



## Area Planning Committee (South and West)

**Date** Thursday 17 September 2015  
**Time** 2.00 pm  
**Venue** Council Chamber, Civic Centre, North Terrace, Crook

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 23 July 2015 (Pages 1 - 18)
5. Applications to be determined
  - a) DM/14/01091/FPA - Former Weardale Motor Services and The Bungalow, 101 Front Street, Frosterley (Pages 19 - 34)  
Demolition of existing bungalow and garage/office and erection of 10no. dwellings
  - b) DM/15/01428/FPA - Land east of Van Farm, Green Lane, Hutton Magna (Pages 35 - 54)  
Proposed wind turbine of 36.6m maximum tip height with associated meter house and access track
  - c) DM/15/01961/FPA - Former Co-op, New Road, Crook (Pages 55 - 72)  
Demolition of existing food store and petrol station, and erection of a replacement food store (Class A1) and associated works
  - d) DM/15/02058/FPA - 1 Stockley Lane, Oakenshaw (Pages 73 - 82)  
Proposed dwelling and office/store (resubmission of refusal DM/14/02570/FPA)

- e) DM/15/01710/FPA - Site of Former Police Station, Central Avenue, Newton Aycliffe (Pages 83 - 98)  
Erection of 56 bed residential care home, with associated car parking and infrastructure
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  
9 September 2015

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

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

Councillors B Armstrong, 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, Council Offices, Spennymoor on **Thursday 23 July 2015 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chairman)**

**Members of the Committee:**

Councillors H Nicholson (Vice-Chairman), B Armstrong, D Bell, D Boyes, J Clare, I Jewell, C Kay, S Morrison, A Patterson, G Richardson, L Taylor, C Wilson and S Zair

**Also Present:**

J Byers – South West Team Leader  
A Inch – Planning Team Leader – Strategic Team  
M O’Sullivan – Planning Officer  
T Burnham – Senior Planning Officer  
D Stewart – Highways Officer  
A Glenwright – Highways Officer  
C Cuskin – Solicitor, Planning and Development

**1 Apologies for Absence**

Apologies for absence were received from Councillors K Davidson and E Huntington.

**2 Substitute Members**

Councillor I Jewell substituted for Councillor K Davidson.

**3 Minutes**

The Minutes of the meeting held on 18 June 2015 were agreed as a correct record and were signed by the Chairman.

**4 Declarations of Interest**

There were no declarations of interest.

## **5 Applications to be determined**

### **5a DM/14/02575/OUT - Land Opposite 1 to 14 West Road, Willington**

Consideration was given to the report of the Planning Team Leader – Strategic Team regarding an outline application for up to 70 residential dwellings (for copy see file of Minutes).

A Inch, Planning Team Leader – Strategic Team 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.

The Chairman read out a statement from local Member Councillor Gunn who was unable to attend the meeting. The Member had discussed the matter with local Member Councillor Tinsley and they were both in agreement regarding this application. Councillor Gunn therefore endorsed the statement to be made by Councillor Tinsley.

Councillor Tinsley then addressed the Committee on behalf of local residents. He referred Members to Planning Policies ENV1 and H3 in the Wear Valley Local Plan.

Policy ENV1 sought to protect and enhance the countryside of Wear Valley and Planning Officers considered this to be relevant. The application was outside the development limits designated under the Local Plan and was therefore contrary to Policy H3. However limited weight had been given to the Policy due to its consistency with the NPPF which was silent on settlement boundaries. In his view this did not mean that it should not be given consideration. Paragraph 154 of the NPPF stated that development plans should be clear about where development should take place and as such Policy H3 was consistent with the NPPF and should carry weight.

In terms of the emerging County Durham Plan, the site had been discounted following a more detailed assessment as part of the SHLAA process. County Durham was able to demonstrate a 5 year housing land supply so there was no need for development of this site.

Turning to the responses of the statutory and internal consultees the Councillor noted that the Landscape Section had referred to the site as an attractive landscape of open fields and that development would be an incursion into it.

The Highways Authority had offered no objections but there had been a high number of fatal accidents on the highway within 200m of this site with the most recent being in early 2015.

The Coal Authority had objected to the proposals as the site was within a high risk area and no Coal Mining Risk Assessment had been submitted. He did not consider that the proposed condition properly addressed this.

Sewage capacity was of concern. Northumbrian Water had advised that the system was nearing capacity and he felt that the proposed condition would not address this.

If approved the development would constitute a loss of agricultural land. The NPPF stated that Grade 3 agricultural land should be protected which constituted over half of the site.

He was also concerned about cumulative impact as, if granted, this development and others in the area may render the medical practice unable to cope.

In conclusion he stated that there had been too much weight attached to the NPPF and that policies in the Wear Valley Local Plan should be adhered to or the scheme would constitute a departure from Local Plan Policy.

Gillian Wood, local resident addressed the Sub-Committee against the application. She noted that the application had generated a number of individual objections but this did not reflect the strength of feeling in Willington. She advised that if approved this development would have a detrimental impact on an open rural aspect and would be visible from the A690. The Coal Authority had objected to the application and there were concerns about sewage capacity. The site was of archaeological significance and the proposals would have a detrimental impact on wildlife in the area. Locals had seen owls, bats and deer on the land.

Residents were also concerned about the site access which was directly onto the A690, a busy and highly dangerous section of road. The Highways Authority had advised that the 30mph limit would be extended but the current speed limit was rarely enforced. The NPPF encouraged solutions for reducing congestion and greenhouse gases; if approved this development would exacerbate congestion.

Turning to sustainability, Gillian Wood advised that Willington was saturated with new homes. There were 95 properties for sale and one development had been under construction since 2007 with 17 properties still for sale on that site.

The occupiers of the proposed development would work, shop and socialise elsewhere but would use Willington's already overstretched services. She had received an e-mail from one local resident whose autistic son was disturbed by noise and who was therefore concerned about the impact of the development on his health.

Flooding on the A690 was also a problem. This had been temporarily alleviated but would be worsened by water run-off from the site.

In summary Gillian Wood stated that the application contravened Local Plan Policy and that residents were strongly opposed to the proposed development.

Sandra Manson, the applicant's agent spoke in support of the application. She advised that the application had been the result of a long and thorough process to ensure that the original concerns of Officers had been addressed. The SHLAA process involved detailed site assessments which had resulted in Officer support of the application. The proposed scheme was deliverable and would ensure that the development would integrate into Willington. The proposals were sustainable and the provision of affordable housing would be of significant social benefit, would meet local needs and was in accordance with policies in the NPPF and the Local Plan.

The application was supported by detailed site assessments. The Landscape Section had objected to the application but this was not supported by the Landscape Visual Assessment which demonstrated that the site would not be widely visible. As with any proposals the scheme came with a level of visual impact but in this case was minimal and had been mitigated against. Landscaping would ensure that the visual impact would be minor. The impact did not outweigh the significant benefits the scheme would bring.

It was standard practice to include conditions to address the Coal Authority's concerns and sewage disposal, and the development would be unable to proceed without these conditions being satisfied. She commended the Officer's recommendation to limit weight to Local Plan Policy and attach significant weight to the NPPF.

The Planning Team Leader responded to the matters raised and advised that Local Plan Policy had not been dismissed. In accordance with paragraph 215 of the National Planning Policy Framework the weight to be attached to Local Plan Policy depended upon the degree of consistency with the NPPF. Weight had been attached to Local Plan Policy H3 which directed development to those towns capable of supporting it but Officers considered that the Policy was not wholly compliant with the NPPF in terms of the settlement boundary. On balance the overall benefits outweighed the conflict between Local Plan Policy and the NPPF. He confirmed that it was normal practice for matters such as drainage to be dealt with by condition in an outline scheme.

D Stewart, Highways Officer responded to the concerns raised about highway safety. He was aware of the accidents on the A690 but in relative terms these did not justify an objection to the scheme due to their infrequency. The most recent accident had been caused by a loss of control by the driver of a vehicle in the early hours of the morning. The visibility from the junction was deemed to be acceptable.

The Chairman made the comment that the Council had attached importance to economic regeneration and house building was a key element of this. The NPPF was predominant in the determination of planning applications to help achieve these aims and the weight to be attached to Local Plan Policy had to be considered against policies in the NPPF.

In response to a question from Councillor Clare about embedded sustainability, the Planning Team Leader referred Members to condition 17 which sought to ensure a scheme to minimise energy consumption through construction techniques and the use of renewable energy.

Following a further question from the Member about sustainability and housing need, the Committee was informed that the Council was required to demonstrate an adequate housing land supply based on objectively assessed needs but market conditions determined whether or not there was a demand for the housing. It was not uncommon to find properties for sale in a town the size of Willington.

Councillor Boyes expressed disappointment that the Coal Authority's objection had been ignored and that no Coal Mining Risk Assessment had been submitted by the Applicant. He also noted that the sewage system was nearing capacity and asked the extent of works that would be required before development could commence.

The Planning Team Leader informed the Member that, although preferable, there was no requirement for a Coal Mining Risk Assessment to be submitted given that this was an outline application and the matter could be dealt with at a later stage through design layout or mitigation measures.

With regard to sewage disposal Northumbrian Water had not offered any objections, and although had highlighted that the system was nearing capacity it was satisfied that the disposal of foul drainage could be adequately achieved.

The Member also referred to the number of fatal accidents and asked if an increase in traffic generated by the development would increase the risk on the highway.

The Highways Officer advised that there had been no fatal accidents within 200m of the proposed access and the most recent accident was 220m to the east. There had been 2 recorded injury accidents in the last 5 years.

In response to a question from Councillor Patterson about the local wildlife sites, the Planning Team Leader advised that there were no designations within the development site, and existing reserves would not be affected by the proposals. The point was made by the Chairman that the Ecology Section had offered no objections to the scheme.

Councillor Patterson questioned the sustainability of the proposals given the concerns expressed that the site was outside development limits in the Local Plan, that there were a number of empty properties on another new development in Willington and that it was located in a Development High Risk Area.

The Planning Team Leader responded that the development referred to may have been affected by the economic downturn in the housing markets. The Coal Authority, in responding to consultations on proposed schemes, highlighted whole areas as being high or low risk, however due to the mining history in County Durham much of the County was deemed high risk but this was not a barrier to development.

Councillor Richardson stated that he was not convinced by the Planning Officer's recommendation; this was a greenfield site and would constitute a loss of agricultural land.

Councillor Nicholson referred the Committee to the responses provided by the statutory consultees as set out in the report, and noted that with the exception of the Parish Council and the Coal Authority, no objections had been offered. He appreciated that there were a number of objections to the scheme from residents but that Local Plan Policy H3 could not be afforded significant weight as it did not wholly comply with the NPPF. He therefore moved approval of the application.

Councillor Clare stated that this was an outline application and although he was aware of the concerns about the lack of a Coal Risk Mining Assessment and sewage capacity he was reassured by conditions which would prevent the commencement of development until these matters had been satisfactorily addressed.

The issues for determination were highways and access, and the principle of development. In terms of the highway concerns the Committee had been told that the issues raised had been considered by the Highways Authority and the proposals were deemed to be acceptable. He noted that there were properties opposite the site with driveways that exited directly onto the main road.

With regard to the principle of development this was a Planning Policy issue and one of balance between the NPPF and the Wear Valley Local Plan. Objectors considered that the application should be considered in favour of Local Plan Policy but the NPPF stated that the weight to be attached to Local Plans depended on how much they were consistent with the NPPF. Planning Officers had determined that Policy H3 could be afforded little weight in this case. ENV1 was explicit but the NPPF stated that there should be a presumption in favour of sustainable development. The ancient woodland would be preserved and archaeologically the area was protected. Despite the concerns of the objectors a community of the strength and size of Willington was able to incorporate 70 new houses.

He appreciated that it was a difficult decision to make when there were a large number of objections to the scheme but unfortunately there were no planning grounds to sustain a refusal of the application. Councillor Clare seconded Councillor Nicholson's motion to approve the application.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in order to secure a 10% affordable housing provision.



**5b DM/15/01622/OUT - Land Opposite High View Country House, Low Road, Kirk Merrington**

Consideration was given to the report of the South West Team Leader regarding a 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 2000 sq ft of retail floor space (Use Class A1) with associated landscape and infrastructure) (for copy see file of Minutes).

J Byers, South West Team Leader gave a detailed presentation on the application which included photographs of the site. Members had visited the site previously and were familiar with the location and setting.

Members were informed that there had been 25 letters in support of the application, and not 20 as stated in the report.

The Chairman invited local residents who were against the application to address the Committee.

Mr Foster stated that there were over 500 houses allocated in the Spennymoor area and building had been suspended because of a lack of demand. There were currently 14 houses for sale in the village. He was not aware that there were any differences between the resubmission and the original application that had been refused. In conclusion he stated that part of the site was located in the Conservation Area.

Mrs Lidster questioned the need for more houses in Kirk Merrington. She was also concerned about highway safety as the road through the village was very busy and was used by articulated lorries. The traffic survey by DCC had been undertaken during factory and school holidays when roads were quieter. There were often traffic queues outside her property and there had been an accident on the road 6 weeks ago. With regard to the retail proposals, the location of the shop was unsuitable, being off a fast road with 3 junctions. Crossing the road was dangerous for pedestrians, particularly for young children and the elderly.

Mr Jennings referred to the meeting at which the original application had been considered when the One Stop representative had referred to a similar store in Crook. He considered that a comparison could not be made between the two settlements. A general dealers of the size proposed was not sustainable. A village with a church, 3 public houses and a hair salon was not 'dying'.

He continued that the application was contrary to planning policy and there would be no point in having policies if they were not adhered to. If the application was approved the development would have a negative impact on landscape heritage, and would detract from the rural charm and character of the village. As far as he was aware those people who had opposed the application lived in Kirk Merrington and those who had offered support did not.

Mr Wallace, the applicant's agent stated that Mr Baister had lived in the village for 19 years. He had recently purchased the public house and had invested in the premises creating 14 full time jobs. He wanted the village to thrive. Kirk Merrington continued to evolve but there had been little new housing in recent years and he asked if people would choose to live in a village without a store.

The proposals would enable Kirk Merrington to grow organically with 49 new bespoke homes in a variety of house types, including bungalows for the elderly and affordable housing for young families. Visual impact would be minimal.

A Landscape and Visual Impact Assessment undertaken by the applicant concluded that the development would not significantly affect the character of the wider landscape and a Heritage Impact Assessment concluded that the impact upon the Conservation Area and upon listed and locally listed buildings would be negligible.

Officers were concerned about adverse landscape and visual impact but this could be mitigated against by a suitable landscaping scheme. The development would bring a range of social benefits and would support existing facilities.

Turning to housing supply Mr Wallace stated that the scheme would make an important contribution to the delivery of new housing. In the last 4 years DCC had failed to meet housing need and he understood that current housing land supply was less than 3 years. This was not a good position for ensuring that villages like Kirk Merrington continued to prosper.

Mr Wallace made the point that the NPPF made clear that a presumption in favour of sustainable development applied. Whilst this was a difficult decision he hoped that the Committee would agree that the impact of the development did not outweigh the benefits. Community consultation had demonstrated a mix of views but no overwhelming objections to the scheme. There had been no objections from statutory consultees, 25 letters of support and the scheme could be delivered without delay.

Mr Baister, the applicant addressed the concerns about highway safety. A traffic assessment had been undertaken and he had engaged with DCC to examine ways of improving the junction to the satisfaction of the Highways Authority. There had been no reported accidents for a number of years. He reiterated that the scheme was deliverable and wider benefits included the provision of much-needed housing.

In responding to the comments made regarding housing land supply the South and West Team Leader stated that the Council was satisfied that it could demonstrate a 5 year supply.

Councillor Richardson considered that there had been no real changes to the original proposals considered in December 2014 and moved refusal of the application.

Councillor Kay stated that the site was 50 yards from his own ward and was similar to the previous application on the Agenda in respect of West Road, Willington in that the site was in open countryside and was sustainable. This application had been approved. Part 1 of the NPPF directed the Committee to a presumption in favour of sustainable development. Kirk Merrington was not a rural idyll and was not an unsustainable location. There was a new school being built at nearby Coundon. The public houses were well-frequented and the community centre was well-used. He believed that the houses would sell; Kirk Merrington would be attractive to skilled workers moving into the area as part of ongoing economic development. He noted the comments in the report regarding the impact on the deliverability of sites earmarked for development in Spennymoor and considered this to be immaterial.

He asked the Committee to apply consistency in the determination of the application. The local Members were not present, nor were there many objectors at the meeting. There should be a presumption in favour of sustainable development and he moved approval of the application.

Councillor Boyes reiterated the views of Councillor Richardson in that other than the position with the County Durham Plan very little appeared to have changed since the original application was refused. Following a question from the Member the South West Team Leader advised that there had been amendments to supporting information from the Applicant with enhanced landscape and heritage assessments, and an updated planning assessment.

Councillor Patterson concurred with the views of Councillor Kay in terms of the housing element of the scheme but she had concerns about the sustainability of the proposed retail development as the previous shop had closed.

In response to a question from the Member, the South and West Team Leader advised that the size of the proposed store was acceptable and was commensurate with the size of the village.

Councillor Clare stated that in terms of sustainability the key consideration was whether the store could be incorporated into the settlement, not its viability or business model.

Comments had been made about the need for housing but the reasons for refusal of the original application had not been about need. He recalled that at the meeting in December 2014 Mr Baister had made good points about the need for the houses and store, and he appreciated that the applicant wanted the village to prosper but the issue at that time was the provision of the scheme on this site. The scheme would constitute an incursion into open countryside and it had been rejected for that reason.

The second reason for refusal was because of the impact of the scheme upon the views on the approach to Kirk Merrington. He appreciated that Mr Baister had done everything to minimise this impact but it was felt that this would not be enough. As much as he agreed with what had been said, nothing he had heard convinced him that the previous decision of refusal should be overturned. He therefore seconded Councillor Richardson's motion to refuse the application.

Councillor Zair asked if the changes to the landscape assessment had improved the visual appearance of the site and if the offer of a mini-roundabout by the applicant would allay residents' concerns about highway safety. The position with the County Durham Plan had also changed since the application was considered in December 2014.

In response the Member was advised that the layout had been changed to reduce visual impact but the proposed amendments were not deemed to be acceptable by Landscape Officers. The Highways Authority was satisfied with the proposed access arrangements.

Councillor Kay considered that the application determined in December 2014 could be viewed differently because of the changes made to the scheme and the position with the County Durham Plan, as expressed by Councillor Zair.

This view was also shared by Councillor Armstrong. The scheme would bring affordable housing and a new school was proposed. The Member seconded Councillor Kay's motion to approve the application.

The Planning Team Leader explained that the reasons for refusal of the original application had not relied upon the emerging County Durham Plan. The NPPF was relevant and the proposed scheme conflicted with this.

The Chairman agreed with Councillors Richardson and Boyes that very little had changed since the original proposals had been submitted. The reasons for refusal at the time the application was considered in December 2014 remained valid, and therefore consistency should be applied.

Following discussion the Chairman requested that a vote be taken on Councillor Kay's motion to approve the application, as seconded by Councillor Armstrong.

Upon a vote being taken the motion to approve the application was defeated.

A further vote was then taken on Councillor Richardson's motion to refuse the application, as seconded by Councillor Clare.

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

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

**5c DM/15/00233/FPA and DM/15/00230/LB - Hope Inn, Front Street, Sedgfield**

Consideration was given to the report of the South West Team Leader regarding applications for the erection of an extension to the rear of the Public House, including demolition of existing extensions and refurbishment of the property and the erection of two dwellings to the rear (for copy see file of Minutes).

The South West Team Leader gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

In response to a question from the Chairman the South West Team Leader confirmed that there would be no alteration to the perimeter wall.

