The developer had agreed to enter into a training, recruitment and management employability plan but Members were advised that this was not a requirement and had been offered voluntarily by the applicant.

An amendment was proposed to condition 12 in the report that hardstanding should only be used for the parking of private vehicles where it had been provided in replacement of a garage.

Councillor H Nicholson addressed the Committee as local Member against the application. In considering the application the test was whether the proposals were consistent with Local and National Planning Policy and the SHLAA. He considered that the proposals were contrary to saved Local Plan Policy BE14 and that if the application was approved this open space area would be lost and would cease to be an effective barrier against the nearby industrial units. The SHLAA did not identify a need for housing on Dovecot Hill and there was already planning permission for 800 units nearby.

No affordable housing had been offered yet the Housing Officer had stated that a requirement of 10% would be expected on this site. The Highways Officer considered that the proposed access would be better served being offset from the adjacent industrial access. This existing access was regularly used by HGVs. He was of the view that wherever the site access was placed there would be a toxic

mix of HGVs and local traffic on the route through the industrial estate which would increase in the summer months with parking on the side of the road for a regular car boot sale.

Councillor Nicholson then questioned the proposed noise mitigation measure by way of an acoustic fence on the western edge of the site. A fundamental issue was the ability of the industrial estate to expand in future; he was aware of an application for an industrial unit which had been refused planning permission on the grounds of proximity to dwellings.

The Member continued that he had attended PACT meetings where there had been no reports of fly-tipping or anti-social behaviour raised by Neighbourhood Wardens, the Police or members of the public. Local residents had contacted him about the application but prior to this he had decided that he could not support development of the site.

Councillor Nicholson left the meeting during discussion and determination of the application.

J Lavender addressed the Committee on behalf of businesses on the industrial estate who felt threatened by the possibility of dwellings within 28m of industrial premises. South Church Enterprise Park was a prestigious, well-established industrial estate. The concerns were tangible and if approved the development would threaten the industrial estate's success. Its future should not be compromised by the inappropriate location of housing.

The houses on the western side of the site would be close to a plastic moulding company using equipment which created noise. The company operated a 2 shift pattern by day at present but may want to operate a night shift in future. The applicant had offered mitigation measures but it was felt that this would be an undesirable solution for nearby houses. If the company wanted to work at night this may give rise to complaints. The rear gardens of properties on the western edge would be less than 8m in length with an acoustic fence. He questioned whether this would make the properties desirable in terms of outside space.

The adjacent unit employed 60 people and the company was concerned that if it expanded this would also give rise to complaints from residents.

In terms of access to the development the proposed access point was directly opposite an industrial unit which was served by large articulated vehicles.

He suggested that priority should be given to the industrial estate. The proposed housing development was designed too close to established industrial premises. If the application was approved tensions would arise with the result that the success of industries would be compromised.

In closing Mr Lavender read out a letter from a business whose operations had been compromised by the construction of new housing next to it, despite the company being established at the location for some time before the development.

D Barlow, Regional Director of Gleeson Homes stated that the developer specialised in low cost housing in secondary areas and aimed to give customers a real opportunity to own their own homes under the Help to Buy scheme. The proposals were for 61 low cost homes and careful consideration had been given to link house prices to the local market. Gleeson Homes would also roll out their 'Community Matters' project which included junior sports sponsorship, engaging local schools, an apprenticeship scheme, and their Design for Disability and Neighbourhood Watch Schemes. The development would create approximately 50 direct or indirect jobs.

Mr Barlow addressed the key issues raised. In terms of the provision of affordable housing the scheme provided by Gleeson Homes was affordable compared to other new builds.

An independent noise assessment had been undertaken both during the day and at night. The proposed mitigation measures complied with the requirements of the Environmental Health Unit, and the proposals met national requirements in terms of separation distances between the houses and the industrial units.

There was not a blanket objection to the proposed mixed use from the factory units. Not all of the factories had objected, including the nearest to the site.

The rear gardens of properties on the western edge of the site ranged between 8 and 15m in length.

As stated by Planning Officers the proposals complied with the NPPF, and discussions had taken place between the Highways Authority and their own Highways Consultant with regard to the access arrangements. The proposed access complied with national requirements and was located in the most suitable position to create an interesting and attractive housing development.

In conclusion he felt that he had responded to the concerns raised and that if the application was approved an attractive housing development would provide local housing for local people.

The Chairman asked D Stewart, Highways Officer to respond to concerns expressed about the proposed access. The Officer confirmed that there had been dialogue between Highways Officers and the Highways Consultant on behalf of Gleeson Homes. Whilst the advice of the Highways Authority did not preclude a crossroads layout it was pointed out and acknowledged by the Highways Consultant that the access would be better served being offset from the adjacent industrial access. Notwithstanding this the location of the access to the east as proposed by the Applicant would not sustain a refusal of the application on highway safety grounds.

He continued that the highway network predominantly served industry but already served some dwellings and was a through road which carried other traffic. This mix of vehicles and the increase in residential traffic from the proposed development did not justify refusal of the application on highway grounds.

Councillor Boyes remarked that Bishop Auckland seemed to be well-served by new housing and asked how many dwellings had been allocated within a few miles of this site.

In response the Senior Planning Officer provided information about recent planning permissions granted but referred Members to the key comments from the Spatial Policy Section regarding sustainability of the site, adding that Bishop Auckland was a town where growth would be expected. Other sites with planning permission remained undeveloped, however there was interest from a developer to build on this site.

Councillor Boyes commented that there seemed to be other more attractive sites for development in the local area, given that Dovecot Hill was located close to an industrial estate.

Following a question from Councillor Davidson the Senior Planning Officer advised that the area of ground at the north east corner of the industrial estate was included in the Wear Valley Local Plan (WVLP) and was part of the allocation for the industrial estate.

Councillor Todd stated that on the site visit he was struck by the amount of noise. Standing on the eastern edge adjacent to the terraced houses he could clearly hear noise emanating from the factory on the western side of the site. He considered that substantial measures would be required to mitigate the impact of this. Development would put pressure on businesses to reduce noise, having a detrimental effect on the ability of the industrial estate to succeed.

The Chairman stated that the Environmental Health Unit considered that the proposed mitigation measures were acceptable and that the noise assessment was sound. The Highways Authority was also satisfied that the proposals were acceptable. Gleeson Homes had a record of delivering low cost housing and other sites identified for development may not deliver accommodation of this type.

Councillor Wilson stated that she had listened to the arguments and submissions put forward. The Member had previously worked on the industrial estate which had expanded over the years. She advised that the site visit had been held over a lunchtime and that it would be noisier at other times of the day. In the summer months residents would have windows open and she questioned whether the acoustic barrier would be sufficient to mitigate the noise.

The Member continued that the road was used as a through route and in her own experience it was difficult to get in and out of the industrial estate on occasions. She also questioned the feasibility of locating a play area in the vicinity that would be safe for children as there were a number of roads to cross.

Notwithstanding the proposals to provide low cost housing she was of the view that it would be undesirable to live on a development with existing houses on one side and an industrial estate on the other.

Councillor Clare believed that if saved Local Plan Policy BE14 had been the only planning consideration this site would be rejected. However he understood that BE14 had to be assessed against NPPF Guidance and asked to what extent this detracted from weight afforded to the Local Plan Policy.

He was impressed by the proposed noise mitigation measures and was convinced that it would protect the houses from noise from the factory, however he feared that it would not protect the factory from the impact of housing as it was not future-proofed. He was concerned about damaging the sustainability of the industrial estate if the application was approved. He asked to what extent this was relevant to the Committee in making its decision.

With regard to BE14 the Chairman referred to paragraph 45 in the report which stated that although the development of the site would conflict with saved policy BE14 of the Local Plan the allotment use of the site which warranted the designation had ceased.

Councillor Clare was of the view that BE14 did not apply purely because the site had been allotments but because it was open space.

By way of clarification N Carter, Legal Officer advised that the degree of weight to be attached to BE14 was a matter for Members of the Committee, having regard to consistency with the NPPF. The future intensification of industrial uses on the estate and the impact on residents, as well as the businesses were material planning considerations and it was for Members to decide what weight to attach to these, having regard to the advice of the Environmental Health Unit.

The Senior Planning Officer responded to issues raised and concurred with the Solicitor that future intensification of industrial uses was a planning consideration but Members needed to bear in mind that Environmental Health, in providing advice about noise mitigation, had taken into account the protection of residents and the possibility of statutory nuisance.

He continued that Policy BE14 should be given weight but needed to be balanced against NPPF Guidance in terms of housing delivery. The Council's Open Spaces Need Assessment highlighted that there was a significant over provision of Amenity Open Space within this area of Bishop Auckland. This site was seen as a less valuable area of open space.

Councillor Patterson was not convinced of the need for additional development in the area and queried the number of houses identified in the SHLAA. She felt that sustainability was a key issue, and referred to a similar development in her own division where new properties built next to industrial units could not be sold and where complaints had arisen. Businesses and jobs had been lost as a result. She was also concerned for the safety of families that would live in the new housing in view of the volume of traffic and HGVs on the industrial estate.

With regard to Local Plan Policy BE14 and the NPPF she considered that this was an area of open space which should be protected. She failed to see how the noise could be mitigated against, especially in the summer months when residents had windows open. Councillor Patterson moved refusal of the application.

In seconding Councillor Patterson, Councillor Zair commented that housing was over-subscribed in this area with some sites with planning permissions left undeveloped. The proposal was contrary to saved Local Plan Policy BE14.

Councillor Gunn had some concerns about the location of the proposed development. The Spatial Policy Unit advised that the principle of developing the site for housing would accord with the other policies of the WVLP and the NPPF objective of locating housing in suitable locations which offered a good range of community facilities. The Member was of the view that the application failed to demonstrate that the site was a suitable location, in terms of noise and separation distance, or that a good range of community facilities were offered. A contribution of £61k would be made towards the provision/maintenance of open space and recreational facilities but where these would be provided was not known. These were key concerns in terms of sustainability of the development.

The Chairman made the comment that house building was also an industry and a key part of the economic development of the County.

Councillor Davidson stated that he was familiar with a conflict between an industrial premises and a newly built estate which had resulted in the re-location of the business, but he did not believe that such a conflict would arise here. A substantial noise barrier was proposed, he was satisfied that there were no highway or traffic issues and the principle of development of this site had been addressed in the report. He understood that a key concern was the proximity of houses to an industrial estate but given the advice of Environmental Health he did not consider that this would be an issue. He therefore supported the Officers' recommendation of approval.

Following a vote being taken it was **Resolved:**

That the application be refused for the following reasons:-

1. The proposed development would result in the loss of an area of open space which contributes to the character and amenity of the area, contrary to saved policy BE14 of the Wear Valley District Local Plan.
2. The development is not considered to represent Sustainable Development when considering all of the elements of the NPPF and would give rise to a development that is poorly related to neighbouring uses and community facilities.

At this point Councillor Nicholson returned to the meeting.

b DM/14/03652/VOC - Glencrest, Butterknowle, DL13 5LW

Consideration was given to the report of the Senior Planning Officer regarding an application for the removal of condition 7 of permission 6/2010/0083/DM (occupancy condition) (for copy see file of Minutes).

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

J Lavender addressed the Committee on behalf of the applicant. He accepted this was unusual given the short timescale since the planning permission was granted in 2010 for the dwelling to provide proprietor/manager accommodation. The application to have the occupancy condition removed was because of unavoidable circumstances.

