



Area Planning Committee (South and West)

Date Thursday 23 July 2015
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. The Minutes of the Meeting held on 18 June 2015 (Pages 1 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined
 - a) DM/14/02575/OUT - Land Opposite 1 to 14 West Road, Willington
(Pages 7 - 30)
Outline application for up to 70 residential dwellings
 - b) DM/15/01622/OUT - Land Opposite High View Country House,
Low Road, Kirk Merrington (Pages 31 - 50)
Resubmission of application DM/14/01692/OUT (Outline application (all matters reserved with the exception of means of access) for the erection of up to 49 residential dwellings and 2,000 sq ft of retail floor space (Use Class A1) with associated landscape and infrastructure)
 - c) DM/15/01280/FPA - Sedgfield Out of School Fun Club,
Sedgfield Primary School, Rectory Row, Sedgfield (Pages 51 - 64)
Demolition of existing building and construction of new pitched roof building
 - d) DM/15/00233/FPA and DM/15/00230/LB - Hope Inn, Front Street,
Sedgfield (Pages 65 - 82)
Erection of extension to rear of Public House, including demolition of existing extensions and refurbishment of property. Erection of two dwellings to the rear

- e) DM/15/01121/FPA - The North Briton, 23 High Street, Aycliffe Village, Newton Aycliffe (Pages 83 - 100)
Conversion of Public House to 10no. apartments and erection of 4no. dwellings
 - f) DM/15/01610/FPA - Greenfield Street, Byers Green, Spennymoor (Pages 101 - 110)
Erection of 2no. detached dwellings
 - g) DM/15/00978/VOC - The Laurels, 16 High Green, Gainford (Pages 111 - 124)
Variation of condition 2 of planning permission
6/2013/0135/DM/VP to extend opening hours to between 8.30am and 9pm on 35 days per year (Resubmission of refused application DM/14/00468/VOC)
 - h) DM/15/01270/FPA and DM/15/01271/LB - Ovington Edge, Ovington Lane, Ovington, Richmond (Pages 125 - 136)
Demolition of outbuildings and erection of 1 no. dwelling and demolition of outbuildings and alterations to boundary wall (planning and listed building consents)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
15 July 2015

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

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

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

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 18 June 2015 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

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

Also Present:

A Caines – Principal Planning Officer
G Martin – Nuisance Action Team Leader
M Anslow – Senior Environmental Health Officer
C Cuskin – Solicitor – Planning and Development

1 Apologies for Absence

Apologies for absence were received from Councillors M Dixon, D Boyes and C Kay.

2 Substitute Members

Councillor J Gray substituted for Councillor M Dixon.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 14 May 2015 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a 3/2014/0008 - Land East of Fairfield Cottages, Stanhope, Bishop Auckland

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of 9 dwellings (for copy see file of Minutes).

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

Mr S Heptinstall, the owner of adjacent Fairfield House addressed the Committee against the application. He commenced by referring to the amount of correspondence he had produced relating to the application which was indicative of how passionately he felt about the proposals and his certainty that the development would be damaging to the business at Fairfield House.

He appreciated that it was a difficult challenge for Members to choose between the need for housing and supporting one of Durham's core strategies to use tourism to regenerate the rural economy.

The initial success of Fairfield House demonstrated how realistic these aims were. In less than two years a single self-catering venue had brought over 1,500 visitors to Weardale with bookings for over 1000 more.

His business partner was the representative for Weardale AAP and he had been working with Wear Valley Network so appreciated the difficulty of bringing tourists to the area when it was surrounded on three sides by the Lake District, Northumberland and the Yorkshire Dales.

Guests at Fairfield House spent time and money in the local area, which included a party of 16 visitors from Cumbria recently. Larger parties also used bed and breakfast accommodation in the town.

Mr Heptinstall questioned whether the business would be able to compete on a national level when it was adjacent to a building site and a housing development and was concerned about the potential impact of reviews on social media as a result.

Referring to the noise assessment which stated that residents would not be disturbed by guests if they kept their windows closed, he asked if in reality people living in such close proximity would do so and not complain.

The noise report was not based on actual noise at Fairfield House but based on, at best, an educated guess. If these assumptions were wrong the mitigation measures proposed would not work.

He believed that current visitor numbers could be doubled with the development of mid-week and corporate bookings but the noise assessment took no account of any future development of Fairfield House.

The proposals conflicted with Planning Policy and DCC's Sustainability Section had raised concerns about the site's distance from secondary schools, major retail centres, supermarkets and large employers. He could see no case made that there was a demand for these houses.

In his view legislation appeared to be clear that permission should not be granted where developments were in conflict with the users of adjoining land. He questioned whether it was worth putting the future of both Fairfield House and Morningside Holiday Cottages at risk for nine expensive houses.

If the development went ahead it would limit the potential of Fairfield House and would impact upon the members of the team.

Jo Robinson, the Applicant's Agent addressed the Committee in support of the application. She clarified that the application had not been opportunistic and the applicant had worked closely with Officers to create a bespoke development. Officers' comments had been taken on board and this application represented a revised proposal which addressed concerns raised.

The site was located within an established residential area within the built up area of the settlement of Stanhope. The application accorded with Planning Policy and constituted sustainable development.

Jo Robinson then addressed the 2 key issues; design and impact on amenities of adjoining users and the potential conflict from noise.

In terms of design and impact on the amenities of adjoining users she explained that the application site was within the Conservation Area and therefore the applicant had ensured a high quality development which respected the wider context of the site. The proposals would preserve the character and appearance of the Conservation Area. The proposed development was in a town centre bordered by existing dwellings, and properties with views of other houses was not unusual in the area. The site level was lower than the entertainment area of Fairfield House.

With regard to noise, she appreciated the concerns expressed and the need to ensure that there was no impact on the business of Fairfield House. The applicant had worked with Noise Consultants who had undertaken a comprehensive assessment. All source noise was incorporated into the report and had taken account of the amended layout and the need to safeguard the business interests of Fairfield House. The noise assessment had concluded that the impact of noise could be controlled with mitigation measures. The Council's Environmental Health Officers were satisfied with the findings of the report.

In conclusion there would be no detrimental impact on local amenity and no conflict between the proposed development and the normal activities of Fairfield House.

Councillor Davidson referred to comments from the Council's Archaeology Section in relation to terracing in the landform and asked if this had been addressed in the report. The Principal Planning Officer responded that paragraph 38 in the report noted the terracing which may have been evidence of past agricultural ploughing practice but that it was not considered to be of any great significance. As the site would largely retain the terraced landform the interpretation would not be lost, and therefore further investigation was not deemed to be necessary.

Councillor Richardson expressed concern that the Parish Council had offered objections to the application, and would listen to the views of other Members before reaching a decision.

Councillor Davidson considered that determination of the application hinged on the potential for conflict between the development and the users of the adjoining land. Having visited the site he appreciated the views but they were only visible from a relatively small part of Fairfield House. He considered that there was no impact on Morningside Cottages but the potential conflict with adjacent Fairfield House was still in question, and having heard the strong submissions made by Mr Heptinstall he would reach a view following Member discussion on the application.

Councillor Wilson made the comment that the roads were very narrow and questioned the impact this may have on the ability of service vehicles to access the site. The Principal Planning Officer responded that existing houses in the locality were already served by service vehicles and the Highways Authority had offered no objections.

Councillor Patterson concurred with the comments of Councillors Davidson and Richardson. A key issue for the Member was that the site was outside the development limits and in the Conservation Area. She also noted that the Parish Council had objected to the application and that the land was of high value. Councillor Patterson appreciated the importance of ensuring the continuing success of local businesses and was concerned about the potential impact of noise. She did not consider that it was realistic to expect residents to keep windows closed and asked Environmental Health for their views.

G Martin, Nuisance Action Team Leader stated that the Noise Assessment had considered the impact of Fairfield House on new residents. The assessment was robust and included a number of scenarios based on the use of Fairfield House. Residents would be protected by proposed mitigation measures.

In response to a further question from the Member who noted that the assumptions about noise levels had been based on theory and not from actual activities at Fairfield House, the Officer advised that noise assessors made assumptions based on available data and it was not always possible to obtain data from real situations.

In sharing the misgivings of the Committee about the application, Councillor Clare considered that there were two significant issues; impact on views and noise. He appreciated the concerns of Mr Heptinstall that having purchased a business that overlooked a field he had now discovered that it was to be developed. However he was convinced by the Officer's argument that this would be mitigated against as the house levels had been lowered. It was established on the site visit that the views across the distance would not be significantly affected and there was a need to take into account that there were already houses surrounding Fairfield House, although he accepted that the proposed development would be much closer. Visitors to Fairfield House already looked across at rooftops to the hills in the background and therefore there would be no significant change to the existing views.

With regard to noise he was reminded of a previous application which had been refused because of the proximity of proposed houses to an industrial estate and where potential noise pollution had been deemed sufficient to warrant refusal of the application. He therefore considered this to be a real issue, however in his view, as much as he sympathised with the objector, and although residents who moved into the development may complain, he could not ignore the views of a noise assessment carried out by an expert and which had been supported by Officers.

Consequently, although on a personal level he would like to refuse the application, he did not believe that there were sufficient planning grounds to do so. Councillor Clare moved that the application be approved.

Councillor Davidson concurred with the views of Councillor Clare, and in seconding the motion to approve the application made the comment that noise produced by Fairfield House would be at regular times, similar to other working premises located next to residential development, such as schools, and as such residents may not have grounds for complaint.

Resolved:

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

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02575/OUT
FULL APPLICATION DESCRIPTION:	Outline application for up to 70 residential dwellings
NAME OF APPLICANT:	Avant Homes
ADDRESS:	Land Opposite 1 to 14 West Road, Willington
ELECTORAL DIVISION:	Willington and Hunwick
CASE OFFICER:	Colin Harding Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site relates to an open field located on the north western edge of Willington. It measures 4.65ha and slopes gently from north to south
2. To the north, the site is bound by residential properties on George Terrace, Red House Gardens and an area of allotment gardens; to the west and north west by the A690 West Rd and residential properties beyond; to the south by small wood and Willington Burn, with Burn Farm beyond; and to the east by Hunwick Lane.
3. The site is not subject to any designations and is not crossed by any Public Rights of Way. Willington North Dene Local Nature Reserve and Local Wildlife Site is situated approx. 250m to north east, whilst Willington South Dene Wildlife Site is situated approx. 125m to the south east. The closest Public Right of Way; Greater Willington Footpath 99 lies approximately 300m to the south west. The site lies within Flood Zone 1. Immediately to the south of the site is an area of Ancient Woodland.
4. The site is not designated for any specific purpose in neither the Wear Valley District Local Plan, nor the emerging County Durham Plan.

The Proposal

5. The application seeks outline planning permission for up to 70 dwellings, with all matters other than access reserved for future consideration. The site access would be taken directly from A690.

6. Although the only matters for consideration at this time are the principle of development and means of access, the application is nevertheless accompanied by an indicative layout. This layout could be subject to change but indicates a how a development of this size might be accommodated on site.
7. The indicative layout demonstrates that with a development of 70 dwellings, that the site would not be densely developed, and that large areas of green, public open space could be provided on site. These areas are apparently dictated by an area of surface water overland flow, and the presence of significant archaeological remains, both of which will be discussed in greater detail elsewhere in this report.
8. As a result the indicative layout shows much of the development being accommodated towards the north western portion of the site, with a small amount of development being located towards the south east, adjacent to an existing allotment site.
9. The applicants have indicated that the development would incorporate a mix of housing types, as well as provision of 10% affordable housing.
10. This application is reported to Committee as it represents a major development.

PLANNING HISTORY

11. There is no relevant planning history.

PLANNING POLICY

NATIONAL POLICY:

12. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
13. 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. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal;
14. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
15. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions

which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

16. *NPPF Part 6 – Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
17. *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. 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.
18. *NPPF 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.
19. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
21. *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. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (*National Planning Policy Framework*)

22. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National Planning Practice Guidance (NPPG). The NPPG contains guidance on a number of issues, and of particular relevance to this proposal is guidance relating to design, flood risk, travel plans, transport assessments and statements in decision-taking;

<http://planningguidance.planningportal.gov.uk/> (*National Planning Practice Guidance*)

LOCAL PLAN POLICY:

Wear Valley District Local Plan (1997) (WVLP)

23. *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.
24. *Policy ENV1 (Protection of the Countryside):* The District Council will seek to protect and enhance the countryside of Wear Valley.
25. *Policy BE1 (Protection of Historic Heritage):* The Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
26. *Policy BE17 (Areas of Archaeological Interest):* When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.
27. *Policy H3 (Distribution of Development):* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
28. *Policy H15 (Affordable Housing):* The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
29. *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
30. *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.
31. *Policy RL5 (Sport and Recreation Target):* For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
32. *Policy T1 (General Policy – Highways):*
All developments which generate additional traffic will be required to fulfil Policy GD1 and:
 - i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - ii) be capable of access by public transport networks.

33. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

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/3660/Wear-Valley-District-Local-Plan/pdf/WearValleyDistrictLocalPlan.pdf> (Wear Valley District Local Plan) <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Greater Willington Town Council* – objects to the application. It is considered that the scale and nature of development proposed on the application site is contrary to the proper planning and sustainable development of the area, as confirmed in the SHLAA.
35. *Highway Authority* – No objection is raised. It is accepted that generated traffic arising from this development would not be material to the operation of the existing highway network, and that adequate capacity has been demonstrated. The proposed new junction on the A690 is satisfactory, although the existing 30mph limit will need to be moved west. It is further noted that the provision of a visibility splay will not require the substantial loss of hedgerow.
36. *Environment Agency* – No objection is raised, subject to a condition securing a scheme of surface water drainage and the provision of a 5m buffer around the watercourse.
37. *Northumbrian Water* – No objection is raised, subject to it being a condition of any planning approval that the development is carried out in accordance with a satisfactory means of foul drainage being agreed and implemented.
38. *Coal Authority* – Objects to the proposal. The site lies within a Development High Risk Area and no Coal Mining Risk Assessment has been submitted.
39. *Natural England* – No objection is raised. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. In respect of protected species the Council is directed to Natural England's standing advice. General advice is provided in

relation to local sites, biodiversity and landscape enhancements and impact risk zones for Sites of Special Scientific Interest.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – No objection is raised. The site adjoins the built up area of Willington a settlement identified as a second tier town in the CDP with access to public transport, facilities and services providing for day to day needs in accordance with the principle of sustainability.
41. Although the site is located out with the existing limit to development, it is well contained by existing development and a substantial tree belt and would therefore result in an acceptable expansion of the settlement without encroaching into the open countryside. With this in mind the principle of developing the site for housing would not undermine the objectives of the WVDLP in the more recent context of NPPF.
42. The applicant has sought to address the concerns about the suitability of the site through the application and this has enabled the Spatial Policy Team to review its stance based upon the details submitted. Subject to favourable comments being secured from the County Archaeologist it is considered that the previous concerns would be adequately addressed.
43. *Design & Conservation* – The layout is fairly thoughtful and well-conceived creating a sequence of spaces and clusters of housing fronting directly onto the street. Officers welcome large areas of buffer planting on the southern edge adjacent the woodland and this extends into a wedge of open space in the eastern quarter of the site.
44. *Landscape* – Object to the proposal considering any development would be an incursion into an attractive landscape of open fields. The site is visible from a primary receptor at the east end of the A690. Requisite visibility splays dictate that most of the screening hawthorn hedge would be lost.
45. *Landscape (Trees)* – No objection is raised. The layout acknowledges woodland constraints, and the stand-off distances and buffer planting are excellent features. The negative feature would be the loss of some hedgerow for visibility splays. The layout is commended.
46. *Ecology* – No objection is raised, subject to a replacement hedgerow being provided.
47. *Archaeology* – No objection is raised. A Written Scheme of Investigation for archaeological mitigation has been agreed, and should be secured by an appropriate condition.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – No objection is raised subject to a Phase 2 Site Investigation and Risk Assessment being carried out and any necessary mitigation being implemented
49. *Environmental Health and Consumer Protection (Pollution Control)* – No objection is raised subject to conditions relating to noise levels within properties and construction pollution.
50. *Drainage & Coastal Protection* – No objection is raised. Nevertheless, it is noted that no detailed information of how surface water from the site will be disposed of has been submitted. It is stated that run off rates should not exceed greenfield rates and be in accordance with drainage hierarchy of preference.

51. *Economic Development (Employability)* – No objection is raised. Officers note that a scheme of this size could be expected to generate 8 FTE job opportunities during construction.
52. *Education* – No objection is raised. Officers advise that no contributions will be required for additional school places as the schools in the area have sufficient spare places to accommodate the additional pupils likely to be produced from this development.
53. *Sustainability* - No objection is raised. However, it is noted that the site is identified as being “less sustainable” unless issues relating to landscape, ecology and archaeology can be adequately addressed. A condition relating embedded sustainability is suggested.

PUBLIC RESPONSES:

54. This application has been publicised by means of press notice, site notices and individual letters to neighbouring properties. 14 letters of objection have been received.

The following issues were raised as points of objection:

Issues of principle

- That there is no need for extra housing provision in Willington, and that here is a large number of existing properties for sale in Willington
- Loss of agricultural land
- Local services could not cope with the pressures of additional residents
- Loss of open countryside and landscape impact.
- Proposal is contrary to County Durham Plan policies.
- The development does not constitute sustainable development.
- Proposed layout would be difficult to navigate in winter due to a north/south orientation.

Highways Impacts

- The development will be next to a busy and dangerous road
- The proposed access is in a dangerous area.
- Noise and pollution from additional traffic
- Increase in traffic

Other issues

- Loss of wildlife habitat
- Potential for mine workings beneath the site.
- The site contains a Roman road.
- Residents will contribute little to the community, as they will work and shop elsewhere.
- Flood risk
- The A690 is subject to serious flooding
- Increased foot traffic could lead to an increase in vandalism elsewhere in Willington
- The sewers will not be able to cope with additional population.
- Loss of light and overshadowing of existing properties.
- If houses don't sell, they could be sold to a housing association
- Loss of privacy due to proposed green areas and footpaths

- Additional noise and disturbance.
- Maintenance of landscaping
- Loss of views and impact upon property value.
- Concerns that 10% of the housing will be “affordable”, impacting upon security, quality of life, community and property values.

NON-STATUTORY REPRESENTATIONS

55. *Durham Constabulary Police Architectural Liaison Officer* – No objections are raised. It is stated that the Crime Risk assessment for this proposal is low however it is important to ensure that the layout does not include crime generators such as unnecessary footpaths to the rear of properties. General advice is provided in relation to site layout, footpaths, parking, garages, boundary, green space/play areas, lighting and to ‘The Guide for New Homes 2014’.

APPLICANTS STATEMENT:

56. A planning application was submitted in August 2014 following detailed pre-application discussions with officers accompanied by a full suite of supporting work from the project team. This work, in addition to the feedback received from the public consultation exercise, helped to inform the proposal currently under consideration. This has resulted in a scheme which, whilst in outline presently, will comprise a high quality, low density development of up to 70 dwellings providing a range of new homes with a choice and variety of family housing which meets the current housing needs for Willington.
57. Importantly, the proposed development is very much led by both the provision of a high quality landscape framework together with the archaeological significance of certain areas of the site, both of which have dictated the proposed scale and layout of the residential scheme in consultation with officers at Durham County Council. This has enabled the proposed development to be sensitively integrated with both the existing natural features and topography, whilst at the same time providing a logical and sensible form of development on the edge of Willington ensuring that the amenity of existing residents adjoining the site are fully protected.
58. In light of the above, the applicant is firmly of the view that this high quality development meets in full the three aims of sustainable development advocated by the NPPF and, in doing so, will result in a real asset to Willington.

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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

59. 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; visual and landscape impact, impact upon heritage assets, highway safety and parking, ecology, flood risk and drainage, residential amenity, affordable housing and other matters.

60. Paragraphs 47 – 55 of the NPPF seeks to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. A key matter in considering this proposal in the context of the NPPF is whether it would result in directing development to a sustainable location from an accessibility perspective which in turn is an important sustainability credential in the context of the NPPF's objective to secure sustainable development. To accord with the NPPF, new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.
61. It is considered at the present time that a five year housing land supply can be demonstrated, and in the context of Paragraph 49 of the NPPF, relevant policies for the supply of housing can be considered up to date, and accordingly, the presumption in favour of sustainable development as set out at Paragraph 14 of the NPPF does not apply in this case. With no deficiency in the supply of housing, there is no overwhelming need for more housing land to be released. However, it is considered that this is not a reason to resist the scheme in itself, if a proposal can be demonstrated to be otherwise sustainable. The presence of the five year supply enables the Local Planning Authority to be more selective in which sites are released, to ensure that the most sustainable and appropriate sites are brought forward for development.
62. WVDLP Policy H3 is relevant to this consideration also and is broadly consistent with the principles of the NPPF in that it seeks to direct new development to those settlements which are capable of supporting it in terms of their role, function and accessibility to services and facilities. As such it should be afforded weight in the consideration of this application.
63. Willington is recognised through WVDLP Policy H3 as offering such potential being one of the County's second tier settlements as defined by the County Durham Settlement Study (2012). Both the existing and emerging local plans recognise this settlement is appropriate for accommodating new development in that it offers a range of services and facilities to cater for day to day needs. As such, the principle of supporting housing growth within this settlement accords with existing national and local policy framework.
64. The application site is on the edge of, and outwith, the existing settlement boundary which is designated under the WVDLP through Policy H3. It is therefore contrary to the provisions of the WVDLP in this respect. Policy ENV1 of the WVDLP is therefore relevant. This Policy works in tandem with Policy H3 in that it also seeks to safeguard against inappropriate development in the countryside, including new build residential development where no rural justification can be demonstrated. The rationale behind Policies H3 and ENV1 was to minimise impact on the landscape as well as where appropriate, consolidate the built up settlement framework and direct development to those settlements best equipped to sustain such growth.
65. The NPPF at Paragraph 215 stipulates that local plan policies should be afforded appropriate weight depending on their degree of consistency with the NPPF. Whilst Paragraph 154 of the NPPF that local plan policies should indicate clearly what will and what will not be permitted and where, it is also silent on boundaries showing limits to development, and therefore it is considered that WVDLP Policy H3 cannot be afforded significant weight.

66. It should be noted however that it is not intended that limits to development will be taken forward in the emerging County Durham Plan (CDP) as a planning tool to manage development patterns. Rather the CDP adopts an approach, which better aligns with Paragraph 49 of the NPPF which directs local authorities to consider applications for new housing development within the context of a presumption for sustainable development. It is currently proposed that defined limits to development will be replaced with a definition of “built up areas”, along with policies aimed at addressing the issues of ‘Development on Unallocated Sites’ and ‘Development in the Countryside’. In this context, sites would be considered on a site by site basis.
67. The definition of a ‘built up area’ is contained within the CDP and states that if a site is to be considered as part of the built up area it needs to be physically very well contained by existing built development. Further, it should not encroach into the countryside to an extent that would cause a significant adverse landscape or townscape impact. This policy approach has been the subject of challenge at the recent CDP EiP, and therefore, it carries very limited weight at this stage.
68. The application site was an allocation in the Preferred Options Draft on the CDP, but was later discounted as more detailed site assessment as part of the Strategic Housing Land Availability Assessment (SHLAA) process highlighted technical constraints which rendered it less suitable for residential development. These constraints comprised poor pedestrian permeability, potential landscape impacts and the presence of archaeological remains.
69. It should be noted that the SHLAA assessment was a high level exercise, forming an evidence base for the allocation of housing sites in the CDP. Consequently, although found as being unsuitable within this assessment, this is considered to not necessarily render the site wholly unsuitable for housing when considered in the context of national and local planning policies, and the development management process, particularly where issues concerned within the SHLAA assessment process can be adequately overcome. These issues will be considered further elsewhere in this report.
70. Additionally, as a development of only 70 dwellings, which relates to only 0.22% of the total housing requirement for the County, and only 0.67% of the housing distribution for South Durham, it is considered that the proposal would not undermine the emerging CDP, nor the housing allocations identified within it. There are no other significant housing allocations existing or proposed within Willington which would be prejudiced by this site being brought forward at this time.
71. Consequently, it is considered that although the development is strictly contrary to existing policy within the WVLP, if it can be demonstrated that the proposal constitutes sustainable development, and that the reasons for it not being considered suitable for development within the SHLAA can be adequately addressed, that the proposal would not necessarily be unacceptable in principle. The presence of a five year housing land supply, in itself, is not considered to be a barrier to development, provided that the site and development can be shown to be suitable, and sustainable.

Landscape and Visual Impact

72. Policy GD1 of the WVLP seeks to ensure that new development is in keeping with the character of the area and furthermore, that it has regard, and is appropriate to, landscape features and open spaces of surrounding areas. Furthermore, it is stated that development should not have a detrimental impact on the landscape character of the surrounding area. Paragraph 109 of the NPPF states that the planning system

should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

73. The application site lies beyond the existing built envelope of Willington. Properties on the south side of the A690 extend to the almost the eastern extent of the site, with an area of allotments providing something of a buffer. Properties on the northern side of the A690 extend further to the west than those on the south, and address the road.
74. The southern and western extent of the site is clearly and robustly formed by an established area of dense Ancient Woodland and, also Willington Burn, and the northern extent of the site is defined by the A690.
75. Consequently, it is considered that the site is visually well contained. Certainly, any development on this site will appear to a certain extent as an extension to the settlement. However, by not extending significantly beyond the built envelope of the settlement on the northern side of the A690, and being well contained by clear landscape features, in the area of the Ancient Woodland and the A690 itself, it is considered that the development would not appear as contributing to urban sprawl, or as a significant incursion into the countryside.
76. Furthermore, with such clearly defined landscape features it is considered that the development of this site would not compromise the ability of the Local Planning Authority to resist development in other fields beyond the application site.
77. The landscape impact of the site would, it is considered, be further mitigated by the amount of landscaping proposed within the site. Although any layout at this stage is only indicative, the illustrative masterplan shows substantial buffer planting to the southern boundary, and also in the north eastern area of the site adjacent to the existing allotments.
78. Whilst the layout of the proposed development would be potentially subject to change, it should be noted that these large areas of landscaping are dictated by the fact that they serve the purposes of mitigating flood risk, and also preserving the archaeological remains that exist within the site, which will be discussed in detail elsewhere in this report. Therefore, it is considered that there is confidence that any final layout would incorporate these areas of landscaping by necessity.
79. This level of open space has resulted in a development of relatively low density; 15 dwellings per hectare, whereas usually a figure of around 30 dwellings per hectare would normally be expected. In many cases, such a low density would be considered to represent an inefficient use of land, however in this instance; the lower density serves to mitigate the landscape impact of the development and can be considered to be acceptable.
80. With regards to the potential visibility of the site, it is noted that the Landscape and Visual Assessment submitted with the application demonstrates that the development would not be widely visible when approached from the west, along the A690 until in close proximity to the site. The area of existing woodland effectively screens the site almost entirely from the south, and on approaches from the west. The site would likely be visible from the north west, from the B6299, but would be read against the existing built form of Willington and Sunnybrow, and being well contained, would not appear as incongruous.
81. The site would likely be more visible in approaches from the east along the A690, but such views would be taken from within a relatively urban setting, and when combined with existing built form to the north of A690, the development would not, it is

considered, lead to a fundamental change in the experience of people using this route. The high proportion of green spaces within the site, would also reinforce the location of the site as a transition from a built up area, to open countryside.