Following a question from Councillor Armstrong about the provision of parking and the impact on the occupiers of the proposed dwellings, the applicant's agent advised that each property would have its own garage and driveway with a legal right of access. Potential purchasers would be aware of the situation.

Councillor Kay considered that this was an excellent development and did not believe that parking would be an issue as it was formerly a public house with a car park to the rear.

Councillor Richardson moved and Councillor Kay seconded that the application be approved.

**Resolved:**

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

**5d DM/15/01280/FPA - Sedgefield Out of School Fun Club, Sedgefield Primary School, Rectory Row, Sedgefield**

Consideration was given to the report of the South West Team Leader regarding an application for the demolition of an existing building and construction of new pitched roof building (for copy see file of Minutes).

J Byers, South West Team Leader 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.

Members were informed that since the report had been published a further letter of support had been received from the Primary School which outlined the reasons for their support of the scheme and why the building could not be moved to an alternative location on the site.

Mrs Valks, local resident addressed the Committee against the application. She lived directly behind the building and whilst she was not against an Out of School Fun Club she felt that the negative impact on local residents had not been considered. Her own garden was 20m wide and the existing Club building was 20m long, and 6m high. The new building would be 1.5m higher and as a result their view would be of a roof which would block out light. She noted that one of the reasons for not re-locating the building to the site of the old art building was because carers would not have full view of the playground. However she thought that carers would need to be outside to supervise the children. It had been suggested that plants along the fencing at the rear of the garden could minimise the impact.

In conclusion Mrs Valks advised that the proposals had caused stress and asked the Committee to appreciate the size of the building that she would have to look at from the rear of her property.

Jan Batchelor, a voluntary Director of the Club addressed the Committee in support of the application. She stated that the current building was not fit for purpose and the charity had worked for many years to raise funds to replace the existing premises. The new building would greatly improve appearance on site and would provide more dedicated space for children. The adjoining site was not suitable as there was no gas supply and the existing location allowed the children to be supervised safely with both entrances to the school in view. The Club operated when the school closed and it was therefore important that visitors could be observed entering and leaving the site.

Mr Waters, the Chairman of School Governors added that the Club was essential to the school and the community. He hoped that the Committee would support an enhanced new premises which would replace a 50 year old building that was at the end of its useful life.

Councillor Patterson stated that she sympathised with the position of the resident but in planning terms there was no right to a view and there was already a building on the site. There were no grounds to overturn the Officer's recommendation and therefore moved approval of the application.

Councillor Richardson concurred with the comments of Councillor Patterson and seconded the motion.

**Resolved:**

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

**5e DM/15/01121/FPA - The North Briton, 23 High Street, Aycliffe Village, Newton Aycliffe**

Consideration was given to the report of the South West Team Leader regarding an application for the conversion of the public house to 10 no. apartments and the erection of 4 no. dwellings (for copy see file of Minutes).

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

In response to a question from the Chairman, the Committee was informed that all but one of the properties would be accessed from the front of the building. The remaining property would be served by an existing access to the side.

Following questions from Councillor Armstrong, Dr Gordon, the applicant's agent advised that the apartments were modest in size, at around 500-600 sq ft. Each apartment would have an individual bin at the rear of the building for waste disposal.

Councillor Nicholson stated that the former public house was an eyesore and the proposals would bring the building back to life. He moved approval of the application.

Following a request from Councillor Kay about the sustainability of the location, the South West Team Leader explained that the site was in an existing village centre, surrounded by other developments within the settlement envelope and was situated on a main road with good access to local facilities in Aycliffe.

Councillor Clare noted that this site was very ancient, dating back to 1069 and was pleased to note that a detailed condition required an Archaeological Written Scheme of Investigation prior to the commencement of the development.

Following a question from the Member regarding possible encroachment on the village green, Dr Gordon advised that following investigation he was confident that the development was outside of the village green boundary.

C Cuskin, Solicitor - Planning and Development stated that planning permission would not over-ride the protection afforded to village greens. Village greens were protected by 2 Victorian statutes which were separate to the planning process.

Councillor Clare seconded the motion to approve the application.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £7000 towards the provision/maintenance of open space and recreation facilities in the locality.

**5f DM/15/01610/FPA - Greenfield Street, Byers Green, Spennymoor**

Consideration was given to the report of the Planning Officer regarding an application for the erection of 2no. detached dwellings (for copy see file of Minutes).

M O'Sullivan, 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.

Members were informed that since the report had been published an additional letter had been received in objection to the application, citing highway safety and visibility issues. The Committee was also advised that 1 of the 3 letters of objection had been withdrawn.

Councillor K Thompson, local Member and Town Council Member addressed the Committee in support of the application which had been rejected previously but for which consent had also been granted in 2004.

The Manual for Streets and the NPPF did not refer to former pit villages which were developed before the use of motor cars. It was difficult to travel at speed along the street and vehicles had to inch out of the junction because of parked cars. He referred to the junction of Wilkinson Street and High Street located only 50m away where 2 houses had been built on an in-fill site around 4-5 years ago. It was impossible to exit this junction without edging into the middle of the road.

The visibility splay appeared to be the main concern. The calculation had been based on 2.4m, however the Manual for Streets stated that a minimum of 2m could be considered in a low speed situation. The applicant had undertaken his own speed survey which showed the average speed to be 22mph.

Councillor I Geldard, local Member also addressed the Committee in support of the application. He stated that the scheme presented an excellent opportunity to improve an unattractive site. The main stumbling block was the access road and visibility splays. This situation had existed for decades in Byers Green and the track was already used by a number of properties. The proposals would improve the current situation and would allow large vehicles to access the properties safely. This corner would always be used and the dangers existed regardless of the proposed development. The applicant sought to improve the road structure for the benefit of both the proposed and existing properties at no cost to the Council.

He urged Members to allow the improvements which would ensure that the risks would be minimised and which would support the local community by allowing the family to stay in Byers Green.

Alexis Williams on behalf of the applicant was invited to address the Committee. She stated that her family was originally from Byers Green and their personal circumstances meant that larger accommodation was now needed. Byers Green comprised of small terraced houses which were not designed for modern living. A traffic survey by the applicant showed that the average mean speed was 22mph and this had been submitted to the Planning Authority. The applicant had been advised that the adjacent properties should be demolished to provide the required visibility splay. DCC had found that 85th percentile speed was 28mph, however this calculation was from a survey carried out over a Bank Holiday period when a vehicle travelling in the middle of the night at over 50mph had skewed the figures.

The proposed scheme would improve footpaths, drainage and the existing track and would make it easier for service vehicles to access the properties. The proposed dwellings were well-designed and sustainable with on-site parking for 3 vehicles per dwelling. Local tradesmen would be used to undertake the construction and a recent Government publication had encouraged self-build. Her family did not want to leave the village which she envisaged could become a Category D area. Whilst towns such as Spennymoor were benefitting from new developments villages like Byers Green were suffering. She cared about her local surroundings, the scheme would help members of her family onto the property ladder and they had pledged to improve the road at their own cost.



A Glenwright, Highways Officer responded to the highway safety issues. He advised that the Highways Authority, in considering the proposals, had firstly looked at the earlier refusal of the application for 2 dwellings which had been subsequently dismissed on appeal.

The applicant had funded a speed survey for 7 days between March and April when test splays had been relaxed at 2.4 x 40m based on the actual 85<sup>th</sup> percentile speeds of 28.3mph. The reference to average speeds was therefore irrelevant and could not be used. The required 2.4m x 40 metres visibility splay could be achieved to the north but was not achievable to the south, with the resultant 16m 'Y' distance equating to approach speeds of only 14mph. Councillor Thompson was correct in saying that a minimum of 2m may be considered in lightly-trafficked and slow speed situations but this was not an 'X' distance used at any sites in the County due to the necessity for some, if not most, vehicles to protrude out into the running carriageway of the main road.

Councillor Thompson had also referred to the junction at Wilkinson Street but this was a long-standing existing public highway which already served 19 dwellings. Greenfield Street was a private narrow access that would have to be brought up to an adoptable standard.

Councillor Geldard had made the comment about other junctions in Byers Green, however these were created many years ago when standards for visibility splays were different. Since 2007 standards had changed and it was not possible to provide a safe and satisfactory access arrangement. Whilst he sympathised with what the applicant was trying to achieve the objections of the Highways Authority remained valid.

In responding to the reference to the previous planning consent the Planning Officer explained that outline planning permission had been granted in October 2004 contrary to the Officer's recommendation for refusal on highway safety grounds.

Councillor Kay noted the comments of the Highways Officer with regard to approach speeds to the south and asked if there had been any reported accidents as the existing junction was already used by a number of properties.

The Highways Officer advised that there had been no accidents in the last 5 years but this did not over-ride the standards by which the Authority had to operate.

Councillor Kay remarked that it was unusual for the main reason for the refusal of an application to be on highway safety grounds and moved approval as the proposals were acceptable in all respects, including highway safety.

In seconding Councillor Kay, Councillor Richardson stated that the access was already used by 12-14 houses and he could not envisage a further 2 properties making a material difference in highway safety terms. High Street was not a road along which vehicles could travel at speed because of parked cars. One vehicle recorded travelling at 50mph was unusual.

Councillor Clare stated that the fact that there were already houses in the location which used the access was irrelevant. Those properties were built in different times and the application had to be judged by current rules which were explicit that the proposed access was not acceptable and therefore should not be given permission. This was not only the views of the Highways Officer but had been upheld by a Planning Inspector in the past. Councillor Clare moved refusal of the application.

In sharing Councillor Clare's observations, Councillor Nicholson stated that when new developments were built they were designed with safety in mind. In this case the access was not fit for purpose.

Councillor Jewell agreed with the views of Councillors Clare and Nicholson and stated that he could not ignore the safety issues with regard to the access. The current position was historical, having developed over a period of time, but the Highways Officer had advised that the proposed access was dangerous and he could not go against this expert advice or the findings of a Planning Inspector who had reached the same conclusion.

Councillor Patterson concurred with this and added that as much as she would like to see the site developed she could not ignore the clear advice given regarding highway safety. The Member seconded the motion to refuse the application.

Before voting Councillor Clare asked that consideration be given to a recorded vote if the application was approved.

Following discussion the Chairman requested a vote on Councillor Kay's motion to approve the application, as seconded by Councillor Richardson.

Upon a vote being taken the motion to approve the application was defeated.

A further vote was taken on Councillor Clare's motion to refuse the application, as seconded by Councillor Patterson.

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

**Resolved:**

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

#### **5g DM/15/00978/VOC - The Laurels, 16 High Green, Gainford**

Consideration was given to the report of the Senior Planning Officer regarding an application for the variation of condition 2 of planning permission 6/2013/0135/DM/VP to extend opening hours to between 8.30am and 9.00pm on 35 days per year (resubmission of refused application DM/14/00468/VOC) (for copy see file of Minutes).

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

The Committee was informed that since the report had been published 2 further representations had been received expressing concern with regard to noise and disturbance and asking Members to take into account the properties above and to the rear of the coffee shop. A summary of the additional concerns received was relayed to Members.

Councillor James Rowlandson, local Member addressed the Committee in support of the application. He stated that the NPPF sought to support local business. The applicant sought to provide an amenity for residents and visitors alike which was recognised in paragraph 67 of the report. The coffee shop was an asset to Gainford and the applicant wanted to extend the opening hours for 35 days when there were village functions and theatre performances. The purpose of the application was to help ease congestion outside and allow people to enjoy a drink before and after theatre performances. The village also held well-organised events around the green and these social occasions would be enhanced by the extended opening of the coffee shop.

Mr Hepplewhite addressed the Committee on behalf of the owners and occupiers of 15 High Green and also the objectors who had made representation. There were 6 residential developments close to The Laurels and the resident of the flat directly above often suffered disturbance from both outside and inside the shop. The current application was not supported by a Noise Impact Assessment and it was for the applicant to prove that the proposals would not give rise to disturbance. His client had engaged an acoustics consultant who recommended noise insulation measures to protect the amenities of residents. The applicant had dismissed the specialist's recommendations and had failed to have a noise assessment and noise insulation test carried out. Even if noise attenuation was provided this would not address noise after 6.00pm when residents expected peace and quiet. Sound travelled up the staircase to the property above. With regard to the outside seating area customers regularly congregated on the western side.

The applicant considered that the reasonable concerns of neighbours could be ignored and if the application was approved this would set a precedent which could be a material planning consideration. Residents were concerned that the applicant had asked for 11.00pm in the past and believed that she would do so again if permission was granted.

Mr Liddle, the applicant's agent considered that much had been made of the planning history. Earlier applications had been considered some years ago under a different planning regime. The planning regime had since changed and there was now an emphasis in the NPPF on supporting local business. The applicant had previously made application for outside seating which had been supported by the Committee.

The coffee shop supported the community and functions, and the extended opening hours coincided with times when there was already significant disturbance. The property was largely adjacent to a theatre, village hall and village green where functions took place.

The current application had been made on the same grounds as those submitted for the outside seating. The applicant contended that the proposals would support local business and village life, in accordance with planning legislation.

With regard to the comments made by Mr Hepplewhite about noise there may have been discussions in respect of a noise assessment but this had never been discussed with the applicant.

In response to a question from the Chairman, the Senior Planning Officer advised that if the Committee was minded to approve the application the days in which the coffee shop wished to extend the hours would need to be specified.

Councillor Clare considered that the issue was one of neighbourliness and in this case had become a long-standing dispute. The Committee had to make a decision based on what was fair and what could be imposed. Members had reached a decision with regard to the opening hours of the café in 2013 which they considered to be fair and he stood by that. He therefore moved refusal of the application.

Councillor Richardson stated that he was a local Member and whilst he agreed with the sentiments of Councillor Rowlandson, and as much as he would like to support the application, at this point in time he could not as not enough had changed which would improve the outcome for residents in terms of disturbance.

Councillor Nicholson commented that, having visited the site and having heard the submissions made, on balance he accepted the Officer's recommendation and seconded the motion to refuse the application.

**Resolved:**

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

**5h DM/15/01270/FPA and DM/15/01271/LB - Ovington Edge, Ovington Lane, Ovington, Richmond**

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of outbuildings and erection of 1 no. dwelling and demolition of outbuildings and alterations to boundary wall (planning and listed buildings consent) (for copy see file of Minutes).

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

**Resolved:**

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

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/14/01091/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing bungalow and garage/office and erection of 10no. dwellings
<b>NAME OF APPLICANT:</b>	Mr Anthony Gibson, Weardale Motor Services
<b>ADDRESS:</b>	Former Weardale Motor Services And The Bungalow 101 Front Street, Frosterley, Durham
<b>ELECTORAL DIVISION:</b>	Weardale
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site is the former Weardale Motor Services and bus depot which measures 0.27 ha in area. The site has been cleared of built structures, with the exception of an associated residential bungalow and an office/garage building. A significant amount of hardstanding is present on the site including inspection pits and foundations of previous buildings. Accordingly, the site is classed as previously developed land. Two mature Sycamore trees are located to the north east of the site, while a mature hedgerow forms the eastern boundary. The site fronts out onto the A689, to the south, beyond which lies a haulage yard. To the north of the site lies the Betsdale Caravan Park, to the east is the Grade II Listed building Frosterley Inn, while to the west is the detached residential dwelling of 103 Front Street. A level change is evident across the site, with the land level rising to the north by approximately 1.8m. The site lies wholly within the Frosterley Conservation Area.
2. The application seeks full planning permission for the demolition of the existing bungalow and the erection of 10 semi-detached two storey dwellings. The properties would be arranged around a cul-de-sac utilising the existing access on to the A689, which would be modified slightly to incorporate a 1.8m footway on both sides. The dwellings would be faced in stone, with traditional fenestration detailing, including sash style windows and slate roofing materials.
3. The application is reported to the planning committee in accordance with the Scheme of Delegation because the development is classed as a major application.

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### PLANNING HISTORY

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4. The site has been recently cleared of built structures associated with the lawful use of the site as a bus maintenance depot.
5. A planning application 3/2011/0468 seeking permission for the erection of 12 dwellings was withdrawn in 2014.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable

and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
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.

#### **LOCAL PLAN POLICY:**

15. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant:-
16. *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.
17. *Policy BE1 - Protection of Historic Heritage* - Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
18. *Policy BE4 - Setting of a Listed Building* - Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
19. *Policy BE5 – Conservation Areas* – Sets out that the character of Conservation Areas will be protected from inappropriate development.
20. *Policy BE6 – New Development and Alterations* – Sets out that the Council will permit new development and alterations within Conservation Areas provided it preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and the proposal will use external building materials which are appropriate to the conservation area.
21. *Policy BE17 - Areas of Archaeological Interest* - Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
22. *Policy H3 - Distribution of Development* - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.

23. *Policy H15 - Affordable Housing* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
24. *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.
25. *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.
26. *Policy T1 – Highways* - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

#### **EMERGING PLAN:**

27. 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. The most relevant part of the plan would be the Spatial Approach and distribution of development in Policies 2 and 4; Development of unallocated sites Policy 15; Sustainable Design Policy 16; Amenity Policies 18 and 19; Housing Need Policy 31; Historic Environment Policy 44.
28. At the current time, these policies are being attributed very limited weight given the publication of the inspector's interim views and do not form a significant part of the decision making 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.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

29. *Highway Authority* – No objections It is however recommended to attach conditions requiring the retention of parking spaces and full engineering details of the road layout.
30. *Northumbrian Water Limited* – No objections but request a condition requiring details of foul and surface water disposal to be submitted.

#### **INTERNAL CONSULTEE RESPONSES:**

31. *Design and Conservation Section* –No objections, advising that the scheme in terms of density and layout is considered acceptable, given site constraints and is not considered to adversely affect the character and appearance of the conservation area. In order to maintain the character of the development it advised to remove



permitted development rights throughout and to control the finer details of the development through condition including materials to be used.

32. *Ecology Section* –No objections advising that the likely presence and impact on bats by the proposals is low, no objections are raised to the proposals.
33. *Arboricultural Officer* – No objections advising that the Arboricultural Method Statement gives a concise and detailed picture of the site while suggesting appropriate mitigation methods, which should be secured by condition.
34. *Environmental Health Section* –No objections in principle to the development, but in order to protect future residents from road noise and adjacent uses, it is recommended that a noise impact assessment is undertaken and any mitigation measures secured by condition. It is also recommended to control the working hours on site and incorporate measures to suppress noise and dust during construction.
35. *Contaminated Land Section* – Advise a conditional approach in relation to land contamination.
36. *Drainage and Coastal Protection* –No objections providing a detailed scheme of surface water disposal is submitted limiting run off to brownfield run-off rates.
37. *Sustainability Section* – Advise while the site is not considered to be in a sustainable location, due to the lack of employment sites, community facilities and education facilities it is appreciated that the development of the site could assist in helping to retain some of the key services within the village. The proposals should detail how embedded sustainability will be incorporated into the scheme.
38. *Archaeology Section* – No objections as there are no anticipated archaeological issues with the proposed development.

#### **PUBLIC RESPONSES:**

39. The application was publicised by press and site notice, and individual notification letters were sent to neighbouring residents. 2 letters of objection have been received. The main points raised by the objectors are summarised below.
  - a. Loss of residential amenity associated with overlooking from the development and resultant negative impact on property value.
  - b. Concerns regarding noise and disturbance generated by the development.
  - c. The development will be out of character with the existing dwellings, modern in appearance, and will be of a higher density, affecting the character of the village and the Conservation Area.
  - d. The Design and Access and Heritage Statement are considered inadequate and do not give sufficient consideration for the design approach and impact on heritage assets.
  - e. Concerns are raised regarding the impact of trees in and adjacent to the site, which will have an impact on the character of this part of the conservation area.
  - f. The development will require the removal of vegetation impacting on the ecological value of the site.
  - g. Concerns regarding highway safety in relation to the proposed access and level of parking on site.
  - h. The amenity space provided falls short of the minimum required in policy H24 of the Local Plan.