The business had been set up 34 years ago and was well-established regionally. In the 5 years since the application was granted the applicant and his wife had suffered health problems, and this combined with the recession and greater competition from facilities located closer to towns had impacted on the business and it was now unviable. The existing location would not be sustainable for a new business starting up.

The dwelling was located in countryside but it was not isolated, being situated across the road from a recent housing development.

In conclusion he stated that personal circumstances had conspired to make such an application necessary. The new dwelling was designed to suit the applicant's personal circumstances.

In response to a question from the Chairman the Senior Planning Officer confirmed that the applicant had resided in the existing property for the last 34 years and that there was no occupancy condition attached to it. The dwelling was associated with the kennels and there was no requirement to close the business if the property was sold.

Councillor Boyes referred to the application submitted in 2010 and the visit to the site at that time which he remembered being located in the countryside. He recalled that concern had been expressed that this situation may arise and whilst he sympathised with the circumstances of the applicant he could not support the application.

Councillor Clare stated that the report explained that planning permission had been sought in 2010 for a building for a proprietor/manager to live there. However he noted from the report that the applicant and his wife had requested the Committee to sympathetically consider the application to remove the occupancy condition of the new dwelling to enable them to live in the property which had been designed to recognise their health conditions.

Local Plan Policy and the NPPF were clear. These policies were designed to prevent applications of this nature and to support businesses in the countryside. He therefore moved refusal of the application.

Councillor Richardson explained that he had been uneasy about the situation and had asked for the application to be brought to Committee in view of the length of time since the planning permission was granted in 2010 for the new dwelling and the submission of the request to remove the occupancy condition.

Councillor Davidson seconded the motion to refuse the application.

Resolved:

That the application be refused for the reason set out in the report.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00361/FPA
FULL APPLICATION DESCRIPTION:	Erection of single detached dwelling and garage (resubmission)
NAME OF APPLICANT:	Mr Andrew Bowman
ADDRESS:	Land to the south of Garden House Lane, Cockfield
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Paul Hopper Planning Officer 03000 263 946

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises an existing paddock approximately 0.14 hectares in area. The site is bounded by residential properties to the north, east and west and by a larger field to the south. A gated field access is present to the north and boundary treatment comprises a small natural stone wall to the north and west, with a post and rail fence to the east. The site lies within the Cockfield Conservation Area.
2. Full planning permission is sought for the erection of 1 No. detached dwelling and an associated double garage. The proposed dwelling would occupy a position to the northwest corner of the site set back some 5 metres from a private access road at Garden House Lane. The remainder of the site would accommodate a private garden and driveway and be delineated by a natural stone wall to the southern boundary to match those present to the north and west.
3. The dwelling would have an overall height of 6.4 metres with the roof void accommodating the upper floors which would be served by roof lights to the southern elevation. External surfaces would be finished in natural stone to the walls, a blue slate roof with white UPVC windows and doors. An upgraded access would be taken via the existing field gate onto Garden House Lane which would also serve the remaining field to the south.
4. This application has been called to the South West Area Planning Committee at the request of Cllrs Smith and Turner who are ward members for the Cockfield area.

PLANNING HISTORY

5. This is a resubmission of withdrawn application DM/14/03257/FPA with changes made to the design of the house, position of the garage, access and highway arrangements.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
8. *NPPF 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. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
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* states that 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 11 - Conserving and enhancing the natural environment* states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing values landscapes, geological conservation interests and soils; and recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible.
12. *NPPF Part 12 - Conserving and enhancing the built 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:

13. The following saved policies of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in determination of this planning application;
14. Policy 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.

15. Policy BENV4 – Development within or adjoining a conservation area: States that development will only be permitted within or adjoining conservation areas where; its location, design, layout and scale reflect the character of the area; the materials must be appropriate and sympathetic to the character of the area; and the proposal does not generate excessive traffic, parking, noise or other environmental problems which would be detrimental to the character and appearance of the conservation area.
16. Policy GD1 - General Development Criteria: Development will be permitted providing it complies with a number of criteria including among others that it is of a high standard of design; is in keeping with the character and appearance of the area; does not conflict with adjoining uses or harm amenity of neighbours; has adequate drainage; would not harm the landscape; would not have a detrimental impact on ecology; adequate and safe access is provided and it would not generate unacceptable levels of traffic on the local road network.
17. Policy H12 – Design: The Local Planning Authority will encourage high standards of design in new houses and housing estates.

EMERGING COUNTY DURHAM PLAN

18. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. However, the Inspector’s Interim Report following stage 1 of the Examination process, dated 18 February 2015 has raised issues in relation to the soundness of various elements of the plan. The Council is currently considering the options available and in light of this it is considered that no weight should be afforded to the CDP at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Cockfield Parish Council* has not commented on this present application but did raise a number of concerns in response to the original submission which mainly related to the impact of the proposal upon highway safety.
20. *Highway Authority* reaffirms the reasons for objection raised to the previously withdrawn application, noting that Garden House Lane does not meet current highway standards and is unsuitable to serve current development leading from it when considered against modern standards. DCC Policy Document Highway Design Guide for Residential Development limits the maximum number of dwellings served by a private drive to 5. In this regard it is noted that the private shared drive presently serves more than double this number. The lane is considered to be of sub-standard width for the majority of its 390m length, does not include adequate turning arrangements and does not include any footway with the closest adopted footway terminating 60 metres from the Jubilee Coronation Terrace Junction to the east. In addition, sight visibility from the Garden House Lane junction with Jubilee Court is

considered substandard in a northern direction and the proximity of built development is such that it prevents drivers/riders of traffic turning east from Raby Terrace from observing westbound Garden House Lane traffic that may be present in the single vehicle width section.

21. Whilst the application aims to draw support from a previous development elsewhere in the Cockfield area the Highway Authority notes that this scheme is fundamentally different to that cited in terms of access arrangements and is therefore of little comparative value. Similarly, arguments put forward by the applicant in relation to the perceived reduction in vehicle trips and the repositioning of an existing telegraph pole do not hold weight and fail to address the fundamental highway concerns raised above.
22. As such the Highway Authority considers that by reason of its limited width, inadequate turning and pedestrian arrangements and poor sight visibility, Garden House Lane is wholly substandard and inadequate to serve additional development and that any further development would prejudice highway safety, road user amenity, and increase further the number of dwellings served by a private shared drive.
23. *The Coal Authority* considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for planning purposes and as such offers no objection to the proposal subject to the imposition of relevant planning conditions requiring further intrusive site investigation works to be undertaken prior to the commencement of development.
24. *Environment Agency* has no objections to the application.
25. *Northumbrian Water Limited* has no objection to the application.
26. *Northern Electric Distribution Limited* has not commented on the application.

INTERNAL CONSULTEE RESPONSES:

27. *Design and Conservation*, having suggested alteration and amendment to the previously withdrawn application with regard to layout and design, now has no objection to the resubmitted scheme, subject to the inclusion of planning conditions requiring the submission and agreement of external materials prior to the commencement of development.
28. *Environmental Health* has no objection to the application.
29. *Landscape* has no objection to the application but notes that the section of road surface immediately beyond the northern boundary wall would need to be visually unified with the main road surface at Garden House Lane.
30. *Public Rights Of Way* whilst noting the presence of public footpath No 22 to the northern boundary along Garden House Lane has no objections the application subject to the inclusion of a condition which requires that all materials and contractors vehicles be stored within the site boundary.
31. *Drainage and Coastal Protection* has no objection to the application noting that a sustainable drainage solution for surface water is proposed which is acceptable.
32. *Sustainability* has no objection to the application subject to the inclusion of a condition requiring the submission, agreement and implementation of a scheme to ensure that sustainability is embedded into the construction.

PUBLIC RESPONSES:

33. The application has been advertised by press notice, site notice and notification letters were sent to surrounding properties. 7 letters of objection, 2 letters of support and 11 pro-former letters of support have been received.
34. The reasons for objection are summarised as;
- Impact upon the Conservation Area: The proposal represents over development of the site and is not in keeping with the character and appearance of the surrounding area. The widening of the lane would detract from its rural character.
 - Highway/Pedestrian Safety: The lane is not adopted, very narrow (particularly to the east of the application site), is in poor condition and has virtually no pedestrian walkways. Visibility from the access east is inadequate and the introduction of more traffic onto the lane would be a safety hazard. Future deterioration of the state of the lane through increased use.
 - Drainage: The proposal would add further strain to the existing drainage system in the area.
 - Loss of View: The proposed dwelling would result in the loss of what is an attractive and open view across the valley to the south of Kensington Terrace.
 - Loss of Greenfield Site: Unacceptable when other brownfield sites exist in the village.
 - The previous ridge and furrow field arrangement has been ploughed by the applicant.
 - The application has not been advertised in the appropriate manner and not all parties affected have been notified.
35. The reasons for support are summarised as;
- The proposal is of appropriate design and as such will enhance the area.
 - The access has previously been extended in width, is adequate and of benefit to all who use the lane. Its narrow nature across the remainder is part and parcel of living in a rural area.
36. The pro-former letters of support have been circulated in the surrounding area by the applicant but do not state the precise reasons for supporting the proposal.

APPLICANTS STATEMENT:

37. Planning permission is requested for a single house on Garden House Lane. While this is a narrow lane, it is adopted up to my site, it serves many properties and is typical of many roads in this part of the County. The site is in the settlement boundary, and the proposed house is designed to complement the character of the conservation area. Every effort has been made to mitigate any harm to the convenience of others using Garden House Lane, and I have been happy with the support I have received from many of my neighbours. In particular, I have widened the road already in the vicinity of my site, losing a metre strip of my field to allow vehicles to park as well as for two vehicles to pass. My intention is to reverse this should planning permission be refused. I also propose to relocate the telegraph pole, to improve matters.

38. One additional house will make very little difference to users of this road, which already serves 33 – it would be a maximum of 3% increase in traffic movements. However, I also own the field on which I normally keep horses, and so these additional movements would be offset by my not having to travel to the field. I would be happy with a condition preventing sale of the field separate to the house.
39. I know the highway officer is concerned this may set a precedent for further houses. This is not possible since I have re-designed the site layout. I would also sign an agreement so as not to build any more houses on this land. The only other possible plots are situated further along the lane, which is single width and much poorer quality. This distinguishes these pieces of land from my site, which is adjacent to the adopted section of the lane.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

40. 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 issues in this instance relate to the principle of development, impact of the proposal upon the character and appearance of the conservation area, and issues with parking access and highway safety. Other considerations include residential amenity, public rights of way, land stability and drainage.

Principle

41. The proposal involves the erection of a new dwelling and garage within a field/paddock between existing dwellings on the southern side of Garden House Lane.
42. The application site covers an area of some 0.14 hectares and although it is greenfield land it lies within the settlement limits to development of the village as defined by the Teesdale District Local Plan. With development to either side and to the north, the site can be considered as infill; however, Policy H4 of the Teesdale Local Plan applies only to previously developed land. As there are no Teesdale Local Plan Policies to consider development on greenfield land within the development limits it is therefore appropriate to consider the proposal against the NPPF.
43. In this respect, the NPPF takes a more permissive approach to new development which places less emphasis on whether a site is greenfield or brownfield and greater emphasis on sustainable development. Notwithstanding this, it is noted that the longstanding aims to prevent isolated dwellings and protect the character of the countryside remain key objectives.
44. Whilst the site has not been subject to previous development, it would nevertheless occupy a sustainable location well related to shops and services within Cockfield. It would also be well contained by existing development on three of its four sides and as such development of the site as proposed would not be viewed as an encroachment into the open countryside in planning terms. The proposal therefore satisfies the locational aims of the NPPF in respect of being a suitable unallocated site in a built up area. A single dwelling would therefore be appropriate in scale and location to the character and function of the settlement and be compatible with use of the adjacent sites and land uses.