82. It is noted that Landscape officers object to the proposal on the grounds of visual impact, and particularly with regard to the loss of the existing mature hedgerow to the northern boundary of the site, and the increase in site visibility that would result from this.
83. Whilst a certain amount of this hedgerow would be lost in order to accommodate the access to the site, a large majority of the hedgerow could be maintained, and could continue to serve as an effective screening and landscape buffer. Concern has been raised that a larger portion of hedgerow would be lost to accommodate highway visibility splays. However with a large area of open highway verge existing beyond this hedgerow, it would appear highly unlikely that this would be the case, a point that has been clarified by the Highway Authority.
84. Having regard to the above therefore, it is considered that the proposed development could be acceptably accommodated on the site without unreasonable levels of landscape harm. This is due to the screening and containment provided by existing landscape features, and further, due to the nature and density of development proposed on the site.
85. Objectors have noted that the application would result in the loss of agricultural land, and with regards to this, Paragraph 112 of the NPPF states that where significant development of agricultural land is proposed, that it should be directed to poorer quality land in preference to that of a higher quality. This particular site is partially Grade 3a, partially Grade 3b and partially ungraded. Of this, the area of Grade 3a is considered to be within the definition of best and most versatile as defined in the NPPF. However, the area of Grade 3a land extends to only 2.2 ha, which is less than half of the total area of the site, and it is considered that the level of development proposed would not represent a significant development, or indeed loss of a significant amount of Grade 3a land, such that it would render the proposal unacceptable on this basis.
86. Overall it is considered that the proposal complies with Policies GD1 and Part 11 of the NPPF in this respect.

Impact upon Heritage Assets

87. The application has been accompanied by a desk-based heritage assessment, furthermore a geophysical survey has been carried, and subsequently, trial excavation.
88. This work has revealed that the eastern portion of the site forms the junction of two Roman roads, one of which is Dere Street. Furthermore, there is a probable Roman bridge abutment adjacent to Willington Burn. The trial excavation revealed that there is well preserved archaeological remains within the site. The route of Dere Street visible in the landscape.
89. WVDLP Policies BE1 and BE17 state that protection should be afforded to the historic environment, and that archaeological remains which would be adversely affected by development will be protected by seeking preservation in situ, or where this is not justified, by evaluation and assessment. Furthermore, Paragraph 128 of the NPPF requires developers to carry out the work necessary to understand, and consider the

significance of, any heritage assets in the form of archaeological remains prior to determination.

90. Having regards to this policy context, the applicant has sought to address the main areas of archaeological value by effectively, wherever possible, sterilising them within the development, and retaining them as areas of public open space, and footways. There is one area, immediately to the south of the existing allotment gardens that would potentially be developed upon, and it is proposed that this area is stripped and recorded. The evaluation works carried out to date identify that remains in this area are likely to be shallow and disturbed and such an approach would not be inappropriate in the circumstances. The better preserved remains in other areas would simply be fenced off during construction works and left in situ, before being landscaped.
91. Paragraph 126 of the NPPF states that development should draw on the contribution made by the historic environment to the character of a place, and the retention in the landscape of the route of Dere Street, as an area of undeveloped space, perhaps with an interpretation board, would be in accordance with this requirement.
92. Paragraph 135 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining applications. In this context, the County Archaeologist has considered the submitted information and has raised no objections to the methodology of the work carried out, nor the proposed mitigation measures, subject to these being secured by an appropriate condition.
93. The application is therefore considered to be in accordance with WVLP Policies BE1 and BE14 as well the NPPF in this respect.

Highway Safety and Parking

94. Concerns over highway safety, parking provision and the traffic implications of the development are amongst the most significant concerns of public respondents.
95. With respect to this, the application is accompanied by a transport statement (TS) which seeks to inform on and assess the key highways related implications of the development. This includes highways matters such as: the accessibility of the development, trip generation and traffic assignment, future year flows, highway safety, and present highways works necessary to facilitate the development.
96. The Highway Authority has considered the content of the submitted statement and have indicated that they are satisfied with its findings, with it being expected levels of traffic generated by this development would not have a material impact upon the overall operation of the existing highway network. This has been demonstrated by trip generation analysis.
97. The access itself is considered to be acceptable in terms of its specification and location, although it would require the relocation of the existing 30 mph speed limit, to further to the west of Willington.
98. As the Highway Authority is satisfied that traffic generation levels would not impact on the local road network in a harmful manner, highway impact is considered acceptable. The objectives of Policies GD1 and T1 of the WVLP and the NPPF are therefore considered to have been met.

Ecology

99. The submitted ecological appraisal has identified that the site is of relatively low ecological value, with the potential to have only negligible impacts upon protected species. It is noted that bats may be roosting close to the site, and may use the site boundaries for commuting purposes, but are unlikely to be present on the site itself.
100. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010 (as amended) (the Regulations). The 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 license from Natural England.
101. In this respect, the County Ecologist has considered the submitted ecological appraisal and agrees with its findings, and also the mitigation measures that are proposed. Such mitigation measures include the retention of a buffer strip between the development and the Ancient Woodland, and the installation 10 bat roosting opportunities within the development, and 10 bird boxes.
102. Subject the securing of these mitigation measures by means of a planning condition, the application is considered to be acceptable and in accordance with the NPPF. As no license would be required, consideration of the derogation tests under the Habitats and Species Regulations would not be necessary.

Flood Risk and Drainage

103. The application is accompanied by a Flood Risk Assessment which finds that the site is not at significant risk of flooding. However, it can be subject to overland flows from the west. The area subject to these flows is towards the south western boundary of the site, closest to the Willington Burn. This area of the site is the lowest lying, and it is proposed to not develop this part of the site. It is therefore considered that the application is acceptable with regards to flood risk, and neither the Environment Agency nor the Councils' Drainage and Coastal Protection Team raise objections on this basis.
104. With regard to surface water drainage, there is no detailed scheme at the present time, with the application being only in outline form. However subject to surface water run-off being restricted to existing greenfield rates, and full details of such a scheme being submitted and agreed, then it is considered that the application is acceptable in this respect.
105. Turning to the disposal of foul sewage, it is noted that the sewage treatment works, to which the proposed development would discharge is nearing capacity and that it is potentially unable to accommodate such flows at the present time. Northumbrian Water acknowledge this fact, and has therefore requested that a condition be attached to any permission to secure full detail of works for the disposal of sewerage prior to the commencement of development. This will require the applicant to demonstrate that satisfactory means of sewerage disposal can be in place prior to any properties being occupied.

106. The application is therefore considered to be in accordance with Part 10 of the NPPF in this respect.

Residential Amenity

107. WVLP Policy H24 sets out acceptable residential design criteria, whilst Policy GD1 seeks to ensure that development respects the amenity and character of surrounding land uses. Objections from local residents have mentioned loss of amenity as a cause for concern. In this respect, the application is only in outline form and layout is a matter that is reserved for later consideration. Consequently, only limited assessment can be carried out at this time.
108. The site is generally well separated from existing properties, particularly as the necessity to avoid the area containing archaeological remains would essentially push the majority of the development further towards the western part of the site. This would result in more than acceptable separation distances to properties to the east of the site. A small number of properties are intended to be located at the south eastern corner of the site, and would be in closer proximity to existing properties, however it would appear that development could be accommodated here without unreasonable adverse impact upon the residential amenity currently enjoyed by the occupiers of existing properties. This would apply equally to those properties situated to the north of the site, on the opposite side of the A690.
109. With regard to levels of open space within the development, as previously discussed, this is considered to be particularly high in this instance and as a result, that no additional financial contribution, relating to Policies H22 and RL5 of the WVLP would be required.
110. In terms of noise, Environmental Health and Consumer Protection officers raise no objections to the proposed development, subject to noise levels experienced inside dwellings not exceeding acceptable levels, given that the site is close to a main road and a working farm. It is not expected that noise would be such an issue that it would lead to unacceptable levels of amenity that could not be mitigated. Nevertheless it is suggested that a noise survey be secured by condition, in order to identify what level of mitigation would need to be incorporated at the design stage. Noise and dust generated by the site during construction can be controlled by condition.
111. In response to the concerns of some objectors, it is considered that additional traffic noise as a result of traffic generated by this development would not be unreasonable, to the point that it would justify the refusal of the application on this basis.
112. The application therefore, insofar as it can be considered at this stage, is considered to be in accordance with WVDLP Policies GD1 and H24 in this respect.

Affordable Housing

113. In order to widen the choice of high quality homes and widen opportunities for home ownership, paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. Policy H15 of the WVLP seeks to secure an appropriate level of affordable housing on large scale residential schemes and is considered to be NPPF compliant in this respect.
114. The County Durham Strategic Housing Market Assessment identifies that a provision of 10% affordable would be required in this location, which would equate to 7 dwellings. The applicant has indicated that it is able to provide this provision, which can be secured via a Section 106 legal agreement.

115. Several objectors have raised concerns that the proposed development will contain affordable housing, on the basis that it will impact upon property values, have a negative impact upon the community and may lead to increased vandalism. In response to this, it is noted that the provision affordable housing is a key aim of both local and national planning policy, and that the provision of a wide range of homes, across the spectrum of affordability is fully in accordance with such policy. Furthermore there is no evidence that the provision of affordable housing, in itself, would lead to an increase in vandalism, or have a negative impact upon the community.
116. The application is therefore considered to be acceptable in this regard.

Other Matters

117. Coal mining legacy has been identified as an area of concern for some local residents, and it is noted, that in the absence of Coal Mining Risk Assessment, that the Coal Authority has objected to the application. However, it is considered that this issue is unlikely to be fundamental to the acceptability of the proposed development in principle, and that the necessary risk assessment can be secured by condition, with any necessary mitigation measures also being secured by condition also. Consequently, the application is considered to be acceptable with regards to land stability, in accordance with Paragraph 120 of the NPPF, which seeks to prevent unacceptable risks from pollution or land instability.
118. With regard to potential land contamination, the submitted Phase 1 Contamination Report finds that the site is at low risk from contamination, and subject to further investigation being carried out, and any required mitigation being identified and carried out, that the development can be adequately accommodated on this site. The Council's Environmental Health and Consumer Protection officer has raised no objection to the application on this basis, subject to the required work being secured by condition.
119. The Economic Development (Employability) Team note that the development could create both short term and long term apprenticeship or employment opportunities for local people. Consequently, a condition is suggested in order to secure Targeted Recruitment and Training measures.
120. Some objectors have raised concerns that local schools would not be able to cope with the additional demand associated with this development. The Council's Schools Places Manager has indicated that sufficient capacity exists with local schools in order to accommodate the calculated additional demand.

CONCLUSION

121. The application site lies outside of the settlement boundary of Willington, as defined by WVDLP Policy H3, and is therefore contrary to it. However, it is considered that significant weight cannot be afforded to this policy as it is not wholly consistent with the NPPF. In any event, it is considered that locationally, the site performs well, being situated on the edge of a tier 2 settlement which hosts a range of services and facilities. The indicative layout demonstrates that adequate pedestrian access could be provided for the site, meaning that access to existing services can be considered to be acceptable.

122. Furthermore, the location of the site, and the level of development proposed mean that the landscape impact would not be significantly adverse, and nor would the archaeological remains that exist on site be compromised. In this context, it is considered that the development can be considered sustainable, and despite being considered as being unsuitable for development in the SHLAA, those factors that weighed against its allocation have been addressed through the application process.
123. Whilst the presence of a five year housing land supply is such that policies for the supply of housing can be considered up-to-date, and accordingly, that the presumption in favour of sustainable development does not apply, this in itself should not be considered as a reason to withhold planning permission, and on balance, that the limited harm that would occur as a result of this development in terms of landscape impacts, does not outweigh the benefits of the scheme. Furthermore, the approval of this scheme would not prejudice the delivery of the County Durham Plan.
124. The proposed development has generated some public interest with representations reflecting the issues and concerns of local residents. These representations have been weighed along with other responses including those of statutory consultees. Whilst mindful of the nature of public concerns it is not considered that these are sufficient to outweigh the planning judgement in favour of the proposed scheme.
125. With all other matters being considered acceptable, the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 in order to secure a 10% affordable housing provision and subject to the following conditions:

1. No development shall take place until approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents:

LOCATION PLAN N81-2302 SL02

Reason: To secure an acceptable form of development that meets the objectives of Policy GD1 of the Wear Valley District Local Plan 1997.

3. No development shall commence until a coal mining risk assessment, including details of any required mitigation measures has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved mitigation details.

Reason: In the interests of land stability in accordance with paragraph 120 of the National Planning Policy Framework. This condition is pre-commencement as it concerns coal mining legacy issues which require investigation.

4. Prior to commencement of the development the developer must complete an Employment & Skills Plan for approval by the Council. Thereafter the development hereby approved shall be carried out in accordance to the agreed Employment & Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF. This condition is pre-commencement as it concerns construction workforce employment and takes early advantage of any employment opportunities.

5. No development shall commence until full details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority and in consultation with Northumbrian Water. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory means of foul drainage is provided on site due to the restriction in capacity of the Willington Sewage Treatment works. This condition is pre-commencement so that properties are not completed without adequate sewerage provision.

6. No development approved by this planning permission shall take place until such time as a scheme to provide a suitable method of surface water drainage has been submitted to, and approved in writing by, the local planning authority. This scheme must include details of how the developer proposes to restrict the discharge from the site to the existing greenfield rate, and should take account of the drainage hierarchy of preference, including infiltration tests, and SUDS principles. Any run off rate should be calculated on the future developed area only and not the whole site area.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water. This condition is pre-commencement so that properties are not completed without adequate drainage provision.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy as detailed in the approved document 'Housing Development at Willington, County Durham: A Written Scheme of Investigation (WSI) for Mitigation Excavation, Archaeo-Environment, 2015'

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

Reason: To comply with para 128 and 141 of the NPPF because the site has archaeological interest. This condition is pre-commencement so that the proposals to record archaeological assets are devised before construction works are undertaken.

8. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with Paragraph 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

9. 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, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

- (a) The phase 1 report has identified the potential for contamination therefore , a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- (c) 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. This condition is pre-commencement so that the potential for contamination can be understood before disturbance and any remediation can take place.

10. No development shall commence until an Arboricultural Method Statement and Tree Protection Plan is submitted to and approved in writing by the Local Planning Authority, and that any required tree protection works have been carried out in accordance with BS5837

Reason: To ensure that existing trees and hedgerows on the site are protected in accordance with Policy GD1 of the Wear Valley District Local Plan. This condition is pre-commencement so that all trees are adequately protected from damage.

11. Prior to the commencement of development the number, type, location and specification of pedestrian accesses shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy T10 of the Wear Valley Local Plan. This condition is pre-commencement so that provision can be adequately made for pedestrian accesses.

12. Notwithstanding any details of materials submitted with the application no work to external surfaces shall take place until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to meet the objectives of Policies GD1 & H24 of the Wear Valley District Local Plan 1997.

13. No development shall take place until a detailed acoustic report, carried out in accordance with BS 8233 and the WHO Guidelines on community noise, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The report shall identify whether sound attenuation measures are required to protect future residents from the transferral of sound from farming/industrial premises and from road traffic noise. In the event that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

55dB LAeq 16hr in outdoor living areas
40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)
30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700).
and 45 dB LAmax in bedrooms during the night-time

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan. This condition is pre-commencement so that mitigation measures must be factored into the construction of the development.

14. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. Said management strategy shall include but not necessarily be restricted to the following;
- i) A Dust Action Plan containing; the methods of suppressing dust; the methods to record wind direction and speed and the meteorological conditions at the site; methods of monitoring dust emanating at and blowing from the site.
 - ii) Details of methods and means of noise reduction
 - iii) Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner.
 - iv) Details of means of reducing the potential for mud on the roads in the vicinity of the site.

The management strategy shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The development shall be undertaken in accordance with the agreed construction management strategy.

Reason: In the interests of residential amenity having regards to Policy GD1 of the Wear Valley District Local Plan and having regards to Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

15. No construction/demolition activities, including the use of plant, equipment and deliveries, should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan.

16. The development hereby approved shall only be carried out in accordance with the mitigation measures proposed in Section F “Mitigation and Recommendations” of the report “Preliminary Ecological Appraisal – Land at Willington, Report no.2 Final July 2014” by E3 Ecology.

Reason: In the interests of protected species and biodiversity in accordance with Part 11 of the National Planning Policy Framework.

17. No development shall take place until a scheme to minimise energy consumption has been submitted and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in accordance with the approved scheme and retained so in perpetuity.

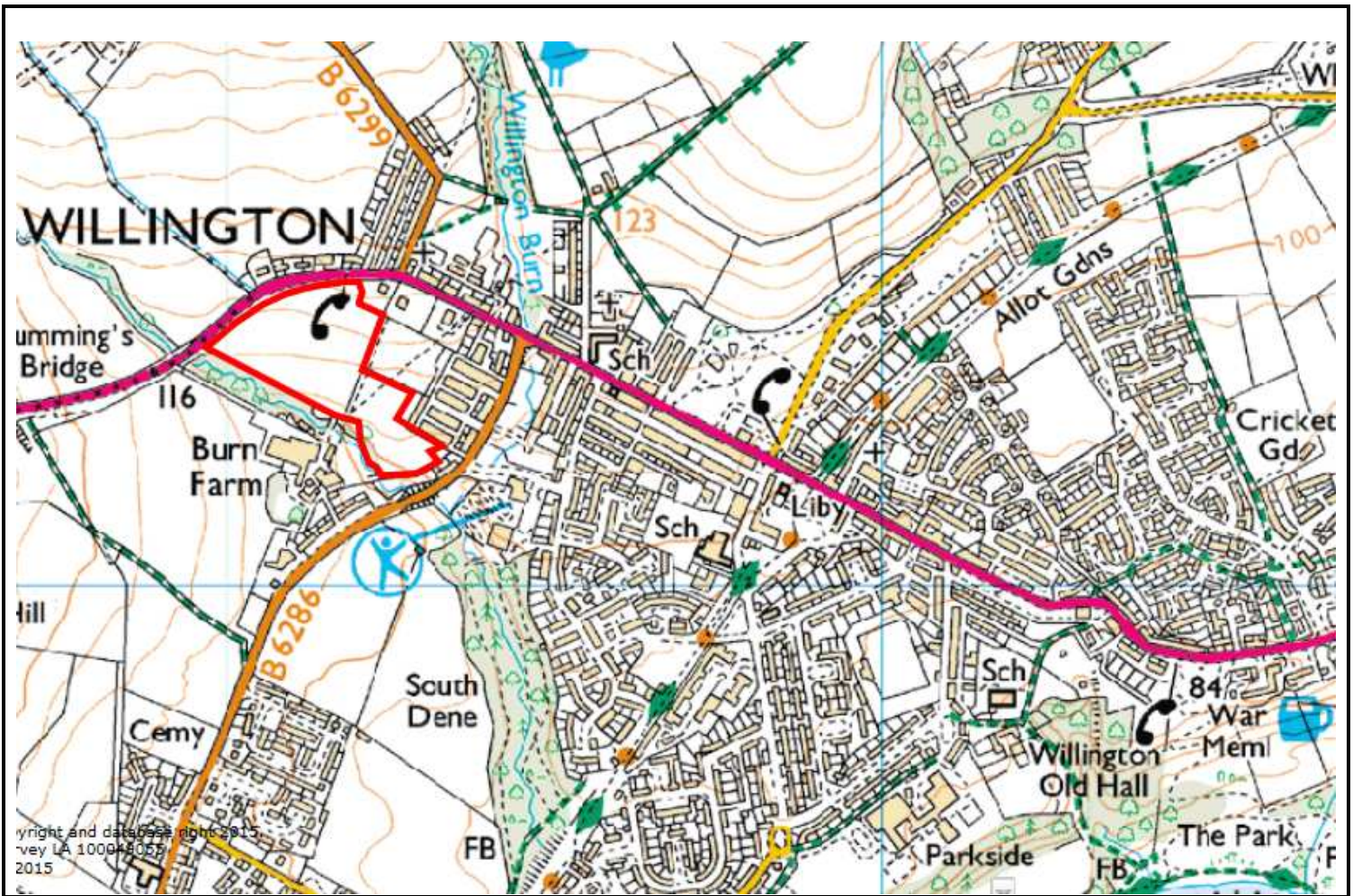
Reason: In the interests of sustainable construction and energy generation in accordance having regard to Part 10 of the NPPF. Required to be pre-commencement as the energy reduction scheme should seek to involve a fabric first approach designed and potentially implemented at an early stage.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- National Planning Policy Framework
- National Planning Policy Guidance
- Wear Valley District Local Plan 1997
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses




Planning Services

Outline application for up to 70 residential dwellings on Land Opposite 1 to 14 West Road, Willington (DM/14/02575/OUT)

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Comments

Date July 2015

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/15/01622/OUT

FULL APPLICATION DESCRIPTION: Resubmission of application DM/14/01692/OUT (Outline application (all matters reserved with the exception of means of access) for the erection of up to 49 residential dwellings and 2,000 sq ft of retail floor space (Use Class A1) with associated landscape and infrastructure.)

NAME OF APPLICANT: Mr Wayne Baister, Initial Developments

ADDRESS: Land opposite High View Country House, Low Road, Kirk Merrington.

ELECTORAL DIVISION: Ferryhill

CASE OFFICER: Steven Pilkington, Senior Planning Officer,
03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is an undeveloped parcel of agricultural land measuring 2.26ha in area located on the north-western edge of the village of Kirk Merrington. A level change is evident across the site, with the gradient falling away in a south westerly direction from the eastern boundary which forms the existing settlement limit of Kirk Merrington. Agricultural fields and a group of isolated buildings are located to the south of the site and to the west there are open fields. The adopted highway Low Road and two isolated dwellings are located to the north, beyond which lie agricultural fields. Two Public Rights of Way cross the site in an east-west direction. Approximately 0.12ha of the site is however located within the village envelope and the Kirk Merrington Conservation Area, bordered by residential properties and a Public House fronting the highway West View.
2. This application is a resubmission of a previously refused scheme seeking outline planning permission for the erection of up to 49 dwellings, including the means of access. The application is supported by a revised Planning Statement, Landscape Visual Impact Assessment and Heritage Assessment in order to try and address the previous reasons for refusal. There have been minor amendments to the positioning of dwellings on the indicative layout, however in all other respects the application remains the same and dwellings would remain a mix of semi-detached and detached houses and bungalows arranged around a series of cul-de-sacs. An upgraded vehicle access would be provided from an existing field access on to Low Road and would involve the removal of a section of existing hedgerow and a tree to improve

site visibility. The indicative layout shows that an 8m landscaping buffer would be provided to the western and southern boundary, along with areas of open space to the entrance and heart of the site.

3. Outline permission for a retail store 2000sqft in area is also proposed, located adjacent to the existing Fox and Hound's public house. It is proposed to serve this off the existing access on to the B6287, the main highway through the village, with a parking area proposed to the rear.
4. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

5. The previous application for an outline residential development was refused in December 2014 by the South and West Planning Committee for the following reasons:-
 1. *The Local Planning Authority considers that the site is not a sustainable location for significant new residential development, and represents a significant incursion into the open countryside in conflict with policies H8 and D1 of the Sedgefield Borough Local Plan, policies 15 and 35 of the Submission Draft County Durham Plan as well as paragraphs 7 and 17 of the National Planning Policy Framework*
 2. *The Local Planning Authority considers that the proposed development, as a result of its siting and scale in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Kirk Merrington, contrary to policies E1, H8 and D1 of the Sedgefield Borough Local Plan, policies 15, 35 and 39 of the Submission Draft County Durham Plan as well as paragraphs 7 and 17 of the National Planning Policy Framework.*
6. Consideration has previously been given to the suitability of the site to meet the projected demand for housing in the County Durham Plan through the Strategic Housing Land Availability Assessment (SHLAA). Following appraisal the site has been rated Amber due to the edge of settlement location with poor access to services and facilities. The site was considered to result in significant adverse landscape and visual impact, and have a detrimental impact on the Conservation Area.
7. Planning Permission for a housing development on part of the site was refused in 1988 and subsequently in 1989 based on a similar site area.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
10. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
17. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation

and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

18. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
19. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
20. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
21. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
23. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
24. *Saved Policy H18 – Acceptable uses within Housing Areas* – Sets out that shops up to 100sqm will normally be granted permission within residential areas.
25. *Saved Policy H19 – Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
26. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
27. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.

28. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
29. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
30. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
31. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
32. *Saved Policy D8 – Planning for Community Benefit* - Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

EMERGING PLAN:

1. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
2. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Highway Authority* – Reiterate previous advice in that although the development falls below the threshold requiring a formal Transport Statement the submitted statement has been reviewed and is deemed to be acceptable. No objections are raised regarding the proposed access on highway safety grounds. The surrounding road network is considered acceptable to accommodate additional vehicle movements associated with the development and satisfactory visibility splays could be achieved.
34. *Highways England* – Offer no objections
35. *Environment Agency* - Offers no objection, but advise that consultation is held with the local sewerage operator to ensure that sufficient capacity exists to accommodate additional flows.
36. *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.
37. *Spennymoor Town Council* – No response received.
38. *Ramblers Association* – Previously advised that any realignment of the public right of way should avoid the use of estate roads wherever possible and preference should be given to the use of paths through landscaped or open space areas away from vehicular traffic.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy Section* – Advise that the principle of developing the site as a residential extension to the existing settlement of Kirk Merrington would not be supported by the existing or emerging development plan, or the Council's approach to handling schemes in light of the Inspector's Interim Report. This site has not been identified as a housing allocation within the 'Submission Draft' of the CDP and the proposal therefore conflicts with the existing and emerging Local Plan (policies 15, 30 & 35) and the provisions of the NPPF (notwithstanding the limited weight to be attached to the CDP). Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the plan period, and there is sufficient land within the County earmarked for development to meet housing needs over the next 5-years and beyond. The NPPF advocates a plan-led system and should additional sites be required for allocation within the CDP, there are suitable/green SHLAA sites which are more sustainable than this application site and which would be prioritised for development.
40. *Design and Historic Environment Section* – In reviewing the supporting information it is still advised that the due to the steep topography of the application site and the well defined western boundary of Kirk Merrington the development would relate poorly to the existing settlement and would appear as an urban expansion. It is considered that this would have a negative impact on the setting of the conservation area and relationship with the existing village.

41. *Landscape Section* – In reviewing the supporting information it is still advised that development in this location would not form a natural extension to the settlement of Kirk Merrington, but would be a significant visual incursion into an attractive landscape. This would have a local, but significant adverse residual impact on the surrounding countryside, especially to the south and west within about 1km distance, and affect the setting of the village on approaching Kirk Merrington from the western flank. Whilst landscape mitigation measures are welcome, this would not be sufficient to mitigate the impact on the setting of Kirk Merrington, especially in the early years following development. Overall it is advised that the proposal would have significant adverse landscape and visual effects in conflict with saved policies of the local plan.
42. *Arboricultural Officer* -Offers no objection in terms of impact on trees.
43. *Archaeology Section* - Offers no objections, subject to the development being carried out in accordance with an agreed scheme of Archaeological investigation, recording and evaluation.
44. *Access and Rights of Way Section* – Advise that two recorded Public Rights of Way would be affected by the development and would likely need diverting. The surfacing of the sections of the Public Rights of Way leading from the development to the Fox and Hounds Car Park and to the South of the Croft should be upgraded.
45. *Ecology Section* - Has no objections, subject to the proposed mitigation measures detailed in the submitted ecological survey.
46. *Environmental Health Unit* – Offer no objections to the scheme subject to conditions relating to the control of noise generated from plant and machinery associated with the retail use and details of any of external lighting. It is also advised that the proposed development is not located in an area that will give rise to ‘sensitive’ receptors being exposed to elevated levels of local air quality pollutant levels.
47. *Contaminated Land Section* -Recommends the imposition of conditions requiring further site investigation, subsequent remediation and the submission of validation information thereafter.
48. *School Organisation Manager* – Highlights that the development would likely produce an additional 11 pupils of primary school age. It is advised that Kirk Merrington Primary School will have no additional capacity after 2018, if not sooner and therefore a contribution from the developer to fund additional classroom space equating to £100,430 would be expected.
49. *Sustainability Officer* – Considers that the site is considered to be classed as average in sustainability terms, recognising the benefit of the convenience store. However concerns are raised regarding the residual environmental effect of the development in terms of its landscape/visual impact and therefore the presumption in favour of sustainable development should not be supported. Carbon reduction initiatives would be required to be embedded within the development, and controlled by condition should permission be granted. An offsite contribution for offsite sport and recreation should also be secured.
50. *NHS Trust* – No response received
51. *Housing Officer* - States that a minimum affordable requirement of 10% would be expected on this site.

52. *Drainage and Coastal Protection Team* - Advise that a surface water drainage scheme should be developed prior to the commencement of development which utilises soakaways where appropriate, limiting discharge from the development to greenfield run off rates.
53. *Petroleum Officer* – Has previously advised that the site of the proposed shop used to be a petrol filling station. Records suggest that the storage tanks have been removed from the site and made safe from fire and explosion, however an informative is recommended that caution is taken during any excavation.

PUBLIC RESPONSES:

54. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 21 letters of objection have been received from 19 properties, in relation to the issues below:-
 - The proposal represents a greenfield development where conflict with the existing Local Plan planning policies and those of the emerging County Durham Plan. There are other housing developments on brown field sites in close proximity of the site, while there are considered that there are better sites capable of development within the village with more sustainable links. The site is identified as Amber in the SHLAA, not suitable for development whereas several green sites were identified around Spennymoor, Chilton, Ferryhill and Coundon. Development of this site will lead to over supply issues.
 - The demand and viability of the proposed shop is questioned as previous retail units have closed down, it is suggested that the village store is an empty gesture to comply with Government Guidelines.
 - The proposal would impact on highway safety due to increased vehicular movements caused by the development and the ability of junction and road network within Kirk Merrington to accommodate increase traffic flows. The assumptions and conclusions of the submitted traffic survey are brought into question as some data is based on the 2001 census. There are significant highway pressures on the main road running through Kirk Merrington, where crossing is dangerous, provision of the proposed shop and houses would exacerbate problems on the B6287. There is limited connectivity for pedestrians and cyclists to surrounding villages.
 - Concerns are raised regarding the potential loss of residential amenity including noise generated, privacy, overbearingness and loss of outlook due separation distances.
 - There are concerns regarding the capacity of schools and other amenities to accommodate additional residents, at present the school is not big enough to take all pupils from the village
 - Concerns are raised regarding the potential ecological impact on protected species, including bats which are reported to be present on the site in hedgerows and trees that are proposed to be removed.
 - The development would have an unacceptable visual impact encroaching onto surrounding countryside altering the form of the settlement also

impacting on the conservation area. This is principally due to the attractive undeveloped nature of the site and level changes.

- Concerns are raised regarding potential land contamination issues due to proximity of a former landfill site and tipping on the site.
- The ability of a suitable foul and surface water drainage system is questioned given the level differences on site and the level of infrastructure that would need to be provided to pump water.
- Limited amenity/play space is proposed to be provided in the development which is considered unacceptable.
- The development would have an unacceptable impact on Public Rights of Way crossing the site, these provide a recreation function for neighbouring residents.
- The representation of the level and outcome of the community involvement highlighted in the application is brought into question.
- A planning application in 1988 was turned down, the objections raised then are still valid today. Planning permission for garden extensions into the application site have previously been refused.
- The proposal is virtually the same as that submitted last year, nothing has substantially changed to invalidate the reasons given for rejecting the proposal.
- Letters of support tend to originate from outside of the village.

55. 20 letters of support including a letter from a local land agent have been submitted in relation to the application as summarised:-

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

- Developer interest in the housing site has been expressed while advising that Spennymoor and Kirk Merrington are considered two distinct housing areas.
- Interest has been expressed from a potential retailer of the convenience store.
- The increase in traffic in the village was not caused by people living in the village, it was due to the reconfiguration of Thinford roundabout, traffic will naturally increase regardless of the proposed development.
- Sewage and drainage issues can be dealt with by technical solutions.

APPLICANTS STATEMENT:

56. This application is a re-submission of application DM/14/01692/OUT. Following pre-application discussions with Council officers, this re-submission addresses the reasons for refusal of the previous scheme.
57. Since the previous planning application was determined, the local planning policy context has changed significantly, following the Inspector's Interim Report on the County Durham Plan ("CDP") meaning very limited or no weight can be attributed to its policies.
58. The applicant undertook extensive consultation with local members and the community. The feedback from the community is set out within the Statement of Community Involvement, which demonstrates that, while there is clearly a mix of views within the local community, there is no overwhelming objection to the scheme.
59. The National Planning Policy Framework (2012) ("NPPF") is explicit that housing applications should be considered in the context of the Presumption in Favour of Sustainable Development and policies relating to the supply of housing should not be considered up-to-date where there is no 5 year housing land supply ("5YHLS"). The NPPF makes clear that where housing policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
60. Given the current status of the CDP and the Inspector's concern towards housing allocations in the CDP at present, there is no basis for the inclusion of draft allocation sites within the 5 year land supply, and in this context those sites without planning permission should be omitted. As such, the Council is not able to demonstrate a 5YHLS.
61. Against this background, the NPPF makes clear that a presumption in favour of sustainable development applies. The applicant has considered all three strands of sustainable development through the submissions made with the application.
62. In economic terms, the proposals will lead to a significant range of economic benefits including private sector investment into the local economy of circa £4 million; new construction employment and employment in the convenience store; and almost £400,000 in New Homes Bonus payments and around £80,000 in Council Tax revenues.
63. Detailed work has been undertaken to consider the environmental impacts of the revised scheme. A Landscape and Visual Impact Assessment concluded that the development of the site for housing would not significantly affect the character of the

wider landscape while a Heritage Impact Assessment concluded that the impact of the development upon the Conservation Area and upon listed and locally listed buildings within the Conservation Area would be negligible. More generally, the proposed layout seeks to protect residential amenity and reflects the character of Kirk Merrington.

64. The proposal will deliver a range of significant social benefits including the provision of new market and affordable homes and homes for the elderly in a sustainable location. The development proposed lies in close proximity to and will help to support a range of existing local facilities including Kirk Merrington Primary School / Pre-School and Kirk Merrington Community Centre. The proposal incorporates a small convenience store and will therefore deliver a new shopping facility (in a settlement which does not even have a local shop) to the benefit of the wider community. Given the current status of the County Durham Plan, the Council is not able to demonstrate a 5YHLS as required by the NPPF. The NPPF makes clear that in this scenario, development that is sustainable should be approved without delay, unless there are significant and demonstrable adverse impacts.
65. In the context of the applicant's consideration of the economic, social and environmental impacts of the scheme, it is clear the application proposals constitute sustainable development and, in the absence of any significant adverse impacts, the application should be approved – in line with the presumption in favour of sustainable development set out in the NPPF.

*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=NORDWQGDKWI00>*

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

67. The housing element of the scheme is located outside of the residential framework of Kirk Merrington, where saved policy H8 of the Sedgefield Borough Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing other than in exceptional circumstances. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.
68. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. It is considered that the general approach of policies E1, H8 and D1 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development. It is however recognised that the NPPF promotes a more flexible approach to settlement growth and development.

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

NPPF

70. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles, whilst Paragraph 17 identifies 12 core land use principles. These include identifying that planning should be planned, take account of the character of different areas, recognise the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. The key matter in applying the NPPF relates to directing development to sustainable locations.
71. The NPPF states that where a Local Planning Authority cannot demonstrate a 5 year housing land supply of deliverable sites, its housing policies should not be considered to be up to date. The Council's Spatial Policy Team has confirmed that the Council can demonstrate an adequate supply. This supply has been disputed by the applicant, due on the differences in the growth rates and resultant housing land requirements set out in the CDP and the interim findings of the Planning Inspector. Whilst the Inspector's findings are interim and the Council remains committed to the economic ambitions set out in the Plan, following legal advice for the purposes of assessing the 5-year supply, the Council is to have regard to the Inspector's conclusions as to the housing land supply requirement, even though the Council may disagree with it. Until the Court has determined the judicial review claim, the Inspector's conclusions on the five year housing land requirement may be given significant weight. Consequently, its housing policies are considered to be up to date in this regard. Whilst it is recognised that schemes should not be resisted solely on housing oversupply grounds, this does enable the LPA to be more selective over which sites it does release, to ensure that the most sustainable and appropriate sites are brought forward for development.
72. In regards to the sustainability of the site, Kirk Merrington is identified as a medium-sized village (4th tier) containing limited services and employment opportunities. Consequently, residents of the settlement are likely to be reliant upon accessing employment and main shopping requirements in higher order neighbouring settlements such as Spennymoor, Bishop Auckland and Chilton, as well as further afield in Durham City and Newton Aycliffe. These trips are more likely to be made using the private car and the site is not considered to be as accessible to shops, services and facilities as proposed housing sites identified within the emerging CDP. Any development which does take place in medium-sized villages therefore needs to be commensurate with the role and function of the settlement. The provision of up to 49 dwellings is made up of a significant addition to Kirk Merrington that currently consisting of 414 houses and a population of 739 (County Durham Settlement Study 2012). It is accepted that the formation of a retail store would improve the sustainability credentials of the village. However the provision of this is not considered to significantly change its sustainability as a whole in comparison to larger villages and towns in the vicinity of the site where more sustainable sites could be brought forward.

County Durham Plan

73. The NPPF advocates a plan-led system and the most sustainable settlements (and sites within them) for development are identified in the CDP. Paragraph 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. As highlighted above the County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight.
74. Policies 15 and 35 are of relevance to the consideration of the proposal. However because of the significant objections received and the lack of comment by the Planning Inspector only very limited weight can be afforded to these policies.
75. Policy 15 of the CDP makes provision for development on unallocated sites within built up areas. The CDP provides a definition of a built up area as being land contained within the main body of existing built development of a settlement identified in the Settlement Study. Land on the edge of a settlement can be considered to be part of the built up area where it is physically well contained by existing built development and its development would not result in coalescence with neighbouring settlements or encroachment into the countryside such that it would cause significant adverse landscape or townscape impact.
76. The housing element of the scheme would be located beyond the edge of the current settlement, on land that is not well contained by existing built development, and additional housing would not consolidate the existing built form of the village. The site is not considered to form part of the built up area, and the development would instead form an extension of the settlement into the countryside. Consequently, the proposal cannot draw support from Policy 15.
77. As the site is situated within open countryside, it is appropriate to assess the proposal against Policy 35. This makes provision for development in the countryside where it is in accordance with a proposed allocation, is necessary for rural business purposes, would support local services, enhances environmental or tourism assets or involves the reuse of heritage assets or existing redundant buildings. It is considered that the proposal fails to meet any of these criteria, and consequently is considered to be contrary to this policy.
78. The main town of Spennymoor is located approximately 1.5 miles to the north of Kirk Merrington where there are a number of sites earmarked for housing development through extant planning permissions. These include Merrington Lane where the former factories of Electrolux and Thorns were previously located. Whilst Barratt Homes are now on part of Merrington Lane delivering their 366 unit scheme, the former Electrolux site has no committed developer despite benefitting from outline planning permission for 425 homes. Granting approval on an attractive greenfield site on the edge of Kirk Merrington could impact on both the deliverability and build out rates of sites within Spennymoor. From both a sustainability, and realisation of plan objectives perspective, the priority is to see those previously-developed sites on the edge of Spennymoor brought back into productive use through development for housing. Schemes such as the proposed have the potential to compete with, and undermine the delivery of these sites. The applicant does contend that Kirk Merrington and Spennymoor are two distinct housing market. However given the distance between these areas this view is not shared.

Potential Benefits

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

Infrastructure

82. Saved Policy D8 of the Local Plan sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. In this instance the Local Education Authority has highlighted that Kirk Merrington Infant School will be at capacity in 2018. It is calculated that a development of 49 dwellings (discounting the 6 bungalows for older persons) would likely generate 11 pupils of Primary School age. Based on a breakdown cost of £9130 per pupil a figure of £100430 has been requested to contribute towards offsetting the cost of providing this additional accommodation and facilities, which could include the provision of a drop off area for children. The applicant has indicated a willingness to provide this contribution which would need to be secured through a S106 agreement. To date no agreement has been received, however this could be dealt with as part of the appeal process and therefore a reason for refusal on this basis could not be sustained.

Visual Impact and impact on Conservation Area

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

could be developed that would preserve or enhance the Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety and accessibility

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

Impact on amenity of adjacent residents and future occupants

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

95. Objections have been raised by local residents regarding the loss of views from the residential properties of the Croft and Merrington Heights. While residents would experience a reduction in outlook, a loss of a view is not a material consideration which should be afforded any weight in the determination of this application.
96. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 2940sqm across the scheme. Although the site layout indicates an open space provision, this falls short of the policy target. The applicant has indicated a willingness to enter into a S106 agreement for an offsite contribution. To date no agreement has been received, however this could be dealt with as part of the appeal process and therefore a reason for refusal on this basis could not be sustained. Alternatively this is a matter that could be covered by condition to ensure that any reserved matters application reflects this requirement
97. A land contamination survey has been undertaken on the site which identifies the low risk of contaminants being present. The Council's Land Contamination Officer considers the findings of the report sound subject to conditions requiring appropriate site investigations.

Ecology

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

Flooding and Drainage

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

Other Issues

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

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

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

CONCLUSION

104. Applicants are procedurally entitled to resubmit applications that are substantially the same within 12 months of a determination of an earlier decision and the opportunity has been taken to do this and to try and address concerns that were previously identified with the scheme determined in December 2014. However it is considered that while there have been some further minor modifications, analysis and justification for what is proposed, these steps do not address the key issues that were highlighted in the reasons for refusal.
105. The resubmitted scheme has been re assessed against relevant policy documents and other material considerations and it is concluded that the development would still represent an unacceptable encroachment into the countryside that would have an adverse visual impact on the surrounding landscape. It is therefore considered that the application conflicts with policies E1, H8 and D1 of the Sedgefield Borough Local Plan, which are considered consistent with the NPPF in this respect.
106. Although the scheme would make a contribution to housing supply, and has the potential to provide a proportion of affordable housing, the promotion of growth and development should not be at the expense of other elements of sustainable development. It is considered in this instance that these potential benefits and others listed do not outweigh the adverse visual impacts of the development and the poor accessibility of the site to services in comparison to surrounding settlements. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, and plan led approach to provision within the CDP, although very limited weight can be afforded to these policies at this stage. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.
107. Although the applicant has confirmed a commitment to securing affordable housing on site, this does not override other considerations.

RECOMMENDATION

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

1. The Local Planning Authority considers that the site is not a sustainable location for significant new residential development, and represents a significant incursion into

the open countryside in conflict with policies H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.

2. The Local Planning Authority considers that the proposed development, as a result of its siting and scale in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Kirk Merrington, contrary to policies E1, H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

County Durham Plan (Submission version) and

Affordable Housing & CIL Development Viability Study

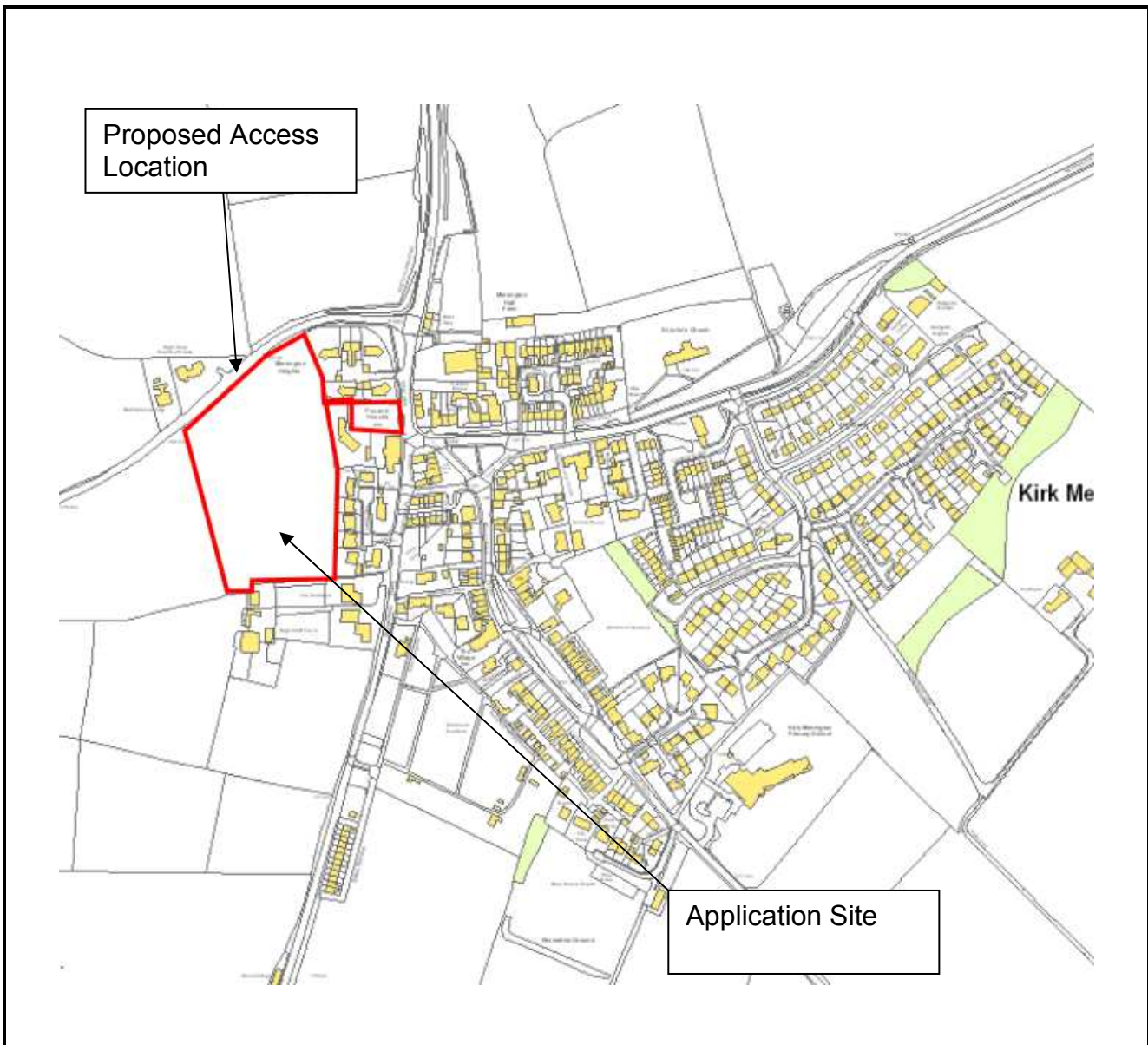
Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited.


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

Representations received from the public and other representative bodies

Assessing Development Proposals in County Durham - Council Policy Position Statement following receipt of the Interim Inspector's Report into Stage 1 of the Examination of the County Durham Plan 10th June 2015

Planning application files DM/15/01622/OUT and DM/14/01692/OUT



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of retail store and 49 dwellings (outline)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 9th July 2015</p>	<p>Scale 1:5000</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01280/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing building and construction of new pitched roof building
NAME OF APPLICANT:	Sedgefield Out of School Fun Club,
ADDRESS:	Sedgefield Out of School Fun Club, Sedgefield Primary School, Rectory Row, Sedgefield
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Hilary Sperring, Planning Officer, 03000 263947, hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to the Sedgefield Out of School Fun Club. The Club provides child care facilities for 3 to 14 year olds. A maximum of 34 children may attend at any one time. The club currently operates from an existing single storey pitched roof building located in the south west corner of Sedgefield Primary School site. The site is positioned centrally within Sedgefield just outside the Sedgefield Conservation Area. Residential dwellings are situated to the north and west, with a footpath and field to the south and the main school buildings and grounds to the east. The school site includes vehicle access from the north via Burton Mews. The site slopes west to east and also in a north south direction and there is an approximate level change of approximately 0.5 metres across the site.
2. The proposal involves the demolition of the existing demountable building used by the Club and its replacement with a new pitched roof building. The existing structure measures approximately 9.4 metres in width (not including the access ramp) by 19 metres in length and has a maximum roof height of 4.8 m from ground level (3.9m to eaves).
3. The proposed building measures approximately 7.8 metres in width, 21.6 metres in length and would extend to a maximum ridge height of 6.2 metres and 2.6 metres to eaves level (taking account of level differences on the site). The building would incorporate a central double entrance door and windows on the front elevation facing east into the school site. Additional doors and windows on the side elevations are

also proposed together with high level windows on the rear elevation (serving toilet areas). Six roof lights three on each elevation would be inserted within the roof.

4. The building would provide two levels of accommodation. An infant, junior and craft area along with toilets, stores and kitchen would be situated on the ground floor. First floor level space within the roof would be utilised to provide a junior area and office. The external walls of the new building would be constructed of thermo wood and the roof would be slate. The doors and windows would be timber with a painted finish.
5. This application is being reported to Planning Committee following a request from Councillor Robinson due to the impact of the proposed building upon the view and outlook of Pinfold Cottage (a grade II listed building), the nearest property to the building. Residents query why the building cannot be built on the site of the former demountable classroom so not to affect any other property.

PLANNING HISTORY

6. There is no planning record of the existing demountable. However it has been in situ for a considerable period and appears on the 1980's map base.
7. In 2013 an application was submitted for demolition of a detached classroom block on the site boundary just to the north of the Fun Club. It was determined that prior approval of the details was not required and this has now been removed.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is referenced where necessary within the report.

LOCAL PLAN POLICY:

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
17. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
18. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
19. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

20. *Saved Policy L11 – Development of New or Improved Leisure and Community Buildings* – The council will normally grant planning permission for new leisure and community buildings and encourage improvements to village halls, leisure and community buildings that improve the range and quality of facilities available, provided that the proposal meets certain criteria.
21. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas

EMERGING PLAN:

22. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the ‘saved’ elements of the Durham City Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
23. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector’s Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
24. A neighbourhood plan is in the process of being produced by the community setting out the preferences for how existing land and infrastructure should be used to enable controlled growth and development of housing, amenities and other facilities in the future. However this plan is at the early stages of its preparation and therefore it can be afforded only very limited weight.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Highway Authority* – Deemed to be acceptable from a highways point of view.

26. *Northumbrian Water Limited* – No comment

27. *Sedgefield Town Council* – Whilst supportive of the Out of School Hours Club and recognising the important role the club plays, nevertheless objects to the application. It is considered that a larger two storey building will impact significantly upon ‘the right to light’ of nearby resident properties as the replacement building is higher and also longer. It is also noted that the planning application includes a number of inconsistencies, reference to another site and is lacking in terms of information and correct details. It is stated that nearby residents have also expressed their concerns to the Town Council regarding the application and their perceived lack of consultation.

28. It is therefore requested that the application is amended to ensure the existing roof line is not exceeded. The site of the recently demolished Arts building is also felt to be a more appropriate location.

29. *Sport England* – No comment

INTERNAL CONSULTEE RESPONSES:

30. *Design and Historic Environment Section* – No objections are raised to the proposed development subject to details of the proposed materials and colour scheme being submitted and approved before any development commences.

31. *Ecology Section* - Consider the likely risk of the presence of bats is low and therefore have no objections to the proposals. It is recommended that an informative be included on any consent to ensure breeding birds are not affected by the proposals.

32. *Environmental Health Unit* – Provided an initial response that raised no objection to the development in principle subject to appropriate conditions to minimise the environmental impacts.

