



Area Planning Committee (South and West)

Date Thursday 10 December 2015
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 November 2015 (Pages 1 - 12)
5. Applications to be determined
 - a) DM/15/03322/FPA - Ox Close Primary School, Ox Close Crescent, Spennymoor (Pages 13 - 26)
Proposed school extension including new Multi Use Games Area (MUGA), staff and visitor parking and resurfacing of existing play yard
 - b) DM/15/02581/FPA - Travellers Green, Newton Aycliffe (Pages 27 - 44)
Demolition of 5no. bungalows and erection of 11no. bungalows and 12no. apartments
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
2 December 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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 19 November 2015 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), D Bell, J Clare, K Davidson, E Huntington, C Kay, S Morrison, A Patterson, G Richardson, L Taylor and C Wilson

Also Present:

A Caines – Principal Planning Officer
T Burnham – Senior Planning Officer
S Pilkington – Senior Planning Officer
C Cuskin – Solicitor – Planning and Development
D Stewart – Highways Officer

1 Apologies for Absence

Apologies for absence were received from Councillors B Armstrong, D Boyes and S Zair.

2 Substitute Members

There were no substitute Members.

3 Minutes

The Minutes of the meeting held on 22 October 2015 were agreed as a correct record, subject to minutes numbered 5(b) and 5(c) being amended to read as follows:-

5b DM/15/00730/FPA – Site of the former St Peter’s School, Main Road, Gainford

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement to secure the provision of 3 affordable housing units and the dedication of a Public Open Space area adjacent to the site.

5c Land to the south of Broadway Avenue, Salters Lane, Trimdon Village

Resolved:

That the application be approved subject to the conditions outlined in the report, to the completion of a satisfactory Section 106 Legal Agreement to secure the provision of 3 affordable housing units and off site sporting and recreation contribution of £1000 per dwelling, and the provision of a landscaping buffer to the south and west of the site.

4 Declarations of Interest

Councillor A Patterson declared an interest in item numbered 5b) on the Agenda DM/15/02372/OUT – land to the south east of High Grange, Crook. The Councillor advised that it may be construed that she had pre-determined the application. The Member left the meeting during consideration of the application.

5 Applications to be determined

5a DM/15/02914/FPA - Field Barn to the east of Hawcroft Lane, Cotherstone

Consideration was given to the report of the Principal Planning Officer regarding an application for the conversion of a field barn to 1no. residential dwelling (for copy see file of Minutes).

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

Councillor R Bell, local Member who had called the application to Committee was unable to attend but had submitted written representations which were read out at the meeting. In his statement Councillor Bell appreciated the efforts made by the Case Officer to make the application more acceptable, but there remained issues with it. He noted that at paragraph 41 of the report the applicant had dismissed the offer of a neighbour to buy the barn and restore it as a barn. A proper restoration would secure the barn's future for many decades, hardly a 'temporary solution', and it was regrettable that this had not been encouraged by the report. NPPF Part 12 mandated planning authorities to 'recognise that heritage assets are an irreplaceable resource and conserve them'. Failure to take up this offer was surely a breach of NPPF Part 12.

He noted the report at paragraph 68 dismissed the DCC Highways objections at paragraph 24. He considered it to be curious that a car or lorry serving a barn conversion was considered less dangerous in planning law than when they served a new build.

The use of red pantiles and the creation of a surrounding garden/amenity space was detrimental to the historic landscape character in a sensitive site, within a Conservation Area close to the listed Quaker meeting house, and was contrary to saved policy ENV3 and NPPF Part 12. Red pantiles were rare west of Barnard Castle and unknown on field barns of this vintage in the local area. The roof would stick out like a sore thumb.

He asked the Committee to refuse the application. If however the Committee was minded to accept the application, he asked for a condition to require the use of Teesdale stone slate as a roofing material, and a condition to prevent the applicant from demolishing and rebuilding the barn if he decided it was beyond economic repair.

Mr I Moorhouse addressed the Committee on behalf of Cotherstone Parish Council and the Field Barn Conservation Group. He stated that apart from the effect on the setting in a Conservation Area there were three main objections to the proposals. The offer to buy and restore the barn had been dismissed in paragraph 54 of the report and this seemed to be contrary to Part 12 of the NPPF which stated that Heritage Assets were an irreplaceable resource. The proposals would constitute a loss of essential character; the barn was small and the converted dwelling would be small and dark with no natural light downstairs. It would not be a desirable property and was contrary to the NPPF's requirement to provide a wide range of high quality homes. Even Planning Officers had acknowledged that this would be basic accommodation. The single track had no proper passing places and was unsuitable for emergency service vehicles. A recent estate development in the village had contributed to an increase in traffic.