45. The proposal is therefore considered to be acceptable in principle in accordance with the aims of national and emerging policy, subject to consideration of detailed matters including design, access and highway safety.

Design and Conservation

46. The site lies within the Cockfield Conservation Area and therefore regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cockfield Conservation Area. This is reflected in Teesdale Local Plan Policy BENV4 as well as Section 12 of the NPPF. Teesdale Local Plan policies GD1 and H12 also contain relevant general design criteria which encourage high standards of design in new houses.
47. The site does not have any special historic significance. It has modern development on either side and the terraced dwellings to the north are early 1900. The significance of the site is its location within the designated conservation area.
48. This application represents the resubmission of a previously withdrawn proposal and relates to the erection of a single dwelling and garage that would retain a spacious character within the site. The design and siting of the development has been amended to take account of previous comments from the Design and Conservation Section. The dwelling would be positioned to the north west corner of the site and have 1.5 storeys with an overall height of 6.4 metres, incorporating the upper floors within the roof void of the structure to limit its overall height. External materials would be finished in natural stone to the walls and blue slate to the roof with white UPVC windows and doors, details of which could be approved by condition. The Design and Conservation Section are satisfied with the amendments and have not objected to use of upvc windows because the material is widely used in the surrounding area, although it would be important to ensure the units were of a high quality.
49. Several objections have been raised by local residents who consider that the proposal would have an adverse impact upon the character and appearance of the surrounding conservation area and the lane itself. However, the scale, siting, design and materials of the proposed development are now considered to be acceptable and appropriate for the conservation area. In the context of the surrounding area the loss of the currently greenfield site to development would not result in substantial harm to the conservation area. The impact on the character and appearance of the conservation area is therefore considered to be neutral.
50. It is considered that having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposals would preserve the character and appearance of Cockfield conservation area and would meet objectives outlined in the NPPF and policies GD1, BENV4 and H12 of the Teesdale Local Plan.

Parking, Access and Highway Safety

51. Policy GD1 of the Teesdale District Local Plan requires that adequate and safe access to new development is provided and states that proposals should not generate unacceptable levels of traffic on the local road network. This is consistent with NPPF paragraph 32 in respect of achieving safe and suitable access to the site.
52. Vehicular access to the proposed dwelling would be from Garden House Lane and would utilise an existing field access. Garden House Lane is a narrow, private,

shared access which serves a total of 12 dwellings and allotments leading west from Raby Terrace. It is also a public right of way which leads westwards and out of the village to the fells.

53. The Highway Authority has objected to the application advising that Durham County Council policy document entitled 'Highway Design Guide for Residential Development' provides design advice in relation to access requirements and seeks to limit the number of dwellings served by a private shared drive to no more than 5 in total. The existing arrangement does not meet current standards in this regard and does not achieve adequate sight visibility to the east from the proposed access with Garden House Lane or in a northern direction from the junction of Garden House Lane and Jubilee Court. In addition, it is also noted that the proximity of built development is such that it prevents drivers/riders of traffic turning east from Raby Terrace from observing traffic travelling west bound along Garden House Lane which may be present in the single vehicle width section of the lane.
54. As part of the resubmission the applicant has provided additional information which states that the proposal would have some benefit in terms of a reduction in vehicle trips associated with the existing agricultural use of the site, and also draws comparisons with one other development for a single dwelling granted planning permission elsewhere in Cockfield. However, it is noted that as the applicant already resides at Kensington Terrace the scope for reduced vehicle movements appears to be nil and that the new dwelling cited relates to a previously developed site, the access arrangements for which are not similar to this application and are therefore of little comparative value. Whilst the proposed relocation of the existing telegraph pole would be of benefit, there is no certainty of this taking place since it requires the consent of the utility company and it nevertheless fails to address the access limitations of the highway leading west.
55. The Highway Authority therefore considers that by reason of its restricted width, inadequate turning and pedestrian arrangements and restricted sight visibility at points along its length, Garden House Lane is wholly substandard and inadequate to serve the additional development proposed.
56. The proposal would not directly affect the route of the public right of way providing it would not be obstructed during construction, however, the introduction of additional traffic onto the lane and poor visibility for vehicles exiting the site dose pose a highway safety concern in respect of use of the public right of way and increased potential for conflict between pedestrians and vehicles.
57. These concerns are also reflected in the objections of local residents and previously those of the Parish Council.
58. Whilst the applicant has confirmed a willingness to enter some form of legal undertaking not to erect any additional dwellings at the site beyond that applied for within the site boundary, it is noted that this does not restrict any future development along the lane and does not resolve the existing issues raised by the Highway Authority. The applicant has also suggested that there is already vehicular traffic associated with use of the site, however, as the proposal retains access to the rest of the applicant's land, the proposal would result in additional traffic associated with the new dwelling.
59. In light of the above it is considered that the proposed development would not be served by an adequate and safe access and additional vehicle movements along Garden House Lane would be to the detriment of highway and pedestrian safety, contrary to policy GD1(Q & R) and paragraph 32 of the NPPF.

Other Issues

60. The objections from local residents have also raised other concerns in relation to residential amenity and drainage.
61. The nearest residential properties would be located 11 metres to the north of the proposed dwelling at Kensington Terrace and 5 metres to the west at Victoria House. The loss of a particular view, however attractive, is not a material planning consideration which can be afforded any weight in the determination of this application. The design of the dwelling is such that windows to habitable rooms would be concentrated to the southern elevation of the dwelling, with only windows serving non habitable rooms provided to the north such as stairways, hall/landing, a cloakroom and WC. Given the separation distances involved and height of the proposed dwelling, it is considered that the development would not have any adverse impact upon residential amenity of neighbouring properties.
62. In respect of drainage, Northumbrian Water and the Council's Drainage and Coastal Protection Section have been consulted. Neither have objected to the application and it is considered that the proposed arrangements are adequate.
63. It is also noted that the site is located within an area identified by the Coal Authority as being at high risk of previous mine workings, however, the applicant has submitted a Coal Mining Risk Assessment in support of the proposal, which identified the need for further intrusive investigation works prior to the commencement of development to establish the exact situation regarding coal mining legacy within the site. The Coal Authority concur with this recommendation and offer no objection to the application subject to a condition for further intrusive site investigation prior to commencement of development.

CONCLUSION

64. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development fails to provide safe and adequate means of access to the site and would generate unacceptable levels of traffic not capable of being accommodated on the surrounding road network, most notably the narrow, private access lane to the north.
65. Whilst it is noted that the site occupies a sustainable location within the settlement limits to development of Cockfield, and is acceptable in terms of design, appearance and its impact upon residential amenity, in this instance the benefits do not outweigh the adverse impact that the proposal would have upon highway safety.

RECOMMENDATION

66. Recommendation that the application is **REFUSED** for the following reason:
67. The Local Planning Authority considers that Garden House Lane, by reason of its restricted width, inadequate turning provision, limited pedestrian arrangements and substandard sight visibility from the proposed access and at points along its length, is wholly substandard and inadequate to serve the development proposed to the detriment of highway safety and contrary to Teesdale Local Plan Policy GD1(Q & R) and paragraph 32 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

68. The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies and representations received, however, the issues of concern could not result in a positive recommendation.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

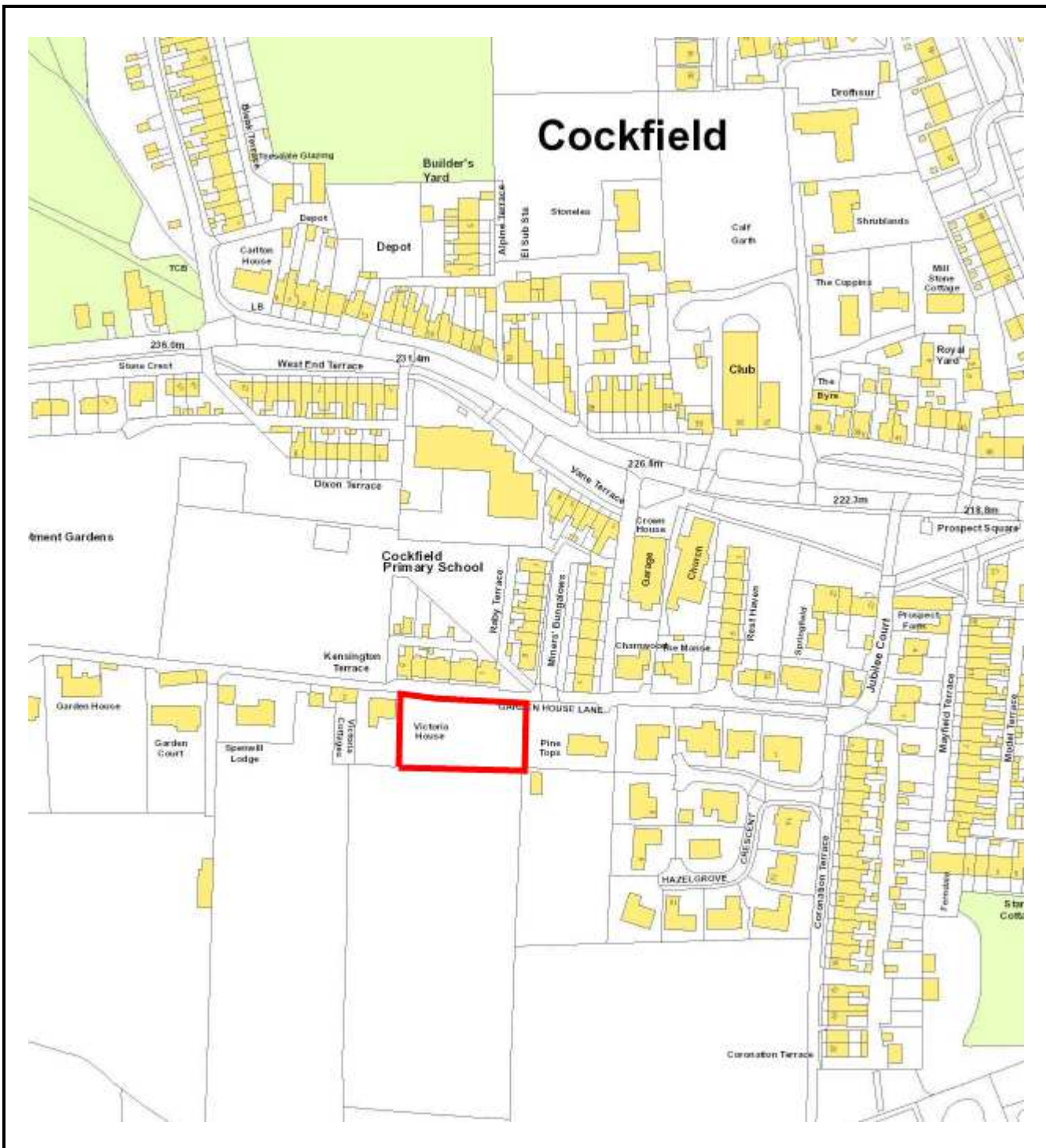
Teesdale District Local Plan 2002


County Durham Plan (submission version)