33. A second response was received following the receipt of additional information that raises queries about odour, ventilation and external lighting controls in association with the use and requests more details.

34. *Public Rights of Way* – Note that Sedgefield Public Footpath No. 14 lies adjacent to the southern boundary of the site. The footpath will not be directly affected by the proposed new build. However, the proposed demolition works and or new building works may have a negative impact on the users of this footpath. It is recommended that a condition be imposed to ensure the safety for users of this path for the duration of works. Should it not be possible to achieve this then a temporary closure of the path will need to be applied for.

PUBLIC RESPONSES:

35. The application was initially publicised by way of 2 site notices, and notification letters to neighbouring residents. 4 letters of representation have been received, from three households.

36. A representative on behalf of the occupiers of Pinfold Cottage objects. It is appreciated that the Club is an important village facility but consider that the proposals will have an adverse impact upon this property, directly overlooking the garden and living accommodation which is emphasised by the inclusion of skylights. The height of the building will also severely affect right of light of the garden. The building should be sited adjacent to the existing building on the site of the former art classroom where existing services exist to supply the building.
37. The occupiers have also commissioned a representative who has provided separate comments on the content of the application and drawings including the inadequate level and quality of information available. Particular reference is made to the height of the proposed building and its proximity to neighbouring properties.
38. The occupiers of 16 West End also object to the application due primarily to the increased roof height and the inclusion of windows within the roof. The development would impact upon privacy and obstruct outlook from the garden. Queries about a possible conflict of interest are raised in that the final decision on the application rests with the Council which owns the site.
39. The occupiers of the Coach House object to the increased height of the building which would spoil the view from the house and garden toward the church.
40. Neighbours were re-consulted following the submission of additional information including a daylight assessment and further drawing but no further responses have been received to date.

APPLICANTS STATEMENT:

41. Sedgefield out of School Hours Club operates from the grounds of Sedgefield Primary School. The building is fifty years old, was never meant to be permanent and is at the end of its useful life. There is no level access to the current building with the access ramp being condemned. Asbestos, although safely sealed off has been found in the building. Insulation levels are low, heating costs are high and the current space gives little opportunity for the diversity of activity which the age range requires. There are currently over 80 families registered with the club providing child care for 3-14 years old.
42. The proposed new building will incorporate a ground floor, activity rooms with an arts and crafts area, quiet reading area and a large kitchen. A mezzanine floor for older children will enable further diversification of activity. Our proposal will provide a cost effective solution with vastly improved operating environment enabling us to meet an increase in demand and provide for children of all ages.
43. The building being replaced on the existing site has been proposed for the following reasons: All services are in place, electricity, gas, water which will make it more cost effective to rebuild on that site. The adjoining site has only water and electricity services in place. The proposed position allows all round vision of the playground from inside the building providing much needed security and surveillance. This proposed position allows the club staff to see both exits at all times. If the building was to be sited on the adjoining site (old art building) there would not be full vision of the playground and only one exit would be in view, thus compromising our security and surveillance. Other than the additional costs and child safety issue the boundary wall behind the current building is in a very poor condition. As this wall would then become the playground boundary wall (at present the club building provides a buffer). It will need replacing by security fencing at a joint cost by the school and neighbours as this is a shared wall.

44. Sedgefield out of School Hours Club has operated from the current building for 20 years, all neighbouring residents who have objected bought their homes within the last 20 years. The current building is within the playground of Sedgefield Primary School current number of children 193 far exceeding the number who use or could potentially use the club. There will be no impact on the noise level.
45. As regards the 'right to light' to nearby properties the daylight study shows no adverse effect.
46. As regards the perceived lack of consultation the nearest objecting neighbour visited the club on at least two occasions and the contractor and club manager visited them prior to the application being submitted. They have spoken to the architect and the building contractor on at least two occasions.
47. With regard to the windows overlooking gardens. The sill of the skylights is set at 1.7m above finished floor level, children will not be able to see into adjoining gardens. The windows in the current building are at eye level and much larger, neighbours privacy has determined both the size and placing of the windows within the new building.

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=N9SHZ7GDHLV00>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

49. At the heart of the NPPF is a presumption in favour of sustainable development. Policy L11 of the Local Plan relates to the development of new or improved leisure and community buildings. The Council will normally grant planning permission for new leisure and community buildings and encourage improvements to others, including leisure and community buildings that improve the range and quality of facilities available provided that the proposal complies with set criteria. This includes where the application site is within a named towns and villages, the proposal does not significantly harm the living conditions for nearby residents, is appropriate in location to the scale and character of the surrounding area and the proposal makes provision for car parking and access in accordance with policies.
50. The application site is located within the framework of Sedgefield and would replace a similar structure in the same location, the principle of development is therefore considered acceptable subject to the consideration of the detailed issues below.

Impact on amenity of adjacent residents and future occupants

51. Policy D1 of the Local Plan requires that the layout and design of new developments take into account its relationship to adjacent land uses and activities, whilst Policy L11 seeks to ensure that proposals do not significantly harm the living conditions for nearby residents.
52. The main issue for consideration relates to the potential impact of the proposed building upon the amenity of nearby residential occupiers. As outlined above numerous objections have been received to the possible impact of the proposals upon neighbouring properties adjoining the site.
53. Pinfold Cottage (not listed) is situated immediately to the west of the site of the proposed building. The dwelling, a bungalow (with some accommodation within the roof space) has habitable room windows on the rear elevation and the rear garden is separated from the site by a wall approximately 1.8 metres in height. The closest part of this residential property would be in the region of 17 metres from the rear wall of the proposed building. 16 West End, a two storey dwelling is positioned to the north west of the site. The property includes garden area and detached garage and accommodation which would be approximately 7 metres from the proposed building, albeit at an oblique angle. The Coach House is also two storey and would be positioned to the south west of the end elevation of the proposed building, separated from the site by footpath.
54. The application includes a Daylight Assessment which shows the shadow pattern for the proposed building and also a drawing showing sections through the existing and proposed building. The existing building sits, in part on raised brickwork. The ground level of the proposed building would be lower than the existing but includes a steeper roof pitch which would allow the additional accommodation within the roof space. This would result in the new building being approximately 1.5 metres higher than the existing although the eaves level would however be lower than the existing building. There are however level changes across the site. The rear elevation of the proposed building would be in a similar line to the existing. The new building would also be longer than the existing increasing the building length along the boundary.
55. Given the size and location of the proposed building and relationship, orientation and distance from neighbouring properties it is not considered that it would result in any significant overshadowing, visual intrusion or be so overbearing to warrant a refusal of the current application.
56. Objections have also been received in respect of loss of privacy, overlooking and the position of windows and rooflights. Windows are in the main positioned on the front elevation of the building facing east into the main school site. The proposals include a number of rooflights in both the front and rear elevation of the building (3 in each). The base of the rooflights would be located 1.7 metres above the proposed first floor level. Windows on the rear elevation of the building are also high level and would serve proposed toilet areas. These windows are openable. On the side elevation facing north a door is proposed. Given the position of the windows it is considered that the proposals would not result in any material overlooking or loss of privacy to neighbouring properties or their associated curtilage.
57. In relation to noise a condition is recommended in line with comments from the Environmental Health Officer to ensure that the rooflights on the rear elevation of the building are non-opening. The agent has advised that the proposed kitchen would only cater for light lunches and cold snacks and therefore an odour extractor will not be required. It is however recommended that conditions are attached in respect of any extraction or ventilation which may be required and also external lighting. Informatives are also recommended in line with their comments.

58. The current proposals would provide improved facilities for an established club on an existing site, which has operated from the site for some time. The proposals include a larger building and additional accommodation to provide additional accommodation for different age groups within the existing club and it is not proposed to increase number of members at the current time. Given the level of activity already taking place the current proposals are therefore not considered to result in any significant new impacts upon local resident's amenity, in terms of noise and disturbance and the building would continue to provide some noise attenuation from activities taking place in the playground. The application is considered acceptable in terms of its relationship to adjacent land uses and activities in accord with policy D1 of the Local Plan in this respect.
59. The current proposals have been assessed in the light of relevant planning policies and issues of 'right to light' are considered to be separate civil issue outwith the planning system.
60. Comments in respect of loss of views have also been taken into account however, it is not considered that a refusal could be sustained on these grounds.
61. Taking into account all representations received and for the reasons outlined above, the proposals are considered acceptable in terms of potential impact upon residential amenity and the relationships of the proposals with existing land users. The proposals are therefore considered in accord with policies D1 and L11 of the Plan in this respect.

Design and Visual Impact

62. Local Plan Policy D1 seeks to ensure development takes into account of the site's natural and built features and its relationship to adjacent land uses and activities and attention to the design of buildings and their spatial relationships to open spaces, landscaping and boundary treatment to help create a sense of place. This is reflected within section 7 of the NPPF which sets out that good design is indivisible from good planning.
63. The existing Primary school buildings are functional in their appearance. The proposed replacement building would be positioned within the south west corner of the site in a similar position to the existing which is an old demountable type of construction and in a poor state of repair. It is acknowledged that the building is both longer and higher than the existing however the proposed footprint, massing and form of the building is considered acceptable to the location. The walls of the new building are to be constructed of thermo wood the roof to be slate (not plastic tile) and the doors and windows timber with a painted finish. The Design and Conservation Officer raises no objection to the proposals subject to details of the proposed materials and colour scheme being submitted and approved before development commences. Subject to condition it is considered that the proposals would be in keeping with the character and appearance of the wider area and represents a visual improvement on the existing structure.
64. Local Plan policy E18 and part 12 of the NPPF seek to preserve the historic environment, particularly the character and appearance of Conservation Areas. The site however lies just outside of the Sedgefield Conservation Area, with the boundary of such immediately to the west of the application site and along the northern boundary of the wider school site. Nevertheless the proposals are not considered to detract from the character and appearance of the setting of the Sedgefield Conservation Area also.

65. The proposal is therefore considered to satisfy section 7 and 12 of the NPPF and Local Plan policies D1, L11 and E18 and section 72 of the Act.

Highway Safety and accessibility

66. Saved Local Plan Policies D1 and D3 requires that development proposals not only to accommodate users, but make satisfactory and safe provision for the needs of pedestrians, cars and vehicles etc, be provided.

67. The proposed replacement building would not, it is considered, impact on the existing access arrangements to the site or on-site car parking provision. The Council's Highway's Officer deems the proposals acceptable from a highways point of view.

68. The proposal is therefore considered to comply with policies D1, D3 and L11 of the Local Plan in this respect.

Ecology

69. Paragraph 11 of the NPPF requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The Ecology Section are satisfied that the likely risk of presence of bats is low and therefore have no objection to the proposals. It is however recommended that an informative be included in order to ensure breeding birds are not affected by the proposals. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Other Issues

70. Comments from the Rights of Way Officer are noted in respect of Sedgefield Public Footpath No. 14. It is therefore recommended that a suitably worded informative be attached in line with these comments.

71. There is a minimum national standard of requirements in terms of forms and plans which it is considered to have been met in the case of this application and considered sufficient to allow the application to be processed. Additional information has been sought and provided and further re-consultation undertaken.

72. Issues raised by the objectors also relate to information contained within the submitted planning application forms and supporting documents. The size of the proposed building is 147 square metres. In terms of car parking spaces these would appear to relate to the school site.

73. The submitted drawings are all drawn to a metric scale and although not all dimensions have been written on the drawings, all relevant measurements can be scaled.

74. The application relates to planning permission only and details in respect of foundations and Fire Regulations do not need to be included within a planning application. A separate consent would also be required under the Building Regulations Approval and it is understood that this would need to be agreed by through approval.

75. In terms of disabled access the proposed building would be positioned at a lower level than the existing and it is considered that access to the building could be provided straight from the school yard.
76. It is noted that an asbestos survey had been submitted by the agent which relates to a different site, a point raised by the Town Council. This has been raised with the agent who has confirmed that asbestos is present in the existing building and this shall be removed safely by a professional and competent company. The removal of asbestos is subject to separate legislation. It is therefore recommended that an informative be attached in the event of an approval for the applicants to contact the Health and Safety Executive regarding the requirements for its disposal.
77. Amendments have not been sought in this case with regard to reducing the height of the roof or relocating the proposed building. The applicant wishes the proposals to be considered on the basis of the submitted plans for reasons they have outlined within their statement.
78. Residents nearby have also expressed their concerns to the Town Council regarding the application and the perceived lack of consultation. The application has been published by way of individual letters of notification being sent to nearby properties (21 in total and also to Sedgefield Primary School) and two site notices in the vicinity of the application site. Following the receipt of additional information and drawing a second notification letter was sent out to all those who were originally notified in respect of the application and also those who had made representations. This letter advised that additional information had been received and giving a further 14 day period in respect of making any additional comments. The level of publicity undertaken is therefore considered to have fulfilled the requirements in respect of necessary public notification.
79. The consideration of the current proposals by the Planning Committee would not represent a potential conflict of interest despite the building being located on County Council owned land. The Local Planning Authority is required by law to determine planning applications and does so in the light of the development plan and other material planning considerations.

CONCLUSION

80. The proposals involve the provision of a replacement community facility on an existing school site. The building would be a direct replacement for an existing building in this location and would provide improved accommodation albeit within a larger footprint and to extended building dimensions.
81. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the replacement building would represent development in a sustainable location.
82. From a detailed perspective the proposals would introduce changes to an existing situation and the relationship to neighbours property in particular. However, the proposals are considered acceptable in terms of potential impact upon residential amenity and relationships with existing land users. The proposals are therefore considered to accord with policy D1 of the Local Plan in this respect.
83. From a visual viewpoint the building would be an improvement on the existing demountable and is considered to be in keeping with the character and appearance of the wider area and would not adversely affect the adjacent conservation area. The

proposals would be unlikely to affect highway safety or parking and the scheme would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

84. Taking into account all other issue raised there are no material consideration which indicate the scheme should be determined otherwise and therefore the application is recommended for approval.

RECOMMENDATION

Recommendation that application DM/15/01280/FPA is:

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:

Drawing 001 Proposed floor layouts received 24 April 2015

Drawing 002 Proposed elevations received 24 April 2015

Drawing 003 Location Plan received 24 April 2015

Drawing 004A Block Plan received 30 April 2015

Drawing 006 Existing Plan and Elevations received 8 June 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies D1, D2, D3 and L11 of the Sedgefield Borough Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with policies L11 and D1 of the Sedgefield Borough Local Plan.

4 Details of any fume extraction that may be required to accord with current DEFRA guidance on the control of odour and noise from the kitchen shall have been submitted to, and approved in writing by, the Local planning authority. The approved scheme shall be installed prior to the use commencing and shall be operated at all times if cooking is being carried out on the premises.

Reason: In the interests of the residential amenity of existing neighbouring properties and future occupants in accordance with policies D1 and L11 of the Sedgefield Borough Local Plan.

5 Notwithstanding the submitted plans the rooflights within the western roof slope of the proposed building shall be fixed shut and thereafter retained as such.

Reason: In the interests of the residential amenity of neighbouring residents in accordance with policies D1 and L11 of the Sedgefield Borough Local Plan

6 Details of any external lighting that may be required shall be submitted to, and approved in writing by, the Local planning authority, prior to installation commencing.

Reason: In the interests of the residential amenity of existing neighbouring properties and future occupants in accordance with policies D1 and L11 of the Sedgefield Borough Local Plan.

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

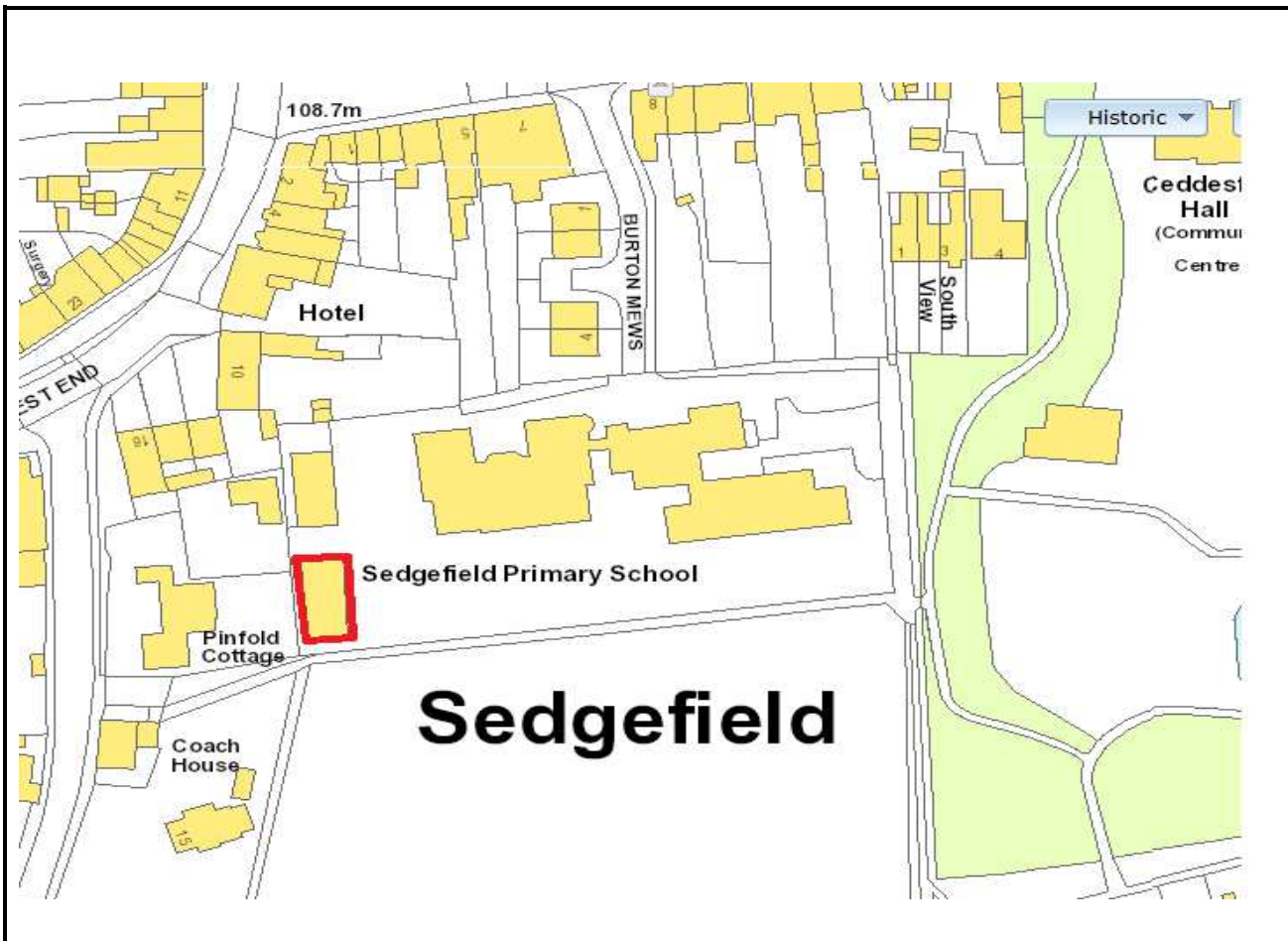
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies D1, D2, D3 and L11 of the Sedgefield Borough Local Plan.


STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to approve the application has sought to work with the applicant in a positive and proactive manner seeking to secure additional information in relation to dealing with the planning application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgefield Borough Local Plan
County Durham Plan (Submission version)
Statutory responses from Highway Authority, Northumbrian Water Limited, Sport England.
Internal responses from Design and Historic Environment Section, Environmental Health, Ecology Section and Rights of Way Section.
Representations received from the public and other representative bodies
Planning application file DM/15/01280/FPA



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Sedgefield Out of School Fun Club</p>	
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00233/FPA and DM/15/00230/LB
FULL APPLICATION DESCRIPTION:	Erection of extension to rear of Public House, including demolition of existing extensions and refurbishment of property. Erection of two dwellings to the rear.
NAME OF APPLICANT:	J A Property LTD
ADDRESS:	Hope Inn, Front Street, Sedgefield
ELECTORAL DIVISION:	Sedgefield
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 a vacant public house and its curtilage located centrally within the village of Sedgefield. The site is rectangular in shape, with the two storey, Grade II Listed Building of the Hope Inn fronting out on to Front Street. A series of single storey extensions are present to the rear of the building, along with a car park and grassed area previously used as a beer garden. The building itself is in a poor condition and in need of repair and modernisation and the external hardstanding areas and grassed area have an unkept appearance.
2. The site is bordered by predominately commercial properties, although residential dwellings within White House Drive are located to the north. The site is accessed from a private drive which runs along the side elevation of the building serving the carpark which is enclosed at the rear by a stone wall up to 2 meters in height. The application site is located within the Sedgefield Conservation Area.
3. Planning Permission and Listed building Consent is sought for the refurbishment of the public house to form a new restaurant. This would involve the stripping of internal features and the reconfiguration of the internal layout of the building. New single storey extensions to the rear are also proposed. These would extend a maximum of 21.6m in length, 17.8m in width, and would have a maximum height of 5m. These would replace existing single storey extensions of varying scale, design and condition. The extensions would be rendered with a mixture of slate and pantile roofing materials. The extensions would provide additional seating and a new

kitchen. 9 car parking spaces would be retained at the rear of the building for public use.

4. It is also proposed to erect 2no. dwellings to the rear of the site on an existing grassed area. These are required to help subsidise the refurbishment works. The dwellings would be semi-detached, measuring in total 21m in width by 11.5m in length, and 7.4m in height. They would be stone faces with slate pitched roofs, incorporating half dormer windows in the front and rear elevations. Living accommodation would be provided across two floors, with 3 bedrooms on the first floor. Access to the dwellings would be provided through the pub car park which would serve individual driveways and integral garages.
5. This application is being reported to Planning Committee at the request of Cllr Robinson due to concerns raised by the Town Council regarding the loss of long gardens and the proposed materials for the dwellings.

PLANNING HISTORY

6. A number of historic planning approvals have been granted for extensions and alterations to building, none of which directly relate to this application. Consent has previously been given to remove a tree damaging a wall within the site and to crown lift a sycamore tree.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
9. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

11. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
12. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
16. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is referenced where necessary within the report.

LOCAL PLAN POLICY:

18. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the

degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.

19. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
20. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
21. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
23. *Saved Policy E22 – Reuse of buildings forming part of the boroughs Heritage* – Sets out support for the repair and reuse of buildings which form part of the heritage of the borough or significantly contribute to the environmental quality of the locality by normally allowing proposals for appropriate uses that accord with other policies of the plan and their future.
24. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
25. *Saved Policy H17 – Backland and Infill Housing Development* – Sets out that housing development on backland and infill sites will normally be approved providing a satisfactory means of access and adequate parking provision can be achieved, satisfactory amenity and privacy levels for both the new development and adjacent dwellings can be provided and the development is commensurate with the character of the surrounding area.
26. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
27. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
28. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

29. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

EMERGING PLAN:

30. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
31. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
32. A neighbourhood plan is in the process of being produced by the community setting out the preferences for how existing land and infrastructure should be used to enable controlled growth and development of housing, amenities and other facilities in the future. However this plan is at the early stages of its preparation with relatively limited consultation and therefore it can be afforded only very limited weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf>

and

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Highway Authority* – Advise that the proposed development would form an area accessible to the public of approximately 320m². Based on the 2014 DCC Parking Guidelines the development should provide 40 car parking spaces on site (1 space

per 8m² of public area). The 9no. spaces proposed falls significantly below the 40 maximum and are not considered sufficient to support the proposed use where potentially 167 customers and staff could be accommodated. It is noted that there is on street car parking in the vicinity of the site. However car parking within the town centre is at a premium and would not likely be able to accommodate the proposed development. As such objections are raised regarding the level of car parking on site. It is suggested that the two properties are removed from the application to the rear and that car parking capacity increased or the proposed extensions significantly reduced in scale.

34. *Northumbrian Water Limited* – Highlight future capacity constraints in Sedgefield in relation to sewerage treatment, however as the proposal only relates to two dwellings, no objections are raised.
35. *Sedgefield Town Council* – Offer support for the refurbishment of the building, however concerns are raised regarding the two proposed dwellings to the rear due to the impact on parking within Sedgefield, the proposed materials of construction and the loss of long gardens which would result in a loss of amenity space with historic value.

INTERNAL CONSULTEE RESPONSES:

36. *Spatial Policy Section* – Advise that in principle the erection of residential accommodation in this location is considered acceptable in line with local plan housing policies. The site is also considered to be sustainably located, within the centre of Sedgefield with good access to services and amenities. The submitted viability appraisal has been scrutinised and is considered to be sound.
37. *Design and Historic Environment Section* – Advise that this application presents a positive future for the Grade II listed public house with a minimal level of impact upon the character, appearance and significance of the designated conservation area. The scale and design of the new dwellings are considered acceptable, however conditions should be attached relating to the external materials proposed for use, details of render type and finish, all windows and doors, and new surfacing.
38. *Landscape Section* – Advise that the development would result in the loss of several trees on the site, whilst those remaining would need to be significantly reduced in canopy size and spread. The crown reduction would have a negative visual impact on the surrounding townscape as mature tree canopies provide an important green foil to the roofscape of the village and add landscape character to the historic village core. The retained trees would also affect the dwellings and the amenity of occupants principally because of shade and leaf drip by the Sycamore.
39. *Arboricultural Officer* – Raise concerns regarding the likely impact of the development on the trees to be retained on site, given their proximity to the build and future pressures by occupants of the properties. It is advised that the trees are examples of relatively few large trees in the local area and add to the character of the conservation area.
40. *Archaeology Section* – It is recommended that a condition requiring archaeological monitoring and a mitigation strategy to be submitted to and agreed prior to any development commencing as there is a high potential for medieval activity to the rear of the building.
41. *Contaminated Land Section* – Advise that there is no requirement for further consideration of potential contaminated land on site.

42. *Ecology Section* – Advise that the likely risk or presence of bats within the existing building and surrounding trees is low. No objections are raised to the proposals.
43. *Environmental Health Unit* – Advise that full details of any means of extraction associated with the restaurant should be controlled by condition, in order to address potential conflict between the restaurant use and the proposed dwellings. It is also recommended that an acoustic report is undertaken and mitigation including within the development.