In accordance with the General Permitted Development Order conversion could only be allowed where the structure was capable of being converted. Rebuilding was not permitted and he therefore asked if Members were minded to approve the application that a structural survey be carried out before planning permission was granted. He also asked that the curtilage of the development be defined at the same time.

Mrs Leech who spoke against the application reiterated the concerns raised in the 64 letters of objection, however she wished to emphasise paragraph 54 of the report. The applicant claimed that the only way of retaining the building was for conversion to a house but her husband had offered to buy the barn and provide a dowry to ensure its ongoing upkeep and maintenance. The building should be preserved and maintained as a historical agricultural building befitting the location in a Conservation Area and AONB. She urged the Committee to refuse the application to protect the Conservation Area and asked the applicant to reconsider her husband's offer.

Maria Ferguson, the applicant's agent then addressed the Committee. She commenced by emphasising the importance of being consistent and for the Committee to consider the proposals in the same way as other similar applications had been determined, some of which were in the Conservation Area and in the open countryside. Planning policy had been relaxed and new permitted development rights sought to allow the conversion of barns. At two appeals the

Inspector had concluded that the Government's commitment to facilitate residential conversion were material considerations which carried significant weight. The NPPF also made it clear that the risk of decay and neglect of heritage assets were best addressed through ensuring that they remained in active use. Left unaltered this building and its association would be lost and it would contribute nothing to the Conservation Area. This scheme would ensure the long-term future of the building.

The offer to restore the building by a third party did not meet her client's needs, offered no incentive to the landowner and was not a material planning consideration. It was a credit to the owner, who cared about Cotherstone, that the building had survived. The barn was unsuitable for modern agriculture and every care had been taken to respect the character of the building and its surroundings.

With regard to the access it was acknowledged that the lane was narrow but was an adopted highway and was typical of the area. It was safe and there had been no reported accidents.

By way of clarification for Members, C Cuskin, Solicitor – Planning and Development advised that the offer to purchase the barn by a third party was not a material planning consideration that could be given any weight in the determination of the application.

D Stewart, Highways Officer addressed the highway concerns submitted regarding access. In accordance with the NPPF one of the tests to be applied was whether the proposed development would have a severe cumulative impact. He advised that this could not be shown here; the limitations of the access road were clear but site visibility at the junction onto the B6277 was acceptable and commensurate with approach speeds. The lane already served other dwellings with existing vehicular and pedestrian movements associated with it.

A Caines, Principal Planning Officer responded to the submissions made. He advised that preservation was not purely about maintaining such buildings in their current form and Planning Policy encouraged development that brought them back into active use. Mr Moorhouse had asked that a condition be included to ensure that the building was converted and not rebuilt, however this was considered unnecessary as rebuilding would be outside the scope of a permission for conversion. The barn also appeared to be in good condition and it would be unlikely that major rebuilding works would be required to achieve the conversion.

Councillor Davidson made reference to the curtilage of the building and was informed that the site boundary comprised the track and barn, and did not include the surrounding land.

In response to comments from Councillors Huntington and Clare about the potential for further works to the building in future, such as additional windows or a conservatory, the Members were advised that permitted development rights would be removed by condition, and therefore any alterations the applicant may wish to make at a later date would require planning approval.

Having heard this, Councillor Clare was of the view that, with the exception of the roof, this was a proposal to retain a building in its existing form and preserve rather than lose it. The Member moved approval of the application.

The Chairman made the point that re-use of buildings of this type was now encouraged by planning policy.

Councillor Kay asked if the development was sustainable and if a condition could be included that Teesdale stone slate be used in place of red clay pantiles which would be very noticeable in the open countryside.

In response the Principal Planning Officer confirmed that the proposal constituted sustainable development. Cotherstone served other villages in the west of the County and was classed as a tier 4 settlement. The barn was only 100m outside of the village and within walking distance of facilities, including the local primary school. In accordance with the NPPF the site represented a sustainable location in a rural area. He acknowledged that stone slate would be preferable but the building was not listed and the existing roof was not made of this material. Stone slate was expensive and difficult to find. He also felt that imitation pantiles were sometimes confused with clay pantiles, and it was the imitation pantiles that were more vivid in colour. Clay pantiles would weather to a more subdued colour. There were examples of other buildings in the village with red clay pantile roofs and next to listed buildings, as seen by Members on the site visit. It was an appropriate local material and he did not consider it to be harmful to the appearance of the area.