Consultation responses

Representations received from the public and other representative bodies

Application DM/14/03257/FPA



 <p>Planning Services</p>	<p>Erection of single detached dwelling</p>	
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	<p>Date 19 March 2015</p>	<p>Scale 1:2500</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02418/FPA
FULL APPLICATION DESCRIPTION:	Erection of ten holiday lodges
NAME OF APPLICANT:	Mr P Townley
ADDRESS:	Thorpe Lido Whorlton Barnard Castle County Durham
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is Thorpe Lido, which sits in Countryside immediately to the south of the River Tees and to the south of the Village of Whorlton. The site as a whole covers approximately 5 hectares, with the development area the subject of this application confined to approximately 1.8 hectares
2. The village of Whorlton sits above the site and the application site is visible from cliff tops at Whorlton Banks. Whorlton Conservation Area lies immediately to the north, although the site does not sit within it. Whorlton suspension bridge immediately to the north west of the site is designated as a scheduled ancient monument and has a Grade II* listing. The bridge also has a grade II listed Toll House to its north. Thorpe Hall, which is grade II* listed, sits approximately 300m from the application site.
3. The application site consists of a large open field, which slopes gently downwards towards the river. To the south side of the site is a miniature railway. There is a pond on the site sitting within one of the railway loops. The part of the site identified for development has significant tree cover and land levels rise steeply and sharply to the southern boundary. The site is accessed by vehicle from the adopted unclassified road which runs along the western boundary of the site; this road would provide vehicular access to the site through a gate on its western boundary. A public footpath runs close to the river across the northern edge of the site. The site is within an area of High Landscape Value as designated in the Teesdale Local Plan.
4. An existing building on site acts as a storage building for the railway club which operates from the site. Planning approval has previously been granted for the conversion of the former engine store buildings to a holiday cottage.
5. Thorpe Lido has previously had a degree of amenity use. During previous decades under alternative ownership the site was used for amenity purposes, where for a small fee parking would be provided on the field and swimming would take place in

the adjacent River Tees. The miniature railway was also run in association with this use.

6. The application proposes the erection of 10 lodges at the site which would be aimed at providing quality holiday accommodation. There would be three types of lodges of single storey construction which would be built into the low cliff beyond the miniature railway line at the southern end of the site. There would be an access track to serve the lodges, although the arrangement would be such that cars would generally be parked within a car park to be created towards the western end of the site within one of the railway loops. The landscaping masterplan previously showed a nature hide, but this has since been removed.
7. The application has been referred to the planning committee as it represents major development.

PLANNING HISTORY

8. It is understood the use of the site for recreation began in the 1970's and then was retained through a series of temporary planning approvals issued in 1977, 1986 and 1996. In 2013, planning permission was granted for the permanent retention of the light railway on the site. This permission restricts public use of the railway to 8 days per year during the summer and there are no proposals to alter the terms of this permission.
9. Various planning approvals have been granted and refused since around 1980 onwards for ancillary structures, buildings and features. Planning approval was granted in 2011 to change the use of the engine shed on site to holiday accommodation.

PLANNING POLICY

NATIONAL POLICY

10. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
12. *NPPF Part 3 - Supporting a prosperous rural economy.* This part of the NPPF states that planning policy should support the sustainable growth and expansion of all types of business and enterprise in rural areas.
13. *NPPF Part 4 – Promoting sustainable Transport* This part of the NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14. *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.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

LOCAL PLAN POLICY:

17. The following saved policies of the Teesdale Local Plan are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
18. *Policy GD1: General Development Criteria* Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; ecology, drainage, and highways impacts.
19. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
20. *Policy ENV3: Development Within or adjacent to an area of High Landscape Value.* This policy requires that development does not detract from such an areas special character and should pay special attention to the landscape qualities of the area.
21. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
22. *Policy ENV14: Protection of Water quality:* Development should not unacceptably prejudice the quality of surface or ground water
23. *Policy ENV17: Sewerage infrastructure and sewage disposal.* This policy outlines that appropriate strategy for sewage disposal should be devised.

24. *Policy BENV3: Development adversely affecting the character of a listed building.* This Policy does not permit development which would adversely affect the character of a listed building.
25. *Policy BENV4: Development within/adjacent to Conservation Areas.* Development adjacent to Conservation Areas will only be permitted provided that it would be appropriate in design, layout materials, scale and landscaping, will not generate problematic traffic or environmental problems, would not destroy important trees, hedgerows or views or landscape features. Proposals should not adversely affect the setting of the Conservation Area or views into and out of the area.
26. *Policy TR3: Camping and Caravanning Sites* – Permission will be granted for chalets where the proposal does not detract from the character of the area, where the site is adequately screened by the local topography or tree cover, where scale, design and materials are appropriate, where site services are limited in scale, where the site is served by adequate infrastructure, where there would not be a negative impact on the amenity of neighbours and where acceptable in terms of flood risk.
27. *Policy TR4: Static Caravans and Chalets:* An occupancy condition will be included to ensure units not used as permanent residential accommodation.
28. *Policy TR10: Development affecting public rights of way* – development should adequately incorporate existing public rights of way.

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.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

The County Durham Plan -

29. The emerging County Durham Plan was submitted in April 2014 and has been examined in public. In accordance with paragraph 216 of the NPPF, decision makers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. At the current time, the emerging plan is being afforded no weight given the publication of the inspector's interim views.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Wycliffe with Thorpe Parish Council* has objected to the application. They have put forward detailed concerns relating to the requirement for a tree survey (now supplied), questioned the nature of any renewable technologies that would be used at the site and their potential impact, noted the need to take into account heritage assets in the area and have expressed concern that in the future the field could be used for touring caravans. They suggest that should any approval be granted, development should be restricted on the rest of the site, restrictions should be placed so plots could not be sold off individually, lodges should be managed in accordance

with established lettings regulations and that restrictions placed upon the miniature railway in relation to a 2013 planning application should remain.

31. *Whorlton and Westwick Parish Council* (neighbouring Parish) have raised no objections.
32. *Northumbrian Water*: No objection
33. *Environment Agency*: No objection
34. *English Heritage*: No objection
35. *Drainage and Coastal Protection*: No objection
36. *Highway Authority*: No objection

INTERNAL CONSULTEE RESPONSES:

37. *Trees*: No objection.
38. *Archaeology*: No objection.
39. *Environmental Health*: Pollution Control: No objection.
40. *Ecology*: No objection.
41. *Design and Conservation*: No objection.
42. *Landscape*: No objection.
43. *Planning Policy*: No objection.

PUBLIC RESPONSES:

44. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents.
45. The Council for the Protection of Rural England have objected to the development. They suggest that the application would represent overdevelopment of the site. It is suggested that the proposals will have a significant impact on the area and upon the nearby Conservation Area. It is suggested that the nearby roads are popular with cyclists and that highway safety implications need to be fully assessed.
46. In addition there were letters of objection received from 7 addresses. Concerns are summarised as –
 - Too many chalet developments in area
 - Suspension bridge and local road network not suited to additional development
 - No access for those who are disabled/wheelchair users
 - Most easterly lodge would be visible from outside of site
 - Concern over nature hide
 - Conditions should be placed to restrict development of remainder of site
 - Detrimental to outstanding area of natural beauty
 - Variety of wildlife on site including badger/starling
 - Tranquil greenfield nature of site would be lost

- Development would be suburban in context and not appropriate to site

APPLICANTS STATEMENT:

47. Some may recall what was once known as Whorlton Lido, which was effectively a large field with some basic facilities and access to an attractive stretch of the River Tees. Regrettably, the Lido developed a degree of notoriety towards the end of its existence due, in the main, to anti-social behaviour, and in 2005, when the site was bought by Mr & Mrs Townley of nearby Thorpe Hall, the use of the Lido by the public ceased.
48. One important piece of history remained on the land in the form of the 15inch narrow gauge railway and its rolling stock, and over the recent years, railway enthusiasts, supported by the National Railway Museum and Locomotion at Shildon, have worked to restore the railway to its former glory.
49. The planning application now before you seeks to create, in an entirely different way to the previously lido existence, a high quality development of individually designed holiday lodges in an attractive setting. The quality is achieved by firstly recognising that the standard of accommodation to be offered is superior to developments of holiday lodges elsewhere in the area; and secondly it is the attractiveness of the location itself which requires the necessary attention to detail not only with the lodges themselves but in the landscape setting they will enjoy.
50. The intention of the applicant is to create a development which will attract visitors from other parts of the country as well as abroad, to enjoy the qualities which the area and region has to offer, whilst there will be those who wish to take the accommodation because of the Thorpe Light Railway which runs through the site. It is considered the design of the proposed lodges is low-key yet contemporary, offering a high standard of modern holiday accommodation, whilst the landscape and ecology of the site is to be enhanced and managed to create a greater level of biodiversity.
51. Importantly, this is not a speculative development by a company or developer which has little or no interest in the land itself or the area in which it is located. This a development of part of the Thorpe Hall Estate by the owners themselves, with the intention of managing the operation directly. There is, and will remain, therefore, a strong desire to produce a development which suggests quality but, of utmost importance, respects the area and the land on which it is located.

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://plan-1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F14%2F03652%2FVOC

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, design, impact upon landscape and heritage assets, highways impacts, ecology impacts and other issues.

Principle of development

53. The lodges are located in a rural and highly scenic area. National and Local Planning policy does consider the principle of such development in the countryside and policies relating to the principle are detailed below.
54. Part 3 of the NPPF seeks to support a prosperous rural economy. It gives an indication of the positive approach that the government seeks to take in relation to the rural economy. It states that local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors which respect the character of the countryside.
55. This proposal would improve the range and quality of holiday accommodation in the area bringing the acknowledged direct and indirect economic benefits of tourism activity to the area. It could be of particular benefit to the village pub and could itself directly create up to 8 part time jobs associated with the management, maintenance and cleaning of the site and lodges.
56. Policy ENV1 of the Teesdale Local relates to the protection of the Countryside and states that tourism development will be considered acceptable where it would not unreasonably harm the landscape and wildlife resources of the area.
57. Policy TR3 states that Permission will be granted for chalets where the proposal does not detract from the character of the area, where the site is adequately screened by the local topography or tree cover, where scale, design and materials are appropriate, where site services are limited in scale, where the site is served by adequate infrastructure, where there would not be a negative impact on the amenity of neighbours and where acceptable in terms of flood risk. Although it is acknowledged that the buildings are not termed chalets, for the purposes of this policy they are considered a similar building, both in construction and size etc.
58. The main message in relation to the principle of the development is that such development is acceptable provided that the impact on the Countryside and setting would be acceptable and subject to occupancy conditions to prevent isolated dwellings in the countryside. These impacts are discussed under the next heading and subject to being acceptable the proposal accords with NPPF Part 3 and policies ENV1, TR3 and TR4 of the Teesdale Local Plan.

Impact upon heritage assets and landscape

59. The application site is situated within an area of High Landscape Value and within the setting of a number of designated heritage assets including the nearby grade II* listed suspension bridge, grade II listed Toll House, grade II* listed Thorpe Hall and Whorlton Conservation Area. Therefore regard is to be given to Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Listed Buildings Act requires that special regard be paid to the desirability of preserving the setting of a listed building. Section 72 of the same Act calls for special regard to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Also relevant are NPPF Sections 7 and 12, and Teesdale Local Plan Policies BENV3, BENV4 and ENV3.
60. The design of the proposed lodges is contemporary with flat roofs and a good degree of glazing. Retaining walls and plinths would be necessary given the bankside location of the units. One of each type of lodge would be provided with disabled access provision at units 3, 6 and 8. One, two and three bedroom lodges are proposed.