- i. Concerns are raised regarding the potential conflict with a haulage yard adjacent to the site and advising that noise impact assessments should be submitted as part of this application.

*The above is not intended to represent 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=N4JDN7GDGGS00>*

#### **APPLICANTS STATEMENT:**

40. None Submitted.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

#### The Principle of Development

42. The Statutory Development Plan in this case comprises the saved policies of the Wear Valley District Local Plan. The policies of the emerging County Durham Plan carry very little weight at this stage.
43. The application site is previously developed land and is located within the defined settlement limits of Frosterley Village. The proposal is therefore in principle wholly in accordance with saved policy H3 of the Wear Valley District Local Plan, which is permissive of new development providing that there is no conflict with other policies of the plan.
44. However, 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 policy H3 in terms of directing development to settlements best able to support it and the reuse of previously developed land is entirely consistent with the aims of the NPPF to promote sustainable patterns of development.
45. It is noted that the Council's Sustainability Section nevertheless raised concerns about the site's accessibility to major retail, secondary education and employment; however that is the rural nature of the west of the County. The advice in NPPF paragraph 29 is that different (transport) policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In addition NPPF paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
46. The County Durham Settlement Study identifies Frosterley as a tier 4 Medium-sized Village, which indicates it has some local services and facilities and is therefore a village capable of accepting a small scale of new development within its confines. A development of 10 dwellings represents a small scale of development that would be

commensurate with the role of Frosterley in the settlement hierarchy. Notwithstanding the Council's ability to demonstrate a 5 year housing supply there are few identified deliverable housing sites in Weardale. A development of 10 dwellings would not undermine the Council's housing delivery strategy and would help to support the vitality and viability of local services in Frosterley, which also support the wider rural area.

47. The proposal is therefore consistent with the NPPF aims of promoting sustainable patterns of development and use of previously developed land. Accordingly, the proposal's compliance with saved policy H3 of the Wear Valley District Local Plan can be given significant weight. It is also noted that the proposal would comply with emerging policy 15 of the County Durham Plan, however given the current status of the County Durham Plan this is only afforded limited weight and cannot be a key part of the decision making process.
48. In respect of affordable housing requirements it is noted that under policy 31 of the emerging County Durham Plan the development would have been subject to affordable housing provision as a site of more than 5 dwellings. However, policy 31 was subject to significant objections during the consultation and Examination process and therefore having regards to paragraph 216 of the NPPF, the policy currently carries very limited weight. Reverting back to previous Wear Valley Local Plan requirements the proposal falls below a threshold of 15 dwellings and therefore does not have to provide any affordable housing in this case.
49. In respect of open space provision, the small nature of the site means it is not possible to include any public open space within the site. An appropriate contribution of £10,000 is therefore offered to supplement and enhance existing offsite provision in the local area and will be secured by a Section 106 Legal Agreement. This will satisfy the requirements of Wear Valley Local Plan Policy H22 and the aims of NPPF Part 8.
50. Taking all the above into account the principle of development is acceptable subject to a detailed assessment of the impacts of the development as appraised below.

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

51. Because the site lies within the Frosterley Conservation Area and adjacent to the Grade II Listed Frosterley Inn the local planning authority must have regard to Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S66 requires local planning authorities to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. S72 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Relevant policies also include Wear Valley Local Plan Policies BE1, BE5 and BE6, as well as Section 12 of the NPPF.
52. The Frosterley Conservation Area is extensive and in addition to the central built up area incorporates a large area of surrounding countryside, including land either side of the River Wear. The pattern of built development is predominantly linear/ribbon, but there is significant amounts of development beyond the frontage including residential and caravans. The application site does not extend beyond the curtilage extent of other frontage development and therefore its significance is primarily in relation to its position in the built up frontage onto the A689 (Front Street). Significant features in this part of the conservation area include the tree-lined Green on the southern side of the A689, which is overlooked by the Grade II Listed Frosterley Inn.

The central area of the village has an open recreation ground which is surrounded by a number of listed buildings including St Michael Church, the Parish Hall and Frosterley House. The rows of terraces facing onto the A689 are attractive small dales terracing typically constructed in stone with slate roofs.

53. Although the application site lies within this sensitive environment, it comprises a former commercial bus servicing yard and residential bungalow. The site is only really visible from Front Street. The large portal framed bus sheds have been demolished, but the bungalow and office/garage building still remain on the site. These remaining buildings have a modern character that is not reflective of the typical more traditional Frosterley vernacular. While the buildings themselves do not have a negative impact on the conservation area they offer little positive in terms of significance with only the slate roofs, front garden and stone boundary wall representing positive features. Accordingly there is no objection to the demolition of these remaining buildings. The rest of the site with the large amount of hard standing and continued bus storage represents an unattractive gap in the built frontage which detracts from the character and appearance of the conservation area, as well as from the setting of the adjacent listed building. The re-development of this site is therefore an opportunity to address this.
54. The proposed scheme has evolved since its initial submission in response to concerns raised. The number of dwellings has been reduced from 11 to 10 to bring the density to an appropriate level for the site and surrounding area. Not all rear gardens meet the 10m depth requirements of Wear Valley Policy H24, but the proposal nevertheless provides a layout that is not overly cramped and each dwelling would have sufficient amenity space. Amendments were also made to the layout and design of some of the dwellings. Particular attention has been paid to how the development would address the road (Front Street). Units 9 and 10, which would replace the existing bungalow, have been designed as double fronted and retain gardens to Front Street and a stone boundary wall, thereby respecting the positive existing features and ensuring the development does not turn its back on Front Street. The scale and height of the dwellings would be wholly in keeping with surrounding development and all the dwellings would be designed in an appropriate traditional and simple local vernacular, stone faced to the public elevations with slate roofs and fenestration detailing such as stone lintels, cills and sash style windows. The Council's Design and Conservation Section is now satisfied with the scheme.
55. Specification of materials and enclosures will be very important. It is therefore recommended that all materials and enclosures should be controlled by condition. In addition to this, as the scheme proposes an open plan layout, it is recommended to remove permitted development rights for fences forward of main elevations to retain a pleasing open character. It will also be necessary to remove permitted development rights for extensions and outbuildings to the rear of plots 10 and 9 to protect the conservation area from inappropriate development as it is the rear of those double fronted dwellings that face onto the main road.
56. The scheme has also taken into account the presence of two mature Sycamore trees to the North East of the site, informed by an Arboricultural Assessment. The retention of these trees and two other sycamore trees to the west of site of the site is considered necessary as they contribute to the character of the conservation area. The proposed mitigation measures including no dig construction in certain zones should therefore be secured by condition. The scheme would result in the removal of other vegetation and lesser trees on the site, which the Councils Arboricultural Officer has no objection to and which would not detract from the amenity and character of the conservation area.

57. Taking all of the above into account and having regard to Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that this small cluster of 10 dwellings would relate appropriately to the surrounding area in terms of scale, design and layout. The site as a whole currently detracts from the character and appearance of the conservation area and the proposal would represent an enhancement in this respect. In addition the development would not compete with or detract from the adjacent Grade II Listed Frosterley Inn and the resultant improvement in the character and appearance of the site over its existing condition would in turn improve the setting of this listed building.
58. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE4, BE5 and BE6, as well as the relevant design and heritage provisions in Parts 7 and 12 of the NPPF. The minor conflict with garden depth requirements of Wear Valley Local Plan Policy H24 is not sufficient reason to warrant refusal of the proposal.

#### Residential Amenity

59. Wear Valley Local Plan Policies GD1 and H24 require that new developments should protect the amenities of neighbouring uses and future residents.
60. The neighbour at 103 Front Street has raised concerns about the impact of the development on their privacy. However, there is mature planting along the eastern boundary of the site, which would help screen views and in addition there would be a separation distance of approximately 24m between windows, which is in excess of the minimum 21m separation distance set out in Wear Valley Local Plan Policy H24. This relationship is therefore considered to be acceptable.
61. There are some static holiday caravans located gable-on close to the northern boundary of the site at approximately 15m from the rear of the proposed dwellings at northern part of the site. However given the temporary use of these caravans the separation distances of Wear Valley Local Plan Policy H24 do not need to be adhered to and the relationship is considered acceptable. Boundary treatments and the level changes across the two sites would also assist.
62. To the west is the Frosterley Inn, a public house, with residential accommodation above. Because of the orientation of the proposed dwellings only limited views would be achievable back towards any habitable room window and therefore there would be no unreasonable loss of privacy. The proposed dwellings would face onto the rear parking yard and therefore there is potential for comings and goings to generate noise. However, the public house has coexisted with existing residential properties, including properties attached to its west flank, all much closer than the proposed dwellings, and therefore it is considered likely that only very minor mitigation measures such as improved standards of glazing would be sufficient mitigation. This can be secured by a condition as suggested by the Council's Environmental Health Section.
63. The operator of the haulage yard across the road to the south has raised concerns about potential noise-related conflict between the business and new dwellings. However the business lies within the village and much like the public house it has coexisted within a predominantly residential environment. It is surrounded by residential properties with some backing immediately onto it. There is also already an existing dwelling on the application site in nearly the same position as proposed plots 9 and 10 and in that respect the relationship is no different. Conflict with the haulage business is therefore not anticipated. Nevertheless, the condition for an acoustic report suggested by The Council's Environmental Health Section would also

identify any need for mitigation from the activities of the haulage business and general road noise.

64. The Environmental Health Section has also recommended conditions relating to working hours and construction activities. However, these construction-related effects are matters which the planning system cannot reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance, which would be more appropriate controls than planning conditions.
65. Overall it is considered that the relationship between the development and neighbouring properties/land uses would generally be acceptable and the proposal complies with Wear Valley District Local Plan policies GD1 and H24 in this respect.

#### Access and highway safety issues

66. Wear Valley Local Plan policies GD1 and T1 require 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.
67. The site is served by an existing means of access from the A689, which would largely remain unchanged, with the exception of the introduction of 1.8m wide pedestrian footway one either site.
68. The Highway Authority advises that this access is suitable to serve the development, particularly considering the existing commercial use as a bus yard. It is also advised that following the receipt of amendments to the scheme the development would comply with the Council's established residential car parking standards subject to the imposition of a condition requiring that the garage in plot no.1 is made available for the parking of motor vehicles only.
69. 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 Wear Valley District Local Plan policies GD1 and T1, as well as NPPF Section 4.

#### Other issues

70. An ecology survey has been submitted with the application. The County Ecologist has reviewed the survey and has not raised any objections. It is therefore considered that the proposed development would not compromise protected species or their habitats. The Council can therefore satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 and the proposal complies with Wear Valley District Local Plan policy GD1 and NPPF Section 11.
71. The Council's Land Contamination Section advises that because of the current commercial use and the change to a more sensitive end user there will be a need for a site investigation to establish whether any remediation is necessary to ensure risks from land contamination are minimised for future occupants. In order to satisfy the requirements of NPPF Section 11 it will be necessary to secure this by condition.
72. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions

of sustainable development as set out in the NPPF. The scale of development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. Details outlining how this would be achieved can be secured by a condition.

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## CONCLUSION

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73. The development of this site for housing would in principle conform to saved policy H3 of the Wear Valley District Local Plan and national planning policies representing an appropriate development within a rural village and on brownfield land that will help sustain local services and amenities.
74. The re-development of the site would have a positive impact on the character and appearance of the conservation area and setting of the adjacent Listed Building in accordance with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
75. 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.
76. 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 any measures to mitigate noise if the need is identified through further assessment.
77. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE4, BE5, BE6, H24 and T1, as well as NPPF Sections 4, 6, 7, 11 and 12.
78. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms subject to the suggested conditions.

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## RECOMMENDATION

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That the application be **Approved** subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £10,000 towards the provision/maintenance of open space and recreation facilities in the locality, and the following conditions and reasons:

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

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

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

Proposed Elevations, Drg no. 15 28 04 Rev B Dated 23.04.15

Proposed Site Plan, Drg no. 15 28 02 Rev c Dated 27.04.15

Proposed House Type Design, Drg no. 15 28 03 Rev A Dated 04.03.15

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE4, BE5, BE6, H3, H24 and T1 of the Wear Valley District Local Plan.*

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

*Reason: This detail is required to be agreed before development commences, in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5, BE6 and H24 of the Wear Valley District Local Plan.*

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

*Reason: In the interests of highway safety and setting and appearance of the Conservation Area in accordance with Policies GD1, BE1, BE5, BE6 and T1 of the Wear Valley District Local Plan.*

*Reason: In the interests of the character and appearance of the Conservation Area in accordance with Policies GD1, BE1, BE5, BE6 and T1 of the Wear Valley District Local Plan.*

5. No development shall commence unless in accordance with the Arboricultural Method Statement prepared by All About Trees, Rev A and the tree protection plan, ref AMS TTP Rev A, Received June 2015. The specified tree protection measures shall be installed on site prior to the commencement of the development and retained during the construction phase.

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

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

*Reason: This detail is required to be agreed before development commences to secure that the adequate disposal of foul surface water is incorporated into the scheme in accordance with Policy GD1 of the Wear Valley Local Plan.*

7. No development approved by this permission other than preliminary site excavation and remedial works shall commence before an acoustic report, in accordance with BS 8233 and the WHO Guidelines on community noise, has been submitted to and 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 adjacent commercial developments and detail appropriate mitigation measures. The approved mitigation



scheme shall be implemented prior to the first occupation of the dwellings hereby approved and permanently retained thereafter.

*Reason: In the interests of the residential amenity of future occupants in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.*

8. Notwithstanding the provisions of Schedule 2, Part 2, Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no fence or means of enclosure other than hereby approved shall be erected forward of any wall of the dwellings hereby approved fronting onto a highway.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of in the interests of the character and appearance of the Conservation Area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.*

9. Full details of the means of enclosure of the site, including external and internal boundary treatments shall be submitted to and approved in writing to the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details thereafter.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of in the interests of the character and appearance of the Conservation Area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.*

10. Notwithstanding the provisions of Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s), including sheds, garages and glass houses to be erected within the curtilage of plots 9 -10 shall be submitted to and approved by the Local Planning Authority.

*Reason: In order to ensure the satisfactory appearance of the development upon completion and to ensure adequate amenity provision in the interests of the character and appearance of the Conservation Area,, in accordance with policies GD1, BE1, BE5, BE6 and H24 of the Wear Valley District Local Plan.*

11. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

*Reason: This detail is required to be agreed before development commences to secure the sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley District Local Plan and part 10 of the National Planning Policy Framework.*

12. The garage at Plot no. 1 shall be made available for the parking of motor vehicles at all times.

*Reason: In the interest of highway safety and to provide sufficient in curtilage car parking in order to comply with policies GD1 and T1 of the Wear Valley District Local Plan*

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

#### **Pre-Commencement**

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

#### **Completion**

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation

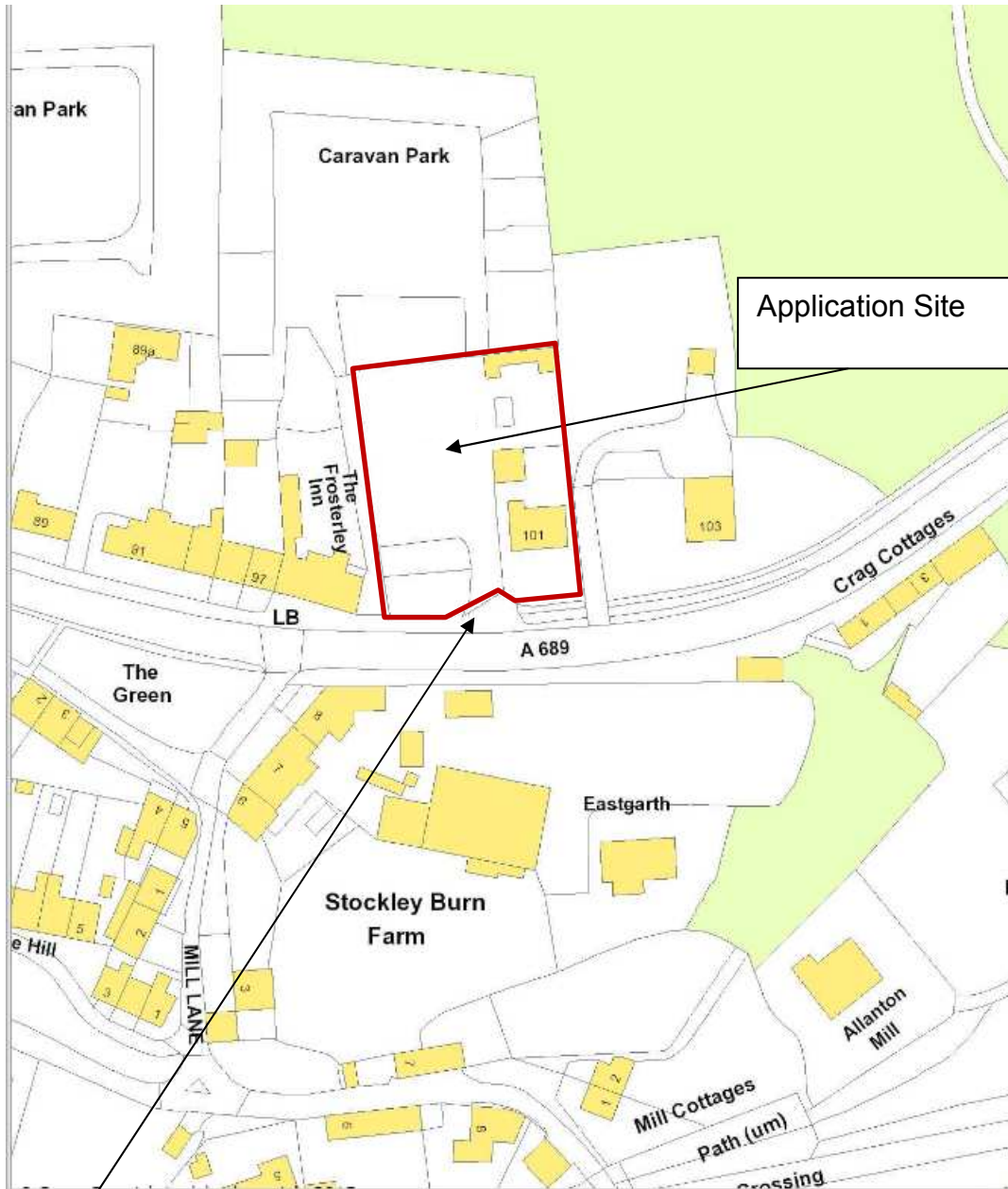
Wear Valley District Local Plan

National Planning Policy Framework

Consultation responses

County Durham Local Plan Submission Version

Application 3/2011/0468



Application Site

Proposed Access Location



**Planning Services**

Demolition of existing bungalow and erection of 10no. dwellings.