To clarify, the Solicitor – Planning and Development advised that conditions had to be tested against certain criteria, one of which was that they must be necessary to make the development acceptable. Members could only impose a condition requiring the roof to be constructed out of Teesdale stone slate if they were satisfied that it would be necessary to refuse the permission if the roof was not constructed out of Teesdale stone slate.

In terms of the concerns expressed about traffic, Councillor Davidson advised that he had observed tracks in the field leading beyond the barn which were clearly being used. The access road was already in use by vehicles and he did not envisage that the development would make any real difference in terms of impact on the highway. The Member seconded approval of the application.

Councillor Richardson considered that on the face of it the site appeared suitable for development but there were a number of issues; the narrow access track, the lack of services to the field and the proposed red clay pantile roof. He agreed with Councillor R Bell that the proposals were contrary to saved Local Plan Policy ENV3 and Part 12 of the NPPF, and he could not support the application.

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

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

At this point Councillor Patterson left the meeting.

5b DM/15/02372/OUT - Land to the south east of High Grange, Crook

Consideration was given to the report of the Senior Planning Officer regarding an outline application for up to “15 executive dwellings” with all matters reserved (for copy see file of Minutes).

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

Mr S Murphy, a resident of High Grange addressed the Committee against the application. His main representation was that development on this site had been recommended for refusal on three previous occasions and this was the fourth application in eight years, with the last one being within a year of the current proposals. He lived in the terraced houses adjacent to the site. The main road was unsafe and accidents were common. The development would be out of keeping in what was a lovely unspoilt village built in the 1800s. Should this application be also refused he asked if the Council could prevent any further applications coming forward within the next 10 years to save residents from having to repeatedly submit objections to schemes. Mr Murphy was advised by the Solicitor – Planning and Development that this was not possible.

Councillor Richardson, although he did not support the application, made the point that High Grange was not in an isolated rural location and was surrounded by other single properties and allotments.

Councillor Davidson moved and Councillor Clare seconded that the application be refused.

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

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

Councillor Patterson returned to the meeting.

5c DM/15/02604/FPA - Low Etherley Farm, 2 Low Etherley, Bishop Auckland

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing farm buildings and the erection of 3no. dwellings (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.

Councillor H Smith, local Member addressed the Committee. She stated that she and Councillor Turner had asked for this to be brought to Committee after being contacted by residents who would be directly affected by the proposals. There would be no issues if the scheme had been for two houses on the site vacated by the demolition of the existing farm buildings but Plot 1 would be on agricultural land and outside the settlement boundary. Despite separation distances being in excess of 21m the local Members agreed with local residents that the impact on the privacy of neighbouring residents would be significant. The proposals constituted an extension into the open countryside and would be detrimental to the character and appearance of the area.

The concerns of residents had been outlined in the report which included traffic and road safety, drainage and sewerage, and the frequent power cuts.

Part 6 of the NPPF sought to significantly boost the supply of housing which delivered sustainable, inclusive and mixed communities, and Part 4 required developments to be located where the need for travel would be minimised. Low Etherley had lost shops and its pub, the bus service was infrequent and residents were obliged to rely on travel by car. The Member also questioned the need for more housing in the village when one website had advertised 30 properties for sale in Etherley and Toft Hill. Planning permission had also been granted for a further 13 properties close to this site.

In view of these factors and the loss of privacy for neighbouring residents the local Members were unable to support the application.

Mrs S Bowen of Treetops addressed the Committee on behalf of her family and the residents of 4, 6, 8 and 8a Low Etherley. The proposed development of three very large houses on such a small site would be overbearing and would have a detrimental impact on their privacy and residential amenity. The farm buildings were only one storey high and would be replaced by three storey properties.

Low Etherley was a linear development and Plot 1 would be outside the settlement boundary on a greenfield site that was viable farm land. Plots 1 and 2 directly overlooked properties and Plot 1 included an external staircase which faced neighbours. Each dwelling would have parking for three vehicles, one of which was directly adjacent to her own barbecue area. Her youngest daughter was asthmatic and would be unable to enjoy clean fresh air in their garden.

The proposals would impact upon residents' enjoyment of their properties, their health and quality of life. She reiterated the comments of Councillor Smith that there were 30 properties for sale in the village excluding the 13 properties that had been granted planning permission across the road from the site. She did not therefore believe that there was a need for this development.