61. The materials used in construction of the units would have to be carefully chosen to assist in the integration of the units into the surrounding landscape. Indicative graphic interpretations of the units show dark roofs, brown coloured cladding, dark framed windows, stone plinths and retaining walls with associated fencing and balustrades.
62. Importantly the front part of the site would remain undeveloped and would retain its natural open landscape character. It appears that around the time of construction of the miniature railway, significant planting of trees occurred in and around this area. Over time, these trees have matured and mean that the southern part of the site is fairly heavily tree covered. This is beneficial as this enables the lodges to effectively be set behind this planting to the south of the site. It is acknowledged that glimpsed views of the lodges would be likely from public vantage points. These would likely be taken primarily from the footpath running to the northern boundary of the site, the public highway to the west of the site and from the cliff tops to the north at Whorlton. However, given that the lodges would be fitted with a relatively natural pallet, the lodges would not stand out as being incongruous the landscape and it is not considered necessary that all lodges should be completely hidden from view from surrounding areas. In terms of physical impact on the site, the lodges would be relatively low impact.
63. Some tree removal is proposed to facilitate the lodges, and a degree of excavation will be required to the bankside. The benefit of partially digging in to the bank is that the bulk associated with the lodges would be significantly reduced. Tree Officers have raised no objections to the removal of the identified trees on site. Additional tree planting is also proposed at the site.
64. The Landscape Section also has no objections to the proposals. A previous proposal showed a large mound being placed on the open field at the site behind which car parking would be hidden. This feature was subsequently removed and this would allow the natural openness of the landscape towards the centre of the site to be retained.
65. The alternative location for the parking now proposed within one of the railway loops would be entirely appropriate, keeping all parking located in one place in a discreet part of the site which has screening from existing trees and vegetation. Surfacing details for the track have not yet been agreed but can be conditioned and a finish appropriate to the character of the site would be sought. It is likely track and parking areas could be formed of a plastic cell system backfilled with soil and grass seeded which would give a natural appearance.
66. The Landscape Section has requested additional details with regard to the management of the meadow area to preserve its pasture character and additional details regarding access track materials, which can be controlled by conditions. They have also requested a reduction and softening in the retaining walls that would encase the lodges in their bankside location. However, in construction terms, reduction or alteration of these retaining walls could be problematic, but materials could be controlled by condition.
67. In landscape terms it is therefore considered that the proposal would not unreasonably harm the special landscape of the area and in this respect accords with Teesdale Local Plan policies ENV1, ENV3, TR3 and GD1, as well as NPPF Sections 7 and 11.

68. Section 12 of the NPPF 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 assets Conservation. It is stated that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The NPPF seeks to guard against harm to any designated heritage asset stating that any harm or loss would need a clear and convincing justification.
69. In this instance, the landscape setting plays the most significant role in the setting of the nearby heritage assets and as identified above it is considered that the proposal would sit comfortably within the landscape.
70. English Heritage have no objection to the proposal and Officers have not identified any harm to designated heritage assets in the locality. The Design and Conservation section considers that the development would preserve the character and appearance of the nearby Whorlton Conservation Area. They also consider that the setting of the nearby grade II* listed suspension bridge, grade II toll house and grade II* Thorpe Hall would be preserved.
71. Reference is made to the development comprising of 'eco' lodges. This description relates to the desire to provide high levels of insulation and consider the incorporation of renewable technologies at the site such as air and ground source heat pumps, biomass boilers, solar panels or rainwater harvesting. Concern has been put forward within objection letters as to the impact on the appearance of the units that solar panels in particular could bring. Given that a poorly designed solar scheme could detract from the Conservation and Landscape Value of the area a condition is recommended that removes permitted development rights relating to solar panels. This is not to say that Solar panels are not to be used at all at the site, however it would enable the LPA to ensure that any solar scheme would be acceptable in impact. Other renewable energy sources at the site would either require planning permission or in the case of ground source heat pumps or rainwater harvesting, be unlikely to require planning approval.
72. Having regards to the above and the requirements of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposals would be acceptable in landscape terms and would preserve the settings of the nearby designated heritage assets. The proposal therefore meets objectives outlined in NPPF Sections 7, 11 and 12, and accords with policies GD1, ENV1, ENV3, BENV3, BENV4 and TR3 of the Teesdale District Local Plan.

Highways Impacts

73. Vehicular access would be taken from the existing field entrance on the western boundary of the site, with some improvement being made to this access in terms of width. From this point a track would run in a south easterly direction before dividing in two to serve a car parking area within the western loop of the miniature railway and the lodge access track which would run on an east/ west alignment to the south of the miniature railway track. An emergency vehicle access across the field to the north of lodge 10 would be retained.
74. Concerns have been put forward in relation to the suitability of the road network in particular the suspension bridge. Given that the bridge is weight limited and narrow it would clearly be unsuitable for heavy vehicles that may carry construction materials. It is likely the southern access would be used from the A66 situated a few kilometres to the south and the Highway Authority has no concerns in this respect.

75. Overall, the Highway Authority has raised no objections, considering the access to be safe and the local road network capable of hosting the anticipated levels of traffic. On-site access arrangements and parking provision is considered acceptable.
76. The development therefore accords with Policies GD1 of the Teesdale Local Plan and Part 4 of the NPPF.

Ecology

77. Policy ENV8 of the Teesdale Local Plan and Part 11 of the NPPF seek to safeguard protected species and ecology.
78. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
79. A full ecological survey has been undertaken at the site dated February 2015. The survey concluded that the site supports suitable foraging habitat for bats, that there were no records of protected or notable species on the site and that impacts on notable species which may occur at or adjacent to the site would be negligible.
80. Ecological enhancements are planned throughout the site to include the improvement of an existing pond. Habitat boxes and retreats are proposed on site for bats, amphibians, tawny owls hedgehogs and birds. The large grassed area to the south of the miniature railway would be enhanced and managed as a lowland meadow. These measures would enhance the biodiversity value of the site.
81. The Ecology section has offered no objection to the development in terms of ecology subject to the conditioning of ecological mitigations and recommendations as outlined in section 7 of the ecology report. The Ecology section also require that details of the proposed habitat creation and future management plan for the site be produced and agreed upon by the LPA. The development is considered to accord with Policy ENV8 of the Teesdale Local Plan and Part 11 of the NPPF. The Local planning authority can therefore discharge its derogation duties under the Habitats regulations.

Other issues

82. Policies ENV14 and ENV17 relate to the protection of water quality and the provision of appropriate sewerage and drainage systems respectively. It is proposed to dispose of foul water at the site through the provision of a package treatment plant and surface water through the provision of soakaways. Exact details of drainage solutions have not been supplied at present although both the Environment Agency and The Drainage and Coastal Protection team within the Council are satisfied with this arrangement and a condition to require the exact details of these systems is recommended.
83. The public rights of way section have identified that public footpath no.5 runs within the application site. It is planned to fence this path off from the large meadow area. Suggestions have been made in relation to the appropriate management of the footpath and surrounding fencing which can be added as an informative. The public

rights of way section have offered no objections to the development and the development would be acceptable in relation to Policy TR10.

84. One of the Parish Council's concerns is future development in the open part of the site. The application proposes to retain this as a managed grassed area and does not seek use of the site for example for touring caravans. Any such use would require planning approval and does not therefore need to be controlled by this application.

CONCLUSION

85. The proposal is for a small scale, high quality holiday lodge development that would improve the range and quality of holiday accommodation in the area, bringing with it the acknowledged direct and indirect economic benefits of tourism activity to the village and local area.
86. Considerable time and effort has been spent from all involved to ensure that the development has been designed in the most sensitive manner to ensure the impact on the landscape and setting of designated heritage assets would be acceptable.
87. The development would be acceptable in terms of highway safety, ecology and all other respects with conditions suggested to give further control to detailed matters where necessary.
88. The proposal therefore accords with NPPF Sections 3, 4, 7, 11 and 12, as well as Teesdale Local Plan policies GD1, ENV1, ENV3, ENV8, ENV14, ENV17, BENV3, BENV4, TR3, TR4 and TR10.

RECOMMENDATION

89. That the application be **approved** subject to the following conditions -

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

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

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

Drawing 01 REV A received 12th August 2014

Drawing 03 REVA"

Arboricultural Implications Assessment (including tree protection plan) received 10th November 2014

Arboricultural Method Statement"

Drawing 02 REV E received 04th February 2015

Ecological Appraisal"

Landscape Masterplan REV C received 05th March 2015

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials, retaining walls, plinths, balustrades, railings and hard landscaping materials to include the car park and access tracks have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies GD1, ENV1, ENV3, BENV3 and BENV4 of the Teesdale Local Plan.

4. Notwithstanding the details shown on the approved plans no development shall commence until precise details of all fenestration, glazing, heads and cills have been submitted to and approved in writing by the Local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies GD1, ENV1, ENV3, BENV3 and BENV4 of the Teesdale Local Plan.

5. No development shall commence until a detailed landscaping scheme to include details of habitat creation and a future management plan for the site has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime. The site shall be managed in accordance with the approved management plan.

Reason: In the interests of visual amenity having regards to Policies GD1, ENV3, and ENV8 of the Teesdale Local Plan.

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

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

7. No development shall take place unless in accordance with the mitigation and recommendations detailed within Section 7 the Ecological Appraisal by Envirotech, Thorpe Lido, Wycliffe, Barnard Castle received 04th February 2015.

Reason: To conserve protected species and their habitat in accordance with Policy ENV8 of the Teesdale Local Plan.

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

Reason: To prevent the increased risk of flooding from any source in accordance with the National Planning Policy Framework and Policies GD1, ENV14 and ENV17 of the Teesdale Local Plan.

9. In relation to potential future installation of solar PV or solar thermal equipment, notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A or B of Part 43 of Schedule 2 of the said Order shall be carried out without an application having first been made to and approved by the local planning authority.

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of visual amenity having regards to Policies GD1, BENV3, BENV4 and ENV3 of the Teesdale Local Plan.

10. The holiday accommodation to which the permission relates shall not be occupied as a person's sole, or main place of residence and the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of accommodation on the site, and of their main home addresses, and shall make this information available at request to the local planning authority.