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

45. The Hope Inn is a Grade II Listed building situated in the Sedgefield Village Conservation Area. The building is currently vacant and has not had a long-term occupier for some time; it has been neglected and is falling into disrepair.
46. It is proposed that there are minimal alterations to the original building; some internal walls and areas of first floor will be altered/removed to facilitate the new layout, but otherwise the internal fabric of the original building will simply be refurbished. A number of recent, unsympathetic and ad-hoc, single storey extensions to the rear of the building are to be demolished and replaced with a new extension that is sympathetic to the character of the host building; and that reflects existing forms, materials and fenestration.
47. In order to finance the refurbishment/development of the Listed building, it is proposed that the land to the rear be developed to accommodate 2no. new dwellings. The applicant has provided the financial information required to support the case for enabling development, which makes the project viable.
48. The costs associated with refurbishing/developing historic and significant buildings are often excessive, many of which are unforeseen at this stage. It would be unfortunate if the scale and quality of the proposal had to be compromised due to insufficient funds.
49. Significant investment from the applicant would not only conserve and enhance this heritage asset, but it would also give new life to the local public house, which is becoming more of a rarity. The new bar/bistro would provide a facility for the community of Sedgefield for which there is a demand.

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=NIU1ZXGD0A900>
and

<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIU1ZXGD0A900>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

51. The application site relates to a vacant public house which ceased trading approximately 18 months ago. This scheme in part proposes refurbishments and extensions to the property to facilitate a change of use to a restaurant. This change of use in itself would not require planning permission, being a permitted change from an A4 use (drinking establishment) use to an A3 use (restaurant). The productive re-use of this vacant building to appropriate use within the town centre is considered desirable in the context of the vitality and viability of the village, as promoted by the NPPF. The applicant states that the proposal would also create up to 25 new jobs for the local economy.
52. To the rear of the site in an area previously used as a beer garden, it is also proposed to erect two dwellings. Saved policies H8 and H17 of the Sedgefield Borough Local Plan outlines that planning permission for housing development on backland and infill sites will be supported in principle. This general approach of locating development within sustainable location and the reuse of previously developed land is reflected within the NPPF which also seeks to direct new development to locations with good access to jobs services and community facilities while promoting the reuse of previously developed land. Sedgefield is recognised as a larger village due to the significant population, and wider range of services, employment opportunities and amenities provided.
53. Notwithstanding this policy support for the dwellings, the applicant has made a case that the provision of these two properties is necessary to help finance the refurbishment and alterations and without these the venture would not be viable. To demonstrate this, a viability appraisal was requested setting out the link between the two elements of the development. The submitted appraisal has been assessed by the Council's Planning Policy and Asset Teams who confirm their agreement to the assumptions made and that the enterprise would not likely be financially viable without the funding generated by the sale of the dwellings.
54. Overall it is considered that the development would meet the key locational aims of the NPPF and is in principle in accordance with saved policies of the Sedgefield Borough Local Plan.

Visual Impact and Impact on Conservation Area

55. Local Plan policy E18 seeks to preserve the historic environment, particularly the character and appearance of Conservation Areas. Policy E22 sets out support for the repair and reuse of buildings which form part of the heritage of the area. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance, including Listed Buildings. These policies reflect the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest they possess and paying special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

56. The application site relates to a vacant public house and its associated curtilage consisting of a hardstanding car park and grassed area to the rear. The pub is a grade II Listed Building dating from the mid 18th century and is a former coaching inn. The building itself was listed for its group value, while some historic features remain both internally and externally. The building is located in the historic village core and makes a positive contribution to the character and appearance of the Sedgefield Conservation Area. The impact of various elements of the development on the above heritage assets are appraised in turn below.

Extensions

57. In assessing the impact of the development the Council's Design and Conservation Section advise that the existing extensions to the building are of low architectural quality and little historic interest and are not considered to be worthy of retention. The proposed extensions would create a quadrangle arrangement different to the existing L shaped layout of extensions. However it is advised that this layout been created by more recent additions and is not intrinsic to the significance of the building as it has essentially. The additions would not harm the integrity of what remains of the original building as it's form would still be appreciable to the same degree as existing. The extensions would also have a subservient relationship to the main building and would not project outwards beyond the existing building line. The inclusion of variants in the building lines and heights would also assist in reducing the perceived massing of the extensions. A number of elements of the redevelopment scheme are considered to result in a visual improvement, such as the loss of a flat roofed side addition, the poor environment of the open yard area and the relocation of various bins within a contained storage area.
58. Overall it is advised that the extensions would preserve the special interests and setting of the Grade II Listed Building, while enhancing the character and appearance of the Conservation Area in this location.

Internal Alterations

59. A number of internal alterations are proposed to facilitate the development, including at first floor level where existing walls forming two bedrooms and the hall/landing area would be removed. The Design and Conservation Section advise that these existing partitions are later insertions and this area was originally a single larger open space. These alterations would revert this area back to its original form which is considered to be a positive change.
60. At a ground floor level a number of internal walls are identified for removal, the Design and Conservation Section view this as acceptable as the original floor plan for the building is not intact. Although the general arrangement would be more open plan, rather than consisting of smaller individual spaces, the change in levels and retention of nibs relating to the individual rooms would allow the original plan form to be appreciated. No features of interest would be lost as a result of these internal works.
61. Although the external and internal works would result in a significant alteration to the property, the proposed investment in the building/business, would bring new life into a vacant and neglected public house. The Design and Conservation Section advise that these buildings are becoming more of a rarity, and the works would help maintain its longer term use, viability and general up keep. The positive benefits of the application are considered to outweigh the level of intervention/alteration proposed.

Proposed new housing development

62. The Design and Conservation Section advise that the environment to the rear of the Public House is neutral in its contribution to the conservation area. This due to the age and quality of the pub existing extensions, the absence of historic burgage plots, the extent of hardstanding and the general unmaintained condition of the land. On this basis it is advised that the erection of two modest properties would not harm the historic layout of this part of the village. There is no right of public access to this site.
63. When viewed from the main street, the historic focus of the conservation area, the new buildings would be visible in glimpses from the access road between the public house and the adjacent shop. It is considered that this view is unremarkable with the modern housing estate visible in the background. There would be no clear views gained in the opposite direction from the modern estate into the rear of the site and from other locations views would be restricted by the intervening buildings. The wider visual impact upon the conservation area would therefore be limited.
64. It is advised that there would be no harm to the significance of the frontage of the building as a result of the dwellings in themselves. Being located to the rear with a degree of separation from the main street, the listed public house would be preserved as the dominating feature. The dwellings proposed are comparable to the heights of the predominant built form within the village, while the proposed design is of a more traditional approach that is not at odds with surrounding properties which is considered appropriate. It is also advised that the proposed materials of the building are considered acceptable in this location given the range of material used in the surrounding area, subject to agreeing the finer details by condition.
65. In order to facilitate the erection of the dwellings a number of trees would need to be removed, including a semi mature sycamore. Further crown reduction works would also need to be undertaken on a larger mature sycamore which is to be retained. It is advised by the Council's Landscape Section that this would have a negative impact within the conservation area as these trees provide relief to the built environment, a key component in the conservation area. It is therefore recommended that the two dwellings should be omitted from the scheme.
66. As set out above, the proposed two dwellings to the rear of the public house are necessary in order to make the scheme financially viable. In considering these competing issues the visual impact associated with the works to the trees needs to be weighed against the benefits of bringing the listed building back into use and the associated visual improvements this would entail.
67. While the views of the Councils Landscape Section are appreciated, it is considered on balance that the scheme would result in a visual improvement to the Grade II listed building and on the surrounding conservation area. A viable use would also secure the future of the building in the long term. These factors are considered to outweigh the harm associated with the works to the trees. Overall the development is considered to have an positive impact on the character and appearance of the Sedgefield Conservation area and the Grade II listed building in accordance with policies E18 and E22 of the Local Plan and part 12 of the NPPF. Conditions in relation to the implementation of tree protection measures and foundation detailing are proposed.

Highway Safety and accessibility

68. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.

69. The Public House is served by a customer car park to the rear of the site, which is accessed up the side of the building via a joint access to the Town Council Office. Although the parking spaces in the car park are not currently demarked it has a theoretical capacity of 15 spaces. As a result of the proposed extensions this car parking capacity would be reduced to 9 spaces. The Councils Car Parking Standards (2014) set out that a development of this nature would be expected to achieve a maximum of 40 spaces. While a reduction to this figure may be appropriate, it is advised that the 9 spaces proposed would fall significantly short of the required parking provision and is considered unacceptable from a highway point of view. Although there are a number of spaces directly in front of the building and there is on- street car parking within the village centre, it is advised that on street car parking is often at a premium and could not accommodate additional demand. The Highways Authority therefore object to this application in this respect. It is advised that additional spaces may be achievable to the rear of the site in lieu of the two proposed dwellings.
70. While respecting the desire of the Highways Authority to achieve a workable solution that would more closely reflect highway standards it is noted that this is a commercial centre with parking controls in force around the village that regulate and enforce parking. Parking levels also vary through the day and into the evening. While the proposal may put further pressure on the availability of spaces within the village it is considered that this would not lead to a reduction in highways safety to a level to warrant refusal of the application when considering the benefits of the scheme. It is also anticipated that the enterprise would partially serve the local community and a proportion of patrons would visit my foot. The identified need for the erection of the two dwellings to allow the redevelopment of the site is considered to outweigh the under provision of parking on site. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

71. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. In assessing the development in this respect, the two dwellings to the rear would meet the minimum guideline separation distance of 21m to the windows of habitable rooms to no.10 White House Drive. The impact of the development would also mitigated by a 2m high boundary wall and vegetation which would help screen views, particularly at a ground floor level. A significant loss of amenity is not therefore expected to arise for adjoining residents in this respect.
72. The proposed restaurant arguably represents a more intensive use than a pub. However it is located within the village centre where there is a degree of established noise and disturbance created by a range of different uses. The Council's Environmental Unit Department raise not objection in this respect but recommend a condition be imposed in relation to the details of any extract and odour abatement system to be installed.
73. The proximity of the proposed dwellings to the restaurant has the potential to cause disturbance and annoyance for future residents. However the Council's Environmental Health Unit advise that a condition to requiring noise mitigation measures, for both the dwellings and the rear of the restaurant would mitigate any impact. Future residents would also be fully aware of the relationship between the two uses.

74. The Council's Land Contamination Officer advises that following a study of historic maps there is no requirement for further consideration of potential contaminated land on site.
75. Overall it is considered that the proposed development would not significantly impact on the level of amenity or privacy experienced by neighbouring residents that would warrant refusal of the planning application. It is also considered that future residents would experience an appropriate level of amenity subject to implementing measures to mitigate noise generated by the restaurant use. The scheme is considered to comply with policy D5 in this respect.

Ecology

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

Flooding and Drainage

78. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
79. In terms of the disposal of foul water, Northumbrian Water raise no objections to the scheme. However it is identified that the Sewerage Treatment Works in Sedgefield are nearing capacity with a 300 unit headroom limit. In relation to surface water, it is also recommended to attach a condition to secure where appropriate sustainable drainage techniques, whilst ensuring any drainage does not impact on the trees to be retained.

Other Issues

80. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. It is recommended that a condition requiring archaeological monitoring and a mitigation strategy to be submitted to and agreed prior to any development commencing as there is a high potential for medieval activity to the rear of the building.

CONCLUSION

81. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development would represent development in a sustainable location, that would bring a vacant listed building back into a productive reuse, resulting in a positive impact on the conservation area.

82. The need for the two dwellings to the rear of the site has been demonstrated and is considered necessary to viably facilitate the re-use and improvements to the listed building. This would result in a positive contribution to the character and appearance of the Conservation Area, which on balance would outweigh any visual impact associated with the necessary tree works to facilitate the two dwellings. The development is considered to be in accordance with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
83. Despite the views of the Highway Authority, it is also considered in this case that the benefits of bringing the Listed Building back into use and the associated visual improvements, would outweigh the potential demand for additional on street car parking, which given the village centre location and parking restrictions in the area would on balance be unlikely to have a significant impact on highway safety.
84. The development would not significantly impact on the amenities of the neighbouring residents. While future residents would experience an appropriate level amenity subject to implementing measures to mitigate noise generated by the restaurant use.
85. The scheme would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these, subject to the implementation of the mitigation measures set out in the submitted reports.
86. There are no material consideration which indicate the scheme should be determined otherwise and therefore the application is recommended for approval.

RECOMMENDATION

Recommendation that application DM/15/00233/FPA is:

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:

Proposed Site Plan, Drwg 05, Rev D, Received 27th January 2015
Proposed Elevations, Drwg 06, Rev B, Received 27th January 2015
Proposed Plans and Elevations, Drwg 07, Rev D, Received 27th January 2015
Proposed Floor and Roof Plans, Drwg 04, Rev E, Received 27th January 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E18, E22, H17, D1, D2, D3 and D5 of the Sedgfield Borough Local Plan.

3. No development comprising the erection of the new dwellings shall commence until the substantial completion of the alterations and refurbishment works of the public

house hereby approved in accordance with a phasing scheme to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: Without securing the benefit of the refurbishment works of the Listed Building the proposed dwellings would be considered unacceptable in accordance with policies *D3 and E18 of the Sedgefield Borough Local Plan*.

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

Reason: In the interests of the appearance of the area and to comply with policies E18 and D1 of the Sedgefield Borough Local Plan.

5. Notwithstanding the submitted information, full details and specification of any external plant and extraction units shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenity of existing neighbouring properties and future occupants in accordance with policies D1 and D5 of the Sedgefield Borough Local Plan.

6. Prior to the commencement of the construction of the extensions or dwellings hereby approved, a sound proofing scheme to mitigate the transfer of noise between the restaurant and new dwellings shall be 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 the residential amenity of future occupants in accordance with policies D1 and D5 of the Sedgefield Borough Local Plan.

7. Notwithstanding the submitted plans full details including materials and colour of all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area in accordance with policies E18, D1 and D5 of the Sedgefield Borough Local Plan

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

- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to improve the appearance of the development
- The provision of any fences or walls (including retaining walls)
- Full details of the surfacing any hard standing proposed

The approved landscaping scheme implemented in accordance with the approved details in the first planning season following completion of the development.

Reason: In the interests of the appearance of the area and to comply with policies E18 and D1 of the Sedgefield Borough Local Plan.

8. No development shall commence until an Arbocultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction), construction details of the proposed foundations, details of storage areas, location of service runs and details of the construction of areas of hard standing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E18 and E11 of the Sedgefield Borough Local Plan.

9. All pruning works required to Tree 6 identified on plan Drg no. 8, received 27th January 2015 shall be fully detailed and submitted for approval to the Local Planning Authority prior to the development commencing. Works to the tree shall only be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E18 and E11 of the Sedgefield Borough Local Plan.

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

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policies E18 and D1 of the Sedgefield Borough Local Plan.

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

Reason: In the interest of the adequate disposal of foul and surface water in accordance with saved policy D1 of the Sedgefield Borough Local Plan and part 11 of the National Planning policy Framework.

11. Notwithstanding the provisions of Class A, B, C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations, including extension and formation of windows shall be undertaken at the property.

Reason: In the interests of visual amenity and in order to safeguard the residential amenity of neighbouring properties having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan.

Recommendation that application DM/15/00230/LB is:

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 18 of the Planning (Listed Building and Conservation Areas) 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, Drwg 05, Rev D, Received 27th January 2015
Proposed Elevations, Drwg 06, Rev B, Received 27th January 2015
Proposed Plans and Elevations, Drwg 07, Rev D, Received 27th January 2015
Proposed Floor and Roof Plans, Drwg 04, Rev E, Received 27th January 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E18, E22, H17, D1, D2, D3 and D5 of the Sedgfield Borough Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with policies E11 and D1 of the Sedgfield Borough Local Plan.

4. Notwithstanding the submitted plans full details including materials and colour of all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area in accordance with policies E18, D3 and D5 of the Sedgfield Borough Local Plan

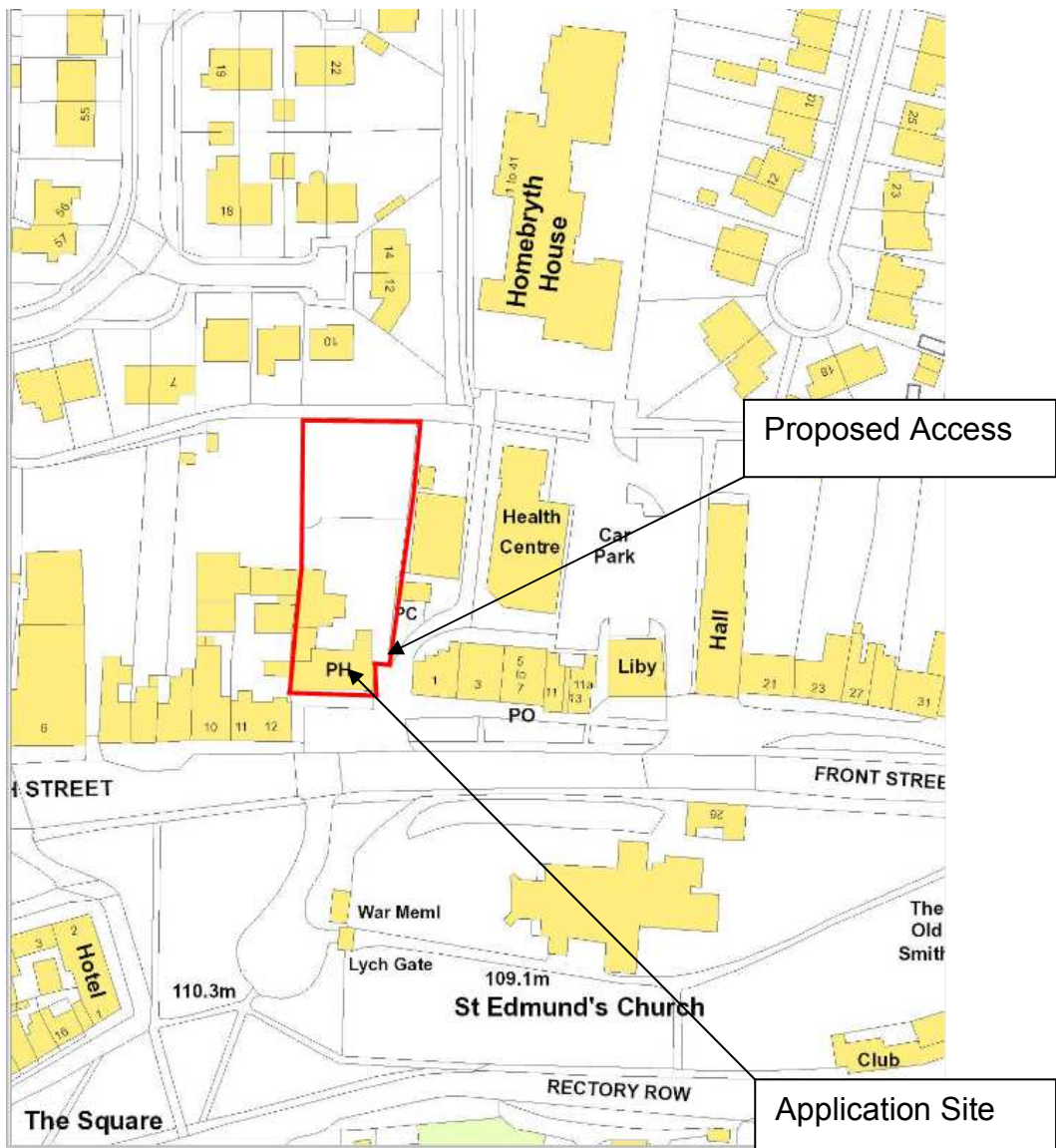
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to approve the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgfield Borough Local Plan
County Durham Plan (Submission version) and
Statutory responses from Northumbrian Water Limited.
Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health,

Contaminated Land Section, Ecology Section and Arboricultural Officer. Representations received from other representative bodies
Planning application file DM/15/00233/FPA and DM/15/00230/LB



Planning Services

Erection of extension to rear of Public House, including demolition of existing extensions and refurbishment of property. Erection of two dwellings to rear.

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Comments

Date 7th July 2015

Scale 1:1250

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01121/FPA
FULL APPLICATION DESCRIPTION:	Conversion of Public House to 10 No. apartments and erection of 4 No. dwellings
NAME OF APPLICANT:	Mr John Wade
ADDRESS:	The North Briton, 23 High Street, Aycliffe Village, Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe East
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 the North Briton Public House and its curtilage, which is located centrally within Aycliffe Village. The site is broadly L shaped and the part two storey and single storey building fronts on to the A167. The building itself is in a sound condition however it is currently boarded up and together with appearance of the car park to the south and east creates an unsightly feature within the street scene.
2. The site is surrounded by predominately residential properties, although a hairdressers adjoins the main building to the north. The site is accessed directly off the A167 and also from an un-adopted highway on North Terrace to the rear on the approach to the village green. A level change of approximately 2m is evident between the application site and the land to the east which steps sharply down to the village green. The application site is located within the Aycliffe Village Conservation Area.
3. Planning Permission is sought for the conversion of the public house to form 10no. apartments (consisting of 5 studio's, 4 x 1 bed and 1 x 2 bed units). The conversion would involve minimal internal alterations although stud walls would be erected in certain areas to subdivide spaces. Existing window openings would be utilised, with some additional openings created in the eastern elevation. The existing hardstanding area in front of the single storey function room and the existing car park would be utilised to provide parking for the apartments.

4. It is also proposed to erect 4no. 3 bed terraced properties to the rear of the site on raised land, fronting onto the village green. The development block would measure approximately 25m in length by 9.5m in width, with a maximum height of 9.1m and would provide accommodation over two floors. The dwellings would have pitched roofs and be traditional in appearance with sash style windows, lintels over windows and doors and incorporate chimney detailing. The properties would be rendered with colour washed brick gables and the roofing material would be a red pantile. Small gardens would be provided to the west of the dwelling, which would also incorporate parking areas. The main vehicular access to the dwellings would be gained from the entrance to the A167 which would be resurfaced.
5. This application is being reported to Planning Committee as it falls within the definition of a major application

PLANNING HISTORY

6. There is no relevant planning history to this application

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
9. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
11. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is referenced where necessary within the report.

LOCAL PLAN POLICY:

18. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.

19. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
20. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
21. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
23. *Saved Policy E22 – Reuse of buildings forming part of the boroughs heritage* – Sets out support for the repair and reuse of buildings which form part of the heritage of the borough or significantly contribute to the environmental quality of the locality by normally allowing proposals for appropriate uses that accord with other policies of the plan and their future.
24. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
25. *Saved Policy H17 – Backland and Infill Housing Development* – Sets out that housing development on backland and infill sites will normally be approved providing a satisfactory means of access and adequate parking provision can be achieved, satisfactory amenity and privacy levels for both the new development and adjacent dwellings can be provided and the development is commensurate with the character of the surrounding area.
26. *Saved Policy H21 – Conversion of a building to Flats and Bedsits* – Sets out that planning permission will normally be granted for the creation of flats and bedsits providing living conditions are satisfactory for residents, there is adequate off street car parking.
27. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space-* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
28. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
29. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be

designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

30. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
31. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
32. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

EMERGING PLAN:

33. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
34. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority* – Offer no objections to the proposal subject to a number of minor amendments to the site plan in relation to the allocation of parking provision. Subject to these amendments it is advised that level of car parking would comply with the 2014 residential parking standards and the proposed access is adequate to serve the development.
36. *Northumbrian Water Limited* – Request a condition requiring details of foul and surface water disposal to be submitted.
37. *Great Aycliffe Town Council* – Offer no comments or objections.

INTERNAL CONSULTEE RESPONSES:

38. *Design and Historic Environment Section* – Offer no objection to the conversion of the public house advising that the works are considered to be sympathetic to the existing character and appearance of the 1930's building. Concerns are raised regarding the lack of soft landscaping and amenity space for the development as a whole and the amount of parking to the front of the building. Concerns are also raised regarding the loss of the trees on the site which are considered to contribute to the setting and character of the Conservation Area. The trees would also help and assimilate the proposed development. It is advised that the proposed dwellings are sympathetically designed however features such as bay windows and a staggered roof line could be considered.
39. *Landscape Section* – The proposal will result in the loss of three mature Swedish Whitebeam trees which make a significant contribution with group amenity to the south west corner of Aycliffe Village Green. It is advised that they complement the attractive public open space and substantially contribute to the setting of the Conservation Area. It is also advised that the trees would help to mitigate and assimilate the proposed development which would otherwise be more conspicuous due to different levels in this part of the village green. It is recommended that the proposed dwellings be set back from the trees and for them to be incorporated into the development.
40. *Arboricultural Officer* – Advises that the trees on site are in good health and if retained then an Arboricultural Impact Assessment and tree constraints plan should be developed in accordance with BS5837:2012.
41. *Archaeology Section* – Advise that there is potential for areas of in situ archaeological deposits due to the previous historic uses of the site. A small scale on site evaluation should be undertaken to determine the level of preservation and significance of any architectural remains. It is advised that this is carried out prior to the determination of the application.
42. *Contaminated Land Section* – Advise that as there would be a more sensitive end use further consideration should be given to potential land contamination issues to be secured by condition.
43. *Ecology Section* – Following the submission of a bat emergence survey, it is advised that the development is unlikely to impact on protected species. No objections are therefore raised subject to the proposed mitigation measures detailed in the submitted ecological survey.

44. *Environmental Health Unit* – Offer no objections in principle to the development, but in order to protect future residents from road noise, it is recommended that a noise impact assessment is undertaken and any mitigation measures secured by condition. It is also recommended that a scheme of soundproofing between units is covered by condition and that working hours on site are restricted to protect the amenities of surrounding residents.

PUBLIC RESPONSES:

45. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. Two letters of objection have been received raising the following points:-
- Potential loss of privacy and amenity due to the proximity of the new build dwellings to residential properties where there would be ready views. The dwellings would cause a loss of light and create an over shadowing effect while the level differences on site will further exacerbate the dwellings impact.
 - The dwellings would be prominent when viewed from within the Village Green and would diminish the striking view into the centre of the village. The loss of the 3 mature trees will visually spoil and attractive area.
 - The use of brick in the construction of the dwellings is considered inappropriate, while the type of style of the properties are not considered sympathetic.
 - Traffic generated from the development, especially at peak times would result in a loss of highway safety, particularly given the proximity to a busy junction. The level of car parking is inadequate and does not take into account visitors, some of the apartments only have one space where many households have two cars. Inadequate parking facilities within the village are a major issue.
 - The limited infrastructure and lack of local amenities in the village do not support further housing.
 - Insufficient archaeological investigation has been carried out on the site.