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**Comments**

**Date** 10<sup>th</sup> August 2015

**Scale** 1:2500

# COMMITTEE REPORT

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## **APPLICATION DETAILS**

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<b>APPLICATION NO:</b>	DM/15/01428/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed wind turbine of 36.6 m maximum tip height with associated meter house and access track.
<b>NAME OF APPLICANT:</b>	Mr D Hodgson
<b>ADDRESS:</b>	Land east of Van Farm, Green Lane, Hutton Magna
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Peter Herbert Senior Planning Officer 03000 261391 peter.herbert@durham.gov.uk

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## **DESCRIPTION OF THE SITE AND PROPOSALS**

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Site:

1. The application site lies approximately 1.3km west of Hutton Magna village at the southern edge of County Durham within agricultural land. Green Lane runs in an east-west direction 0.3km to the north, the main trans-Pennine A66 trunk road runs in an east west direction 1.6km to the south. To the east lies the village of Hutton Magna, to the west lies Thorpe Farm at 2km distance.
2. The nearest residential property is Van Farm 580m to the north-west of the site. The next closest dwellings are all over 1km away, they being Souththorpe Farm to the north-west (1.2km), Thorpe Farm to the west (1.8km) and Newsham Grange to the south (1.2km). Bridleway No 13 and Footpath No 19 (Wycliffe with Thorpe) lie approximately 175 m to the east of the proposed turbine.
3. The landscape characteristic of the site and its surroundings is one of gentle undulation, within which there is a small number of villages, hamlets and a few groups of rural dwellings. The site does not lie within any locally or nationally designated landscape. The Yorkshire Dales National Park lies 7km to south-west and the North Pennines Area of Outstanding Natural Beauty (AONB) lies 3.5km to the west. An Area of High Landscape Values lies over 2km to the west and approximately 1.5km to the north.

- Listed buildings are located over 1.2km to the east in Hutton Magna. The village of Whorlton lies approximately 2km to the north and is a conservation area. Barnard Castle is 7km to the north-west and also has a conservation area and a number of listed buildings.

## Proposal

- Planning permission is sought for the erection of a single three blade wind turbine with a tip height of 36.6m, a hub height of 25m, and rotor diameter of 23.2m. Output would be 95kW. The turbine would be erected on a concrete base, with a 17.5m<sup>2</sup> flat roofed communications and transformer kiosk of 1.8m in height located at the foot of the turbine. From this point electricity generated from the turbine would directly feed land drainage pumps at Hutton Farm, with any surplus connected to the grid. All cable connections would be located underground. Access would be via an existing track running south from Green Lane, and from there it is a short distance to the site. The access track runs adjacent to the Bridleway from its junction at Green Lane and only share a bridge over an existing drainage channel. The turbine would be delivered in sections and have an operational life of 25 years, after which it would be decommissioned and removed from site.
- The applicant operates a mixed land holding at Hutton Farm consisting of arable and grazing land capable of supporting up to 1400 sheep. The application site lies within a high risk flood zone. Two land drainage pumps were installed more than 25 years ago adjacent to the site to help ensure all ground and surface water is directed into existing water courses. These pumps were maintained by various agencies, the Environment Agency being the most recent. However, two years ago this ceased following a change in the Agency's responsibilities. It therefore fell to the applicant to manage the pumps in order to minimise the risk of flooding resulting from inadequate drainage to both his land and that of surrounding properties. The pumps drain over 100 acres of land belonging to both the applicant and a neighbour, helping to safeguard arable fields and livestock.

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## PLANNING HISTORY

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- An earlier planning application (6/2013/0291/DM) for two wind turbines in a similar location to that now under consideration was withdrawn in 2013 following officer advice that unacceptable landscape impact would result.

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## PLANNING POLICY

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### NATIONAL POLICY

- 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. 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'.

9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. 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.
10. One of the twelve core principles is support for the transition to a low carbon future in a changing climate, and encouragement for the use of renewable resources. Paragraph 98 advises that when determining applications, local planning authorities should not require applicants to demonstrate need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application (unless material considerations indicate otherwise) if its impacts are acceptable.
11. *NPPF Part 1 – Building a strong, competitive economy* – The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system.
12. *NPPF Part 3 – Supporting a Prosperous Rural Economy*. 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.
13. *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.
14. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning 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.
15. *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.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment* – The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment* – Local Planning Authorities should have a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets, recognising that

these are an irreplaceable resource and conserving them in a manner appropriate to their significance.

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

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: conserving and enhancing the historic environment; consultation and pre-decision matters; design; flood risk and coastal change; health and well-being; natural environment; noise; public rights of way and local green space; renewable and low carbon energy; transport assessments and statements; and use of planning conditions. The advice on renewable and low carbon energy includes detailed advice on particular considerations for wind development and includes a recent update following a Written Ministerial Statement on 18<sup>th</sup> June 2015.

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

#### **LOCAL PLAN POLICY:**

##### Teesdale District Local Plan 2009 (TDLP)

19. *Policy GD1 – General Development Criteria* permits – development that (inter alia) is in keeping with the character and appearance of the area, and would not unreasonably harm the rural landscape of the area or the residential amenity levels of those who live within it.
20. *Policy C6 – Other Forms of Renewable Energy* – permits single wind turbines provided that unacceptable harm does not result to the character and appearance of the area, to residential amenity, the ecology of the area, archaeology, or the performance of military radar or military low flying operations.
21. *Policy ENV1 – Protection of the Countryside* – allows (inter alia) development in the countryside for the purposes of an existing countryside use provided that it does not unreasonably harm the landscape and wildlife resources of the area.
22. *Policy ENV2 – Development within or Adjacent to the North Pennines ANOB* – only permits development capable of protecting the landscape quality and natural beauty of the designated area.
23. *Policy ENV3 – Development Within Or adjacent To An Area Of High Landscape Value* – allows development only where it does not detract from such an area's special character and pays special attention to the landscape qualities of the area.
24. *Policy ENV12 – Protection of Agricultural Land* – states that development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.
25. *Policy ENV14 – Protection of Water Quality* – states development will not be permitted which would unacceptably prejudice the quality of surface or ground water.



26. *Policy ENV15 – Development Affecting Flood Risk* – state development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. All applications for development in flood risk areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment.
27. *Policy ENV16 – Development Affecting Rivers Or Streams and Their Corridors* – states that the Council will resist development, which would have a significant detrimental impact on natural features and wildlife habitats of rivers and streams or their corridors.
28. *Policy BENV3 – Development Adversely Affecting the Character of a Listed Building* – precludes development that would adversely affect the character of a listed building or its setting.
29. *Policy BENV4 – Development within and /or adjoining Conservation Areas* – precludes development that would adversely affect the setting of a conservation area or the views into or out of the area.
30. *Policy TR10 – Development affecting Public Rights of Way* – precludes development that would directly affect a public right of way unless an acceptable and equivalent route is provided. Where possible, development should facilitate the incorporation rather than diversion of public rights of way.

**RELEVANT EMERGING POLICY:**

The County Durham Plan (CDP)

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. Relevant policies and the weight to be afforded to them are discussed in the main body of the report. Relevant policies are listed below, and the weight to be afforded to them is discussed in the main body of the report.
32. *Policy 22 – Wind Turbine Development* sets out the Council's direction of travel in respect of wind energy. This states that planning permission will be granted for the development of wind turbines unless, amongst other things, there would be significant harm to residential amenity, landscape character and important species and habitat. In order to safeguard residential amenity, turbines should be located a minimum separation distance of 6 times the turbine height from a residential property. The Policy also seeks to protect designated heritage assets and their settings, airport radar systems, and sets a clearance distance from public rights of way and the public highway.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

33. *Wycliffe with Thorpe Parish Meeting* – opposes the application. Having canvassed the 112 households consulted by the Council as part of its public consultation process, the Meeting received 14 responses in support and 26 against. Reference has been made to the recent ministerial guidance now reflected within the PPG concerning the requirement for community support for wind turbine applications to succeed, it being concluded that opposition to this proposal is overwhelming.
34. *Highway Authority* – offers no objection. However, requests that access to the site must be west bound along Green Lane, and the reverse for the return journey.
35. *Newcastle International Airport* – offers no objection. The turbine's modest nature and distance from the airport offer no risk to the safe operation of the airport.
36. *Durham Tees Valley Airport*. – offers no objection. The proposed turbine is considered unlikely to have an impact on air traffic services, and as a result, would not impact on current operations at DTVA and has no objections in relation to aerodrome safeguarding.
37. *Ministry of Defence* – offers no objection. The proposal is not considered to have any impact on air traffic movements, or interference to Air Traffic Control and Air Defence radar installations.

### INTERNAL CONSULTEE RESPONSES:

38. *Landscape* – offers no objection. It is considered that visual impact would be limited mainly to from local roads, with views from the A66 restricted by roadside planting and topography. The site does not lie within locally or nationally designated landscape, although it is noted that it would be seen from the adjacent Area of High Landscape Value (AHLV) and the North Pennines Area of Outstanding Natural Beauty (AONB) to the west. No cumulative impacts with other turbines are considered to result from this proposal. Visual impact is considered to be only moderately negative, but acceptable subject to turbine colour and design in respect of hub height relative to blade length to be secured by condition.
39. *Design & Conservation* – offers no objection. Noting that there are number of heritage assets within Hutton Magna and within the surrounding area it is considered that the proposed turbine would have minimal impacts upon nearby designated heritage assets.
40. *Archaeology* – officers offer no objection noting that there are no archaeological issues raised by the proposal.
41. *Ecology* – offers no objection. Provided the stand-off distance of 50 m between the turbine and likely foraging/commuting route (i.e. the water course/stell to the immediate north of the proposed site) is adhered to the, the likely impacts on protected and priority species is deemed to be low.

42. *Environmental Health* – offers no objections provided any planning approval is subject to a condition addressing noise control in order to minimise environmental impact.
43. *Access & Public Rights of Way* – offers no objection. It is noted that Bridleway No 13 and Footpath No 19 (Wycliffe with Thorpe) are adjacent to the application site, approximately 175m away from the proposed turbine at its closest point. This is recognised as being beyond current guidance on separation distances concerning public rights of way and is close to the British Horse Society recommended separation distance of 200m. Officers are satisfied with the proposed access arrangements in relation to proximity to the Bridleway but advise that the storage of materials, delivery vehicle movements and barriers must at no time interfere with the use of these public rights of way by members of the public.

#### **PUBLIC RESPONSES:**

44. This application has been publicised by site notices, and notification letters have been sent to those living in the vicinity of the site. Seven letters of objection (including from the Campaign to Protect Rural England (CPRE) and the Open Spaces Society and Ramblers Association (OSSRA), five letters of support and one other have been received.

#### Objections

45. Those who object to the proposal consider the turbine to be visually harmful within the landscape, the approval of which would set an unfortunate precedent. There are also concerns regarding the turbine being higher than that required purely to power the drainage pumps. However, there would be support for a much lower 9m high turbine.
46. *CPRE* objects to the application on the grounds that the benefits would not outweigh the visual harm. The turbine height is stated to be excessive relative to the demands of running the pumps, and it is questioned how the pumps would be powered on a day of high flood risk when there be insufficient wind to power the turbine.
47. *The Open Spaces Society and the Ramblers Association* consider the proposed turbine to be visually detrimental to the beauty of the countryside. Furthermore, it is considered that it would have an adverse visual impact upon those using local footpaths, including the Teesdale Way approximately 1 km away, and bridleways. In respect of the latter, it is suggested that shadow flicker would potentially be a serious problem for horses, causing them to take fright.

#### Support

48. Those in favour of the proposal testify to the good husbandry employed by the applicant in respect of the farming of his land, the absence of significant visual impact resulting from the proposed turbine, and support renewable energy use. It is also acknowledged that the pumps to be powered by the turbine are of community benefit in terms of the drainage of the local land, accordingly benefits are said to outweigh perceived harm.
49. A local resident, although neither supporting nor opposing the application, has written to question the Parish Meeting's calculations, stating that 112 households were consulted of which only 26 objected, which does not constitute an

overwhelming 65% vote against the proposal. It is added that the Parish Meeting has not endorsed the Clerk's objection letter.

#### **APPLICANTS STATEMENT:**

50. To date there have been no objections from any statutory consultees. We have worked closely with the LPA since the withdrawal of the last application to ensure the most appropriately sized proposal. This has been accompanied by a full Landscape and Visual Impact Assessment which has demonstrated its acceptance in the landscape. This combined with all other planning impacts identified in the submitted planning statement have concluded that on balance the scheme is acceptable as it complies with all local and national planning policy.
51. In response to issues raised by third parties, the pumps would use the majority of the electricity generated when the turbines are operating. Any surplus when the pumps are not in use will be exported into the local grid network for direct use by surrounding properties. The pumps will remain connected to the grid network if the turbine is not in operation and they require electricity.
52. Wycliffe with Thorpe Parish is not the 'host' parish council and we would therefore argue they do not represent the local 'host' community of Hutton Magna.
53. The turbines would still operate if any revised tariffs for wind generation were removed. The purpose of the proposed turbine is to provide renewable energy at a cost far less than the current import rate, which will in turn reduce the running costs and guarantee the long term viability of the land pumps.
54. A petition has been received. We have no comments on this as the numbers are self-explanatory. However, in regard to a suggested 9m high turbine, this type of machine is financially unviable for the site. They are inefficient machines that produce little power and would not be sufficient enough to power the land pumps.
55. There have been 5 individual letters of objection received, and two of these are from the same property. In addition, one objection does not state an address. As such only 3 properties have objected. There have however been 6 individual letters of support received.
56. In regard to the precedent concern, this site has very special specific circumstances which would be very difficult to replicate elsewhere. Each case must be assessed on its own merits, and in this case the applicant considers the benefits to outweigh any harm. We would happily provide more details of the turbine design by condition if required. Ecology has been fully assessed by the applicant, and the proposal has been positioned far enough away from all watercourses as recommended by national guidance.
57. On balance, based upon individual letters, this application has a significant level of community support.

*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>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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58. 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, residential amenity, landscape impact, ecology, heritage assets, flood risk, access and public rights of way, aviation and radar, economic and public benefit, degree of community support and other matters.

### Principle of Development

59. TDLP Policy ENV1 seeks to protect the countryside allowing for development in the countryside for the purposes of an existing countryside use provided that it does not unreasonably harm the landscape and wildlife resources of the area. Renewable energy development is not cited an example of development that is acceptable in the countryside in principle. The proposed development would be contrary to TDLP Policy ENV1. TDLP Policy ENV1 is restrictive and the approach is only partially compliant with the NPPF and therefore limited weight is attributed to this Policy.
60. The TDLP in Policy C6 contains a specific saved policy providing guidance on single wind turbines. TDLP Policy C6 specifically permits single wind turbines provided that unacceptable harm does not result to the character and appearance of the area, to residential amenity, the ecology of the area, archaeology, or the performance of military radar or military low flying operations.
61. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example by the development of renewable energy).”
62. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.
63. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG includes advice more specifically relevant to wind turbine development including an updated section following a Written Ministerial Statement dated 18<sup>th</sup> June 2015. This includes advice that planning permission should only be approved for wind farm development where it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. A specific section of this report is dedicated to this guidance.
64. Only very limited weight can be given to the emerging County Durham Plan (CDP) Policy 22, however, the policy does not object to the principle of wind turbine development though there is a presumption against some wind farm developments within the AONB, which is not applicable in this instance. The proposed development is some distance from both AONB and AHLV designations.

65. There is national support to the principle of on-shore wind energy development, being compliant with Part 10 of the NPPF. However, the acceptability of the scheme in terms of TDLP Policy C6 rests with the assessment of these issues and impacts in the following paragraphs of this report including the scope for control by condition or legal agreement.
66. It can therefore be concluded that there is a presumption in favour of wind turbine development that does not result in unacceptable harm. TDLP Policies GD1 and C6 are considered to be fully consistent with the NPPF and therefore carry full weight. Policy ENV1 is considered partially consistent with the NPPF in taking a more permissive attitude towards development in the countryside.

#### Residential Amenity

67. The nearest residential property unconnected with this proposal is Van Farm 580 m to the north west of the turbine site, 16 times rotor tip height. Within the supporting Landscape and Visual Impact Assessment it is stated that, although the property would have some views of the proposed turbine, they would be filtered by vegetation, with a consequent reduction in impact. The applicant therefore concludes that the property would not be affected to such a degree that the turbine would be either oppressive or overbearing, rendering it to be an unattractive place in which to live, and this is accepted by Landscape officers. No other property would be so affected.

#### Noise

68. The National Planning Policy Framework at paragraph 123 requires LPAs to consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents. Planning Practice Guidance commends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97) (launched in March 2014). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB (A) above background noise for both day and night-time periods. The now defunct PPS24, former national planning guidance in relation to noise, advises that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is not intended that with developments there should be no perceptible noise at the nearest properties, rather the 5dB (A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be exposed to it. The ETSU guidance also recommends that both day and night time lower fixed limits can be increased to 45dB(A) where the occupier of the affected property has some financial involvement in the wind farm.
69. Environment, Health and Consumer Protection officers have assessed the application and submitted assessment and raise no objections. Officers recommend that, through condition, maximum noise levels are specified and procedures for dealing with complaints.
70. The potential noise impacts accord with the relevant guidance for such developments and no objections are raised by Environment, Health and Consumer Protection subject to appropriate conditions.

## *Shadow Flicker*

71. Under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker', and only occurs inside buildings where the flicker appears through a window.
72. A property must therefore be within 10 rotor diameters of the turbine in order to experience shadow flicker, 232m in this case. There are no properties within 10 times. It is therefore considered unlikely that there would be any incidences of shadow flicker.
73. It has been suggested that shadow flicker could affect horses using the bridleway closeby. Shadow Flicker only occurs when rotating wind turbine blades cause a flickering effect by periodically casting shadows as they turn when viewed through constrained openings such as windows. It is not considered that this would occur in the open.
74. No objections are raised with regard to the impact of the development upon residential amenity having regard to TDLP Policies GD1 and C6 and Parts 10 and 11 of the NPPF.

## Landscape Impact

75. Part 11 of the NPPF requires the planning system to safeguard valued landscapes. Policies GD1 and C6 protect the Teesdale countryside from unreasonable harm to its character, appearance and rural landscape, but allow single wind turbines where unacceptable harm does not result.
76. Landscape officers have reviewed the submitted Landscape and Visual Impact Assessment and accept its conclusion that there would be some localised effects on the landscape within the immediate vicinity of the site and up to approximately 1.2kms away, but that it would be no greater than moderate. It is also accepted that effects on neighbouring landscape character areas would be slight, and that there would be no cumulative impact with any other turbines within the area.
77. The site lies in open farmland outside any locally or nationally designated landscape, with scattered plantations and dispersed farms. The turbine would be visible from the adjacent AHLV and North Pennines AONB, but the impact would be diminished by distance. Views from the A66 to the south are increasingly restricted by roadside planting and topography.
78. The turbine would inevitably be readily apparent from public viewpoints along local roads, footpaths and bridleway, but once again the impact is judged to be no greater than moderately negative. The topography of the area would result in the turbine being seen partly or wholly against a background of land or vegetation rather than sky in many views, therefore it is considered important that the turbine be coloured dark grey. This would significantly reduce the turbine's visibility in those views where it is seen against ground, and help it to be inconspicuous in the longer distance and more panoramic views. This would be secured through condition.
79. Policy ENV2 of the TDLP seeks to safeguard the North Pennines AONB and, as discussed, Landscape officers consider visual impact to be no greater than slight due to the distance between it and the turbine (3.55 km). Accordingly, the objectives of Policy ENV2 are considered to have been complied with in respect of the protection

of the landscape quality and natural beauty of the AONB. Nor is it considered that the proposal would conflict with TDLP Policy ENV3 in respect of impact upon the AHLV some 2km to the west and approximately 1.5km to the north.

80. Officers raise no objections to the impact of the development upon the landscape and character and appearance of the area with the development compliant with TDLP Policies ENV1 and C6 and having regard to Parts 7, 10 and 11 of the NPPF.

### Ecology

81. Policy ENV1 seeks to safeguard wildlife from unreasonable harm resulting from countryside related development proposals. Ecology Officers do not consider the application site or its surroundings to be particularly ecologically sensitive. However, Natural England guidance should be followed in terms of stand-off distances from potential wildlife foraging and commuting routes such as hedges, watercourses and wetland. The proposed turbine position respects the 50m minimum separation distance from such features. Accordingly the application is again considered to be compliant with TDLP Policy C6 and Part 11 of the NPPF.