Reason: to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies ENV1 and TR4 of the Teesdale Local Plan.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

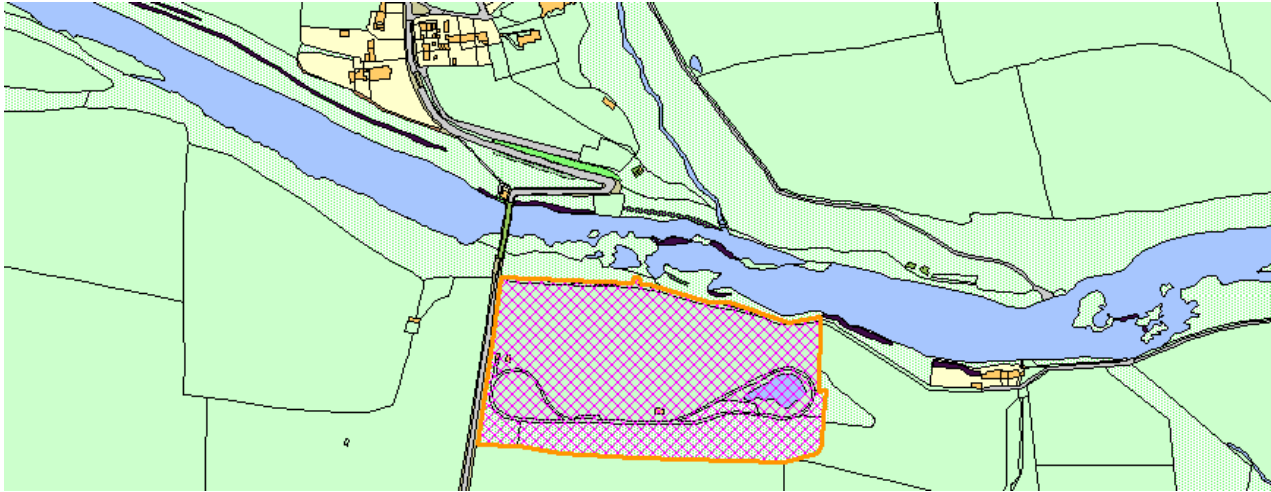
Teesdale Local Plan

The County Durham Plan (Submission Draft)

Statutory consultation response

Internal Consultation responses

Public consultation responses



Planning Services

Erection of ten eco lodges (amended landscape/layout details received 3rd February 2015, amended landscape plan received 5th March 2015)

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19th March 2015

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03438/FPA
FULL APPLICATION DESCRIPTION:	Erection of 32no. dwellings, retail unit and associated infrastructure
NAME OF APPLICANT:	Mr Terry Jacques
ADDRESS:	Land Adjacent to Park Road, Witton Park
ELECTORAL DIVISION:	West Auckland
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 agricultural field measuring approximately 0.94 hectares in area. There are terraced dwellings lining Park Road to the north and west of the site, however, most of the site is surrounded by more agricultural fields. Historical maps show that in the past the land appears to have been used as allotment gardens.
2. The application seeks full planning permission for a residential development of 32no. dwellings and a retail store measuring 84sqm in area. The proposed access would be taken directly from Park Road while the 32 dwellings would consist of a mix of detached, semi-detached, terraced properties, bungalows and apartments.
3. A S106 heads of terms has been submitted in respect of securing 3 units (10%) at a discounted market rate, as well as an open space contribution of £1000 per dwelling.
4. The application is reported to the planning committee in accordance with the Scheme of Delegation because the site area is classed as a major application.

PLANNING HISTORY

5. Outline planning permission (3/2010/0548) for 31 dwellings, a retail store and access was approved on the same site on 8th January 2013 following the signing of the Section 106 Legal Agreement.
6. Prior to that outline permission had been refused in 2010 for 34 dwellings and a retail store (3/2010/0028).

7. Full permission was also refused in 1989 for a bungalow (3/1989/0141).

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
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. 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. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
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, minimising impacts on biodiversity and providing net gains where possible; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

16. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
17. *Policy GD1 - General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
18. *Policy H3 - Distribution of Development* - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
19. *Policy H15 - Affordable Housing* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
20. *Policy H22 - Community Benefit* - On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
21. *Policy H24 - Residential Design Criteria* - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
22. *Policy ENV1 Protection of the Countryside* – Sets out that development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
23. *Policy T1 – Highways* - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

EMERGING PLAN:

24. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, has raised

issues in relation to the soundness of various elements of the plan. The Council is currently considering the options available and in light of this it is considered that no weight should be afforded to the CDP at the present time.

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.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Highway Authority* – Following receipt of amended plans have indicated that there are no highway objections to the proposal and the scheme would be served by sufficient parking.
26. *Northumbrian Water Limited* – Offer no objections provided that the application is carried out in accordance with the principles of the Flood Risk Assessment.
27. *The Coal Authority* offer no objections to the scheme providing a condition is imposed for further site investigation works to be undertaken prior to any development beginning on site.

INTERNAL CONSULTEE RESPONSES:

28. *Spatial Policy Section* – Advise that the proposal is effectively a reworking of an approved scheme and therefore the site has a fall back position of an extant consent. Despite the development of this site conflicting with policies of the Wear Valley District Local Plan, support can be offered on this instance. It is advised that contributions should be sought towards offsite sporting and recreational facilities, while advice is offered on the layout and connectivity of the scheme.
29. *Ecology Section* – Raise no objections.
30. *Landscape Section* – Following the receipt of amended plans advise that the proposals would have a minimum impact on the surrounding landscape. It is however recommended that conditions be attached in relation to the protection of trees on site.
31. *Arboricultural Officer* – Has no adverse comments.
32. *Environmental Health Section* – Offer no objections to the scheme, but make recommendations to control the working hours on site and incorporate measures to suppress noise and dust during construction. A condition is suggested in relation to controlling details of plant/machinery associated with the retail use.
33. *Contaminated Land Section* – Advise a conditional approach in relation to land contamination.
34. *Drainage and Coastal Protection* – Offer no objections providing a detailed scheme of surface water disposal is submitted limiting run off to greenfield run-off rates.
35. *Housing Development and Delivery* – Highlight that the developer would be expected to provide 10% affordable housing provision on the site to be secured through a S106 agreement.
36. *Sustainability Section* – No response received

PUBLIC RESPONSES:

37. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 1 letter of objection has been received raising concerns regarding existing parking pressures in the area. Concerns are also raised regarding potential future developments in the area.

APPLICANTS STATEMENT:

38. Outline planning permission was originally granted on this site in January 2013 for 31no. dwellings and a retail unit. This permission remains in existence, and normally an outline consent would be followed by a Reserved Matters application for the details of the development. In the case of this site, however, the indicative plan which supported the outline proposal did not accurately reflect the topography and constraints of the site, whilst the access point was not in the optimum position, and thus a new detailed planning application has been prepared for the development of 31no. dwellings in a variety of house types, together with the retail unit with its integral living accommodation. The resulting detailed scheme is considered to be a significantly improved proposal to that indicated in the original outline scheme, and it will deliver a higher standard of housing development in Witton Park to reinforce the village's improving image as a desirable place to live.
39. The applicant's intention is that this will be a high quality scheme which he is keen to see commenced on site in the near future, and he sees the submission of the detailed proposals as a strong commitment to development taking place in Witton Park on a site which, in all honesty, has done the village a disservice in terms of its somewhat derelict condition over recent years. With a wide range of housing to be provided, it is considered the proposal will be complementary to existing housing as well as supplementing the choice available and creating a fluidity in the local housing market.
40. It is also strongly suggested that the re-introduction of a retail unit into the village will be warmly welcomed, and with this development, together with the existing residents and future development, it is to be hoped the village shop will be successfully sustained as a local facility.
41. The Committee is asked to regard this application as the next appropriate stage in the realisation of new housing development based on its earlier outline decision.

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=NEU20GGDIQ00>

PLANNING CONSIDERATIONS AND ASSESSMENT

42. 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, effect on the character of the surrounding area, residential amenity, and highway safety.

The Principle of Development

43. The application site is located outside of the defined development limits of Witton Park where saved policy H3 of the Wear Valley District Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives including saved Policy ENV1, to which there is a presumption against development other than for countryside purposes. The development of this site for housing would therefore conflict with saved policies of the Wear Valley District Local Plan in this respect.
44. However, it is recognised that this application is effectively a detailed reworking of a recently approved outline scheme for 31 dwellings and a retail store (3/2010/0548). Although this proposal is for 1 more dwelling, the dwelling is within the same site and does not materially alter the fact that the principle of residential development and a retail store has recently been established on this site.
45. While the outline proposal sought to provide 9 affordable bungalows, that was beyond the Council's policy requirements at the time and was not at the Council's insistence. It was also not backed up by any viability appraisal. In drawing up the detailed scheme it has confirmed the concerns that were previously expressed by Officers that provision of 9 affordable bungalows was overambitious and unachievable. This scheme proposes 3 affordable units, which would meet the current 10% requirements of the most up to date evidence base. This has been accepted by both the Council's Planning Policy and Housing Delivery Sections and together with other design changes to the scheme would result in a far more viable scheme that would hopefully increase the prospects of delivery on site with the added benefit of the shop.
46. The scheme also proposes an appropriate off-site open space contribution of £32,000. The offsite contributions are more appropriate than on site provision in this case because of the small size of the site and proximity to the large central village green.
47. Both the affordable housing and open space contribution would be secured by a Section 106 Legal Agreement.
48. Taking all of the above into account, the principle of development remains acceptable.

Design, layout and the effect on the character of the area

49. As set out above outline planning approval has previously been granted on the site and although only indicative, the proposed layout sought to tightly arrange the dwellings on small plots around one cul-de-sac and a private access courtyard. This would have resulted in densely spaced dwellings lining the eastern and southern boundary of this site. Frontage out onto Park Road would have been limited given the access arrangements and the location of parking. That arrangement would not have represented the most optimal layout of the site had it been progressed to reserved matters stage.
50. This scheme would provide a much stronger frontage out onto Park Road through the provision of 4 dwellings directly facing out onto the highway and repositioning the retail store closer to the edge of the highway with an active frontage. The redistribution of dwellings within the site has also taken account of an underground culvert crossing the site, which had not been previously considered.

51. This scheme does not include any public open space within the site, but it is not necessary given the existing provision in the immediate area. Importantly, this has also considerably aided the overall layout by improving the size of the plots, which in turn has improved variety in dwelling types and sizes, as well as resulting in a less densely packed development around the site perimeter and in relation to perimeter trees.
52. The scheme offers a good mix of dwelling type and size. Some are 2 ½ storey, however they can be accommodated on the site because of the steep level change falling away to the north east. The proposed dwellings are to be well detailed in a traditional local vernacular and would represent a good quality of development. The application suggests the dwellings would be faced in natural stone further enhancing the quality of development. There would be a large amount of parking hardstanding within the site so choice of materials will be very important and tarmac should be avoided. All materials should be controlled by condition. In addition to this as the scheme proposes an open plan layout, it is recommended to remove permitted development rights for fences forward of main elevations.
53. Overall, the proposal is considered to be a significant improvement to the indicative layout accompanying the outline approval. It is considered to be of an appropriate scale, design and layout, and would have an acceptable impact on the visual amenity of the surrounding area and character of the village. This is in line with the key aims of the NPPF in respect of good design, and is in accordance with Local Plan policies GD1 and H24.

Residential Amenity

54. Wear Valley Local Plan Policies GD1 and H24 require that new developments should protect the amenities of neighbouring uses. At present the site is open and the properties along Park Road have a ready view across the site. However, the principle of residential development has previously been established on the site, accepting that there will be a reduction in the current outlook experienced, but not to the extent that there would be a loss of amenity to those residents subject to detailed consideration of scale and layout.
55. The proposed scheme would achieve habitable window separation of approximately 20m to the opposite dwellings on Park Road, which is representative of front to front street relationships further north along Park Road and in the surrounding area, and is therefore considered acceptable. There would be approximately 15m between the proposed retail store and surrounding residential dwellings, again this is considered acceptable given the non-residential nature of this use. No objections have been received from neighbouring residents in this respect.
56. The Council's Environmental Health Section has recommended conditions relating to working hours and construction activities. However, these construction related effects are matters which the planning system cannot reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance, which would be more appropriate controls than planning conditions. A condition has also been requested for the prior approval of any plant or machinery installed in the proposed retail unit to ensure this does not adversely affect the amenity of neighbouring residents. However, the installation of this equipment in itself will require planning permission enabling the Authority further control in consultation with Environmental Health colleagues. Therefore, there is no precise justification for such conditions.