APPLICANTS STATEMENT:

46. There are three Public Houses in Aycliffe Village, namely, The County, The Telegraph and The North Briton, All three are now within the same ownership. When The County was purchased in January 2008, it was a failing business. The current Owner injected significant capital into the business, introduced new management and created a viable Gastro Pub of some renown. In 2009 the adjacent property, 12 The Green was purchased and was converted into 7 Bed & Breakfast Rooms. The Gastro Pub and the Rooms are now a single, viable business. The Rooms are generally occupied every week night from Industrialists visiting Newton Aycliffe Business Park.
47. The Telegraph was purchased in November 2014 and again this was a failing business. This Public House is modest in size and is essentially a traditional 'Local'. Again the Owner has made substantial investments in renovating the building. The North Briton was also purchased in November 2014 as a failed business. It is a large building and occupies a dominant position within the Aycliffe Conservation Area and is immediately adjacent to the A167 and has a large car park.
48. Aycliffe Village cannot sustain three Public Houses. The investments in The County and The Telegraph, along with good management has satisfied a demand within the immediate area. Consequently, the only viable option is to redevelop the building

and the large car park to residential use. It is proposed to convert the North Briton into 10 No small apartments whilst providing 4 No three bedroom terrace houses on the large car park. In this way the character of the Village will be maintained by conserving an iconic building.

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=NML9FKGDKCI00>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

50. The application site is located within the defined settlement limits of Aycliffe Village, where saved policy H8 of the Sedgefield Borough Local Plan outlines that planning permission for housing development will normally be approved provided that there is no conflict with the provisions of the plans environmental, open space or design policies. Saved policy H21 of the Local Plan also offers support for the conversion of existing buildings to flats and bedsits subject to achieving satisfactory living conditions for residents and providing adequate off street car parking.
51. 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 H8 and H21 in terms of directing development to settlements best able to support it and the reuse of buildings is consistent with the NPPF and the promotion of sustainable development.
52. This is carried forward in the Emerging County Durham Plan under policy 15 which outlines that development on sites in built up areas will be permitted providing the development is appropriate in location and function of the settlement. Only limited weight can be afforded to this policy given the status of the County Durham Plan. However the proposal is considered to provide an appropriate scale of development for this site, consistent with the settlement's size and proximity to Newton Aycliffe where there is a wide range of accessible work opportunities, health facilities, schools, shopping and leisure facilities.
53. Overall it is considered that the development would meet the key locational aims of the NPPF and is in principle in accordance with saved policies of the Sedgefield Borough Local Plan and emerging County Durham Plan.

Visual Impact and Impact on Conservation Area

54. Local Plan policy E18 seeks to preserve the historic environment, particularly the character and appearance of Conservation Areas. Policy E22 sets out support for the repair and reuse of buildings which form part of the heritage of the area. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance. These policies reflect the requirements of Section 72 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the character and appearance of conservation areas.

55. The application site relates to a vacant public house and associated curtilage of hardstanding car park and grassed area to the side and rear. The pub is an unlisted building, but is considered to be a non-designated heritage asset due to its character and prominent setting within the Conservation Area. The proposed dwellings would front directly out into the heart of the Conservation Area, over the Village Green. The impact of various elements of the development on the Conservation Area is appraised in turn below.

Conversion of the Public House

56. In assessing the impact of this part of the development, the Council's Design and Conservation Section advise that the conversion works are sympathetic to the existing character and appearance of the 1930's building due to the limited intervention involved. The reuse and retention of this building would have a positive impact on the character and appearance of the Conservation Area. Some concerns are raised regarding the lack of soft landscaping surrounding the building and the introduction of parking on the front hardstanding. Small areas of soft landscaping are proposed to the front of the converted building and elsewhere along the frontage. However this could be improved upon along with the introduction of a suitable boundary treatment along the A167 to help screen parked vehicles. A condition requiring a comprehensive landscaping scheme to be produced and agreed is therefore recommended.
57. Overall it is considered that the proposed conversion works and use are sympathetic to the existing building and therefore maintain its contribution to the character and appearance of the Conservation Area in this location.

Proposed new housing development

58. The proposed new dwellings would front onto the village green which is located to the east of the site. The rear elevations would face back towards the A167, set back 30m from the roadside. This is a common arrangement for properties fronting the Village Green. While offering suggestions in relation to fenestration detail and the possibility of intruding a staggered ridge line, the Council's Design and Conservation Officer advises that the houses are sympathetic in design terms to this part of the Conservation Area. The existing car park area offers little to the character and appearance of the Conservation Area, due to the amount of hardstanding and its untidy appearance. The development of this site would result in a visual improvement. Moreover it would be read as a natural extension to the existing development along The Green, although sitting slightly higher and further back. The proposed materials and general detailing of the properties is considered appropriate to the surrounding area.
59. In order to accommodate the dwellings and create an outlook the scheme proposes the removal of 3 Swedish Whitebeam Trees. These are located on sloping land on the eastern boundary of the site and on the edge of the village green. The Council's Landscape Section advise that these trees make a significant contribution to the character of the south west corner of Aycliffe Village Green and Conservation Area due to their group amenity value. It is also advised that the trees would help to mitigate and assimilate the proposed development which would otherwise be more conspicuous due to different levels around this part of the Green. Concern about the loss of the trees has also been raised by the Council's Design and Conservation Section.

60. Revisions to the scheme have been explored with the developer to retain all or some of the trees. In this respect consideration has been given to setting the proposed dwellings back from the trees. However this would significantly reduce the depth of the rear gardens of the dwellings, due to the required parking and access arrangements. Because of the group nature of these trees selected removal and cut back was also considered inappropriate. In addition this would still not provide future occupants with a satisfactory outlook and would likely impact on the marketability of the dwellings. The applicant states that without these four dwellings the conversion and retention of the Public House could not be secured due the limited profitability in the scheme. Compensatory tree planting and landscaping is however proposed to the south west of the site adjacent the A167 which has a hard visual edge and would benefit from landscaping.
61. Whilst the trees are of landscape value, they are located on the margins of the village green and are not considered to be an integral element to its essential character. The submitted arboricultural report also identifies that the trees have a 20 year life expectancy which is not disputed by the Council's Arboricultural Officer. On balance, therefore while the views of the Councils Landscape Section are fully appreciated, it is considered that the impact of the removal of the trees on the setting and appearance of the Conservation Area would be less than substantial when considered against the other merits of the scheme. The scheme would result in a viable reuse of a vacant heritage asset which makes a positive contribution to the Conservation Area due to its prominence and social connection. The development of the site also provides the opportunity to upgrade the stark visual impact of the existing hardstanding area, that would be softened with additional planting along the A167 frontage.
62. Overall the development is considered to have an acceptable impact on the character and appearance of the Aycliffe Village Conservation area in accordance with policies E18 and E22 of the Local Plan and part 12 of the NPPF. Conditions in requiring the submission of a comprehensive landscape scheme and to control the finer detailing of the dwelling are recommended, along with the requirement for the conversion works to be commenced before the final dwelling is occupied. This is to ensure the benefits of the development as a whole are secured.

Highway Safety and accessibility

63. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.
64. The Public House is currently served by a customer car park accessed from the A167. This would be retained and would serve as the main vehicular access to the development. An additional existing secondary access from North Terrace is proposed to be reconfigured to provide vehicular access and parking for one of the dwelling houses.
65. In considering the scheme the Highways Authority raise no objections to the access arrangements due to width of the access serving the site and its lawful use. It is also advised that the level of car parking across the development would conform to 2013 DCC Residential Parking Standards. Subject to minor amendments to the allocation of the parking bays no objections are raised in relation to highway safety. An amended plan has been received detailing the requested amendments.
66. While acknowledging the concerns raised by local residents regarding the level of parking provision on the site and the suitability of the access, based on the advice of

the Highways Authority a reduction in highway safety would not arise. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

67. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Objections have been raised regarding the impact of the new dwellings on adjacent residents.
68. In assessing the development in this respect, direct views from habitable rooms from the new dwellings would not be achievable to any neighbouring property due to the orientation of surrounding dwellings and the use of blank gable walls. Any views achievable would be at obscure angles and therefore would not significantly reduce the levels of residential amenity experienced. The level difference between the application site and adjacent residential properties would emphasise the scale of the dwellings. However surrounding properties either do not look directly out at the development site or are located a minimum of 20m away facing a gable wall. This is in excess of the minimum 14m advocated in the local plan and considered acceptable even when factoring in the level difference. It is considered that the proposed dwellings would not have a significant overshadowing or overshading effect given the orientation of dwellings and the pathway of the sun.
69. In relation to the conversion of the public house, views would be available to the rear of the properties of the Green. However these would be at a minimum distance of 21m, in line with the separation distances set out in the Local Plan. A similar distance would be achievable to the opposite elevation on High Street/A167.
70. The Council's Environmental Health Unit has recommended conditions relating to working hours and construction activities. However, these 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 than planning conditions.
71. Limited amenity space would be provided for the future residents of the apartments, however given the accessibility of the site to wider amenity areas this is not considered sufficient reason to resist the application. In accordance with saved policy L2 of the Local Plan the developer is willing to make a contribution of £7000 towards providing and enhancing off site sporting and recreation facilities in the area. This would need to be secured through a S106 agreement which the developer has indicated a willingness to enter into.
72. The Environmental Health Unit offer no objections in principle to the development, however in order to protect future residents from road noise, it is recommended that a noise impact assessment be carried out and implement mitigation measures to be secured by condition. This is likely to consist of improved glazing in the apartments. Further conditions are also recommended to require details of sound proofing to be installed to prevent the transfer of noise between the units and adjacent commercial use. This is considered reasonable to safeguard residential amenity given the number of units proposed and the existing fabric of the building.
73. The Council's Land Contamination Officer advises that the development would result in a more sensitive end user and therefore a site investigation secured by condition would need to be undertaken along with necessary remedial work.
74. Overall it is considered that the proposed development would not significantly impact on the level of amenity or privacy experienced by neighbouring residents that would

warrant refusal of the planning application. It is also considered that future residents would experience an appropriate level amenity subject to implementing measures to mitigate noise generated by the restaurant use. The scheme is considered to comply with policy D5 in this respect.

Ecology

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

Flooding and Drainage

77. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment. In consideration of the application Northumbrian Water raise no objections to the scheme, recommending a condition requiring the submission of details of foul and surface water drainage.

Other Issues

78. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has undertaken a desk based assessment, although it is advised that further invasive site investigation works should be undertaken to determine the level of preservation and significance of any architectural remains. While it would be desirable to secure this prior to determination part of the development relates to conversion works and existing hardstanding's. It is considered that the risk of any remains being found on site that would preclude development is very low and therefore is it considered appropriate to require further investigation and recording by condition.

CONCLUSION

79. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development would represent development in a sustainable location, that would bring a vacant building back into a productive reuse, contributing to housing mix in the area in line with the key aims of the NPPF.
80. While the loss of three trees is regrettable, it is considered that the overall visual improvement resulting from the development would outweigh the harm caused by their loss. Some replacement replanting is proposed and overall the development would have a positive impact on the character and appearance of the conservation in

accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

81. The development would be served by an appropriate means of access and would provide sufficient car parking in line the established parking standards such that highway safety issues would not arise.
82. The development would not significantly impact on the amenities of the neighbouring residents, while future residents would experience an appropriate level amenity subject to implementing measures to mitigate road noise.
83. The scheme would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these, subject to the implementation of the mitigation measures set out in the submitted reports.
84. There are no material consideration which indicate the scheme should be determined otherwise and therefore the application is recommended for approval.

RECOMMENDATION

That the application is **Approved** subject to the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £7,000 towards the provision/maintenance of open space and recreation facilities in the locality and 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:

Amended Site Plan, Drwg no. HN/40314 (20) 01 Rev A
Proposed Elevations, Drwg no. HN/40314 (10) 04A
Proposed Elevations 2, Drwg no. HN/40314 (10) 05A
Proposed Ground Floor Layout, Drwg no. HN/40314 (10) 01A
Proposed First Floor Layout, Drwg no. HN/40314 (10) 02A
Proposed Houses Elevations 1, Drwg no. HN/40314 (10) 30
Proposed Houses Elevations 2, Drwg no. HN/40314 (10) 31
Proposed Houses Layout Plans, Drwg no. HN/40314 (10) 32

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E18, E22, H17, D1, D2, D3 and D5 of the Sedgefield Borough Local Plan.

3. The fourth dwellinghouse hereby approved shall not be occupied until the conversion works in relation to the public house have commenced in accordance with a phasing scheme to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the benefits associated with the conversion works in the interests of the character and appearance of the Conservation Area in accordance with policy E18 of the Sedgefield Borough Local Plan.

4. Notwithstanding any details of materials submitted with the application, details of the external walling (including render colour) and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the construction of any external wall of the dwellings hereby approved. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E18 and D1 of the Sedgefield Borough Local Plan.

5. Prior to conversion works hereby approved commencing a sound proofing scheme to mitigate the transfer of noise between units and the adjoining commercial use shall be submitted to and approved in writing by the Local Planning Authority. The soundproofing scheme shall be implemented in accordance with the approved details thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policies H21, D1 and D5 of the Sedgefield Borough Local Plan.

6. Prior to the first occupation of the apartments hereby approved, an acoustic report, in accordance with BS 8233 and the WHO Guidelines on community noise, shall be submitted to and been approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise and detail appropriate mitigation measures. The approved mitigation scheme shall be implemented prior to the first occupation of the apartments hereby approved and permanently retained thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policies H21, D1 and D5 of the Sedgefield Borough Local Plan.

7. Notwithstanding the submitted plans full details including materials and colour of all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area in accordance with policies E18, D1 and D5 of the Sedgefield Borough Local Plan

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

- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to improve the appearance of the development
- The provision of any fences or walls (including retaining walls)
- Full details of any regrading or alteration of levels on the site.
- Full details of the surfacing any hard standing proposed

The approved landscaping scheme shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development.

Reason: In the interests of the appearance of the area and to comply with policies E18 and D1 of the Sedgefield Borough Local Plan.

9. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with any subsequently approved submission.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policies E18 and D1 of the Sedgefield Borough Local Plan.

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

Reason: In the interest of the adequate disposal of foul and surface water in accordance with saved policy D1 of the Sedgefield Borough Local Plan and part 11 of the National Planning policy Framework.

11. Notwithstanding the provisions of Class A, B, C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations, including extensions and formation of windows shall be undertaken at the dwellings hereby approved.

Reason: In the interests of visual amenity and in order to safeguard the residential amenity of neighbouring properties having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan.

12. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii. Postfieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- v. Provision to be made for archive deposition of the analysis and records of the site investigation
- vi. A timetable of works in relation to the proposed development
- vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii. A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The scheme of investigation shall be carried out in accordance with the approved details and timings prior to the commencement of the development.

Reason: To comply saved policies BE1, BE15, BE16 and BE17, and section 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to approve the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

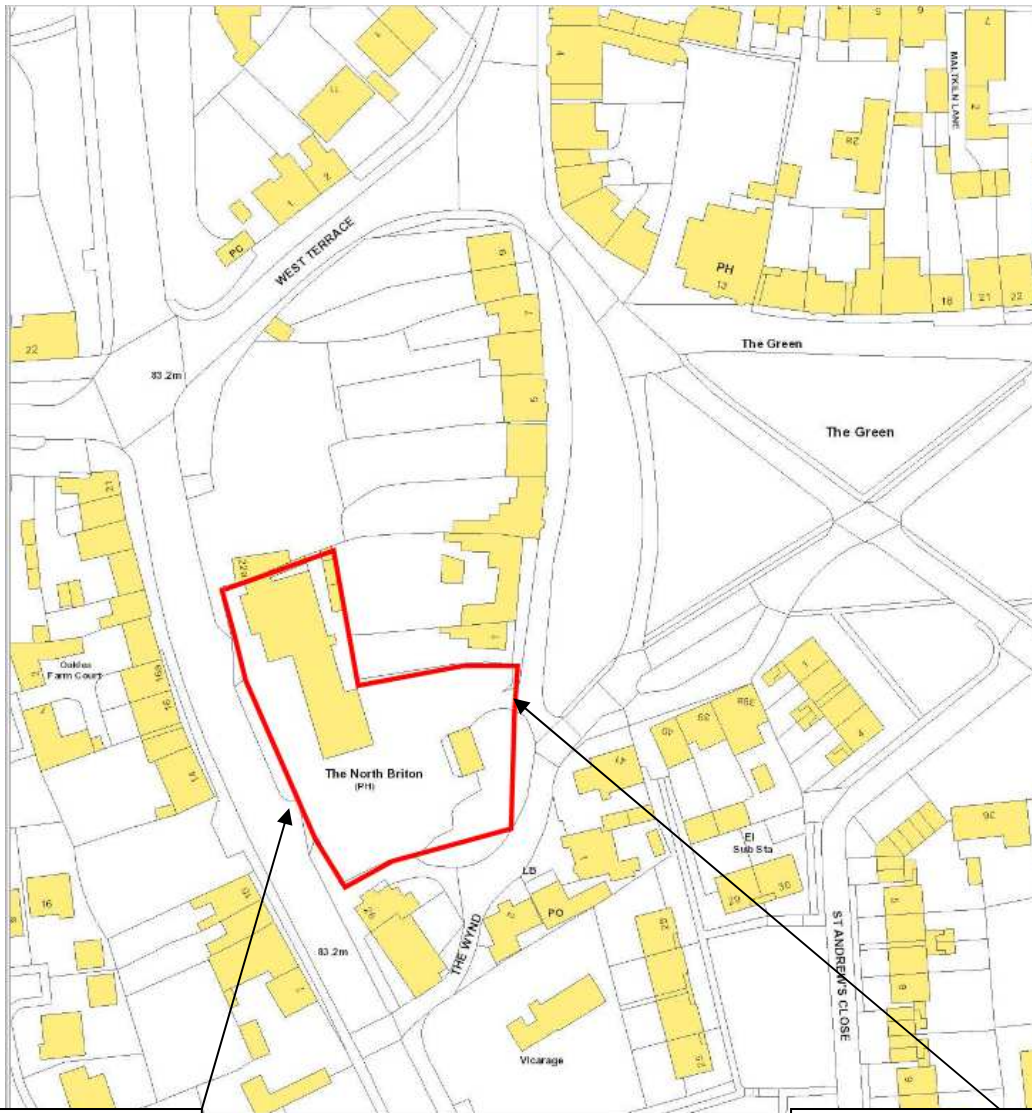
Sedgefield Borough Local Plan

Statutory responses from Highway Authority, Northumbrian Water Limited.

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

Representations received from the public and other representative bodies

Planning application file DM/15/01121/FPA



Proposed Access

Application Site



Planning Services

Conversion of Public House to 10 No. apartments and erection of 4 No. dwellings

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Comments

Date 7th July 2015

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01610/FPA
FULL APPLICATION DESCRIPTION:	Erection of 2no. detached dwellings
NAME OF APPLICANT:	Mr Brian Hauxwell
ADDRESS:	Greenfield Street, Byers Green, Spennymoor, Co Durham
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to a vacant and overgrown area of land to the south of no.10 Greenfield Street, west of High Street, Byers Green. The site is bordered to the north, east and west by neighbouring residential property with allotment gardens to the south. Access to the site is gained from a narrow lane between no's 71 and 75 High Street which serves other properties in Greenfield Street.
2. Planning permission is sought to construct 2no. detached dwellings on the plot. Each dwelling would be of 3 storey height containing 4no. bedrooms with additional living space in the roof area. Both dwellings would contain integral garages and a private drive area. Access to these dwellings would be achieved from Greenfield Street to the east via the existing access junction between numbers 71 and 75 High Street, that would be resurfaced and brought up to an adoptable standard.
3. The application is being reported to the Planning Committee in accordance with the scheme of delegation having been called in by local members (Cllrs K. Thompson and I. Geldard). Given the planning history of this site and the current condition of the land it is requested that this matter be determined at Committee rather than through delegated powers.

PLANNING HISTORY

4. The application site has been subject to a number of planning applications for residential development. Outline Consent was approved for 4no. dwellings on this site in October 2004 with all matters reserved including the requirement for additional control over the creation of a new access onto High Street. A subsequent reserved matters approval was withdrawn with the outline consent left to expire.
5. More recently outline permission was refused in May 2008 for the erection of 4no. dwellings on this site and in September 2008 for the erection of 2no. dwellings. Both applications were refused on highway safety grounds in light of more recent highways legislation, with the highway authority objecting to the substandard vehicular access which would be created onto High Street, that failed to provide adequate visibility splays

at its junction with High Street. The latest of these refusals was appealed by the applicant and dismissed by the Planning Inspectorate in June 2009 on highway safety grounds.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilizing twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
8. *NPPF Part 4 – Promoting Sustainable Transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
9. *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.
10. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

LOCAL PLAN POLICY:

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. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. *Policy H8 (Residential frameworks for larger villages)* identifies the settlements where housing development will normally be approved provided there is no conflict with the provisions of the development plans environmental, open space or design policies.
13. *Policy H17 (Backland and infill housing development)* states that housing development on backland and infill sites achieve acceptable means of access and parking provision, satisfactory amenity and privacy space for existing and proposed dwellings, and are of an scale/form.

14. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.
15. *Policy D3 (Design for Access)* seeks to ensure that new developments achieve a satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development.
16. *Policy D5 (Layout of new housing development)* seeks to ensure that new housing developments make provision for adequate amenity and privacy.
17. *Supplementary Planning Guidance Note 3 (Layout of new housing)* sets minimum separation distances between new and existing residential development.

RELEVANT EMERGING POLICY:

The County Durham Plan

18. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
19. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.

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:

20. *Spennymoor Town Council* - has not commented on the application.

21. *Highway Authority* - objects to the application on highway safety grounds. The proposed vehicular access to the site is substandard in that it fails to provide an adequate visibility splay to the south of its junction with High Street. The proposal would therefore result in turning manoeuvres which would be detrimental to highway safety and public safety in conflict with Part 4 of the NPPF and saved policies D1, D3 and H17 of the Sedgefield Borough Local Plan.

INTERNAL CONSULTEE RESPONSES:

22. *Ecology Section* - raise no objections as the perceived impact on bat roosts is deemed negligible.

23. *Environmental Health (Noise Action Team)* - raise no objections, subject to sensitive site working practices.

24. *Public Rights of Way Section* - notes that registered footpath Spennymoor 1 runs along the southern boundary of the site. The access statement mentions that the access road will be constructed to adoptable standards and whilst this is welcomed, it is likely that some disruption to the path will occur. The applicants should consider their options in relation to protection of the path if approved.

PUBLIC RESPONSES:

25. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. 3no. letters of objection have been received from local residents raising the following concerns.

- There is concern over the suitability of the site access junction with High Street in terms of the substandard visibility splays to result and the parking of vehicles on the approach road to Greenfield Street which could obstruct resident traffic and emergency vehicles accessing this area and jeopardise pedestrian safety.
- Questions are raised over the private ownership of the access road which the applicant intends to make adoptable and how can this lane be made adoptable without resident's permission?
- The removal of tree roots from the site which could result in land subsidence to neighbouring property.

APPLICANTS STATEMENT:

26. The applicant has provided the following statement in support of their application.

27. The Government are encouraging more self builds, we would ask the committee to be flexible and supportive in our application as the consequences are that small villages like ours will never get developed and that people will move away to more sustainable areas. We would use a high quality design, which will compliment current properties in the village. The land is currently overgrown and prone to fly tipping, by developing it we would prevent this.

28. If the planning application was passed we would improve the poor access to Greenfield Street and Hill View. We would be implanting a new road, drainage and footpaths, which would save DCC money and be more user friendly for existing residents. We would also use local workmen, thus helping the local economy. By relocating the BT post, it would

enable the refuse wagons to gain access more easily and give emergency service vehicles a greater access point with more room for manoeuvring. In conclusion, without our application it is likely that this access road will remain a dirt track, which seems absurd for this day and age.

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

29. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, scale/design of the proposed development, impact on neighbouring privacy/amenity, highway safety and ecological impact.

The principle of the development:

30. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. The application site is located centrally within the Byers Green settlement where saved policy H8 of the Sedgefield Borough local Plan provides support in principle for new residential development where there is no conflict with the provisions of the Local Plans environmental, open space or design policies. Saved policy H17 also supports infill residential development in such locations subject to achieving a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where the proposed development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

31. The application site is considered to represent a sustainable and accessible location where infill residential development could be approved in accordance with the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

Scale/Design:

32. Part 7 of the NPPF and saved policies H17(C) and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.

33. This undeveloped site is surrounded to the north, east and west by a mixture of semi-detached and terraced properties of traditional appearance. The 2no. proposed dwellings would be detached in form and would maintain the strong building line of the terraced row of properties forming no's 6-10 Byers Green to the immediate north. Dwellings would be 3 storey with additional living space to be created in the roof void in an attempt to ensure a roof ridgeline sympathetic to surrounding development. Such design would be sympathetic to the traditional 2 storey terraced dwellings in the immediate surroundings.

34. The dwellings would be finished in red brickwork with an artificial slate roof and upvc fenestration and guttering and would be in keeping with the surrounding street scene.

The proposed dwellings would therefore be of a scale and design sympathetic to their immediate settings taking into account the character of surrounding dwellings in accordance with Part 7 of the NPPF and saved policies H17(C) and D1 of the Sedgefield Borough Local Plan.

Privacy/Amenity:

35. Saved policies H17 (B), D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for satisfactory amenity and privacy for new and existing adjacent dwellings, showing regard to adjacent land uses and activities. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m separation between opposing windows of primary elevations and 14m between primary and gable elevations of opposing property.
36. The proposed dwellings would be infill in nature, located at the end of an existing terraced row. A separation of approximately 20m would be achieved from the west of the proposed dwellings facing the front elevations of no's 1- 5 Greenfield Street. To the east, a separation of approximately 14m would be achieved from the main elevations and the rear elevations of no's 69-71 High Street. Given the dense terraced form of this part of the Byers Green settlement and distances between existing developments in the area, no objections are raised. Control over any means of enclosure could further negate any potential privacy issues resulting from overlooking ground floor windows.
37. Both proposed dwellings are considered to benefit from sufficient private amenity space to the front and rear to meet the residential needs of occupiers.