The development was not sustainable. In the last two years the village had lost amenities, including a shop, Post Office and a pub. Public transport was very poor resulting in increased use of private cars and an increase in greenhouse gas emissions. The village infrastructure was already struggling to cope; the sewerage system was inadequate and there were frequent power cuts. There were also

issues with surface water drainage and the proposed retaining walls would impact upon this further.

Each of the properties could accommodate three vehicles which would exit onto an already busy road where there had been a number of accidents, some involving neighbours leaving their own dwellings.

Having examined the NPPF, a core principle was about empowering local people to shape their surroundings. All the neighbours had objected to the scheme on the grounds of loss of privacy, impact on amenities, health and quality of life, and she asked the Committee to seriously consider their concerns in determining the application.

Mr M Lee, the applicant's agent advised that the farm had been in the family for generations prior to the cessation of the dairy farm operations. The land associated with the farm was now rented out for grazing.

The proposed development comprised a small scale housing development utilising the redundant farm buildings and a small parcel of grazing land. The land adjoined the defined settlement limits and was contained within the physical structure of the village. Landscape, Arboriculture and Ecology consultees had raised no objections to the loss of grazing land. Incorporating it into the overall redevelopment of the farm complex would not result in an encroachment into the open countryside or on the grazing, and would not undermine policies previously contained in the Local Plan which had now been overtaken by the NPPF.

Low Etherley was a medium sized village and part of the grouped settlement of Etherley and Toft Hill which included facilities such as a primary school, nursery, cricket club, pub, doctors surgery, village hall and a church. Access to facilities and services in Bishop Auckland was 1.8km away and the site was within walking distance of public transport. Therefore the development was sustainable.

Any concerns that had arisen with regard to highway safety had been considered by the Highways Authority and no objections had been raised, proving that a safe access could be maintained from the long established access into the farm.

Low Etherley was mainly linear in form but an occasional development existed behind the roadside. There was a range of properties and no consistent architectural vernacular within the village. From the application it could be seen that a high quality of design had been submitted using natural materials which would provide an attractive grouping of houses which would not cause harm to the character of the area. The dwellings were sized appropriately to the site and the proposals corresponded with Local Plan policies GD1 and H12, and Parts 7 and 11 of the NPPF.

Protecting their own residential amenity and privacy and that of their neighbours had been a major consideration. Separation distances were well in excess of 21m, the ridge heights would not exceed those of the existing dwellings and with the development being on a lower level, this would minimise overshadowing and

overbearing. Loss of view should not be a reason to refuse the application, given the separation distances.

In conclusion the applicant was a semi-retired dairy farmer looking to make use of redundant land and an opportunity was presented to provide three high quality homes with no adverse impacts which was supported by planning policy.

D Stewart, Highways Officer responded to the highway concerns. He advised that the proposals were deemed to be acceptable. Site visibility at the access point was satisfactory with proposals for improvements to the existing access. There were no highway grounds to justify refusal of the application on the basis of the subjective concerns raised.

The Senior Planning Officer responded to the submissions made by the local Members and Mrs Bowen. In relation to the representation that Plot 1 was outside settlement limits, he referred Members to recent appeal decisions which concluded that settlement limits were now less relevant because housing policies in the Teesdale Local Plan were out of date when applied against the NPPF.

Councillor Dixon highlighted the point made in the report that where there were no up to date housing policies the NPPF advised that developments should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole.

Following a comment from Councillor Kay about settlement boundaries, the Solicitor – Planning and Development clarified that recent legal advice stated that policies in Local Plans based on settlement boundaries were out of date where they related to housing supply.

The Senior Planning Officer continued that he could understand the concerns of residents who would have a loss of view, but the design, layout, separation distances and difference in land levels would ensure there was no significant harm to neighbouring properties in terms of amenity and privacy.

He had spoken to the Drainage Section who had confirmed that there had been works carried out to the south of the site to help previous problems with surface water drainage. A condition requiring a detailed scheme for the disposal of foul and surface water would be attached to the planning permission if members were minded to approve the application.

Members discussed access to the grazing land by agricultural vehicles and the potential impact of this. The agent advised that the grazing land was rented to an adjacent farm and was accessed from that farm.

The Highways Officer did not consider this to be a reason for refusal of the application on highway grounds. The access was already in use and the principle of use by agricultural vehicles would be able to continue in the future without any severe impact.

In response to a question from Councillor Davidson with regard to density of the site, the Senior Planning Officer informed the Member that the amenity space for each dwelling was deemed to be appropriate for the size of the site.