Access and highway safety issues

57. Access was the only matter not reserved by the previous outline approval. In that approval, the site access would have been taken opposite the Rose and Crown P.H, centrally within the site.
58. This application now proposes to take access from the most southern corner of the site, but still off Park Road.
59. The Highway Authority has no objections to this change in the position of the access, or to the impact of the development on traffic movement in Park Road and the wider local highway capacity. Amendments have been made to the car parking provision within the site in response to Highway Authority requirements.
60. It is therefore considered that the scale of development and proposed use of the vehicular access would not have an adverse impact on highway safety and local highway capacity. This accords with Wear Valley Local Plan policies GD1 and T1.

Other issues

61. There is a culvert crossing the site, but the layout of the scheme has been designed with this in consideration. Northumbrian Water and the Councils Drainage Section have not raised any objections to the proposed scheme providing conditions are imposed relating to foul water management and surface water run off in accordance with the submitted Flood Risk Assessment.
62. The site is in the Coal Authority High Risk Area. A site (coal) investigation report was submitted with the application to determine the stability of the land. The Coal Authority have raised no objections providing further conditions are imposed requiring investigation works to be undertaken prior to works commencing on site.
63. An ecology survey has been submitted with the application. The County Ecologist has viewed the survey and has not raised any objections, and it is therefore considered that the proposed development would not compromise protected species or their habitats.
64. As the end user of the land represents a more sensitive land use the Councils Environmental Health (Contaminated Land Section) advise a conditional approach in relation to land contamination. A condition securing this is recommended.
65. Planning plays a key role in helping to reduce 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 as set out in the NPPF. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. A condition requiring this is recommended.

CONCLUSION

66. Although the development of this site for housing would not confirm to saved policies ENV1 and H3 of the Wear Valley District Local Plan, the principle of a residential development on this site has previously been established by the recent granting of

outline permission and the proposal conforms with the affordable housing and open space requirements of Wear Valley District Local Plan policies H15 and H22.

67. This is a detailed scheme in response to the outline permission and has made significant improvements to the layout and appearance of the development compared to that indicated in the outline permission. Those changes are also considered to be more realistic in terms of responding to the constraints of the site and are likely to result in a scheme that is more viable and ultimately has a greater prospect of being deliverable.
68. The development would have an acceptable impact on the surrounding area in respect of visual amenity, neighbour impact, highway safety, ecology, land stability and drainage and is therefore, in these respects, in accordance with Wear Valley Local Plan Policies GD1, H24 and T1, as well as the aims of NPPF Sections 4, 7 and 11.

RECOMMENDATION

That the application is **Approved** subject to the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £32,000 towards the provision/maintenance of open space and recreation facilities in the locality and the provision of 3 affordable housing units.

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 P103-02(E), Received 6th March 2015
Proposed Street Scene, Ref P103-15 (A), Received 6th March 2015
House Type 1, Ref P103-03 (A), Received 25th February 2015
House Type 2, Ref P103-04(A), Received 6th March 2015
House Type 3, Ref P103-05 (A), Received 25th February 2015
House Type 4 and 4a, Ref P103-06, Received 11th February 2015
House Type 5, 5A & 5B, Ref P103-07, Received 11th February 2015
House Types 5 and 6, ref P103-08 (A), Received 6th March 2015
House Types 6 and 9, ref P103-11 (A), Received 6th March 2015
House Type 7, ref P103-09, Received 7th March 2015
House Type 8, ref P103-10, Received 11th February 2015
House Type 9 A, ref P103-12 (A), Received 6th March 2015
House Type 10, ref P103-13 (A), Received 6th March 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, H3, H24 and T1 of the Wear Valley District Local Plan.

3. The shop building with associated parking and servicing areas hereby approved shall have been substantially completed and made available for occupation and use within the site before the occupation of the 13th open market dwelling hereby approved.

Reason: To ensure the shop is implemented.

4. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation and remediation works shall commence until samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

5. No development approved by this permission other than preliminary site excavation and remediation works shall commence until full details of the means of access, including the layout, construction details (taking account of the culvert), and surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of highway safety in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan.

6. No development other than preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. No hedges or trees shall be removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

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

7. No development shall commence unless in accordance with the Arboricultural Method Statement prepared by Claire Raw, and the tree protection plan, Ref ETLP-A, Received 10th November 2014. The specified tree protection measures shall be installed on site prior to the commencement of the development and retained during the construction phase..

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies GD1 and H24 of the Wear Valley Local Plan

8. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water in accordance with the submitted Flood Risk Assessment received 13th November 2014 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in and implemented in accordance with the approved scheme thereafter.

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

9. Notwithstanding the provisions of Schedule 2, Class A, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no fence or means of enclosure shall be erected forward of any wall of the dwellings hereby approved fronting onto a highway.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

10. Notwithstanding the submitted information, no development shall commence on site until a detailed site investigation report has been submitted to and approved in writing by the Local Planning Authority. The report shall consider the risk of unstable land in relation to historic coal mining activity and make provision for mitigation measures in line with the findings of the investigation report. The development shall be carried out in accordance with the approved report and mitigation measures.

Reason: In order to ensure the future stability of the site in accordance aims of the National Planning Policy Framework

11. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be 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 while the development is in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley District Local Plan.

12. Notwithstanding the submitted information, no development approved by this permission other than preliminary site excavation and remedial works shall commence until a revised plan setting an enlargement and full construction details and of the bin storage area to serve units 26-29. The development thereafter shall be carried out in accordance with the approved details and the bin storage area be brought into use before the first occupation of units 26-29.

Reason:- In the interests of highway safety and to ensure adequate refuse servicing of the development in accordance with policies GD1 and T1 of the Wear Valley District Local Plan

13. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

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

Completion

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

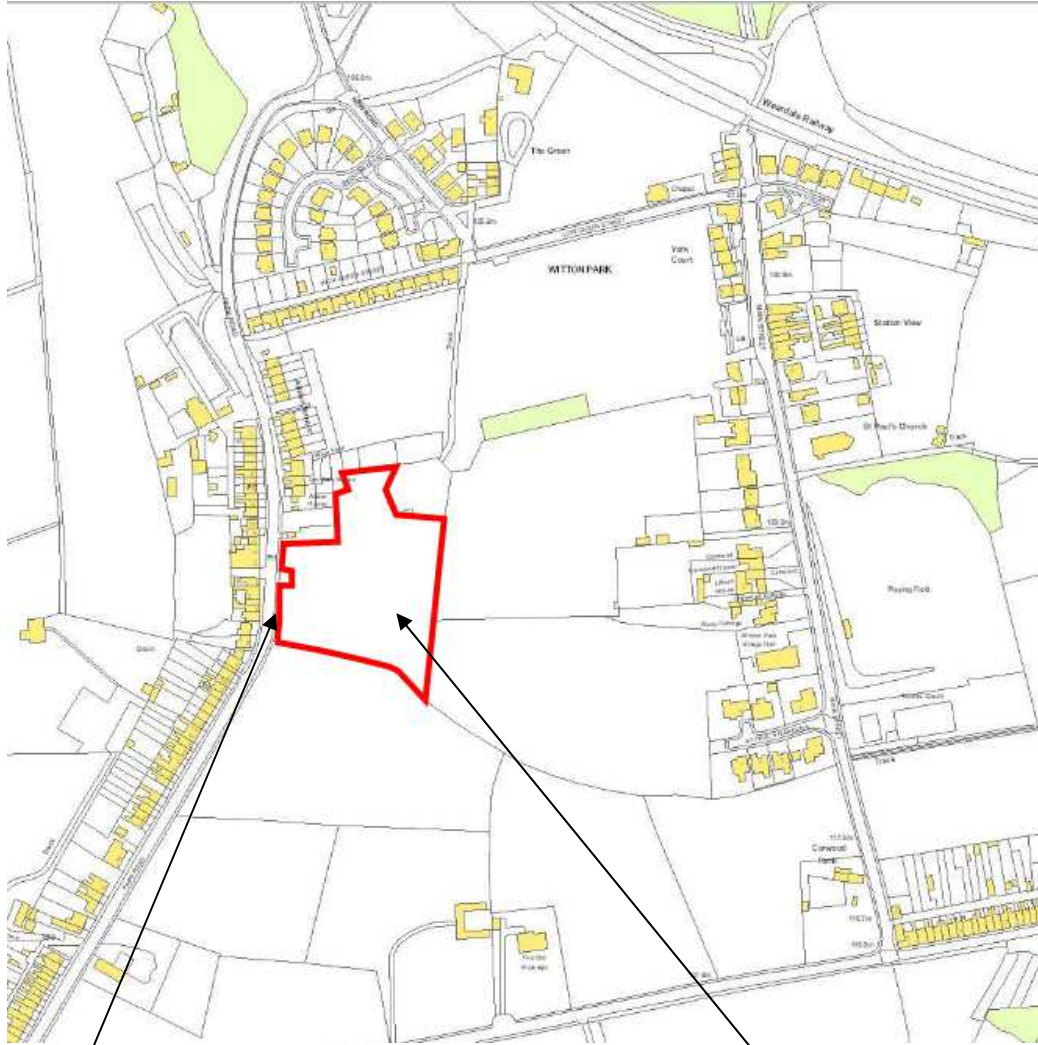
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Consultation responses
County Durham Local Plan Submission Version
County Durham Landscape Strategy
Application 3/2010/0548



Proposed Access Location

Application Site



Planning Services

Erection of 32no. dwellings, retail unit and associated infrastructure

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Comments

Date 5th March 2015

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03523/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application, including means of access for residential development (resubmission of refused application 3/2013/0232)
NAME OF APPLICANT:	WPDC Limited
ADDRESS:	Land to the West of St Pauls Garden, Witton Park
ELECTORAL DIVISION:	West Auckland
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to an agricultural field measuring approximately 1.6 hectares in area and is considered greenfield land for planning purposes. The site is also located outside the development limits of Witton Park and is therefore in the open countryside. The modern residential estate of St. Pauls Gardens is located directly to the east of the site, however, most of the site to the south, west and north is surrounded by agricultural fields. Further to the north is the village green.
2. The application is an unchanged resubmission of application 3/2013/0232, which was previously refused by the SW Area Planning Committee on 21st November 2013. The application therefore once again seeks outline planning permission for up to 35 dwellings and access from the existing housing estate (St Paul's Gardens), with all other matters reserved for future consideration. A draft Section 106 agreement has been submitted in respect of the provision of 10% affordable housing (4 units) and an open space contribution of £1000 per dwelling.
3. The application is reported to the planning committee in accordance with the Scheme of Delegation because the site area is classed as a major application.

PLANNING HISTORY

4. As already referred to above, on 21st November 2013 Members of the SW Planning Committee refused outline application 3/2013/0232 for up to 35 dwellings with access from St Paul's Gardens on this same site for the following reasons:

5. *The proposed development would lie beyond the development limits of Witton Park, on land which has not previously been developed and where it would have a significant adverse impact on landscape and visual amenity. This, in addition to the limited education, shopping, leisure and social and community facilities in the village, and lack of local need for additional housing, means the development would not represent a sustainable form of development. Accordingly, the proposal is considered to be contrary to saved Policies GD1(xi), H3 and ENV1 of the Wear Valley Local Plan, as well as in conflict with the aims of the NPPF to create sustainable patterns of development and to conserve the natural environment.*

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
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. 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. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *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, minimising impacts on biodiversity and providing net gains where possible; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

14. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
15. *Policy GD1 - General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
16. *Policy H3 - Distribution of Development* - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
17. *Policy H15 - Affordable Housing* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
18. *Policy H22 - Community Benefit* - On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
19. *Policy H24 - Residential Design Criteria* - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
20. *Policy ENV1 Protection of the Countryside* – Sets out that development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
21. *Policy T1 – Highways* - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

EMERGING PLAN:

22. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. The Council is currently considering the options available and in light of this it is considered that no weight should be afforded to the CDP at the present time.