### Heritage Assets

82. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm to the setting of a listed building is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
83. The NPPF defines the setting of a heritage asset as; “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
84. There are conservations areas at Whorlton some 2km to the north and at Barnard Castle is 7km to the north-west. It is considered that the turbine would be sufficient distance away so as to ensure that the character and appearance of the conservation areas would not be affected, and would not conflict with TDLP Policy BENV4.
85. St Mary’s Church, Wycliffe (Grade I) is located some 1.6km to the north east of the application site. The proposed turbine would appear to have with less than substantial harm on designated heritage assets within the surrounding landscape. St Mary’s Church and Wycliffe Hall (Grade II\*) are situated at a lower level on the slopes of the River Tees, given the changes in level, the stand off distance and the presence of existing mature trees, inter visibility would be very limited and the turbine is not considered to have any adverse impacts in this respect. Views of the turbine from Thorpe Hall (Grade II\*) would be somewhat restricted due to stand offs and mature trees.



86. The closest heritage assets to the application site are the complex of buildings at Hutton Hall (Grade II), St Mary's Church, Hutton Magna (Grade II) and the scheduled monument to the south of Hutton Hall on the eastern side of Hutton Magna. These assets would have an open and largely uninterrupted view of the turbine. However, at approximately 1.2km distance, and taking into account its relatively modest height, the turbine would be viewed within the wider landscape as merely a further feature, with less than substantial harm to the significance of those heritage assets.
87. The NPPF at paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The economic and public benefits of the proposal can be summarised as making a contribution to the rural economy by providing low carbon energy to an agricultural holding, benefitting the local community by draining land at risk of flooding, with implicit environmental benefits resulting from the use of natural resources and flood protection. Notwithstanding the statutory presumption against the grant of planning permission as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the harm has been considered and the public benefits are considered sufficient to outweigh any harm to the significance of the designated heritage assets.
88. Archeology officers have confirmed that there are no archaeological issues raised by this proposal.
89. No objections to the development on heritage grounds are raised having regard to TDLP Policies GD1, BENV2, BENV3 and C6 and Part 12 of the NPPF

#### Flood Risk

90. The nearest fluvial watercourses to the site are the Main Stell which flanks the northern site boundary, and Smallways Beck which flows along the eastern site boundary. The Main Stell has a sluice outfall into Smallways Beck on the north eastern corner of the site. The application site is located within Flood Zones 2 and 3, with the turbine being located within sub category Zone 3a. A Flood Risk Assessment has been submitted with the application. The assessment considers that due to the nature and location of the proposed development the site passes the sequential test of alternative sites, whilst the sustainable benefit of renewable energy combined with safe development allows the site to pass the exception test.
91. In addition the turbine would be connected to two existing land pumps which would form an important mechanism in ensuring suitable and adequate flood protection from surface and ground water runoff. It is considered that the turbine would help safeguard the future of the pumps in providing a secure and viable energy source to the benefit not only of the application site but also the surrounding farm land and properties. It is not considered that there would be unacceptable impacts in relation to flood risk. The proposed development would therefore no conflict with TLP Policies GD1, ENV14, ENV15, ENV16 and Parts 10 and 11 of the NPPF.

#### Access and Public Rights of Way

92. Proposed access arrangements to the site during the construction phase from Green Lane to the north are considered to be acceptable. No objections are raised by the Highways Authority. Although adjacent to the proposed access, public footpaths and bridleways would not be affected by the proposal. The proposal would not conflict with TDLP Policy TR10.

## Aviation and Radar

93. Wind turbines may represent a risk of collision with low flying aircraft and interfere with the proper operation of radar. The rotation of the turbine blades would be detected on the airport's primary radar creating clutter, which could be highly distracting for air traffic control. No objections have been received from DTVA and Newcastle Airports or the Ministry of Defence. The proposal would therefore accord with TDLP Policy C6 in this regard.

## Economic and Public Benefit

94. Part 1 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which incorporates three dimensions which give rise to the need for the planning system to perform a number of roles: economic, social and environmental. In this respect it is clear that the proposed development would make a contribution to the rural economy by providing low carbon energy to an agricultural holding, benefitting the local community by draining land at risk of flooding, with implicit environmental benefits resulting from the use of natural resources and flood protection.

## Degree of Community Support

95. A Written Ministerial Statement (WMS) made on 18<sup>th</sup> June 2015 set out new considerations to be applied to wind energy development. The PPG has also been updated to reflect the content of the WMS. Where an application was already valid at the point of this new guidance emerging then transitional provisions apply. The guidance advises that with regards to this application local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. The PPG advises that whether the proposal has the backing of the affected local community is a planning judgement for the local authority. No definition of what constitutes the affected local communities is provided.
96. It should be noted that there has been no change to the NPPF as a result of the Ministerial Statement, therefore this remains the primary source of national policy for onshore wind energy development. Accordingly, very significant weight must be attached to Part 10 of the NPPF, and in comparison less weight afforded to the WMS and PPG, although they are material considerations.
97. Following extensive publicity, that has included site notices and individual letters sent to 112 local households, 5 responded in support and 5 against. Reaction to the proposal can therefore be described as evenly balanced. The Parish meeting has stated an overwhelming level of opposition to the scheme, based upon its own consultation with the same 112 households. However, a return of 14 letters in support and 26 against cannot be said, as the Parish Meeting Clerk suggests, that this represents 65% against the proposal and thus overwhelming opposition. In actuality 26 as a percentage of 112 is 23%. It must therefore be concluded that the proposal has both support and opposition within the local community, and this should be factored into the balance of whether the proposal is acceptable. Moreover, even if objections do outnumber supporters, as the Parish Meeting suggests, the numbers are a comparatively small proportion of the overall number of local households.

98. The PPG states that, following consultation, planning permission may be granted if it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the development proposal has their backing. The prime concern has been identified as landscape impact, and the precedent a turbine in this location would set. It has been demonstrated to the satisfaction of Landscape officers that landscape and visual impact would be modest given the application site's location, distance from roads, and the height of the proposed turbine. There is also the opportunity to further reduce the impact of the turbine by ensuring it is dark grey in colour. No precedent would be set as each planning application must be assessed on its individual merits. It is therefore considered in these circumstances that the test set by the PPG has been met.

#### Other Matters

99. The application site is on agricultural land (Grade 3) but given the size of the footprint of the wind turbine it is considered that the proposal would not conflict with TDLP Policy ENV12 which seeks to protect best and most versatile agricultural land.

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## **CONCLUSION**

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100. National guidance contained within the NPPF and PPG highlight the national need for renewable energy and the wide economic and environmental benefits that accompany renewable energy proposals are significant material considerations which have to be given substantial weight. The NPPF identifies provision of renewable energy and associated infrastructure as central to the economic, social and environmental dimensions of sustainable development. Therefore there is a presumption in favour of the principle of wind turbine proposals. Part 10 of the NPPF states that such proposals should be approved if impact is, or can be made, acceptable.
101. The visual impact of this proposal would be on the landscape immediately surrounding the application site rather than in long distance views, the turbine's height being considered moderate within the wind turbine hierarchy. No other negative impacts are likely to result, confirmed by an absence of objections from both statutory and internal professional consultees. Therefore such limited impact must be balanced against benefits.
102. Given the distance from the application site to the nearest residential properties it is highly unlikely that there would be any adverse impacts upon residential amenity. It is considered that there would be no detriment to the local highway network or public rights of way. Consideration has been given to ecology, heritage assets, flood risk, access and public rights of way, aviation and radar and it is considered that the proposal would not adversely impact upon them.
103. The number of objectors and supporters is finely balanced despite there being more of the former. This is a material consideration in respect of community support as required by the PPG. The main concern is landscape impact, but as already established, this would be limited. Therefore it can be said that community concern has been carefully considered and satisfactorily addressed.
104. Weighed against such comparatively modest impact are the benefits of the proposal. These are the implicit benefits of renewable energy generation, the economic benefit to the applicant in terms of reducing the cost of powering drainage pumps, and the community benefit of reducing flood risk in the area.

105. Therefore on balance this is considered to be sustainable development, the environmental, economic and community benefits of which outweigh any harm to the character and appearance of the landscape. There is therefore no conflict with planning policy.

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## **RECOMMENDATION**

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

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

SITE LOCATION PLAN FIGURE 001  
SITE LAYOUT PLAN FIGURE 002  
TYPICAL TURBINE ELEVATION FIGURE 003  
E-4660 ELEVATION 24 M TOWER CLASS II 005668 REV 1

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

2. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of Commissioning of the Development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

*Reason: To define the consent.*

3. Notwithstanding the information shown on the submitted drawings, no development shall commence until the turbine model and colour, and metre box design, size, colour and location are agreed in writing with the local planning.

*Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan. Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.*

4. Prior to the commencement of any works, a Construction Method Statement shall be submitted in writing to, and approved in writing by, the Local Planning Authority. Development shall be carried out in compliance with the approved Construction Method Statement.

*Reason: In the interests of the amenity of nearby residents and in accordance with objectives of Policy GD1 of the Teesdale District Local Plan and advice contained within Part 11 of the NPPF. Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.*

5. No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents, together with arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made

during the construction, operation and decommissioning of the wind turbine development and liaison with the Local Planning Authority.

*Reason: In order to prevent noise disturbance in accordance with advice contained within Part 11 of the NPPF. Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.*

6. All electrical cabling shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 3 months of the commissioning of the wind turbine.

*Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan.*

7. Not later than 12 months after the development hereby approved becomes operational, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires, or from the date of any earlier cessation of use as required by Condition 7 below, whichever is the earlier.

*Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan*

8. If, prior to the expiry of the temporary planning permission hereby approved, the wind turbine generator hereby permitted ceases to operate for a continuous period of 6 months, the works agreed under the terms of Condition 8 above shall be completed within 12 months of the cessation of operations.

*Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan*

9. Should any complaint be received within 12 months of the final commissioning of the turbine relating to TV interference, the developer will undertake an investigation of the complaint within 1 month of the complaint being received. Should the investigation validate the complaint a mitigation plan will be prepared and agreed with the local planning authority and the agreed mitigation plan implemented.

*Reason: In the interests of residential amenity and in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.*

10. Before commencement of any work on site a report and plans confirming the proposed access routes to the site, and showing the maximum length, width and height of loaded delivery vehicles shall be submitted and approved by the Local Planning Authority. The report shall include details of any works required to the highway infrastructure to facilitate the deliveries associated with the approved works.

*Reason: In the interests of highway safety and in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.*

11. In relation to the development hereby permitted, construction machinery may be operated, construction processes may be carried out, and construction traffic may enter or leave the site between the hours of 0800 hours and 1800 hours Monday to

Friday and between the hours of 0800 hours and 1300 hours on Saturdays and at no other times nor on Sundays or Bank Holidays.

*Reason: In the interests of the amenity levels of those who live in the area and in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.*

12. Noise emissions from the site, as measured according to procedures outlined in ETSU-R-97 at any dwelling in existence at the date of this permission and not financially involved with the development, shall not exceed the greater of 35 dB LA90, 10min or 5 dB(A) above the established quiet day-time background noise level at any property between 0700-2300 and shall not exceed the greater of 43 dB LA90, 10min or 5 dB(A) above the pre-established night-time background noise level at that property between 23:00 and 07:00. The measured noise emissions shall include any tonal penalty if such is identified in accordance with the requirements of ETSU-R-97, "The Assessment and Rating of Noise from Windfarms".

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

13. Within 14 days of a written request of the Local Planning Authority and following a complaint to the Local Planning Authority from a dwelling occupant, the operator of the development shall measure and assess at its expense the level of noise emissions from the wind turbine generators following the procedures described in "The Assessment and Rating of Noise from Wind Farms", ETSU-R-97 as published by ETSU for the Department of Trade and Industry. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the Local Planning Authority.

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

14. Wind speed, wind direction and power generation data for the turbine shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the attached guidance notes entitled 'Noise Conditions Guidance' within 28 days of such request. Such data shall be retained for a period of not less than 12 months.

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

15. In the event that the results of the above measurements indicate that the noise limits specified at Condition 13 have been exceeded at any dwelling then, within 21 days of notification in writing of this by the Local Planning Authority, the operator shall submit in writing to the Local Planning Authority:
- i) A scheme of noise control measures to achieve compliance with condition 13 of this permission;
  - ii) A timetable for implementation of the noise control measures; and,
  - iii) A programme of monitoring to demonstrate the efficiency of the noise control measures.

The noise control measures will be implemented and the monitoring undertaken in accordance with the scheme and timetable agreed in writing by the Local Planning Authority.

*Reason: In order to prevent noise disturbance in accordance with The objectives of policy GD1 of the Teesdale District Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

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## **BACKGROUND PAPERS**

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- Submitted application forms, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Teesdale District Local Plan (2002)
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



**Planning Services**

Proposed wind turbine of 36.6 m maximum tip height with associated metre house and access track at Land to East of Van Farm, Green Lane, Hutton Magna (DM/15/01428/FPA)

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**Comments**

<b>Date</b>	<b>Scale</b>
September 2015	Not to scale



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01961/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing food store and petrol station, and erection of a replacement food store (Class A1) and associated works
<b>NAME OF APPLICANT:</b>	Lidl UK GmbH
<b>ADDRESS:</b>	Former Co-Op, New Road, Crook
<b>ELECTORAL DIVISION:</b>	Crook
<b>CASE OFFICER:</b>	Colin Harding Senior Planning Officer 03000 263945 <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site relates to an existing former food retail store (2,426sqm gross floorspace), car park and petrol filling station situated within Crook town centre, and which ceased trading in late November 2014. The site itself extends to approximately 1.01 hectares, in a 'C' shape and currently accommodates an existing foodstore located to western part of the site, a delivery yard located to the north west, a petrol filling station to the south east of the site and associated customer car parking. The existing store comprises one and two storey development and is constructed of red brick with a grey tile roof. Vehicular access is currently provided at two access points to the south and east of the site, off Glenholme Drive, with a separate gated access and delivery yard off Croft Street, located to the north west of the site, for delivery vehicles servicing the store.
2. Beyond the site, to the north is St. Catherine's Community Centre, with Crook Police Station and Bradbury House (a nursing care home) located to the east. The majority of the Crook Town Centre commercial uses are located to the north of the site, beyond the Community Centre. Further east, past Crook Police Station and Bradbury House is Crook Cricket Ground, green open space and Crook Beck, with residential properties located beyond this.
3. The site lies within Crook Town Centre as identified in the Wear Valley District Local Plan, whilst Crook Conservation Area abuts the site on its western and northern boundaries.

## The Proposal

4. Planning permission is sought for the demolition of the former Co-op store and petrol filling station, and the erection of a replacement foodstore (Use Class A1) of some 2539sqm (Gross Internal Area) with a sales area of 1424sqm. In addition, the proposals include a reconfigured car park and associated works. The position of the proposed foodstore largely replicates that of the existing, whilst the removal of the petrol filling station facilitates the reconfiguration of the car park. The segregated delivery and customer access points would remain, although it is intended that the access to the petrol filling station off Glenholme Drive be closed off.
5. The proposed foodstore would be served by a total of 182 parking spaces, including 11 disabled spaces and 4 parent and child spaces, which are positioned close to the customer entrance. There will also be three electric car charging points.
6. The customer entrance is located on the south east corner of the building fronting onto the car park, with the shopfront having a full height glazed elevation extending to the width of the sales area. Customers can also access the store via a pedestrian access on New Road, to the east of the site.
7. In addition to the glazed shopfront area, the proposed store would have a grey render plinth with a mix of both white render and cladding above, together with a grey metal sheet roof.
8. This application is reported to Committee as it represents a major development.

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## **PLANNING HISTORY**

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9. In 1989 planning permission (3/89/317) was granted for the erection of a supermarket, public toilets and new highways. There have been a number of subsequent minor planning and advertisement consent applications for the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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’.
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. The following elements of the NPPF are considered relevant to this proposal;

12. *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.
13. *NPPF Part 2 – Ensuring the Vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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*)

20. 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)

21. *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.
22. *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.
23. *Policy BE8 (Setting of a Conservation Area)* – Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
24. *Policy S1 (Town Centres)* – Seeks to maintain and protect town centres, through the restriction of uses.
25. *Policy S6 (Retailing in Crook)* – States that within the shopping area of Crook, that retail and office uses will be approved.
26. *Policy T1 (General Policy – Highways)* - All developments which generate additional traffic will be required to fulfil Policy GD1 and: provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

### The County Durham Plan

27. 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)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

28. *Highway Authority* – It is recognised that the site has an established use as a foodstore and petrol filling station and there will therefore be no greater impact on the highway network from the proposed replacement foodstore. A revised site layout has been submitted in response to a number of comments in relation to the layout of the car park.
29. *Northumbrian Water Limited* – Raise no objection subject to the imposition of a condition to provide for a detailed scheme for both surface and foul water disposal.
30. *Environment Agency* – Raise no objection to the proposed development, but provide advice in relation to the developer ensuring risks to controlled waters are minimised.

### INTERNAL CONSULTEE RESPONSES:

31. *Design and Conservation* – Raise no objection. It is highlighted that the site is within the immediate setting of the Crook Conservation Area. The existing buildings are of variable quality and make little if any contribution to the wider built environment; their loss is therefore considered acceptable. The replacement building is simple, functional and again of limited architectural merit, and is a standard solution to the provision of a much needed local service. Although somewhat detached from the core of the conservation area opportunities still exist to improve the design and detailing of the building primarily to the New Road elevation bringing more activity and vibrancy to this main route in to Crook.
32. *Spatial Policy Section* – Advise that no objection is raised in principle to the proposed development; however, it is considered disappointing that the store's entrance is positioned away from the town centre.
33. *Ecology Section* – Having considered the submitted Bat Survey, they are satisfied that the likely presence and hence impact on bats is low and they therefore have no objections. An informative in relation to breeding birds is recommended.
34. *Landscape Section* – Raise no objection but note the inevitable conflict between parking and pedestrian access to the proposed building. Surfacing to highlight pedestrian priority should be provided to the east side of the building.
35. *Drainage and Coastal Protection* – Advise that the site is at risk of flooding from overland flows as identified in the Council's Strategic Flood Risk Assessment and as such, floor levels need to be at sufficient height to avoid water entering the building. In terms of surface water drainage, a condition is recommended in relation to ensuring that a scheme for the disposal of such is in accordance with sustainable urban drainage principles.
36. *Sustainability* – Whilst the absence of a Sustainability Statement is highlighted, a condition is nonetheless recommended in relation to securing embedded sustainability and minimise carbon emissions both during construction and once in use.

37. *Environmental Health and Consumer Protection* – Raise concerns in relation to the impact of light spill upon nearby residential properties, in addition to noise impacts from both plant and deliveries. However, in recognition of the established use of the site, it is considered that the matters could be adequately controlled by way of planning conditions.
38. *Environmental Health and Consumer Protection (Contamination)* – Raises no objection subject to the imposition of appropriate planning conditions to minimise risk to future users of the land from contamination.
39. *Access and Rights of Way Team* – Advise that there are no recorded Public Rights of Way through the site.
40. *Travel Planning Team* – Advise that the submitted Travel Plan details an acceptable range of objectives. However, further measures and commitments with appropriate funding are required to meet these objectives.

#### **PUBLIC RESPONSES:**

41. The application has been publicised by way of both press and site notices as well as notifications to surrounding properties. In response, three representations have been received. In summary the issues raised include:
- The re-opening of a food store is welcomed, but a replacement filling station is also required;
  - Concern about the closure of a path providing residents with access to the store; and,
  - Concerns are expressed in relation to the demolition of the building and the impact on enclosures between neighbouring buildings.