Councillor Clare accepted that access to the grazing land at the moment was gained by an adjacent farm and whilst this may make the land difficult to rent in future, it was not a material planning consideration. He was not convinced by the argument that the development was unsustainable in view of the proximity of the site to Bishop Auckland, and the loss of amenities had been experienced by the entire community. The residents of the new dwellings would be car owners. Whilst he also understood the arguments of the neighbouring residents about the impact on their quality of life, he could not accept that their quality of life would be affected. The quality of life of people living in towns was not affected by living in proximity to other buildings.

He referred Members to the similarities with the previous application in respect of proposals for housing at High Grange where one of the reasons for refusal was that the development would be detrimental to the character of the surrounding area. This was also a traditional community and three huge dwellings were to be placed in the adjoining field. He was not convinced by the agent that a 'rural palette' of materials would be used as these were clearly modern executive homes next to a traditional village. He therefore had a lot of sympathy with the residents' view that these dwellings would be overbearing by their size and would be incongruent in the village.

The Senior Planning Officer responded that High Grange was a large greenfield site with no properties surrounding it. By comparison, this site was a run-down farm complex set behind existing properties which were located on the main road. Unlike the application at High Grange these proposals would not impact on the character and appearance of the area.

With regard to the points made about the properties being overbearing the Chairman advised that on the site visit the difference in land levels could be observed.

Councillor Nicholson appreciated the views of both those who had objected to the application and those who wanted to improve the area. He was mindful of the advice about settlement boundaries and recent appeal decisions in that regard, and also noted that there had been no objections from consultees. He therefore considered that there were no grounds to refuse the application which accorded with the NPPF, and moved approval of the application.

Councillor Davidson was mindful of recent legal advice which reiterated that loss of view was not a material planning consideration. He did not consider that privacy would be compromised given the 30m separation distances, and seconded approval of the application.

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

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

At this point Councillors Davidson, Huntington, Kay and Taylor left the meeting.

6 DM/15/02533/FPA - Unit B to C, Enterprise City, Green Lane Industrial Estate, Spennymoor

Consideration was given to the report of the Senior Planning Officer regarding an application for change of use from use class B8 (warehousing) to use class B2 (General Industry) (for copy see file of Minutes).

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

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

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

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

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COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/15/03322/FPA |
| FULL APPLICATION DESCRIPTION: | Proposed school extension including new Multi Use Games Area (MUGA), staff and visitor parking and resurfacing of existing play yard |
| NAME OF APPLICANT: | Durham County Council |
| ADDRESS: | Ox Close Primary School, Ox Close Crescent, Spennymoor, Co Durham |
| ELECTORAL DIVISION: | Spennymoor |
| CASE OFFICER: | Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to Ox Close Primary School, located to the west of Ox Close Crescent, Spennymoor. The school is enclosed by private playing fields and yard areas to the west and shares the site with Ox Close Nursery located to the immediate north of the school buildings. The school site is generally bordered by neighbouring residential properties and by Jubilee Park to the south west. A public footpath extends along the northern boundary of the site linking Ox Close Crescent with the remainder of the Greenways Estate to the west and other pedestrian routes to the east.
2. Access to the site and the adjacent nursery is taken from Ox Close Crescent via a private access road to the north of the main school buildings.
3. The proposed school extension is required as a result of an increased demand for school places in the area and because the existing school already operates at capacity. A classroom extension, hall extension, internal refurbishment and Multi Use Games Area (MUGA) is proposed together with additional car parking, Subject to the receipt of necessary approvals it is intended to provide the additional accommodation and facilities by the end August 2016. The detailed elements of the scheme are:
 - 2no. additional single storey classrooms with store areas, boys and girls WC (including an accessible WC) located to the west of the main school building and connected to it via a heated link corridor;
 - A small single storey studio extension to the school hall on an existing paved area to the south of the hall;
 - A 37x18.5m Tarmac MUGA to the northwest of the school buildings within the existing playing field;
 - Resurfacing of the existing school yard;

- Additional staff car parking (6no. spaces) and visitors parking (2no. spaces) along the existing access road within the school site;
4. In order to accommodate the proposed changes, some internal refurbishment of existing school rooms is also required, although planning permission is not required for these works.
 5. Vehicular access to the site from Ox Close Crescent to the east would remain unchanged.
 6. This application is being reported to the Planning Committee in accordance with the Councils Scheme of Delegation following a request from Cllr Kevin Thompson who has expressed concerns over the impact of the proposed works on traffic/highway safety in the surrounding area.

PLANNING HISTORY

7. There have been a number of planning applications on the Primary School site over the years, although there is no planning history directly relating to the current application.

PLANNING POLICY

NATIONAL POLICY

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

12. *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.

13. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

14. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

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 policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

16. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.

17. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.

18. *Policy E15 - Safeguarding of Woodlands, Trees and Hedgerows* - expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.

19. *Policy H18 – Acceptable uses within housing areas* – permits community facilities in housing areas where they do not significantly harm the living conditions for nearby residents and where they are appropriate in scale to the character of the housing area.

20. *Policy L11 – Development of new or improved leisure and community buildings* – supports improvements to existing community facilities providing no resulting harm to the living conditions of nearby residents, development is appropriate in location to the scale and character of the surrounding area, and adequate provision for car parking and access is provided.

RELEVANT EMERGING POLICY:

The County Durham Plan

21. 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.

22. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Spennymoor Town Council* – Has not commented on the application.
24. *Highway Authority* – Is aware of the parking difficulties around this and other school sites but raises no objections subject to the provision of on site covered cycle storage and the updating of the school Travel Plan.
25. *Sport England* – Have expressed no objections to the proposals and consider that the proposed MUGA would offer greater flexibility in the schools PE delivery without the loss of playing field.

INTERNAL CONSULTEE RESPONSES:

26. *Ecology Section* – No objections, subject to adherence to the mitigation measures detailed within the submitted Ecological Assessment Report (August 2015).
27. *Noise Action Team* – Do not consider that sufficient information has been provided to allow for a proper assessment of the potential environmental impact of the proposed MUGA and request the submission of a Noise Impact Assessment in accordance with current Sport England Guidance.
28. *Landscape and Arboricultural Sections* – Identify the proposals to have some landscape and visual impact resulting from the loss of trees on the site to facilitate new development and additional parking. Further consideration is required to ensuring tree protection and replacement planting details.
29. *Drainage Section* – No objections. There does not appear to be a risk of flooding to the development site.

PUBLIC RESPONSES:

30. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. One letter of objection has been received from a local resident expressing concerns over existing traffic problems and resulting highway safety implications in the vicinity of the school site resulting from users of the school parking on Ox Close Crescent. The School Travel Plan has not been reviewed for years and proposed cycle parking would make little difference during winter months. The extra traffic arising from these works needs to be addressed now and not left to a later date.
31. In addition, correspondence was sent directly to the highway authority and forwarded to the Planning section from a member of the public who although does not object to the extension of the school, also highlights existing traffic/highway safety concerns in the streets surrounding the school and the need for attention to be given to parking problems in these areas.

APPLICANTS STATEMENT:

32. There is pressure on Primary School places in Spennymoor which is increasing due to the number of housing developments planned for the area and because of increases to the birth rate. Ox Close Primary School historically has been the most popular school in the area and this is predicted to continue. It is therefore logical that this school should be considered as a priority to provide additional teaching accommodation to help maximise parental preference and ease the pressure on school places in the area.
33. The proposed scheme which is much needed is to provide 2 additional classrooms, increase the size of the hall, via the provision of a studio, to a specification a school of the proposed size requires, and the provision of a Multi - Use Games Area (MUGA). This will enable the school to function as a 1.5 form entry school to allow for more effective classroom organisation. This, together with the other facilities identified will allow the school to provide an enhanced education and build on the most recent Ofsted judgment of "Good" with outstanding features. It is fully supported by staff and Governors who have been involved in developing the scheme. This scheme would enhance provision considerably. For example, the studio hall would mean that more than one class could do PE at any given time, allowing the school to meet the full requirements of the new curriculum and the potential to offer further enrichment opportunities through specialist musicians and sports coaches. Furthermore, the scheme would ease the considerable pressure on space that exists currently, allowing for the creation of a music room and a library (areas which have had to be sacrificed due to the rise in pupil numbers). In addition, the scheme would allow us to house 2 year 6 classes in the new block, with their own toilets and this would alleviate the existing congestion in the Key Stage 2 corridor and through the school hall at home time
34. The proposed scheme will improve the life chances of current and future pupils in the area who attend Ox Close Primary School and is in accordance with the County Council's priority theme of "Altogether Better for Children and Young People".

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

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The principle of the development:

36. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant.

37. The application site is an established primary school located within the Spennymoor residential settlement. The proposed works would see an increase in the level of classroom provision to cater for increased pupil numbers whilst providing improved recreational facilities within the school grounds. The school is located within an accessible and sustainable location close to the Town Centre and neighbouring residential areas. As such the proposed development is considered acceptable in principle in this location in accordance with Policies H18 and L11 of the existing local plan and the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

Scale/Design:

38. Part 7 of the NPPF and saved policies L11 and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new community related developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent development and the local setting of the site.