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.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Highway Authority* – Have indicated that there are no highway objections to the proposal.
24. *Environment Agency* – Raise no objections subject to a condition relating to surface water run-off.
25. *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.
26. *The Coal Authority* - Offer no objections to the scheme providing a condition is imposed for further site investigation works to be undertaken prior to any development beginning on site.

INTERNAL CONSULTEE RESPONSES:

27. *Spatial Policy Section* – Raise objections to the scheme highlighting that the development conflicts with the existing Wear Valley Local Plan. The site is an attractive area and development would have significant adverse landscape and visual impact and would not consolidate the settlement form. It is also identified that there are sufficient housing sites with unimplemented permissions within Witton Park. These are commensurate with its scale and function, while the release of further land would undermine their deliverability.
28. *Ecology Section* – Raise no objections however advice has been offered in terms of building close to existing mature trees.
29. *Landscape Section* – Advise that the extent of the visual impact would be significantly adverse in the context of the relatively exposed and open nature of the landform. The landscape character would be reduced with the loss of a continuous undisturbed and attractive rural quality currently valued to within the heart of the settlement.
30. *Arboricultural Officer* – Offers no objections.

31. *Environmental Health* – Offer no objections to the scheme but make recommendations to control the working hours on site and incorporated measures to suppress noise and dust during construction.
32. *Contaminated Land Section* – Advise that there is no requirement for land contamination survey work.

PUBLIC RESPONSES:

33. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 6 letters of objection have been received from neighbouring residents and Witton Park Community Association in relation to the issues below:-
 - There is no need for another housing site in the village due to other sites already with approval.
 - The site is located outside of the Settlement Limits of Witton Park and is a greenfield agricultural site.
 - There are not sufficient amenities or infrastructure to accommodate a significant increase in housing.
 - Concerns are raised about increased traffic congestion, particularly on days when football takes place on the playing fields opposite which results in significant on street car parking along Main Street considerably narrowing the width of the road.
 - The houses would have a negative impact on the residential amenity of surrounding residents including loss of sunlight and privacy
 - Potential impact on a culvert crossing the site
 - Visual impact of developing on a green field site in the centre of the village
 - Concerns are raised regarding the ecological impact of the proposals

APPLICANTS STATEMENT:

34. Despite the impacts of the Category D policy of the 1960's Witton Park is now a thriving and attractive village with the potential to appropriately develop further in a controlled and limited way.
35. The Committee may recall that a similar application to this was considered in November 2013 when it was suggested that the development of the application land would, in association with the new housing proposed for the Park Road site, create a more cohesive and connected village structure as opposed to the somewhat fragmented arrangement which exists. The village now has a focal point which is the village green, and the opportunity now exists for enlightened village planning to take place to improve the structure of the village; to introduce new housing which is needed both nationally and locally; and generally to provide the basis for the village to become a yet more sustainable location in which to live. Already there is planning permission for the provision of a new village shop on the site adjacent. Such facilities retain their viability and secure their futures through footfall and demand and this planning application is part of that process.
36. When the application was submitted previously, the Committee was concerned that there already existed a new housing site on which no commitment was being shown. That has now changed with permission being sought for the detailed design which is the forerunner of development taking place. Whilst it is acknowledged that the land concerned conflicts with the settlement boundaries indicated in the aged Local Plan,

the Committee is asked to consider that good, progressive planning should not necessarily be held back by policies which were devised almost 20 years previously.

37. Witton Park has moved on immeasurably from the wounds inflicted by Category D, and there now exists an opportunity to allow the village to take another step forward by the granting of this outline planning permission.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NFA59RGD0A000>*

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

39. The application site is located outside of the residential framework of Witton Park, where saved policy H3 of the Wear Valley District Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives including saved Policy ENV1, 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 Wear Valley District Local Plan in this respect.
40. 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 H3 and ENV1 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 patterns of development.
41. In regards to the sustainability of the site, Witton Park is identified as a Tier 6 (lowest tier) Hamlet in the County Durham Settlement Study (2012), because it has very few services, amenities and employment opportunities. There is a local bus service to provide some access to facilities further afield, but the vast majority of residents of the settlement are likely to be reliant upon private car trips to access those facilities in higher order neighbouring settlements such as in Bishop Auckland, Crook and further afield in Spennymoor and Durham.
42. While new development can help sustain or attract new services and facilities there are already housing sites with planning permission for residential developments which have yet to be implemented. One of them lies immediately to the west on Park Road and is the subject of a revised scheme, which is also an item on this Committee Agenda. Those sites were considered to be more suitably located in respect of the village form and landscape impact and represent a scale of development commensurate with the role and function of the village. The lack of commencement on those sites to date does not point to the need for another housing site at this time, which at 35 dwellings, would represent a significant addition to a village currently consisting of 223 houses and with so few services and facilities.

Furthermore, this proposal may even compromise further the deliverability of those existing housing sites, particularly the adjacent Park Road site which includes a village shop.

43. The proposal meets the expected policy requirements for affordable housing and open space contributions, however those benefits are already offered in the approved schemes. In any event the affordable housing would only be around 4 units and is therefore not a matter which carries significant weight sufficient to override all other material considerations and justify a departure from Wear Valley Local Plan Policies or the sustainability aims of the NPPF.
44. There has not been a material change in circumstances since the previous refusal, just 17 months ago, and therefore the proposal remains in conflict with Wear Valley Local Plan Policies ENV1 and H3.

The effect on the character and visual amenity of the area

45. The settlement of Witton Park is characterised by a quadrangle highway network with housing stretched in a linear pattern along the west, north and east sections of highway. Up until the 1970s the majority of housing was located in terraces to the north on what is now village green. South of the village green, the central area between the road network is primarily agricultural fields. The application site itself was historically the old school playing field. This central area of Witton Park has always been free of built development and contributes to the rural character of the village. The rural character is properly appreciated in views from Park Road looking east and particularly from the road to the south looking northwards, which offer vistas of attractive countryside merging into the hills beyond.
46. The site is not subject to any formal landscape designation but the Council's Landscape Strategy for the West Durham Coalfield seeks to improve the urban fringe environment; maintain and strengthen the rural character of the landscape between towns and villages; maintain the stock of hedgerow and veteran trees; and ensure new development is in keeping with the character of its surroundings and contributes positively to the landscape strategy for the area.
47. The approved Park Road site to the west has a roadside frontage and does not extend out as far into the central fields as the current application site. The proposed development is in effect a backland site that would be seen as a linear extension of the existing modern dwellings in St Paul's Gardens and would conjoin with the Park Road site to create an unbroken line of housing development across the fields. The resultant pattern of development would not respect the existing settlement form of Witton Park and the conjoining effect with the site to the west would appear particularly intrusive in the landscape views from Park Road and the road to the south. The Council's Landscape Section considers the extent of the visual impact would be significantly adverse in the context of the relatively exposed and open nature of the landform. The development would also be likely to lead to inevitable pressure for further development on what would become an enclosed field to the north, which would further erode the rural setting and character of the village.
48. Overall, the proposed development would have a significant adverse impact on landscape and visual amenity, affecting the rural character of the village and conflicting with the aims of the Landscape Strategy for the area. This is contrary to one of the key aims of the NPPF to conserve and enhance the natural environment, and is contrary to Wear Valley Local Plan policies GD1 and ENV1. Again, there has not been a material change in circumstances since the previous refusal on these same grounds.

Access and highway safety issues

49. Access is a matter for consideration at this stage and as with the previously refused application the proposal would take vehicular access through the existing housing estate of St. Pauls Gardens to the east of the site.
50. Again, a number of objections have raised concerns that the proposed vehicular access is not acceptable and the additional traffic resulting from the new houses would create congestion problems.
51. However, as with the previous application, the Highway Authority have no objection in principle to this point of access, noting it is an adopted highway designed to serve more dwellings than it currently does, including the number of dwellings proposed. The numbers of dwellings proposed are also unlikely to exceed local highway capacity. It is therefore considered that the scale of development and proposed use of the vehicular access through St Pauls Gardens would not have an adverse impact on highway safety. This accords with Local Plan policies GD1 and T1.
52. Parking would be addressed at detailed application stage and the development would be expected to meet current Highway Authority standards. There are no parking concerns at this stage because the indicative layout shows each dwelling with garaging and driveway parking, which would meet the required standards.
53. The proposed scheme indicates it would deliver a pedestrian link between Main Street and Park Road, but that is a detailed matter not for consideration at outline stage and is also a matter outside of the applicant's control because it is reliant on connecting to third party land to the west, as well as over the village hall car park, which has not been agreed with the Witton Park Community Association who have their own safety concerns about the route crossing their car park. It is therefore a factor that should be given no weight. In addition there have been no local representations indicating a desire for this link and it is not something that necessarily needs housing development to facilitate it.

Other issues

54. Northumbrian Water and the Environment Agency have not raised any objections to the proposed scheme, providing conditions are imposed relating to foul water management and surface water run off.
55. A site (coal) investigation report was submitted with the application to determine the stability of the land. The Coal Authority have raised no objections providing further conditions are imposed requiring investigation works to be undertaken prior to works commencing on site.
56. Objections received have raised concerns with regards to loss of residential amenity from the proposed development. The application is only in outline therefore the final position of the properties would be subject to consideration at detailed application stage. Nevertheless, the illustrative layout plan shows that adequate separation distance can be achieved between new and existing houses. It is considered that an adequate residential scheme could be provided which would not compromise the residential amenities of neighbouring residents.
57. An ecology survey has been submitted with the application. The County Ecologist has viewed the survey and has not raised any objections, and it is therefore considered that the proposed development would not compromise protected species

or their habitats. A detailed scheme would however have to take existing trees and hedges into account to ensure the development would not have an adverse impact on those landscape features.

CONCLUSION

58. This is a resubmission of a proposal that was refused just 17 months ago. Neither the proposal, nor any material planning considerations have changed in that time.
59. For the reasons set out in this report, the proposal therefore remains in conflict with the key aims of the NPPF to promote sustainable patterns of development and to conserve the natural environment, as well as being contrary to Wear Valley Local Plan saved policies GD1, ENV1 and H3 in respect of development outside the defined development limits and the adverse impact on the character and appearance of the area. There are no benefits from the scheme that would outweigh the conflict with these local and national planning policies.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The proposed development would lie beyond the development limits of Witton Park, on land which has not previously been developed and where it would have a significant adverse impact on landscape and visual amenity. This, in addition to the limited education, shopping, leisure and social and community facilities in the village, and lack of local need for additional housing, means the development would not represent a sustainable form of development. Accordingly, the proposal is considered to be contrary to saved Policies GD1(xi), H3 and ENV1 of the Wear Valley Local Plan, as well as in conflict with the aims of the NPPF to create sustainable patterns of development and to conserve the natural environment.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in the balance of all considerations, the issues of concern could not result in a positive outcome being achieved. The applicant was advised of the recommendation prior to decision.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Consultation responses and representations
County Durham Local Plan Submission Version
County Durham Landscape Strategy
Application 3/2013/0232



Application Site

Proposed Access Location



Planning Services

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Outline application for residential development

Comments

Date 5th March 2015

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