#### **NON-STATUTORY REPRESENTATIONS**

42. *Police Architectural Liaison Officer* – Advise that there are no issues from a Design out Crime perspective.

#### **APPLICANTS STATEMENT:**

43. Lidl purchased the former Crook Co-op site in 2014, the existing store is dated and cannot meet Lidl's operational requirements for the following reasons, and therefore the applicant seeks planning permission for a replacement store.
- Lidl has a distinct store format that is integral to the success of its business model;
  - The minimum store size that is normally required by Lidl (unless there are unusual circumstances) is a single level store of circa 2,000 sq m Gross External Area;
  - Lidl stores stock a limited number of products compared to other retailers, while space is needed in the sale areas for the non-food specials, which can be bulky items;
  - Lidl is a deep discounter which is dictated by its ability to cut costs throughout the business. In order to do so, all products are displayed from the original pallets or boxes on/in which they were delivered to the store. This minimises the costs associated with manual handling by removing the need to break pallets down and stack products on shelves;

- A single level store of 2,000 sq m Gross External Area allows for pallets to be easily moved directly from the delivery bay and placed in the sales area. This cannot be achieved in the same way in smaller stores or the former Co-op store layout, resulting in the need to break pallets down and stack more products on shelves, which consequently increases staff costs. This therefore makes it more difficult for Lidl to pass cost savings on to its customers, thereby impacting on its ability to deliver the benefits of discount retailing, and
- In addition, the standard store format has been purposefully designed in order to provide mobility impaired customers, the elderly and those with small children space to move through the store easily. Also by placing bulky products on the sales floor, Lidl ensure easy access to these items for all customers.

44. Further, the redevelopment proposals constitute sustainable development for a number of reasons including:

- The proposal comprises the redevelopment of an existing town centre retail store for a discount convenience offer consistent with national and local policy that promotes the location of main town centre uses within existing centres;
- The proposals will result in the sustainable re-use of previously developed land to deliver the redevelopment of an existing foodstore (Class A1 use) within Crook Town Centre;
- The proposal will improve consumer choice and complement the existing retail offer within Crook;
- It will introduce a new dimension to convenience goods retailing in Crook by introducing a format and variety of goods and contributing to creating healthy competition in the town;
- The new discount convenience offer within Crook will assist in retaining retail expenditure in the local area, and
- There will be a positive economic impact as a result of continued employment, additional employment opportunities being retained in Crook and increased earnings in the local area.

*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>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development; design and impact upon heritage assets, highway safety and parking, residential amenity, ecology, flood risk and drainage, and other matters.

### Principle of Development

46. The site has an established use as a foodstore and therefore its replacement with a new foodstore of broadly the same level of floorspace (7sqm increase), is considered acceptable in principle and in accordance with WVLP Policies S1 and S6 which permit new retailing opportunities in the Crook Town Centre. This is also considered consistent with the NPPFs aim of ensuring the vitality of town centres by directing new retail development to town centres as opposed to edge of centre or out of centre locations.

## Design and Impact upon Heritage Assets

47. In terms of the context of the application site, it adjoins Crook Conservation Area on its northern and western boundaries and is therefore within its immediate setting and having the potential to affect its significance, and in the context of it being a designated heritage asset. Whilst the conservation area does contain a number of listed buildings, none are considered to have a relationship with the site such that they would be affected by the proposals. In addition there are a number of buildings identified as Notable Unlisted Buildings in the adopted conservation area appraisal; Crook Business Centre and St Catherine's Community Centre. The impacts on these heritage assets (both designated and non-designated) arise through the demolition of the existing foodstore as well as in relation the replacement foodstore building.
48. The Design and Conservation Section consider that the existing buildings and structures on the site that would be demolished are of poor design and detailing and have aged poorly since their construction, and as such, they are not particularly positive features within the streetscene and therefore their loss through demolition is considered acceptable and without harm to the setting of the conservation area. Similarly, the demolition of the buildings would not harm the setting of the identified Notable Unlisted Buildings. In this respect, this element of the proposals would not be contrary to Policy BE8 of the WVLP or Paragraph 129 of the NPPF.
49. The proposed building is largely on the same part of the site as the existing foodstore, however, it extends further south than the existing foodstore towards the junction of New Road and Glenholme Drive, but does not extend as far northwards at the rear of St Catherine's Community Centre as the existing building does. In addition, the building is generally set back from New Road by some 10m unlike the existing building, and this provides opportunities for a scheme of soft landscaping, including trees and ornamental shrub planting. This will soften the impact of the development. In terms of appearance, the building features a simple monopitch roof sloping down from its eastern side to the west elevation adjacent New Road and where the building is more prominent upon approach to Crook Town Centre. This elevation in particular features a low level grey plinth above which there would be white rendered panels with a section of grey horizontal cladding beneath the eaves line. The southern elevation, again visible in approaching the town centre and seen more readily in the context of the setting of the conservation area, features glazing along its entire length. The proposed building therefore, in contrast to the existing, clearly has a contemporary appearance.
50. As with all conservation areas Crook has areas within it which are of more importance than others; of particular importance in relation to Crook are the public spaces around North Terrace and the historic Market Place. The presence of St Catherine's Community Centre with its high pitched slate roof detaches the application site from the core of the conservation area. The Design and Conservation Section consider that the impact of the proposed buildings on the setting of the adjacent conservation area and the identified non-designated assets would be similar to that of the existing. However, they consider that limited opportunities have been taken in the siting and design of the proposed food store to improve the contribution that it could make to the setting of the identified heritage assets. The introduction of a building with an active frontage to New Road and of an architectural quality complimenting surrounding older quality buildings would have been highly desirable. To this end, the proposals would be considered to cause less than substantial harm to the setting of the conservation area. Any such harm should, in accordance with NPPF Paragraph 134, be weighed against the public benefits of the proposal.



51. In this case, there are a number of public benefits that arise. Whilst acknowledging the application does not propose replacement of the petrol filling station as a facility for residents, the proposals do reinstate a supermarket for the town's residents, which it is considered assists in promoting a competitive town centre that provides customer choice and some diversity to the towns retail offer. Whilst noting that the Spatial Policy Section consider that the orientation of the store is disappointing in terms of its relationship with the town centre, this is considered to not be a fundamental issue given the relative proximity of the store generally to the town centre. Residents have clearly had to leave the town to access a supermarket and the re-opening of one in the town will clearly address this issue, and in turn reduce the extent of travel by private car to other areas. In addition, the proposal would generate some 30 full-time equivalent jobs at the store.
52. Notwithstanding the statutory presumption against the grant of planning permission as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the harm has been considered and in this case, the public benefits would outweigh the less than substantial harm that has been identified. Whilst such adverse effects as identified could be considered to be in conflict with Policy BE6, it is considered that this policy cannot be afforded significant weight in this context since it does not accord with the NPPF's requirement to balance any harm against public benefits.

### Highway Safety and Parking

53. The existing foodstore has separate access points for customers and servicing, the former from Glenhome Drive and the latter from South Street to the north. These access arrangements would be retained, whilst a further access point associated with the petrol filling station would be closed off. The site clearly has an established use as foodstore and therefore an associated impact on the highway network. As the level of floorspace proposed is almost identical, the Highway Authority consider that the impacts of the replacement foodstore on the highway network would be the same, and is accordingly, acceptable in this regard, and in accordance with WVLP Policy T1, would not be to the detriment of highway safety.
54. The Highway Authority made a number of comments about the detailed layout of the carpark particularly in relation to pedestrian permeability. A similar point was made by the manager of the nearby Bradbury House. A revised site layout has been submitted which addresses the issues raised and ensures appropriate levels of permeability are provided.
55. The submitted Travel Plan highlights a number key objectives around improving accessibility of the site by means other than single occupancy private car, but the Travel Planning Team consider that further commitments and measures are required to ensure the objectives are met. This can be secured by way of a planning condition, which would also secure its implementation.

### Residential Amenity

56. The application site is within the town centre and therefore being generally surrounded by retail/commercial and office uses. However, there are residential properties on Bell Street to the north and Dawson Street to the west. At present the site is serviced via an access from the south-eastern corner of the Market Place and this arrangement would be retained. Whilst the movements associated with the servicing of the site wouldn't be any different in terms of relative proximity to residential properties, the times, frequency and nature of the vehicles servicing the site may be different. Environmental Health Officers have highlighted this is a concern, but in acknowledging the existing arrangements, they are satisfied that the servicing can

continue to take place in this way, but that the hours ought to be restricted to daytime hours only. A condition to this effect should therefore be imposed upon any planning permission. This would it is considered ensure no unreasonable disturbance or conflict would arise with adjoining issues, and as such, the proposals would comply with WVLP Policy GD1.

57. Environmental Health Officers have similarly highlighted the possible adverse noise effects of plant equipment, such as air conditioning and refrigeration units, upon the amenity of nearby residential occupiers. No details of such equipment is provided with the application, however, this too is a matter that it is considered can be adequately dealt with by way of a planning condition, again ensuring no unreasonable disturbance or conflict would arise with adjoining issues, and as such, the proposals would comply with WVLP Policy GD1.
58. The application is accompanied by details of a lighting scheme for the car park and servicing area. This indicates that there would be light spill from beyond the application site and onto adjoining buildings. Environmental Health Officers consider that the submitted information does not adequately demonstrate the effects of light spill, particularly in relation to the nearby properties on Bell Street and Dawson Street in relation to the lighting for the service yard. The lighting for the remainder of the site does not give rise to concerns and is otherwise considered acceptable. In order to control the lighting in the service yard area, it is therefore considered necessary and appropriate to impose a planning condition to agree the precise details of the lighting and avoid any unnecessary spread of light to nearby properties and to ensure compliance with WVLP Policy GD1.

#### Flood Risk and Drainage

59. Foul drainage would take the form of connection to the existing main sewer in the same way that the existing building does. Given the floorspace and use are the same, it is considered that this is appropriate. Northumbrian Water have sought a planning condition to agree a detailed scheme of foul sewerage disposal, however, it is considered that in this instance there is an existing connection on the site serving the same use, and the developer would have a right to connect to the existing apparatus.
60. Turning to surface water issues, although not in an area identified as being in a flood zone, the site is identified in the Council's Strategic Flood Risk Assessment as being at risk from overland flows, and as such, it would be appropriate to consider setting floor levels which would reduce the risk of surface water entering the proposed foodstore. This can be controlled by planning condition. Similarly, a scheme to ensure the satisfactory disposal of surface water from the site to minimise the risk of flooding elsewhere, and which embodies the principles of sustainable urban drainage can be adequately controlled by way of a planning condition. This would ensure that the requirements of WVLP Policy GD1 are met, as well as Paragraph 103 of the NPPF.

#### Ecology

61. The application is accompanied by a Bat Roost Assessment and a Bat Survey Report. The former identifies that the existing building has low potential to support roosting bats and that following surveys there were no bats or evidence of bats recorded. However, in order to confirm the presence or likely absence, further survey was undertaken. The Bat Survey Report details the additional survey work, which similarly found that there were no bats recorded emerging from the building. The Ecology Section are satisfied on the basis of the submitted information that the likely presence and hence impact on bats is low and they therefore have no objections. The Bat Survey Report does recommend that in order to enhance the area for bats,

further planting is incorporated into the development to improve the area for foraging or commuting bats. To this end, there is an extensive area of additional planting along the western boundary of the site, which will assist in meeting such objectives, and therefore providing net biodiversity gains in accordance with Paragraph 109 of the NPPF.

## Contamination

62. Environmental Health Officers have highlighted the need for further site investigation work to be undertaken in respect of the petrol filling station and its demolition. In particular, there is the need for further understanding around any historic fuel leakage at the site with resultant ground and groundwater contamination, and how any such contamination would be treated in the context of the redevelopment of the site. It is considered appropriate to impose a planning condition in this respect, and in compliance with Part 11 of the NPPF.

## Other Matters

63. The occupiers of an adjacent building raised concerns over the demolition of the existing building and how this would affect the boundaries with their property. The developer has submitted a plan which identifies that the boundary between the respective buildings would be maintained by way of the erection of a 2m high grey powder coated paladin fence. It is considered that such a boundary treatment is acceptable in this location, adjacent the service yard area, and would address the concerns raised by the adjacent occupier in terms of maintaining a boundary between the respective sites.

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## CONCLUSION

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64. The proposed replacement foodstore would re-introduce a supermarket to Crook, ensuring greater consumer choice and added diversity to the town centre's retail offer and thus contributing to the centre's vitality generally. In addition, there would be the creation of 30 full-time equivalent jobs. Such identified public benefits are considered to outweigh any less than substantial harm that would arise from the appearance of the proposed building upon the setting of Crook Conservation Area. Given the established use of the site as a supermarket, the proposal would have no adverse highway implications. Whilst the site is in the town centre, there are a number of residential properties nearby, and it would be necessary to introduce appropriate safeguards to control the development during both the development and operational phases in order to ensure appropriate levels of residential amenity are maintained.

65. Accordingly, it is considered that the proposed development would comply with relevant development plan policies and the NPPF, and is therefore considered acceptable.

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## RECOMMENDATION

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

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

*Reason: Required to be imposed pursuant to Section 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:

Drawing No. R/1666/1F – Landscape Detail

Drawing No. A(90)GAP002 Rev 21 – Proposed Site Layout

Drawing No. A(00)GAP002 Rev 3 – Proposed Ground and First Floor Plans

Drawing No. A(96)GAP001 Rev 1 – Boundary Treatment Plan

Drawing No. A(00)GAE001 Rev 3 – General Arrangement Elevations

Drawing No. A(00)GAP201 Rev 02 – Proposed Roof Plan

*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 take place until 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 take account of the drainage hierarchy of preference, including infiltration tests, and SUDS principles. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

*Reason: To prevent flooding by ensuring the satisfactory disposal of surface water and to ensure compliance with Policy GD1 of Wear Valley District Local Plan. This condition is pre-commencement as drainage works would be an early stage of development.*

4. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels 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 order to minimise the risk of the approved building being adversely affected by surface water flows in accordance with Policy GD1 of Wear Valley District Local Plan.*

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

6. Prior to the commencement of construction of the replacement foodstore details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of Wear Valley District Local Plan.*

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

#### *Completion*

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.*

8. 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.*

9. No construction/demolition activities, including the use of plant, equipment and deliveries, shall take place before 0700 hours or after 1900 hours Monday to Friday, or take place before 0800 hours or after 1700 hours on Saturday. No works shall 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.*

10. 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.*

11. No noise generating plant including mechanical ventilation or refrigeration/air conditioning, refuse compacting / baling plant shall be installed in any part of the development prior to a noise impact assessment being submitted to and approved in writing by the local planning authority. The approved scheme shall be constructed and installed in accordance with the approved assessment and shall thereafter be maintained in accordance with the approved details.

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

12. No movements of goods vehicles shall be permitted on the premises except between the hours of 8.00 am and 8.00 pm on Mondays to Saturdays inclusive and between 9.00 am and 16.00 pm on Sundays and public holidays. Engines to all delivery vehicles are to be turned off whilst the vehicle is parked at the store.

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

13. No external lighting shall be installed to the delivery yard until full and precise details have been submitted to and approved by the Local Planning Authority to include the following:

- A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination during the summer and winter.
- A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.
- Details of the make and catalogue number of any luminaires/floodlights.
- Size, type and number of lamps fitted within any luminaire or floodlight.
- The mounting height of the luminaires/floodlights specified.
- The location and orientation of the luminaires/floodlights.
- A technical report prepared by a qualified Lighting Engineer demonstrating the light spillage (vertical illumination level) at the site boundary and the windows of all nearby dwellings.

The approved scheme shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details. To enable the scheme to be assessed the following information must be supplied to the LPA.

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

14. Within 6 months of occupation a final Travel Plan, conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be implemented for the lifetime of the development.

*Reason: In the interests of protecting and exploiting opportunities for sustainable travel and in order to comply with Paragraphs 35 and 36 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation 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.)*

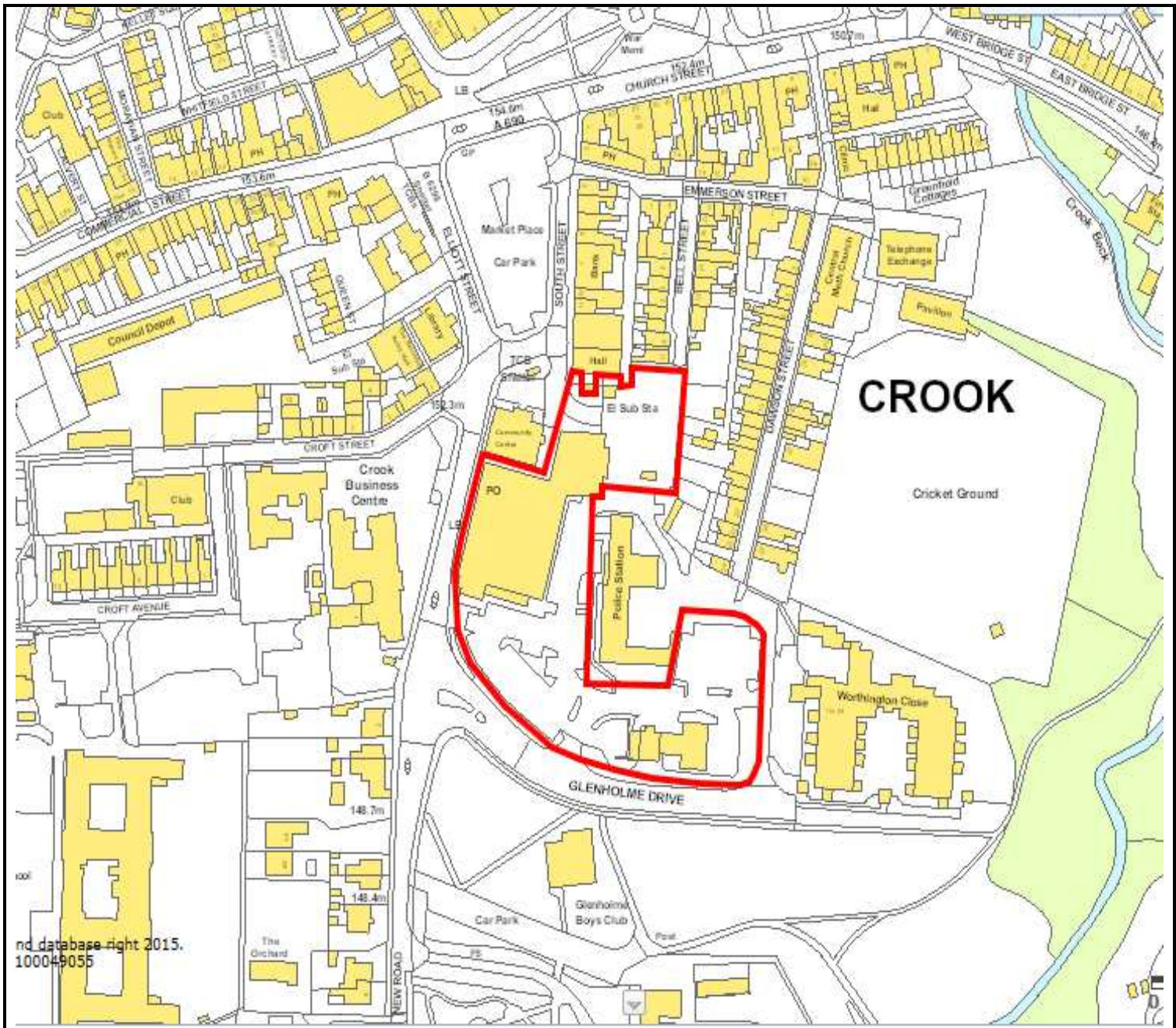
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## **BACKGROUND PAPERS**

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- 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





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**Planning Services**

Demolition of existing food store and petrol station, and erection of a replacement food store (Class A1) and associated works at Former Co-Op, New Road, Crook (DM/15/01961/FPA)

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**Comments**

**Date** September 2015      **Scale** Not to scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02058/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed dwelling and office/store (resubmission of refusal DM/14/02570/FPA)
<b>NAME OF APPLICANT:</b>	Mr Eddy Luke
<b>ADDRESS:</b>	1 Stockley Lane Oakenshaw Durham DL15 0TG
<b>ELECTORAL DIVISION:</b>	Willington and Hunwick
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site lies within countryside to the south of Stockley Lane and to the west of the small rural village of Oakenshaw. The land is a grassed area within the ownership and to the north of the Cats Whiskers Cattery and associated dwelling 1 Stockley Lane. Neighbouring immediately to the west is a converted residential property no.3 Stockley Lane.
2. The development proposed is the erection of a two storey dwelling and a store/office building, all set within a new large landscaped curtilage of approximately 0.24ha. The application suggests the property would be occupied by the cattery owner's son and his wife who would at some time in the future take over the running of the cattery when the existing owner wished to retire. The current owners/managers of the cattery reside at 1 Stockley lane which is to the south of the application site.
3. The application is a resubmission of application DM/14/02570/FPA, which was refused under delegated powers in November 2014. The application essentially seeks approval for the same development, minus the provision of a detached double garage.
4. The application has been referred to the Committee at the request of Cllr Gunn on the grounds of the business need for an additional house.