Highway safety:

38. Saved policies H17 (A) and D3 of the SBLP together seek to ensure that new developments provide for a satisfactory means of access and parking provision showing regard to the number and type of vehicles using the development. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
39. The proposed site access would be provided from High Street to the east via the existing highway junction between Greenfield Street and High Street. This junction would be newly laid and brought up to an adoptable standard. An existing telegraph pole and street signage would be relocated. Both dwellings would benefit from integral garage space with a private driveway serving each dwelling.
40. The highway authority has objected to the application on highway safety grounds. It is noted that the current proposals are similar to those assessed under planning ref. 7/2008/0368/DM for 2no. dwellings on this site which was refused planning permission in September 2008 on highway safety grounds. A subsequent appeal against this decision was dismissed by the Planning Inspector in June 2009.
41. The highway authority raised initial concern about the accuracy of submitted plans and the ability to achieve the necessary visibility splays. The applicant submitted revised plans to address the potential concerns, showing the necessary junction site visibility splays to now be achievable. However, strong highway objections still remain as irrespective of where an access between no's 71 and 75 High Street is created, the necessary 2.4 x 40 metres junction sight visibility splays in both directions cannot be achieved. On this basis, and with regards to the 2009 Appeal Decision, the Highway Authority remain unconvinced as to how the applicant can claim to be able to achieve 2.4 x 43 metres junction sight visibility splays in both directions. This has been further

demonstrated by the highway authority who have provided test splays showing the relocation of the access to other positions between no's 71 and 75 High Street, none of which satisfy the minimum highway safety requirements.

42. The proposed vehicular access to the site remains substandard in that it fails to provide an adequate visibility splay to the south of its junction with High Street, Byers Green. The proposal would therefore result in turning manoeuvres which would be detrimental to highway safety and public safety in conflict with Part 4 of the NPPF and saved policies D1, D3 and H17 of the Sedgfield Borough Local Plan.

Ecology:

43. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The Ecology section raised initial concerns that the development of housing in this location could indirectly impact on any bat roosts in adjacent properties. There are a number of bat roost records from Byers Green properties which have good linkages into the surrounding countryside. A Bat Risk Assessment has since been undertaken and the submitted findings conclude that there would be negligible impact on possible bat roosts. No further objections are therefore raised.

Other matters:

44. This application has been called to the Planning Committee at the request of a local member who has expressed concern over the current, unmanaged condition of the site which represents an eyesore in the middle of the village. Although the current state of this land is acknowledged, the condition of the site cannot in itself be used as justification for its development. Such an approach was supported within the Planning Inspectors previous appeal decision for this site where it was concluded that development of 2no. dwellings was not the only way of improving site appearance and should not justify the development to go ahead with such a substandard access.

CONCLUSION

45. The proposal seeks to redevelop an infill site within Byers Green that has been the subject of previous planning consideration for residential purposes. No objections are raised over the principle of development which would be located in a sustainable and accessible location within the settlement. Moreover, it is considered that dwellings of the proposed scale and design and the relationship to neighbouring properties can be accommodated. However concerns remain over the suitability of the proposed vehicular access from this site to High Street to the east, in highway safety terms. Such objection is consistent with recent refusals and an appeal decision which was dismissed.
46. It is accepted that the proposal would make a small contribution to housing supply in the local area and involve the development of an overgrown parcel of land. However this would provide insufficient justification to overturn the strong highway safety concerns which have been raised. Such a view has been supported within a previous appeal decision for this site in 2009.
47. This application is therefore considered to conflict with Part 4 of the NPPF and saved policies H8, H17, D1 and D3 of the Sedgfield Borough Local Plan and is recommended for planning refusal.

RECOMMENDATION

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

The Local Planning Authority considers that Greenfield Street from which the application site is to be accessed is not suitable to serve the development proposed, given its substandard access onto High Street to the east. The proposal, if permitted, would be likely to give rise to conditions prejudicial to highway safety and other road user amenity contrary to Part 4 of the NPPF and saved policies D1, D3 and H17 of the Sedgefield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns were relayed to the applicant at an early stage and an invite issued to withdraw the application in light of the objections raised. (Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)

BACKGROUND PAPERS

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

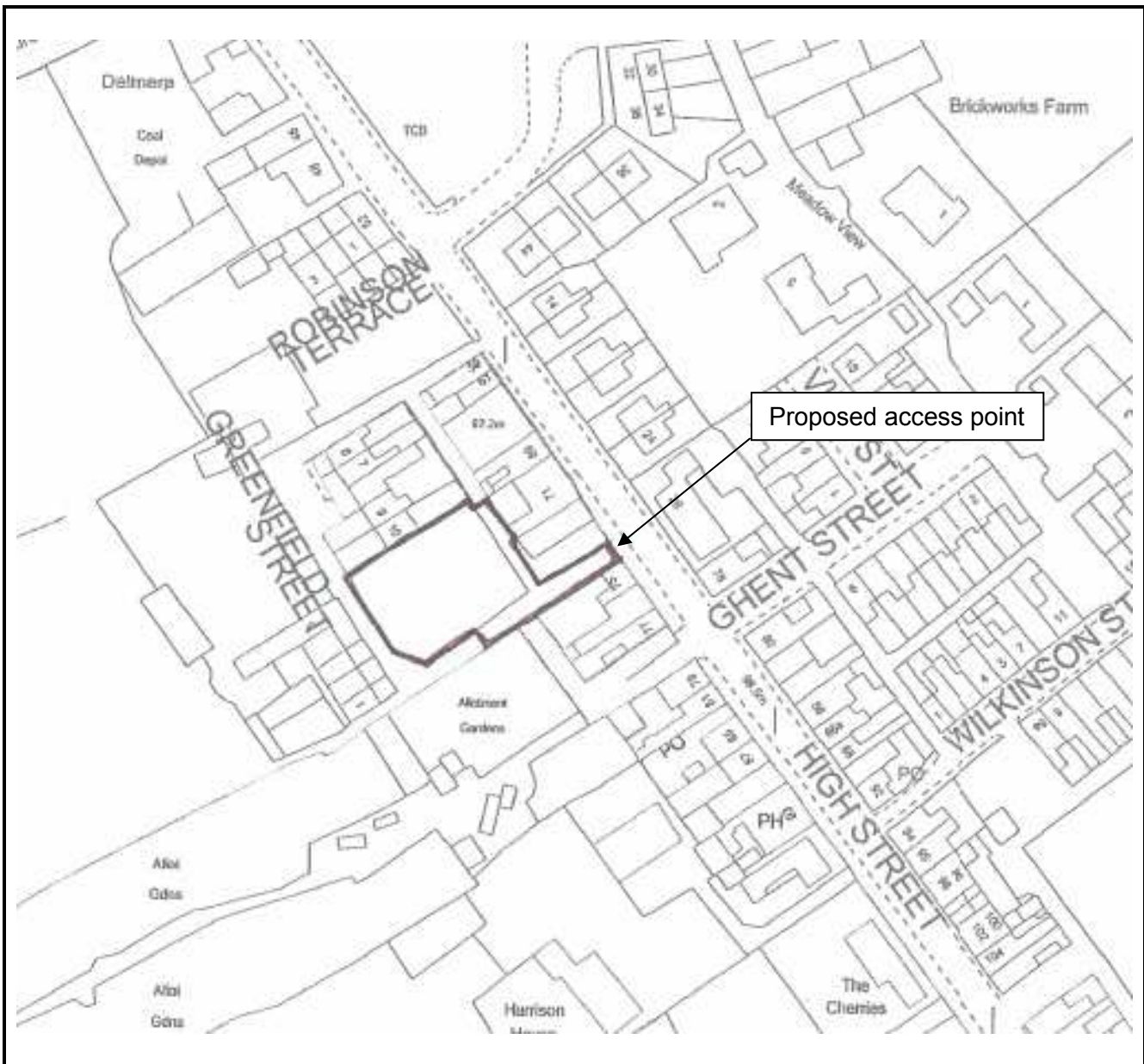
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Sedgefield Borough Local Plan 2007

Consultation response from the Highway Authority

Internal responses from the Environmental Health Section, Ecology Section, and Public Rights of Way Section



Proposed access point



Planning Services

2no. detached dwellings at Greenfield Street, Byers Green

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Comments

Date 23 July 2015

Scale

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00978/VOC
FULL APPLICATION DESCRIPTION:	Variation of condition 2 of planning permission 6/2013/0135/DM/VP to extend opening hours to between 8.30am and 9pm on 35 days per year (Resubmission of refused application DM/14/00468/VOC)
NAME OF APPLICANT:	Mrs Karen Birch
ADDRESS:	The Laurels 16 High Green Gainford Darlington County Durham DL2 3DL
ELECTORAL DIVISION:	Barnard Castle East Tim Burnham
CASE OFFICER:	Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The property is an existing coffee shop on the north side of the Gainford village green. Formerly a doctor's surgery, this Grade II listed building was granted planning permission for change of use to a coffee shop in 2005. The buildings either side are also grade II listed and the site lies within the Gainford Conservation Area. The coffee shop is accessed from the front where there is a paved patio either side of a path which leads from a short flight of steps to a central front door. The property is flanked to west by a dwelling at no.15 High Green and to the east by the Academy Theatre with flats above. To the rear is a courtyard which is overlooked by the kitchen and toilet facilities of the application premises, as well as other neighbouring properties and the village hall car park.

The proposal

2. The application is an unchanged resubmission of application DM/14/00468/VOC, which was refused under delegated powers on 28th January 2015. The application once again seeks variation of condition 2 of permission 6/2013/0135/DM/VP to extend the opening hours of the coffee shop until 9pm on 35 evenings each year. Condition 2 of 6/2013/0135/DM/VP was carried through from the original permission 6/2005/0327/DM and currently limits hours of opening from 8.30am to 6pm.

3. The proposed extension of opening hours would not apply to the use of seating on the outdoor patio as that is controlled separately by condition 3 of permission 6/2013/0135/DM/VP, which the application does not seek to vary. However, general use of the patio (congregation, comings and goings) would still be possible.
4. The application has been referred to the Planning Committee by Cllr Rowlandson who considers that planning officers, in acting under delegated powers to refuse the previous application, did not properly consider the impact of the proposal against the NPPF and it would be more appropriate for the Planning Committee to reconsider the proposal because of the history of the site.

PLANNING HISTORY

5. Since permission was first granted for the change of use to a tea room/café there have been a number of unsuccessful attempts, including a failed appeal, to gain planning permission for extension of opening hours as detailed below. In each case the applications were refused because of the impact on the residential amenity of neighbours from noise and disturbance.
6. When planning approval was granted for a change of use from Doctors Surgery to tea rooms in 2005 (6/2005/0327) opening hours were restricted to 08:30 – 18:00.
7. An application was refused in May 2008 (6/2008/0121) for the removal of condition 3 to enable the provision of outdoor seating, variation of condition 2 to extend opening hours to 23.00 and variation of condition 4 to allow functions.
8. An application was refused in August 2008 (6/2008/0297) for variation of conditions 2 and 3 to allow outdoor seating and extend opening hours to 20.00.
9. An application was refused in January 2009 (6/2008/0429) for variation of conditions 2 and 3 to allow outdoor seating on the east side of the patio only and extend opening hours to 20.00. An appeal against this decision was dismissed by the Planning Inspectorate.
10. An application was refused in November 2009 (6/2009/0319) to extend opening hours to 19:30, 50 days per year.
11. An application was approved in July 2013 (6/2013/0135/DM/VP) for a variation of condition 3 to allow outdoor seating on the east side of the patio with the use of the patio limited to the hours of 9am-5pm Monday to Saturday and 11am-4pm on Sundays. There was no change to the opening hours of the café.
12. An application was refused in January this year (DM/14/00468/VOC) to extend opening hours to 9pm on 35 days per year; the same as this resubmitted application.

PLANNING POLICY

NATIONAL POLICY

NATIONAL POLICY:

13. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
14. A key aim of the NPPF in chapter 1 is building a strong competitive economy. It says significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should act proactively to meet the development needs of business and support an economy fit for the 21st century. Another key aim in chapter 3 is supporting a prosperous rural economy. It says that local authorities should promote the retention and development of local services and community facilities that benefit businesses communities and visitors in rural areas.
15. In respect of impacts on amenity it is a core principle to secure a good standard of amenity for all occupants of land and buildings. Chapter 11 recognises the need to prevent development from contributing to unacceptable levels of noise and air pollution. Paragraph 123 specifically considers noise and the need to mitigate and reduce noise impacts.

The above represents a summary of those policies considered most relevant in the NPPF. The full document may be accessed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

LOCAL PLAN POLICY:

16. The Statutory Development Plan in this case comprises the policies of the Teesdale District Local Plan as amended by saved and expired policies September 2007.
17. Paragraph 215 of the NPPF states that following the 12 month period after the date of publication (of the NPPF), due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
18. The saved policies considered relevant to the proposal and to which due weight can be given having regards to NPPF paragraph 215 are:
19. *Policy GD1 (General Development Criteria)* Development will be permitted where among other things it is in keeping with the character of the area and would not disturb or conflict with adjoining uses and would not unreasonably harm the amenity of occupants of adjoining sites.
20. *Policy BENV3 (Development Affecting Listed Buildings)* Development which would adversely affect the character or the setting of a Listed building will not be permitted.

21. Policy BENV4 (Development within Conservation Areas) Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>

EMERGING POLICY:

22. 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 takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. At the current time, the Policies within the plan are being given no weight, very limited weight or limited weight. Policies 18, 19 and 44 are to be attributed limited weight.
23. Policy 18 (Local Amenity) Permission will not be granted for development which would have a significant adverse impact on amenity by way of issues such as noise, odour and loss of privacy.
24. Policy 19 (Air Quality, Light and Noise Pollution) Specifically in respect of noise pollution emphasises the attention that will be given to development within sensitive areas and where adverse effects are identified development will only be permitted where suitable mitigation can be achieved.
25. Policy 44 - Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and seek opportunities to enhance structures and areas of significance throughout County Durham.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Gainford Parish Council* did not offer any comments.
27. *The Highway Authority* has no objection.

INTERNAL CONSULTEE RESPONSES:

28. *Environmental Health* has reiterated comments made on the previous application. Members should note that these comments refer to a noise assessment that was prepared and submitted on behalf of the neighbor at no.15 High Green to support their objection to the previously refused application DM/14/00468/VOC. Although not

submitted again on this application it remains a relevant material planning consideration. The comments are as follows:

29. I would confirm that I have assessed the noise assessment in relation to the application and I would require the following information:

30. I agree with the recommendation that the patio area is not used during the extended hours however I would require clarification from the applicant on how this will be controlled.

31. I agree with the recommendation for a sound insulation test to be undertaken between the Laurels and 15 High Green in order to determine the level of attenuation between the properties. The target value for the airborne sound insulation is correct and this should be achieved. Clarification is required from the applicant that this testing will be undertaken and the required additional sound insulation will be installed. I would recommend that the sound test report and the scheme of insulation works proposed are submitted for the approval of the Local Planning Authority.

32. Clarification is required on the proposed ventilation for the kitchen, coffee shop and function rooms during these extended hours when the windows will remain closed to mitigate noise escape.

33. If the above information can be supplied to the satisfaction of the local planning authority and approval is granted then I would recommend that the following conditions are applied:

- A management plan to prevent the use of the patio area during the extended hours should be submitted for the approval of the Local Planning Authority.
- A sound insulation test shall be undertaken to determine the level of attenuation between the Laurels and 15 High Green
- Following the sound insulation test a scheme of sound insulation shall be implemented such that the airborne sound insulation of the party wall between the Laurels and No. 15 High Green (and any other adjoining residential properties) is at least 60 dB DnT.w.
- All windows at the Laurels to remain closed during the extended opening hours.
- A self-closer be fitted to the front entrance door at the Laurels (to prevent the door banging shut).
- A lobbied entrance is created at the Laurels (to prevent noise break out during patron access and egress).
- No live or amplified music to be played in the coffee shop

PUBLIC RESPONSES:

34. The application has been publicised by way of a site notice and neighbour notification letters. 5 Letters of objection have been received from neighbours.

35. The main points of concern and objection are on the grounds of impact on residential amenity from increased noise and odour emissions in addition to increased parking impact and setting a precedent to extend opening hours further. These are summarised in more detail below.
36. Concern is put forward in relation to noise and amenity disturbance for neighbours from late night openings and congregation of customers on the patio. It is suggested that this noise would be accentuated through single pane glass in the listed buildings. Internal sound insulation is wholly insufficient and the applicant has made no attempt to address this. It will be difficult to enforce against use of the patio at night when the seating does not have to be removed.
37. The 35 days proposed are unspecified and therefore unenforceable. The number of days is also well in excess of the 2 evening events on the village green and the 14 evening theatre performances. The village green events are also further away from the immediate neighbours
38. Pre theatre meals would finish before 7:30pm (start of the show) so there is no need to remain open afterwards.
39. Previous claims about the financial needs of the business are unsubstantiated and all evidence indicates it's a profitable business. Gains to the community would be minimised by losses to competing businesses and no full time employment will be created.
40. The change in hours and provision of pre theatre meals would change the nature of the business to that of a restaurant and the provision of dinners will be more odorous and noisy.
41. Evening opening will result in residents having to compete with the business for parking in the evenings.
42. It is suggested that the opening hours of business should not be based on other businesses in Gainford as each has its own needs and this proposal should be considered on its own merits.
43. There is concern that if this proposal is allowed then it could lead to further proposals to increase the number of days even more.

The above is not intended to list every point made and 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/onlineapplications/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

44. The planning statement attached to the application gives the fundamental reasons for this submission however there are a small number of points raised in documents submitted by consultees and objectors which require to be addressed.
45. The Environmental Health officer has raised a number of issues however these appear to be based on a historic report which was itself flawed, as far as the applicant is aware the officer has not visited the premises. The main points of variance are:
46. The only wall adjoining the property at 15 high Green is over 1m thick and built of solid stone. It adjoins a "day room" used by the tenants of number 15 in the day time.

The tenants have not objected (the owners are objectors but have resided in Germany for the last three years) the living room is on the first floor.

47. At the only point at which this wall is not original, sound insulation was installed at the time of the conversion to a coffee shop in 2005. Some insulation was installed under the floor at this time (2005)
48. A lobbied entrance has been requested – this has existed since 2005.
49. A self-closing mechanism has been requested (to stop the door “banging”) this has been in place since 2005.
50. No live or amplified music is currently played.
51. The request for a sound insulation test appears to be based solely on a report submitted by the objector rather than an objective assessment. It is difficult to see what this will achieve as the additional use will only occur when there is a much greater source of potential external noise from the village functions the coffee shop is looking to serve.
52. Previous consents have restricted the ventilation to the kitchen to the use of an open window. The EHO suggests this should now be kept closed: this appears to overlook the fact that the window in question opens on to the car park of the village hall which presumably will be in use, at the times proposed for extended opening, by events connected to village functions. Additionally the car park abuts the walled garden of the nearby Howies Tea Room which has unrestricted opening.
53. It has been requested that the external tables not be used during the extended hours and that a management plan be put in place to control this restriction. The use of external tables is already curtailed to fewer hours than the currently permitted opening hours by the consent granted in 2013. At this time the committee discussed the possibility of a management plan being needed but deemed it unnecessary. The applicant has demonstrated their ability to self-regulate this restricted use within the terms of the agreed consent.
54. The coffee shop fronts on to the village green, patrons are able to access the theatre by crossing the front terrace of the coffee shop. The eastern side of the coffee shop abuts the theatre. The rear of the coffee shop opens on to the village hall car park. A side room of the western side of the coffee shop abuts number 15. The coffee shop is located only on the ground floor. The main living and sleeping accommodation of number 15 is on the first floor and above. Additional activity within the coffee shop will only take place when there is greater and more significant activity externally (village green and hall car park) and within the theatre and village hall.
55. It is clear from the consent granted in 2013 that the thrust of the NPPF is entirely in support of this application and demonstrates why the situation now is significantly different from that considered at previous planning committees and at appeal.
56. This Laurels is a positive asset to the life of the village, however it does exist in a difficult and competitive market. The applicants sincerely hope that this application, if granted, will allow them to strengthen their business while also providing

enhancement to the social life of Gainford. It is the value and desirability of the benefits brought to the community by local business that is recognised and enshrined in the current NPPF and the applicant hopes it is these dual benefits that will be recognised by the planning committee and allow them to grant this application.

PLANNING CONSIDERATIONS AND ASSESSMENT

57. 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 issue in this instance relates to the impact on the residential amenity of neighbours from the proposed variation to opening hours in respect of any increase in noise, disturbance and odour. Other considerations include the impact on the character, appearance and setting of the Conservation Area and listed buildings, and highway issues.

The impact on the residential amenity of neighbours

58. The condition in question states:

“The use hereby permitted shall not be open to customers other than between the hours of 8.30am and 18.00pm”

59. The reason for the condition was *“to protect the residential amenities of the locality and the occupiers of adjoining residential properties”*.

60. This application represents a further attempted variation of the opening hours to allow later opening in the evenings and is identical to the last application which was refused earlier this year under delegated powers for opening until 9pm on 35 days a year. No further information has been provided in the resubmission.

61. Other previously refused proposals included opening until 11pm, 8pm and 7.30pm on 50 nights a year. Refusal 6/2008/0429 for opening until 8pm was appealed and dismissed by the planning inspectorate. The appeal decision is an important material planning consideration.

62. In the appeal the Inspector concluded that the opening hours of 8.30am to 6pm imposed by condition 2 of 6/2005/0327/DM (since repeated in 6/2013/0135/DM/VP) were necessary to protect the living conditions of neighbours from noise and disturbance and should be retained as such.

63. The application which received approval from the Planning Committee for outdoor seating (6/2013/0135/DM/VP) did not involve any change to opening hours and only allowed partial use of the patio for seating (furthest away from the neighbouring property) at times when the business was already operating.

64. This application seeks to extend evening opening until 9pm on up to 35 evenings each year. The applicant's desire is to be able to compete with other food and drink establishments in the village when theatre productions and choral evenings are held at the adjacent Academy Theatre, and when the carnival and the annual bonfire night are taking place on the village green.

65. The applicant suggests the proportionate increase in opening hours would be small and would coincide with times when there will be other noise generated from the theatre and village green events.
66. This was the same argument put forward in 2009 (6/2009/0319) which sought opening until 7.30pm on 50 nights a year, but was refused because of the impact on the residential amenity of neighbours. While this current proposal is for a lesser number of nights (35), the opening hours would be later (to 9pm). The impact of this proposal on the residential amenity of neighbours is still the primary concern, as it was in the last refusal, and has again been reflected in the concerns expressed by neighbouring property owners.
67. In considering the merits of this proposal, there have been some changes to the planning policy context since some of the earlier refusals and appeal decision, but not since the most recent refusal earlier this year. It is acknowledged that the NPPF has a strong emphasis to support the needs of local business, particularly where it would promote the retention and development of local services and facilities that benefit communities and visitors in rural areas. It says that significant weight should be placed on the need to support economic growth through the planning system. The proposal therefore draws some policy support in this respect as increased opening hours linked to other events could potentially increase trade to the benefit of the business. That was recognised in the local planning authority's support for the outdoor seating proposal.
68. The NPPF does not however change long standing considerations in respect of amenity and it is one of its core principles to secure a good standard of amenity for all occupants of land and buildings. Chapter 11 recognises the need to prevent development from contributing to unacceptable levels of noise and air pollution. Paragraph 123 specifically considers noise and the need to mitigate and reduce noise impacts. In addition, Teesdale Local Plan Policy GD1 remains in force and criteria D and E require that development does not conflict with or unreasonably harm the amenity of occupants of adjoining sites. These policy criteria fully accord with NPPF paragraph 123 and therefore policy GD1 can be given significant weight.
69. The emerging County Durham Plan contains Policies 18 and 19 in respect of protecting local amenity from noise and odour. These policies also accord with the NPPF however; they can only be attributed limited weight at this time because of the current status of the emerging plan.
70. The previous appeal decision and conclusions reached on residential amenity also remain a significant material consideration, particularly as the NPPF has not changed amenity considerations and the site circumstances and context have not changed.
71. In response to concerns raised by the Council's Environmental Health Section the applicant suggests that there is already some sound insulation with no.15 and a lobby with self-closing doors. What is not known though is how effective it is, particularly in dealing with evening noise transferal, which is why further tests have been requested. However and notwithstanding this, in paragraphs 5 & 6 of the appeal decision the Inspector considered that even though existing internal sound proofing would assist with internal sound transfer to the adjoining property, the increased external noise from patrons visiting the coffee shop in the evenings up to 8pm would disturb neighbours at a time they might reasonably expect the quiet enjoyment of their dwellings. Then, in paragraph 7 he said use of the toilet and store (to the rear) up to 8pm would have an oppressive impact on use of the rear

courtyard, which would be harmful to the living conditions of neighbours facing the courtyard.

72. The same general activity and resultant noise from visiting patrons and use of the store and toilet would apply to this current proposal, but it would also be for an hour later to 9pm. Any existing or improved internal sound insulation measures would not address this. Although the number of evenings when this would occur would be limited to 35 each year, by following the Inspector's reasoning it has to be concluded that on those 35 evenings neighbours would experience a harmful level of noise disturbance, and with the additional hour, to an even greater extent than what was previously considered unacceptable in that appeal.
73. 35 evenings each year is not considered to be an insignificant number of evenings for neighbours to have to experience noise and disturbance. The proposal seeks to justify those 35 evenings as being occasions when there is already noise from other events, however the events on the village green and at the theatre are not immediately next door to the neighbouring properties who would be most affected by this proposal, particularly no.15. The noisiest events on the village green are also only on 2 nights and theatre shows start at 7.30pm. The proposed introduction of evening opening to 9pm at the application site and resultant noise impacts would exacerbate the existing situation for the immediate neighbours on the nights when other activities are taking place, bringing the disturbance even closer to home on those evenings and making the situation worse. The impact would also potentially be more prolonged over the entire period of additional opening, as opposed to the more limited and short lived arrival-related activities before the theatre shows.
74. It is also noted that the 35 evenings are unspecified in the application which has led to neighbour concerns about how to ensure those evenings do in fact coincide with other events. The applicant has suggested that a condition could require advance notification of the specific evenings, however, even if the 35 evenings did coincide with other events the impact of the proposal on the neighbours would still be unacceptable for the reasons set out above. Such a condition would also be very difficult, if not impossible for the local planning authority to effectively monitor and enforce over the number of nights proposed. The condition would not therefore meet the required tests of enforceability.
75. In relation to the previous application refused under delegated powers, the owner of no.15 commissioned a noise assessment to look specifically at the potential impact on no.15. As this application is an identical proposal the noise assessment remains a material planning consideration. The noise assessment concluded that the impact of the proposal on the occupants of no.15 would be significant, which supports the views expressed above. The assessment suggests the application should be refused, but makes a number of recommendations for mitigation should the planning authority be minded to grant permission. The applicant has not carried out any noise assessment of their own to support the application.
76. The Council's Environmental Health Section agrees with the methodology of the assessment and that the recommendations are conditioned if the application is approved. However, the recommendations include matters which are difficult to control such as use of the outdoor patio which cannot be completely prevented because patrons would always have to pass through the patio to come and go through the front door of the premises; as well as requiring further assessment of sound tests and a scheme of sound insulation.
77. There must however, be certainty that neighbouring properties would be protected from noise before granting permission and therefore it would be unreasonable to rely

on the imposition of conditions to control matters requiring further assessment of the effect of the proposal on residential amenity. The imposition of the suggested conditions would not, with sufficient certainty, protect residents of nearby dwellings from the potentially undesirable noise effects from the proposed increase in evening opening hours.