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### PLANNING HISTORY

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5. The most relevant planning history is the previously refused application for the same development DM/14/02570/FPA – refused on 3<sup>rd</sup> November 2014.

6. Planning approval was originally granted for the cattery in 1995 under ref 3/1994/0656.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. 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.
8. 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 following elements of the NPPF are considered most relevant to this proposal:
9. NPPF Part 4 – Promoting sustainable transport. Patterns of development should aim to minimise the need to travel and exploit opportunities for the use of sustainable transport modes. Access to the site should be safe and suitable for all people.
10. NPPF Part 6 - Delivering a wide choice of high quality homes states that new isolated homes in the countryside should be avoided unless there are special circumstances such as, among other things, the essential need for a rural worker to live permanently at or near their place of work in the countryside.
11. 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, and should contribute positively to making places better for people.
12. Part 11 - Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible.

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

### **LOCAL PLAN POLICY:**

13. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore still be given significant weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
14. *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.

15. *Policy ENV1 (Protection of the Countryside)*: The District Council will seek to protect and enhance the countryside of Wear Valley. Development in the countryside will only be allowed for agriculture, farm diversification, forestry or outdoor recreation, or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies listed in the supporting justification.

*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/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

16. 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. The most relevant part of the plan would be Policy 35 which relates to Development in the Countryside.
17. At the current time, this policy is being attributed very limited weight given the publication of the inspector's interim views and does not form a significant part of the decision making process.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

18. *Northumbrian Water*: Have been consulted on the development and have responded, stating that they have no comments to make.
19. *Coal Authority*: No objection, subject to imposing a condition which would require intrusive site investigations to be undertaken.
20. *Highways Authority*: No objection Subject to a condition requiring sight visibility splays to be maintained in accordance with those depicted in the site layout plan.

### **INTERNAL CONSULTEE RESPONSES:**

21. *Landscape*: Note that the visual impact would be minor but note that there would be some change in landscape character with the large garden area sub divided and provision of dwelling with associated development. Some additional hedge planting is suggested.
22. *Landscape (Trees)*: Trees have been removed from the site and it is advised that replacements are proposed, these should be heavy standard native species 18-20cm girth appropriate to the local area.
23. *Ecology*: No objections.

### **PUBLIC RESPONSES:**

24. The application has been publicised by way of site notice and individual notification letters to neighbouring residents.
25. One letter of objection has been received. The contents of the letter are summarised below.
26. It is suggested that to approve additional building in a rural area on the basis put forward would set a precedent for further development on other sites on this basis. It is suggested that in order to go on holiday it would be possible to decline to accept animals for that period or hire temporary staff to look after the cattery for that period.
27. It is stated that if the applicant wishes to retire the business could be sold as a going concern or managers could be hired to run the business on behalf of the owner. The existing residential location of the applicant son and daughter in law is alluded to, which is said to be a short distance away in the village, it is suggested this undermines the argument for an additional property on the site.
28. It is suggested that it would be unlikely that the applicant's son and daughter in law who are professional workers would give up their careers to run the cattery on a full time basis. It is suggested the development of the site would conflict with the amenity use of woodland opposite. It is stated that the development would be visible from the passing road.

*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%2F02058%2FFPA](http://plan-1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F15%2F02058%2FFPA)*

#### **APPLICANTS STATEMENT:**

29. The application under consideration is a re-application submitted following discussions held with council officers to enable the proposals to be reconsidered and decided by Committee.
30. The applicant was of the opinion that the first (refused) application was dealt with in a decidedly negative fashion which found the case officer constructing a pre-determined negative picture of a/ the true need for a new dwelling and b/ the impact on the countryside:
31. We are aware at the same time of a particular anomaly within a long-standing planning policy which whilst acknowledging the need for twenty four hour care for animals bred for food, does not extend the same importance to animals being cared for as household pets. The anomaly appears to be exacerbated by the acceptance that whilst equine establishments can be granted consent to build, kennels and catteries do not qualify despite a demonstrated and proven need for care.
32. The policy appears to leave the case officer with no interpretive flexibility and therefore no alternative other than to recommend an application such as this for refusal.
33. The outcome of this application has far reaching consequences for the applicant. After establishing a rural business and labouring for almost twenty years to make it into a sound and successful enterprise, the applicant finds himself unable to retire and enjoy the fruits of his endeavours with the established business in the hands of willing and capable family members, keen to develop the obvious potential for expansion and improvement.

34. Suggestions have been made by a senior planning officer to the applicant that he should either close the business down or sell on and move away!
35. Contrary to the previous case officer's statement development of a single house on this site would not set a precedent for further development.
36. The prime purpose of the relevant policies governing an application of this description is to protect the countryside from harmful development. The proposal seeks to maintain an already established rural business and develop it with the potential for local employment in an entirely appropriate location.
37. In environmental terms the site (on a former colliery reservoir) has minimal visual impact on the countryside. The house is well designed to a scale commensurate with the needs of those for whom it is intended and is nestled discreetly within an envelope of established tree planting, hidden from any long distance view and from any highway approach. No new roads or other infrastructure are required to service the site.
38. A comprehensive and sensitively designed landscape proposal accompanies the application, and is developed from an intimate and detailed knowledge of the microclimate particular to Oakenshaw.
39. The applicant hopes that by presenting this application to the Committee he may appeal to the good sense and compassion of those who might better understand the genuine need for this proposal.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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40. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations, including representations received, it is considered that the main planning issue is whether there is an essential need for a rural worker's dwelling.

### Essential rural worker need for the dwelling

41. The Statutory Development Plan in this case comprises the saved policies of the Wear Valley District Local Plan. The policies of the emerging County Durham Plan carry very little weight at this stage. Other important material considerations include the National Planning Policy Framework (NPPF).
42. The development site sits outside of the Oakenshaw settlement boundary defined in the Proposals Map of the Wear Valley District Local Plan and is therefore within the open countryside. Wear Valley Local Plan Policy ENV1 considers the principle of development in the countryside and seeks to protect the countryside from inappropriate development. It only allows development in the countryside for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or if related to other existing compatible uses in the countryside. Development related to other existing compatible uses can include a dwelling for other types of established rural business where there is an essential need. This is wholly in accordance with NPPF paragraph 55 which seeks to avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The application site is not visually isolated; however it is isolated in respect of the need to access local

services and facilities by private car. Accordingly, having regards to paragraph 215 of the NPPF, Wear Valley Local Plan Policy ENV1 still carries significant weight.

43. The cattery is currently owned and managed by the applicant who resides in the existing dwelling on the site. The proposed dwelling is said to be for the applicant's son and his son's wife. The supporting information with the application states that the son is a doctor at University Hospital Durham and his wife is a pharmacist. Both work in their respective professions 4 days a week, but have on occasions helped with the cattery on free days and during holidays. It is suggested that they will take over the management of the cattery on a full time basis when the current owner eventually retires. This will allow the current owner to remain in the existing dwelling when he retires and a full time on-site presence will be retained by the new dwelling to meet licensing requirements.
44. In order to satisfy the requirements of NPPF paragraph 55 and Wear Valley Local Plan Policy ENV1 for a dwelling in the countryside there must be an essential need for a rural worker to live permanently at or near their place of work in the countryside.
45. In this respect a cattery does not fall into the same category as agriculture, forestry or other rural businesses directly related to the land. While a cattery is suited to a rural location away from built up areas, it is not essential that it is in a rural location. It is not therefore appropriate for the applicant to directly compare the circumstances of this case to other agricultural and equine related residential proposals. The proposal must be considered on its own individual merits.
46. It is not disputed that the licensing requirements of the business dictate that there has to be a round-the-clock presence on site to deal with welfare and emergencies. There is however already a dwelling on the site from which the cattery has been managed since its establishment and together they form a single planning unit.
47. It is understandable that the applicant wishes to remain in the existing dwelling on retirement, which would render that dwelling unavailable for the cattery. It is also recognised that it would be convenient for the current and future management to both live on the site during any period of managed transition.
48. However, the whole application is based on a premise of what might happen at some unspecified time in the future, rather than a clearly established essential need for the new dwelling at this time. As the existing owner/manager has yet to retire the essential need to live on site is currently met.
49. While this situation could change when the current owner/manager retires, this proposal at the present time would result in a second dwelling on the site for which there is currently not an essential demonstrated need. This second dwelling would be occupied by persons who are not currently engaged full time in the running of the business and there is no guarantee that they will abandon their professions to run the cattery on a full time basis once the dwelling is constructed.
50. Even in agricultural cases consideration has to be given first to temporary accommodation options during establishment or transitional periods before permanent accommodation will be considered acceptable. Similarly, there should be no consideration given to a permanent new dwelling on this site without evidence that the occupants of the dwelling have been engaged in the full time running of the business over a reasonable period of time and remain committed to it in the long term. Other temporary or nearby accommodation options should be explored in any interim period.



51. Taking all of the above into account, special circumstances have not been demonstrated that would justify the approval of a second permanent dwelling in this location as the proposed dwelling is not required to meet an essential need for a rural worker to live permanently at or near their place of work in the countryside at the present time. The proposal is in substantial conflict with NPPF paragraph 55 and Wear Valley Local Plan Policy ENV1.

#### Other matters

52. The dwelling itself would be well designed, but its size, equivalent to that of the existing dwelling and the extensive curtilage would represent a large scale of development in the countryside. Because of its size and its location closer to Stockley Lane than existing development it would be visible from Stockley Lane when travelling east and result in some harm. It would however be completely screened by the conifer belt when travelling west. Because the visual impact would be limited to just the one direction and noting that the Council's Landscape Section has no objection in wider landscape impact terms, subject to further planting, the visual impact of the proposal in a non-designated landscape is not considered to be sufficient reason on its own to justify refusal. This does not however take away from the fact that there is no justification for the dwelling as discussed above.

53. In respect of highways matters the site would be accessed from an existing access road off Stockley Lane, which is shared with the existing dwelling and cattery. There is no objection from the Highway Authority subject to maintaining appropriate sight visibility splays.

54. The site falls within the Coal Authority high risk area and the Coal Authority initially objected to the proposal. Further information was submitted resulting in the Coal Authority removing its objection subject to further intrusive site investigations being conditioned.

55. The Oakenshaw Community Association has plans to develop the wooded area immediately to the north of the site as an amenity area with public access; however the presence of the proposed dwelling would not be likely to prejudice the use of that land for its intended purpose.

56. The acceptability of these matters does not however outweigh the proposal's in principle conflict with local and national planning policy with regards to development in the countryside.

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## **CONCLUSION**

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57. Apart from the removal of a garage from the scheme this is the same proposal that was refused in November 2014. There have been no relevant changes in planning policy in the intervening period which would lead to a different recommendation.

58. It is again considered that the proposal is based on an uncertain premise of what might happen at some unspecified time in the future. The proposal would result in a second dwelling on the site for which there is currently no demonstrated essential rural worker need and would be occupied by persons who are not currently engaged full time in the running of the cattery business. The proposal is therefore in conflict with NPPF paragraph 55 and Wear Valley Local Plan Policy ENV1.

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## **RECOMMENDATION**

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

1. The proposal would result in a second dwelling on the site for which there is currently no demonstrated essential rural worker need. The proposal is therefore in conflict with NPPF paragraph 55 and Wear Valley Local Plan Policy ENV1.

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents provided by the applicant

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

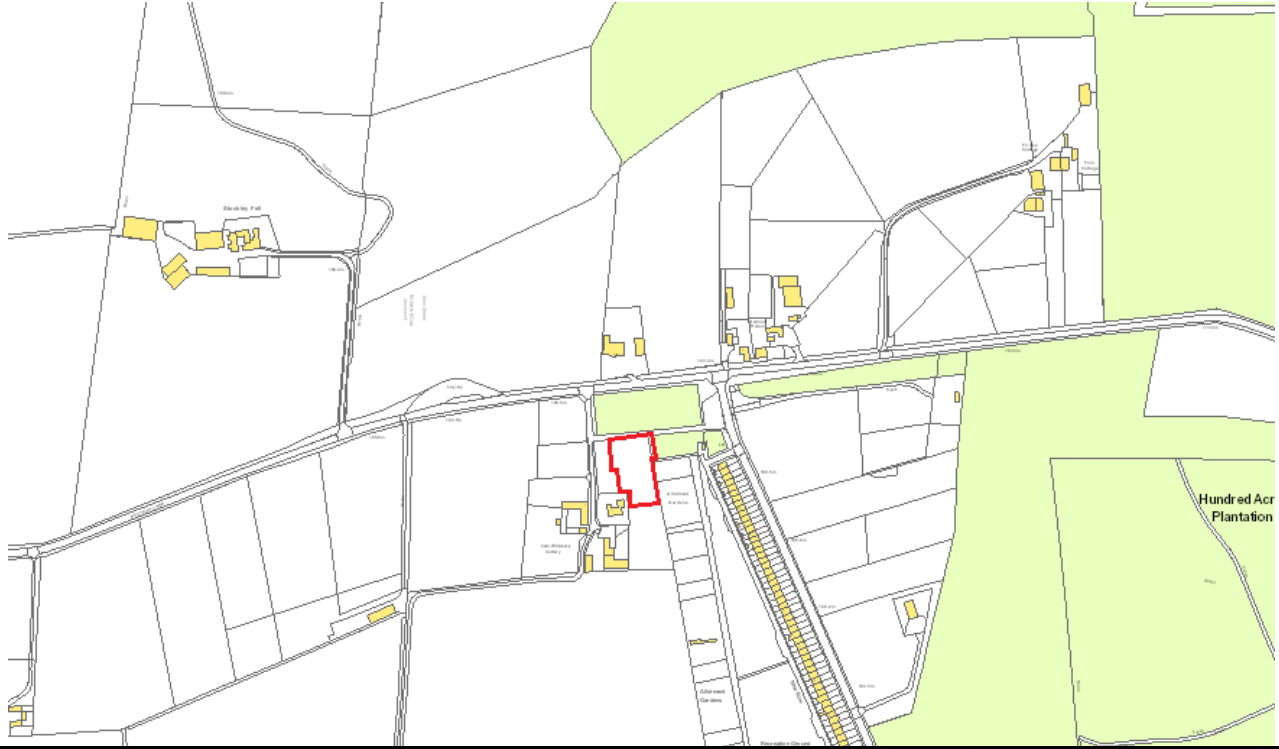
Wear Valley Local Plan

The County Durham Plan (Submission Draft)

Statutory consultation response

Internal Consultation responses

Public consultation responses



Proposed dwelling (resubmitted)



**Planning Services**

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17<sup>th</sup> September 2015

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01710/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 56 bed residential care home, with associated car parking and infrastructure
<b>NAME OF APPLICANT:</b>	HMC Properties Limited
<b>ADDRESS:</b>	Site Of Former Police Station, Central Avenue, Newton Aycliffe, Co Durham, DL5 5RW
<b>ELECTORAL DIVISION:</b>	Aycliffe East
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site measures 0.35 ha and is located on the edge of Newton Aycliffe town centre. The site formed part of a rectangular police landholding and has been recently cleared following the demolition of the 3 storey police station. The site lies within the town centre, for planning purposes although it is surrounded by a mix of developments including commercial, educational and residential uses. Central Avenue is located immediately to the north west which provides vehicular access to the site, beyond this lies the commercial centre of Newton Aycliffe and a range of retail and commercial premises including car parking public library and a magistrates court. Newton Aycliffe fire station is located on the north east boundary of the site and the playing fields associated with Sugar Hill Primary School are located to the south east. Residential dwellings within Church Close are sited adjacent to the south west boundary
2. Planning Permission is sought for the erection of a 56 bed care home with associated living/dining areas, support facilities and landscaped garden space. The building would be arranged in an L shape on the site and would measure a maximum 46m in length by 44m in width. The building would be predominantly two storey, although some storage laundry and office rooms are proposed in part of the roof space, facilitated by a three storey gable feature at the main entrance to the building. The building would be brick built with rendered panels grey tiled pitched roof and a high proportion of glazing. 16 car parking spaces are proposed to the front of the main entrance off Central Avenue along with bin storage and cycle parking provision.

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

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## **PLANNING HISTORY**

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4. The site has been recently cleared following the demolition of the former 3 storey police station which dated from the 1960's. Approval was granted for the demolition of this building in September 2014 under prior notification procedures

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. 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.
6. 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.
7. *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.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and

community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

14. 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:**

15. 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.
16. *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.
17. *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.
18. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas

19. *Saved Policy H22 – Residential Care and Nursing Homes* – Sets out that planning permission will normally be granted for sheltered accommodation, residential care homes and nursing homes within the residential framework of larger villages, subject to providing a satisfactory vehicular access, does not affect the amenity of local residents.
20. *Saved Policy S1* – Seeks to protect the retail functions of town centres by promoting appropriate uses town centre uses, including retail and office, recreation and community developments of an appropriate scale
21. *Saved Policy S2* – Sets out that within Town Centre planning permission will normally be granted for appropriate uses, including shops, community uses, leisure facilities and hotels. Providing they are not detrimental to the main shopping function of the town the policy identifies that other uses including, residential institution may be considered acceptable.
22. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
24. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
25. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

#### **EMERGING PLAN:**

26. 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.
27. 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  
<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

28. *Highway Authority* – No objections following the submission of amended plans, to ensure adequate cycle parking provision. It is recommended that a detailed travel plan is developed and approved by condition.
29. *Northumbrian Water Limited* – Request a condition requiring details of foul and surface water disposal to be submitted.
30. *Great Aycliffe Town Council* – Offer no comments or objections.

### **INTERNAL CONSULTEE RESPONSES:**

31. *Planning Policy* – Advise that the proposal would add diversity to housing tenure in Newton Aycliffe and would contribute towards creating a socially inclusive community while making efficient use of a previously-developed site in an existing urban area. Subject to satisfactory vehicular access, parking, servicing and amenity areas in accordance with Policies D3 and D5, the development is considered acceptable in principle and should be encouraged as it will help provide a wider range of housing choice for varying ages and householder types the locally and contribute towards the aims of sustainability in accordance with Policy H22 of the Local Plan and emerging County Durham Plan Policy 31. The site is located within the defined Town Centre set out in the Sedgefield Local Plan Proposals Map, However the evidence base used to inform the County Durham Plan proposes to remove this site out of the town centre boundary based on the development patterns of the existing town centre, growth rates and provision across the county. The site is therefore not required to contribute to the retail function of the town centre.
32. *Design and Historic Environment Section* – Offer no objection to the development, while design modifications are suggested.
33. *Landscape Section* – Offer no objection, but advise that a detailed planting scheme should be submitted for approval, to be controlled by condition.
34. *Arboricultural Officer* – Advise that existing trees on site have been damaged during the demolition process with roots exposed and severed. It is likely that these trees will begin to decline in two or three years and should be replaced.

35. Sustainability Section – Advise that the brownfield site is centrally located, close to the main transport hub for the town and other services and amenities such as GP surgeries, the leisure centre and shops. On this basis no objections are raised in terms of sustainability, however a condition is recommended requiring the submission of a scheme to secure embedded sustainability and minimise carbon consumption.
36. *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.
37. *Ecology Section* – Offer no objection while highlighting consideration should be given to the retention of trees on the site.
38. *Environmental Health Unit* – Offer no objections in principle to the development, but highlight that the site is in a high noise location, potentially prone to loud impulse noise from the sirens at the nearby fire station. The proposed end users are likely to have specific requirements including protection from loud noises likely to disturb sleep both during the day and night. A noise impact assessment and appropriate mitigation measures are therefore recommended to be secured by condition.
39. *Drainage Section* – Advise that surface water discharge should be restricted to brownfield runoff rates and that a scheme of drainage should be secured and approved by condition.

#### **PUBLIC RESPONSES:**

The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. Four letters.

40. of objection have been received raising the following concerns
  - The proposal is not considered appropriate given its commercial designation and town centre location, the site should be used for similar uses to enhance the town centre.
  - Increased traffic due to the numbers of visitors and staff generated from the 56 bedrooms, lack of onsite car parking.
  - Proximity of the home to a busy road and the potential conflict with future occupants.
  - The proposed building will be an eyesore and does not relate to the surrounding area.
  - Concerns regarding potential loss of amenity due to proximity to residential properties to the development
  - Concerns are also raised regarding the positioning of potential external lighting on the building and the potential loss of residential amenity.
  - The development would result in the loss of mature trees on site which provide screening for residential properties.

*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/online-applications/applicationDetails.do?activeTab=summary&keyVal=NML9FKGDKCI00>*

#### **APPLICANTS STATEMENT:**

41. The site is a brownfield site located on land formerly occupied by Newton Aycliffe Police Station. The Police Team moved out of the buildings (which dated back to the 1960's) in February 2011 after they were deemed unfit for purpose. The site has

been unused since it was vacated by the Police. The existing buildings were demolished and the site cleared in April 2015. The site was bought by the applicant in May 2015.

42. Located within Newton Aycliffe Town Centre, the site sits on the boundary of late C20th residential development and mixed town centre commercial development. It has excellent public transport links, with bus services running in both directions along Central Avenue, stopping 100 metres from the site entrance.
43. The proposed care home will help infill a gap in the Central Avenue street frontage. Since the demolition of the Police Station, there has been an 83 metre long void in the street elevation. The new building will repair this hole in the urban grain for this particular area of Newton Aycliffe. The home will offer a combination of accommodation, supporting services, assistance and specialist healthcare that can be tailored and evolve to meet the individual care needs of the residents. Care and support services will be available 24 hours a day to meet all of the residents needs in a way that retains the dignity and independence of each resident and encourages the involvement of the residents' family, neighbours and friends. This proposal has been designed to exceed the current and anticipated future legislation. The accommodation and services standards for all Helen McArdle Care homes are set well above the current National Minimum Care Standards.
44. The development will respect and complement the scale of the existing Central Avenue streetscape and the further surrounding residential developments. It will amount to an efficient and effective use of land that provides a new care home that is appropriate with the scale, massing and urban grain of the locality. It will sit comfortably within its built form and landscape context. It will provide good physical relationships between the proposed home and the existing buildings adjacent to and surrounding the site and the provision of garden space at both the south-west and south-east of the building will ensure that residents are afforded a high level of amenity that will provide for the comfortable enjoyment of the home whilst not having a detrimental effect upon the existing neighbours.
45. The residents of the home are likely to come from the local community. It is most likely that the proposed care home will become a fully integrated part of the local community, providing long term care for local people. It is often said that civilized society is defined by the way in which it looks after its children and the elderly. It is sincerely hoped that this new facility will reinforce those values by becoming an important part of those facilities needed to look after an ageing population on a long term basis.
46. We therefore request that the application is approved.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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47. 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, impact on the visual amenity of the surrounding area, highway safety, amenity of adjacent land uses, ecological interests and other issues.

The Principle of Development

48. The application site is located within the town centre of Newton Aycliffe as defined by policy S1 of the Sedgefield Borough Local Plan. Within town centres, policy S1 seeks to protect the retail function by promoting appropriate uses, including retail and offices, recreation and community developments of an appropriate scale. Due to the inherent accessibility of town centres saved policy S2 also permits alternative uses at an appropriate scale including residential institutions, providing they are not detrimental to the main shopping function of the town centre.
49. 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 S1 and S2 is constant with the NPPF which also seeks to protect the vitality and viability of town centres while recognising that other uses of a suitable scale may be considered appropriate.
50. In this respect, the site was previously occupied by a Police Station and the proposed development would therefore not result in the loss of a retail function. The site has also been recently advertised on the open market prior to and following the demolition of the Police Station and no proposals for retail uses came forward. In addition to this and as part of the evidence base of the County Durham Plan, a retail Town Centre Study has been undertaken which reviewed the boundaries of town centres to ensure their continued vitality and viability. In relation to Newton Aycliffe it is proposed to adjust the town centre boundary, removing the site from the designation in order to reflect the evolution of the town centre, growth rates, demand and provision across the county. This proposal has been taken forward in policy 26 (Retail Hierarchy and Development in Commercial Centres) of the County Durham Plan. Although limited weight can only be afforded to this policy the evidence base is considered sound and as advised by the planning policy section the site is not required to be safeguarded for future retail purposes.
51. In addition to protecting town centres, the NPPF states that it is important to help create sustainable, inclusive and mixed communities, which offer a choice of housing and lifestyle. Local Planning Authorities should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics. The location of a residential extra care home within a main town like Newton Aycliffe with good level access to the town centre would help contribute towards this aim.
52. This approach is carried forward in the Emerging County Durham Plan under policy 31 (Addressing Housing Need) which seeks to meet the needs of the County's ageing population, and recognises that over the next few decades there will be a 'demographic shift' with the number and proportion of older people increasing. The provision of specialist housing is encouraged by Policy 31 for vulnerable people in appropriate locations where there is an appropriate need. The Older Persons Accommodation Strategy for County Durham identified a need for significantly more extra care schemes across the County and the proposal would contribute towards the level of provision.
53. Saved policy H22 of the Sedgefield Borough Local Plan supports the development of residential care homes in principle provided there is satisfactory vehicular access, parking, servicing and amenity areas in accordance with policies D3 and D5; the development does not adversely affect the amenity of nearby residents; and its location is such that noise and disturbance from existing surrounding uses would not be detrimental to residents.

54. Overall it is considered that the development would meet the key locational aims of the NPPF while not impacting on the retail function of the town centre improving the mix of housing in the area. In principle therefore the scheme is considered to accord with saved policies of the Sedgefield Borough Local Plan and emerging County Durham Plan and the National Planning Policy Framework.

#### Visual Impact on Surrounding Area

55. Local Plan policy D1 requires that developments have an acceptable relationship with the surrounding area, while part 7 of the NPPF promotes good design that is visually attractive.
56. The proposal would redevelop a prominent site within the Town Centre which was dominated by the large three storey Newton Aycliffe Police Station. The building would be predominately two storey, although a part three storey element would be created over the main entrance way which is set back into the site. A two storey wing of the L shaped building would provide a frontage onto Central Avenue. Amendments have been secured to the design of the building to improve fenestration detailing on the elevation facing out onto Central Avenue, while the roof height of the building has been compacted to reduce the dominance of this element. The use of recessed and projecting elements, along with alternation in materials and variations in the roof profile would also help to break up the linear bulk of the building.
57. The building would have a domestic appearance constructed in red facing brick, with concrete roof tiles, and PVC windows rainwater goods and fascia details. This is considered acceptable given the prevalence of other brick build buildings within the vicinity of the site and proximity to existing residential developments.
58. A number of semi mature trees are present on site which are proposed to be removed to facilitate the development. Although these trees provide some localised screening they are not quality specimens and are not considered worthy of retention in their own right having a limited amenity value. A row of Swedish Whitebeam and Cherry trees are run along the edge of Central Avenue and provide a tree lined frontage that does contribute to the character of the surrounding area . Unfortunately these trees have been damaged during the demolition of the police station and on the advice of the Council's Arboricultural Officer are unlikely to survive. The applicant is therefore proposing to replant these as part of a wider landscaping scheme on the site and it is recommended that this is secured by condition.
59. Overall it is considered that the proposed development would be sympathetic to the character of the area in terms of the scale and design of the t building and its relationship with Central Avenue, in accordance with policies D1 and H22 of the Local Plan and part 7 of the NPPF. Conditions requiring the submission of a comprehensive landscape scheme and to control the finer detailing of the dwelling are recommended.

#### Impact on amenity of adjacent residents and future occupants

60. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Concerns have been raised regarding the impact of the new dwellings on adjacent residents.
61. Following the receipt of amended plans that repositioned the proposed building further from the south west boundary a distance of 24.4m would be achieved from the existing rear elevation of the nearest of the 3No 2 storey properties in Church

Close that directly adjoin the site. Whilst this distance would be reduced to approximately 21m at one of the properties, due to the presence of a newly constructed rear extension, this would be in line with the minimum window to window separation distance advocated within the Local Plan. Design changes to the scheme have also been secured to reduce the perceived mass of the building, including a reduction in ridge height and the removal of a three storey gable feature on the elevation facing these properties. The use of recessed elements and render would also help to break up the extent and uniformity of the building. The proposed building would therefore be similar in scale, in terms of eaves height (5.5m), to a residential dwelling and notwithstanding the taller gable elements and the higher main roof which is positioned further away, the building to building relationships are on balance considered acceptable. It is also considered that the proposed building would not have a significant overshadowing or overshadowing effect given the orientation of dwellings and the pathway of the sun. Although existing trees on site are proposed to be removed in this general location which do provide a degree of screening, additional ornamental trees are proposed along the boundary that will progressively help to filter views. Landscape features including water features are proposed within the development, however it is considered that these would be unlikely to cause any significant loss of amenity and are commonplace in residential gardens.

62. 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. Local residents have raised concerns that any lighting installed on the building may have an impact on residential amenity. Although no lighting is detailed in the application, including ground based and lighting to be installed on the building, it likely that the applicant would want to install some form of lighting for safety and decorative purposes. It is considered that any lighting could be installed in a way to protect the amenities of neighbouring residents, however it is recommended to attach a condition requiring details of any lighting for further approval.
63. The Environmental Health Unit offer no objections in principle to the development. However in order to protect future residents from potential noise generated by commercial operations and the adjacent fire station, it is recommended that a noise impact assessment be carried out and any necessary mitigation measures secured by condition. This is a precautionary measure and in the event that mitigation is needed this is likely to consist of improved glazing in certain elevations of the building.
64. 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.
65. Overall it is considered that the proposed development would not significantly impact on the level of amenity or privacy experienced by neighbouring residents. It is also considered that future residents would experience an appropriate level of amenity and that any noise impacts can be satisfactorily addressed. The scheme is considered to comply with policy D5 in this respect.

#### Highway Safety and accessibility

66. 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.

67. The site is served by an existing vehicular access, which would be retained and modified to allow a new separate pedestrian access. The access would lead to 16no. parking spaces, with provision for cycle and motorised scooter storage.
68. 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 previous use. It is also advised that the level of car parking across the development would conform to 2014 DCC Parking and Accessibility Standards, while there are parking restrictions on Central Avenue. It is however requested that a detailed travel plan be implemented to help manage the various vehicle movements to and from the site.
69. While acknowledging the concerns raised by local residents regarding the level of parking provision on the site, 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.

#### Ecology

70. 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 Ecology Section offers no objection to the scheme due to the cleared nature of the site. 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

71. 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. The Council's Drainage Team advise a conditional approach utilising soakaways where appropriate. In view of these comments and given the previous developed use of the site, the proposal is considered acceptable subject to the submission and agreement of final drainage details.

#### Other Issues

72. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. A condition requiring this is recommended.

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## **CONCLUSION**

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73. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the proposal would bring a vacant site, back into productive use in a sustainable location and contribute to the

housing mix in the area in line with the key aims of the NPPF. Despite the existing town centre designation of the site it is not considered that the development of would adversely impact on the retail function of the town given the current retail offer and former use of the site.

74. The proposed development is considered sympathetic to the character of the area in terms of the scale and design of the proposed building which has been amended to improve its relationship with the surrounding area.
75. 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.
76. 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.
77. 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.
78. There are no material consideration which indicate the scheme should be determined otherwise and therefore the application is recommended for approval.

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## **RECOMMENDATION**

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That the application 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 Elevations North-West and North-East, 1 of 1 Drawing no. H130- [P]- 300 Rev P1, Dated 21.07.15

Proposed Elevations North-West and North-East 3 of 3 Drawing no. H130- [P]- 302 Rev P1, Dated 21.07.15

Proposed Elevations South-East and South-West 3 of 3 Drawing no. H130- [P]- 301 Rev P1, Dated 21.07.15

Site Plan, Drawing no. H138- [P]- 104 Rev P1, Dated 21.07.15

Ground Floor Plan, Drawing no. H138- [P]- 100 Rev P1, Dated 21.07.15

First Floor Plan, Drawing no. H138- [P]- 101 Rev P1, Dated 21.07.15

Second Floor Plan, Drawing no. H138- [P]- 102 Rev P1, Dated 21.07.15

Roof Plan, Drawing no. H103- [P]- 103 Rev P1, Dated 21.07.15

Proposed Bin Stores 2 of 1 Drawing no. H103- [P]- 108

Proposed Bin Stores 2 of 2 Drawing no. H103- [P]- 109

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies H22, D1, D2, D3 and D5 of the Sedgfield Borough Local Plan.*



3. 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 development 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 H22 and D1 of the Sedgefield Borough Local Plan.*

4. 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 adjacent land uses 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 H22, D1 and D5 of the Sedgefield Borough Local Plan.*

5. Prior to the commencement of development a detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide detail for:-
  - The planting of trees and / or shrubs (including species, sizes, numbers and densities) to improve the appearance of the development as indicated the Proposed Site Plan Drawing no. H138- [P]- 104 Rev P1, Dated 21.07.15
  - 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.*

6. 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 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 policy D1 of the Sedgefield Borough Local Plan.*

7. 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 approved 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.*

8. Prior to the commencement of the development a scheme to embed sustainability and minimise carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy D1 of the Sedgefield Borough Local Plan and part 10 of the National Planning Policy Framework*

9. Prior to the commencement of the first use of the care home, a travel plan coordinator shall be appointed and contact details for this person shall be provided in writing to the Local Planning Authority. Within a period of six months of the first use of the care home a final Travel Plan, conforming to The National Specification for Workplace Travel Plans PAS 500:2008, Bronze Level, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter.

*Reason: to reduce reliance on the private motor car in accordance with policies D1 and D3 of the Sedgefield Borough Local Plan.*

10. Notwithstanding the submitted information, full details of external lighting, including light spread, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details

*Reason: in the interests of residential amenity, in accordance with policy D1 of the Sedgefield Borough Local Plan*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

Statutory responses from Highway Authority, Northumbrian Water Limited.

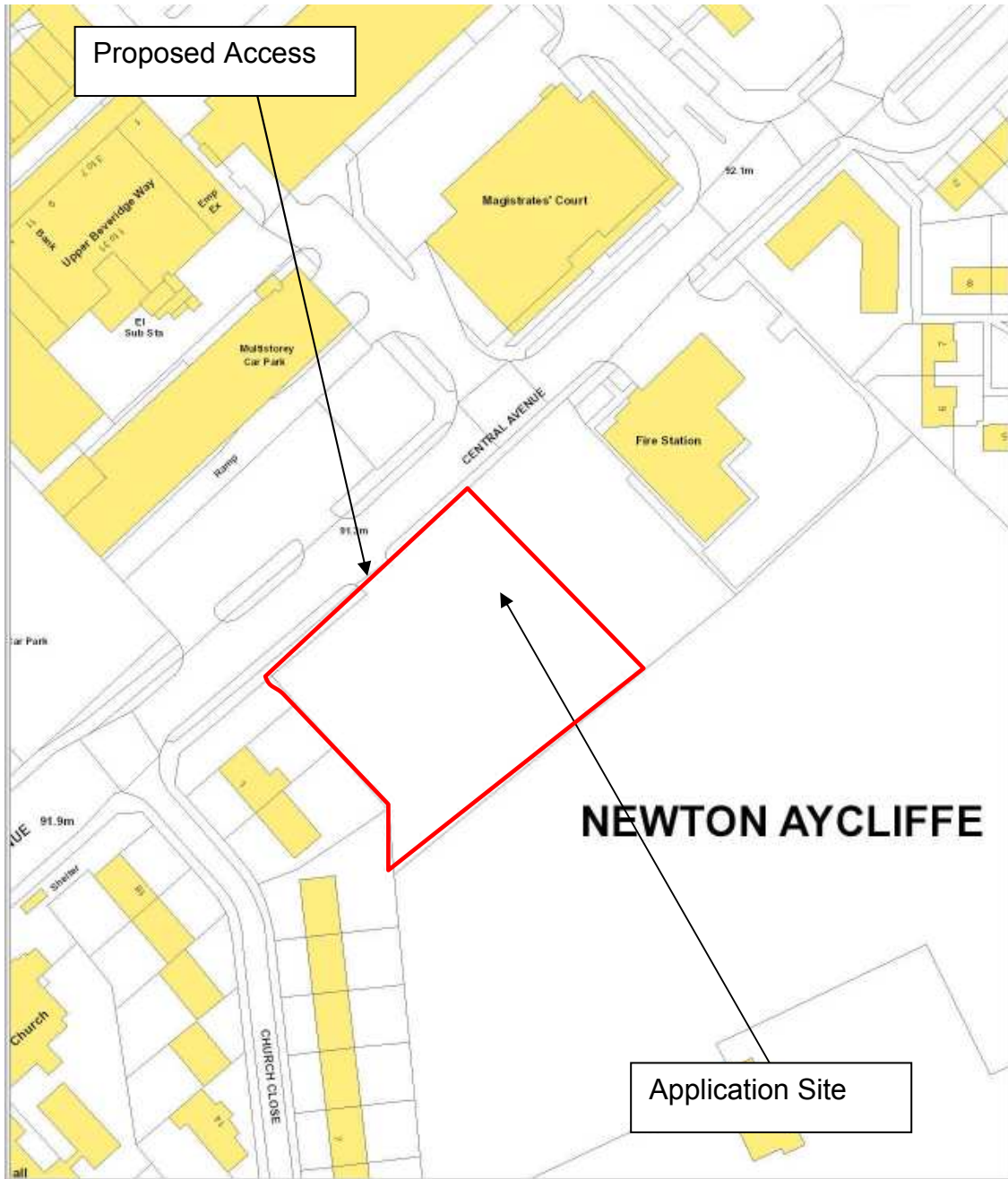
Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.


Representations received from the public and other representative bodies

Retail and Town Centre Study 2009

Retail and Town Centre Study Update 2013

DCC Parking and Accessibility Standards 2014



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Erection of 54 bed care home.</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><b>Comments</b></p>	
	<p><b>Date</b> 12<sup>th</sup> August 2015</p>	<p><b>Scale</b> 1:1250</p>

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