78. Furthermore, as the Inspector noted in paragraph 5 of the appeal decision, while sound proofing would help reduce noise transfer from the interior of the coffee shop into no.15 it would not address general noise from comings and goings, or use of the toilet and store at times when neighbours might reasonably expect the quiet enjoyment of their dwelling.
79. Accordingly, conditions could not overcome all the noise concerns identified and therefore the proposal conflicts with the relevant national, local and emerging policies in respect of amenity impacts. While in the recent approval of the outdoor seating area the support for a local business was a factor which carried significant weight in the planning balance of that proposal, it was not considered to be at the expense of serious harm to local amenity because it did not change the opening hours.
80. In respect of odour, the neighbours' concerns are understandable given there is uncertainty about the type of pre theatre meals that would be offered and how they would be cooked. The coffee shop does not currently carry out intensive cooking so the kitchen does not have an extract system. The Environmental Health Section recommends that the kitchen window would have to remain closed on an evening to prevent noise escape. The same would be relevant for odour. The applicant considers this to be unnecessary because the kitchen faces the village hall car park to the rear, but there are also windows of neighbouring residential properties to the rear and therefore the need for the window to remain closed is considered to be justified. The impact on residential amenity of neighbours to the rear was also an important factor which led the Inspector to dismiss the previous appeal, despite the presence of the car park.
81. The window could however be conditioned to remain closed on an evening and the absence of an extract system, which would need separate planning and listed building consent, would prevent intensive cooking from taking place. How the applicant would deal with cooking restrictions in the type of meals they offer is a matter they would have to resolve themselves, possibly through additional permissions. Accordingly, there are not sufficient grounds to refuse the application on odour impact.

Other Matters

82. The property is a listed building and lies within the Gainford Conservation Area, however, no internal or external alterations are proposed, and while concerns have been raised about the impact of intensification of use on the residential amenity of neighbours, having regards to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered that this intensification of use would not have any material impact on the special significance or character and appearance of the listed building or Conservation Area. The proposal does not therefore conflict with the relevant local, emerging and national planning policies in this respect.
83. Increased traffic and parking impacts were also concerns raised in the objections, however it is considered that over a period of 35 evenings and in the context of theatre and other village events, the contribution of the application proposal to any such impacts would not represent a severe cumulative impact in highway safety

terms to justify refusal on highways grounds, and importantly, there is no objection from the Highway Authority on these grounds. The proposal does not therefore conflict with the relevant local, emerging and national planning policies in this respect.

CONCLUSION

84. This application is identical to the application refused in January this year. It is considered that permitting the additional opening hours would result in serious harm to the residential amenity of neighbours in terms of noise and disturbance on the number of evenings proposed. It is acknowledged that the NPPF provides a strong emphasis to support the needs of local business, particularly where it would promote the retention and development of local services and facilities that benefit communities and visitors in rural areas. However it is also a core principle of the NPPF to secure a good standard of amenity for all occupants of land and buildings and to ensure development does not lead to unacceptable noise impacts. The support for business needs should not therefore be at the expense of the amenity of neighbours where the potential for serious harm has been identified. It is not therefore a factor to override the serious harm to residential amenity identified in this case. Further conditions could not overcome all the noise concerns identified.

85. The proposal therefore fails to accord with Teesdale District Local Plan Saved Policy GD1 (D, E) and the provisions of NPPF paragraph 123.

RECOMMENDATION

That the application be **REFUSED** for the following reason;

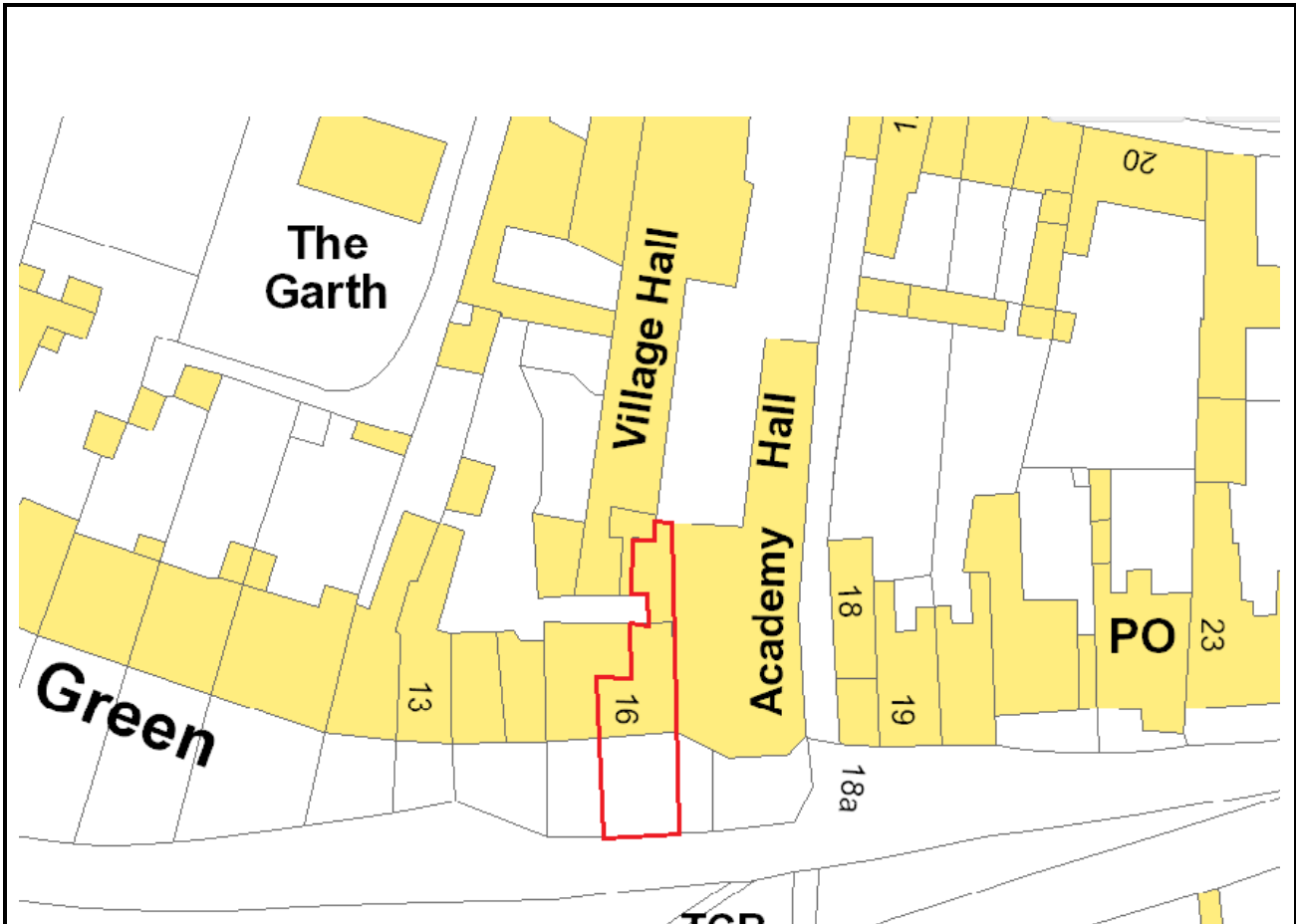
The current restriction of opening hours of 8.30am to 18.00pm is considered to be necessary to protect the residential amenity of neighbours from noise and disturbance and therefore the proposed extension of opening hours to 21.00pm over 35 evenings would introduce an unreasonable level of additional noise and disturbance at a time when occupiers of neighbouring properties might reasonably expect the quiet enjoyment of their dwellings. This would be harmful to the residential amenity of those neighbours, contrary to Teesdale District Local Plan Saved Policy GD1 (D, E) and the provisions of NPPF paragraph 123.

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.

BACKGROUND PAPERS

Submitted application form, location plan supporting documents provided by the applicant
The National Planning Policy Framework (2012)
Planning Practice Guidance (PPG)
Teesdale District Local Plan Saved Policies
The emerging County Durham Plan
Noise impact assessment submitted in relation to application DM/14/00468/VOC
All consultation responses and representations received



Planning Services

Variation of condition 2 of planning permission 6/2013/0135/DM/VP to extend opening hours to between 8.30am and 9pm on 35 days per year

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23rd July 2015

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01270/FPA & DM/15/01271/LB
FULL APPLICATION DESCRIPTION:	Demolition of outbuildings and erection of 1 no. dwelling & Demolition of outbuildings and alterations to boundary wall (planning and listed building consents)
NAME OF APPLICANT:	Ms Hazel Watt
ADDRESS:	Ovington Edge Ovington Lane Ovington Richmond DL11 7BL
ELECTORAL DIVISION:	Barnard Castle East Tim Burnham
CASE OFFICER:	Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site sits immediately to the south west of Ovington Edge, comprising of land within its curtilage. Ovington Edge is a grade II listed dwelling. The Grade II listed Ovington Bridge sits further to the south west of the site close to Ovington Village Hall. Ovington Lane runs to the north west of the application site. The application site hosts two outbuildings associated with the dwelling, which are both in a poor state of repair. Stone walls bound the site adjacent to the highway. The development site sits within the Ovington Village settlement boundary. The Area of High Landscape Value designation lies across the road to the north of the application site beyond Ovington Lane, along with the River Tees.
2. The applications are a resubmission of planning and listed building approvals granted in 2012, but which expired in April this year without having been implemented. As before, they seek planning permission and listed building consent for the erection of a two storey detached dwelling on the site along with demolition of outbuildings and alterations to the stone boundary wall surrounding the site to allow for vehicular access to be achieved. The dwelling is proposed to be of traditional design, following the typical massing and shape of other dwellings within the area. The vehicular access would be taken from Ovington Lane.
3. The application has been referred to the Planning Committee by Ovington Parish Council who object to the application on the grounds of listed building setting, highway safety and land stability.

PLANNING HISTORY

4. In addition to these same proposals having been previously approved in 2012 (6/2011/0362/DM & 6/2011/0363/DM/LB), planning and listed building consent have also recently been granted in June this year under delegated powers for the provision of a more contemporary dwelling at the site for a different applicant (DM/15/00659/FPA & DM/15/01519/LB).
5. If these current applications were granted approval, it would be possible to develop one or the other scheme on the site. It would be perfectly feasible to hold two differing sets of planning approvals on the same site, although clearly only one could be implemented in practice as the two different schemes occupy the same site.

PLANNING POLICY

NATIONAL POLICY

6. 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.
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 3 – Supporting a prosperous rural economy* – This part of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It states that planning policy should promote the retention and development of local services and community facilities in villages.
9. *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.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes*. States that housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas it is suggested housing should be located where it will enhance or maintain the vitality of rural communities.
11. *NPPF Part 7 – Requiring Good Design*. States that good design a key aspect of sustainable development.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*. States that ecology interests should be protected.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. States that heritage assets (in this instance the grade II listed Ovington Edge and Ovington Bridge) need to be recognised as an irreplaceable resource and to be conserved in a manner appropriate to their significance.

LOCAL PLAN POLICY:

14. The Statutory Development Plan in this case comprises the policies of the Teesdale District Local Plan as amended by saved and expired policies September 2007.
15. Paragraph 215 of the NPPF states that following the 12 month period after the date of publication (of the NPPF), due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
16. The saved policies considered relevant to the proposal and to which due weight can be given having regards to NPPF paragraph 215 are:
17. *Policy GD1: General Development Criteria* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
18. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted.
19. *Policy ENV3: Development within or adjacent to an area of High Landscape Value* Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals.
20. *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.
21. *Policy H4: Infill Development on sites of less than 0.4 Hectare.* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Ovington subject to fulfilling the design criteria of Policy GD1.
22. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites.

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 -

23. 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 Policies within the plan are being given no weight, very limited weight or limited weight.

24. Policy 15 - Development on Unallocated Sites would be relevant to this proposal. This Policy however is being afforded very limited weight. Policy 44 - Historic Environment is also relevant. This Policy is being afforded limited weight. Neither policy forms a significant part of the decision making process.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Highways Authority*: Have Offered No objection subject to the inclusion of highways related conditions and informatives.
26. *Northumbrian Water*: Have responded to the consultation and stated they have no comments to make on the proposals
27. *Ovington Parish Council*: Object to the planning application. A detailed letter of objection has been submitted. The full letter is available to read on the council's web site accessible through the link at the bottom section of this report. The main Points made within this letter are summarised below.
- Development Contrary to Policy BENV3 as it would adversely affect the setting of the grade II listed building - Ovington Edge.
 - Concern over the application site being considered an 'infill site'
 - Ovington is not a sustainable settlement and has a very limited range of services and facilities
 - The provision of vehicular access in the location proposed would be unsafe and lead to increased risk of accidents on the highway
 - Ovington has poor sewage and broadband capability
 - The application represents over development of the site
 - Concern over land stability on the immediately surrounding area
 - Concern over damage to grade II listed Ovington Bridge

INTERNAL CONSULTEE RESPONSES:

28. *Design and Conservation*: Consider that the proposal will not harm the setting of the adjacent grade II listed Ovington Edge. They note that the proposal is the same as previously approved on site. They have requested that conditions which remain relevant from the previous application be added to this planning application.
29. *Ecology*: The Ecology section note that the original bat survey work undertaken in 2011 has been updated. They note that bat roosts are located in buildings close to the site but not in those affected by the development. They suggest the development would be acceptable subject to mitigation measures which should be conditioned.
30. *Landscape*: Note that the application is the same as that previously received and approved and have no comments to make.

PUBLIC RESPONSES:

31. A full consultation exercise was carried out which has included the posting of a site notice, the publication of a press notice and the sending of neighbour notification letters. No public responses have been received.

APPLICANTS STATEMENT:

32. Since the granting of planning permission on 26 April 2012, partly because of market forces it has not been possible to implement the permission, and this application now before you has been submitted seeking to renew that previous planning permission to continue the opportunity of developing a scheme which was, at the time of its granting in 2012, considered to be an attractive and appropriate development which would complement the adjacent Listed Building.

33. Alternative design proposals for the site have been submitted by a prospective purchaser, and these too have been granted planning permission recently. However, at the present time there exists no guarantee that this scheme will be realised. In planning law terms, there exists no reason why two appropriate permissions cannot co-exist for a site, and clearly whichever is implemented first becomes the lawful development.

34. In terms of the application before you, no material circumstances have changed with regard to the positive determination of this application, and members are requested to grant planning permission once again for this appropriate scheme.

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%2F15%2F01270%2FFPA

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

36. The principle of the development of the site for a residential dwelling was previously accepted through planning and listed building consents granted in 2012. The previously approved plans are the same as those before the planning committee today. Although these consents are no longer extant, they are still considered to represent a significant material consideration in favour of the principle of the development. More significant though is that there is extant planning and listed building approval granted in June this year for a similarly scaled dwelling on the site, which firmly establishes the principle of residential development.

37. The site lies within the development limits of Ovington and although within the curtilage of Ovington Edge, the land could not be described as consisting of private residential garden. Given the presence of an existing building on this part of the site, and the fact that the main garden area appears to sit further to the east to the rear of Ovington Edge the application site is considered previously developed.

38. The principle of a dwelling in this location therefore accords with Policy H4 of the Teesdale Local Plan. This Policy relates to small scale housing development and states that it will be permitted on sites of less than 0.4 hectares, comprising previously developed land, within the development limits of certain villages, of which Ovington is included.
39. The sustainability of locating a dwelling in this location has been questioned by the Parish Council. It is acknowledged that limited services are available within the village. The NPPF at paragraph 55 advises that isolated new homes in the Countryside should be avoided. The dwelling would not represent an isolated new home in the countryside. The NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The development of this site within the settlement boundary would be a very modest and balanced approach to bring additional residents to Ovington. It is considered that permitting this development would allow small scale sustainable development which could help to enhance the vitality of the village and therefore the proposal does not conflict with the NPPF.

Design/Impact on Heritage Assets

40. The Parish Council's concerns about the design of the dwelling and impact on the setting of the grade II listed Ovington Edge are noted, however, it is considered that the proposed scheme is simple and reflective of the design of the existing dwelling at Ovington Edge. The roof would be pitched and broken up to different heights which would help reduce the bulk and massing of the dwelling. Materials would consist of stone and clay pantiles with timber windows and doors. The proposed dwelling would be set down and set back slightly from Ovington Edge, which would enable Ovington Edge to maintain its prominence on site and would protect views towards the Grade II listed dwelling when approaching from the south west.
41. The Parish Council has also expressed concern about the impact on the nearby grade II listed bridge. However, the dwelling and associated works taking place to the wall to create the access to the site would be entirely within the application site to the east of the bridge, well away from this structure and do not involve any intervention with the bridge or its walls. Development can occur within the vicinity of listed structures without damaging them and the proposed dwelling would not impact negatively on the setting of the bridge. The concerns are therefore unfounded.
42. The demolition of the outbuildings and alterations to the boundary wall also require listed building consent by reason of having curtilage listing in association with the grade II listed Ovington Edge. One outbuilding appears as a relatively modern timber clad stable, while the other building is a part stone and part brick building. The stable building is a relatively modern, functional building with no architectural or historic merit. It is not considered significant or important in the context of the setting of the listed building. The second building is of more substantial construction and age, but is too is not of any architectural or historic significance. It is also in a very poor state of repair, suffering from advanced decay, with no roof structure. Both buildings offer little positive to the setting of the listed building and do not possess any significance themselves. Their removal is therefore considered acceptable, but is nevertheless already approved under extant consents DM/15/00659/FPA & DM/15/01519/LB.
43. The alterations to the boundary wall involve the creation of an opening to provide a new vehicular entrance to the application site, reducing the height of the wall to

0.9m within the visibility splay cordon. Consequently, the boundary wall would be in the main retained with the vehicular access only a small element within the overall length of the wall. The function of the boundary wall and significance to the listed building (Ovington Edge) would not be significantly altered and therefore the proposal is acceptable. Again, this is also approved under extant consents DM/15/00659/FPA & DM/15/01519/LB.

44. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses. In addition, Policy BENV3 of the Teesdale Local Plan does not permit development which would adversely affect the character of a listed building or its setting. Part 12 of the NPPF reinforces protection for listed buildings seeking to preserve significance of designated heritage assets. It is considered that the proposals for the site meet these objectives and there was no objection from the Council's Design and Conservation Section.

Landscape impact

45. The site lies outside the Area of High Landscape Value designation and is included within the development limits of Ovington. The proposed dwelling would sit alongside an existing dwelling and within an already established and clearly defined curtilage. Accordingly the site does not represent an intrusion into the countryside.
46. The developed proportion of the site would not be excessive in relation to its overall size with adequate garden and parking provision within the site. The scale, character and materials of the dwelling would relate appropriately to the existing dwelling, as well as to the general character of the village and adjacent countryside.
47. Landscape Officers have raised no objections and it is not considered that the development proposed would have a negative impact upon the special character of the adjacent Area of High Landscape Value, which is situated across Ovington Lane to the north.
48. The proposal therefore accords with Teesdale Local Plan policies ENV3 and GD1.

Highways Impacts

49. Policy GD1 relates to highways issues and it requires that safe access to the site and adequate parking should be provided. It also requires that development does not create unacceptable levels of traffic which would exceed the capacity of the local road network.
50. The Parish Council is concerned that the vehicular access would be in a dangerous position.
51. Vehicular Access would be taken from Ovington Lane at the south west corner of the site. An adequate visibility splay would be provided through reducing the height of the stone boundary wall to 900mm, and through erecting a portion of fencing within the development site to ensure that the area within the visibility splay chord would be free from obstruction.

52. The vehicular access is the same as the 2012 approval and the same as the application approved earlier this year. The Highways Authority has no objections to the development.
53. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts have not been identified in this instance.

Ecology

54. 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.
55. At the time of previous planning applications at the site in 2011 a bat survey was undertaken by Argus Ecology Ltd. Although bats were found roosting within the main residence of Ovington Edge itself and an outbuilding at the dwelling, no bats were found roosting within the development site itself, although the potential of the on-site barn building to host bats was noted. Mitigation measures were recommended in relation to the lighting of the site, timing of works.
56. The bat survey has since been updated and considers that in the time since the last survey the state of the buildings proposed for demolition has worsened meaning that bat roosting opportunities would have been further limited at the site. The updated report suggests that the findings of the 2011 report are still valid. As such, Ecology Officers have offered no objections to the application subject to mitigation measures outlined within the original report and the provision of alternative bat roosting opportunities as detailed within the updated report.
57. Subject to these conditions the proposal complies with Teesdale Local Plan policies GD1 and ENV8.

Other Issues

58. The Parish Council have raised concerns about the potential for the development to affect ground stability outside the site, noting a land slippage in 2013 which resulted in closure of the bridge. Officers are aware of this, but the issue has now been resolved. The proposed development would lie to the east of the bridge outside the previously affected area and the site is not subject to any coal mining legacy issues. The proposed development is small in scale and the risk of the development affecting land stability outside the site is considered to be low. The Building regulations will give appropriate consideration to construction methods and developers and contractors have a responsibility to ensure that damage is not caused to other land and property. There is also already an extant permission to construct a house on the site (DM/15/00659/FPA).
59. In relation to the Parish Council concerns over sewerage capacity in the area, Northumbrian Water has offered no objections which would appear to indicate that the existing system would have the additional capacity to support an additional dwelling. Officers also acknowledge that communications services such as broadband are poorer in rural areas and this would not be a reason to refuse planning permission for a dwelling in a rural area.

60. The development is considered to be in accordance with the relevant emerging County Durham Plan Policies, although these have been afforded limited or very limited weight and have not been a key part of the decision making process.

CONCLUSION

The proposed dwelling would represent small scale development on brownfield land within the development limits of the village and the principle of the development has been established through extant and previous approvals. The scale, design and layout of the proposed development is acceptable in relation to its impact on nearby designated heritage assets and the surrounding area. It is also acceptable in relation to highways and ecology issues. The buildings to be demolished lie within the curtilage of a listed building, however they do not possess any architectural or historic significance and are in a poor condition which currently detracts from the setting of the listed building.

The applications are therefore in accordance with the NPPF Parts 3, 4, 6, 7, 11 & 12 and Policies GD1, BENV3, ENV3, ENV8, H4 and H12 of the Teesdale Local Plan.

RECOMMENDATION

That the applications be **approved** subject to the following conditions –

Planning Approval Conditions DM/15/01270/FPA

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

Drawing 02

Drawing 03

Drawing ASS/1069 received 23rd April 2015

Ovington Edge – Bat Survey Report, September 2011 by Argus Ecology Ltd & Ovington Edge – Statement in respect of Bats, April 2015 by Argus Ecology received 01st April 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, roofing and external hard surface materials have been submitted to and approved in writing by the Local Planning Authority. This shall include the a sample panel of the proposed stone and pointing to be used in the construction of the main walls, which shall be erected for inspection before the commencement of development and thereafter retained on site during the construction

period. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies GD1 and ENV3 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to preserve the setting of the neighbouring grade II listed building and relate to matters at the start of the development process.

4. All rainwater goods shall be black and mounted on traditional rise and fall gutter brackets.

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

5. Notwithstanding the details shown on the approved plans, prior to their installation, precise details of all fenestration and glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in accordance with the approved details.

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

6. No development shall take place unless in accordance with recommendations detailed within Ovington Edge – Bat Survey Report, September 2011 by Argus Ecology Ltd & Ovington Edge – Statement in respect of Bats, April 2015 by Argus Ecology received 01st April 2015.

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

8. The 1.2m high two railed timber fence within the site to protect the highways visibility splay adjacent to Ovington Lane shall be constructed and in place prior to the first residential occupation of the site and shall remain for the lifetime of the development.

Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Teesdale Local Plan.

9. No impediment or obstruction greater than 0.9m in height above the adjacent Ovington Lane carriageway shall be permitted within the visibility splay shown hatched on the site plan reference 01 REV A hereby approved.

In order to ensure adequate forward visibility in the interests of highway safety in accordance with Policy GD1 of the Teesdale District Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the local planning authority.

In order that the local planning authority may exercise further control in this locality in the interests of visual and residential amenity in accordance with Policy GD1 of the Teesdale District Local Plan.

Additional Listed Building Conditions DM/15/01271/LB

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: In accordance with Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Drawing 01 REV A

Drawing 02

Drawing 03

Drawing ASS/1069 received 23rd April 2015

Ovington Edge – Bat Survey Report, September 2011 by Argus Ecology Ltd & Ovington Edge – Statement in respect of Bats, April 2015 by Argus Ecology received 01st April 2015.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 3, 4, 6, 7, 11 & 12 and Policies GD1, BENV3, ENV3, ENV8, H4 and H12 of the Teesdale Local Plan.

BACKGROUND PAPERS

Submitted application form, plans supporting documents provided by the applicant

Bat report update Argus Ecology 2015

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Teesdale Local Plan

The County Durham Plan (Submission Draft)

All consultation responses received



Planning Services

Demolition of outbuildings and erection of 1 no. dwelling & Demolition of outbuildings and alterations to boundary wall

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23rd July 2015