39. The proposed works would comprise a 2no. classroom extension and hall extension to the existing school buildings. The additions would be in a form which respects the scale and massing of the existing school buildings which are set within spacious grounds to the west of the site.

40. The proposed single storey classroom extension and link corridor would incorporate a red brick (Ibstock Morpeth blend) finish with timber effect paneling around fenestration to help break up the expanse of brickwork. A grey coloured single ply membrane flat roof covering would be installed above reflecting the treatment on the remainder of the school building.

41. The proposed MUGA would comprise an area of enclosed tarmac surface of approx. 685m² area. Surrounding enclosures would consist of max 3.6m high duex fencing accessed via a newly laid hardstand surface from the extended school site. The new area would not encroach on the main school playing field and would not adversely affect all levels of outdoor recreational space provision.

42. New soft landscaping would be provided adjacent to the additional parking bays to the east of the school site to help mitigate the loss of 4no. existing trees in this location that are to be removed. Given the level of existing soft landscaping and tree cover around

the remainder of the site, it is not considered necessary to impose a requirement for additional planting.

43. The application site is not affected by any heritage designations and is well screened. As such most of works would be obscured from public views being mainly located to the south and west of the site.
44. It is considered that the proposed extensions and MUGA would be of a scale and design sympathetic to the existing school site and its surroundings in terms of scale, massing and appearance, with no objections raised. This application is considered to satisfy the provision of Part 7 of the NPPF and saved policies L11 and D1 of the Sedgefield Borough local Plan.

Impact on neighbouring amenities:

45. Saved policies H18, L11 and D1 of the Sedgefield Borough Local Plan together seek to ensure that new developments take account of a sites relationship to adjacent land uses and activities. Development of this nature must not be seen to significantly harm the living conditions for nearby residents.
46. The proposed MUGA would occupy part of the existing school playing field adjacent to the main school buildings. There are neighbouring residential properties bordering the playing fields to the north, south and west with the nearest houses located approximately 40m to the west of the MUGA along Parkside. The proposed classroom extension and linked corridor would occupy an area to the east of the MUGA to the south of the Ox Close Day Nursery site.
47. Given the proximity of the proposed MUGA to adjacent residential properties, concerns have been expressed by the Environmental Health Section that any intensification of use could introduce additional noise sources. It is considered that insufficient information has been provided to allow for a proper assessment of the potential environmental impact of the works and have requested the submission of a Noise Impact Assessment.
48. Following further discussion with the applicant it has been clarified that the MUGA would only be used by children at the school during normal school hours and sometimes during after school clubs (no later than 16:30), and there would be no late night, early morning or weekend use. Furthermore, as the MUGA would occupy part of existing school playing fields that are already in use it is unlikely that there would be any significant or sustained increase in noise from the site during school hours, over and above that which already occurs from the playing fields and yard areas.
49. No objections have been raised by neighboring residents relating to the perceived impact of noise generated from this MUGA on their amenities.
50. In view of the foregoing, it is not considered that the proposed MUGA would result in any harmful impact on neighbouring amenities and that a detailed Noise Impact Assessment is not justified on this occasion. Any approval should however be conditioned so as to ensure the MUGA is only used during school hours with no external lighting as indicated by the school.
51. Given the central siting and modest scale of the proposed extensions, around the main school buildings and their intended use, there would be negligible impact on the residential amenity of the nearest residential properties. The application is therefore considered to satisfy the provisions of saved policies H18, L11 and D1 in this regard.

Highway safety:

52. Saved policies L11 and D3 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for a satisfactory means of access and parking provision showing regard to the number and type of vehicles using the development. Improvements to existing community facilities should be encouraged where they ensure provision for car parking and access. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
53. Highway safety issues have been raised by both the local member and objectors who express concerns over the impact of the proposed works on existing traffic congestion in the area immediately surrounding the school site. During term time, the use of surrounding roads particularly Ox Close Crescent can become restricted and difficult as a result of parked vehicles from both teachers and parents who use the site. This is compounded by on street parking associated with existing residential properties.
54. It is accepted that existing on-site parking serving the school and adjacent nursery site is deemed to be insufficient and to help alleviate concerns about the additional works the applicant proposes the creation of 8no. additional parking bays within the school grounds. Other options to reduce congestion in the immediate area are currently being explored by the school although no firm decisions have yet been made and these considerations fall outside the scope of the current application site.
55. The school is trying to work with the local community about these concerns and prior to submitting this application, it did advertise an open evening for local residents to visit the site and discuss the school expansion proposals as well as any highway safety concerns. No one attended this meeting on 12 November 2015.
56. The highway authority is aware of existing on street parking difficulties and has stated that there are existing traffic, on-street car parking and associated congestion issues associated with the majority of Schools in County Durham at the start and the end of the school-day. It is also acknowledged that there would be some additional traffic, on-street car parking and associated congestion issues associated with the 2no. additional classrooms being considered under this planning application.
57. Although the 2no. additional classrooms proposed would be supported by an additional 8no. on-site car parking spaces bringing the total number of on-site car parking spaces to 30no it is noted that this is well below the maximum permitted on-site car parking of 70no. spaces required in accordance with the County Durham Parking and Accessibility Standards 2014. Whilst the additional 8no. on-site car parking spaces are therefore welcomed from a highways/traffic point of view a request was made to investigate the creation of more on-site car parking to ease the congestion on Ox Close Crescent further.
58. In relation to cycle provision and based on an expected maximum number of pupils in September 2016 of 275no. with the total number of Primary/Nursery staff across the site increasing to 64no. from the existing 61no. staff presently on site), a minimum of 27no. additional on-site cycle parking spaces would be needed to comply with the Parking and Accessibility Standards over and above existing on site cycle parking provision. A request has therefore been made for the creation of additional enclosed and covered on-site cycle parking spaces to promote cycling to and from the school for pupils and staff and help reduce the dependency on trips by car. Such details are to be controlled by condition should approval be granted.

59. With regards to the school travel plan, it is identified that the Ox Close Primary School Travel Plan is over 10 years old with no evidence of it ever being reviewed. It is therefore requested that the 2no. additional classrooms be considered on the basis that the School Travel Plan is updated and that it includes positive steps to reduce car journeys associated with the school drop off/pick up arrangements. This should be covered by a further planning condition to ensure that an updated travel plan is implemented.
60. In response to the highway comments the applicant has confirmed that alternative options of providing additional parking provision within the school grounds have been considered but discounted. For example, areas of grassland to the immediate west of the proposed parking had been looked to increase the number of spaces. However this land is sterilized by services which run beneath the ground and cannot be developed.
61. It is considered that the remainder of the school site around the buildings is constrained and the option to encroach further into the existing school playing fields is not favoured for operational reasons. Furthermore it is considered that a balance needs to be struck between providing appropriate levels of parking provision on school sites and actively discouraging reliance on private car usage and promoting more sustainable means of access.
62. As an alternative the school is to update the travel plan and is seeking other ways for site users to access the site. Alternative options are being explored but none of these are at a stage where they can be formally considered as part of any application. Furthermore the school is committed to improving on site cycle parking provision to encourage increased cycle usage.
63. It is appreciated that parking issues on the streets surrounding the school site cannot be ignored. However given the efforts of the school to seek alternative means of access, a promise to update the travel plan, the provision of additional on-site parking to help alleviate current problems and the provision of improved cycle parking facilities, no highway objections are raised.
64. Section 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst there would be additional vehicular traffic associated with the proposals at the dropping off/picking up times, it is difficult to claim that the cumulative impact of the development would be severe.
65. Subject to adherence to the suggested planning conditions relating to cycle parking and the updated School Travel Plan there are no highway objections to these proposals, with this application considered to satisfy the provisions of the NPPF and saved policies L11 and D3 of the Sedgefield Borough local Plan.

Arboricultural/Landscape impact:

66. Saved Local Plan Policies E1 and D5 require new development to be designed and built to a high standard which contributes to the quality of the built environment and which has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. Saved policy E15 seeks to ensure that new developments retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, replacing any trees which are lost.

67. A number of trees occupy the school site and some would be directly affected by the proposed development. 9no. trees would be removed to facilitate the construction of classroom 1, and 6no. for classroom 2. A further 7no. trees would be removed to cater for the proposed additional parking.
68. Landscape officers consider many of these trees to be viewed as valuable internal features within the school site. However these trees are not protected and although their loss is regrettable the provision of the classrooms and additional off street parking provision is considered to outweigh the impacts on trees. The trees in question do not effectively screen the site and their loss would not be to the detriment of the wider school site which would retain the vast majority of existing boundary landscaping adjacent to neighbouring residential properties. New hedgerow planting around the proposed parking extension area is intended to mitigate the loss of the trees in this area and this would provide a softer, natural buffer to the site where viewed from the footpath to the north. If approved, there is also an opportunity to request additional landscape planting and tree protection by condition.
69. This application would be considered to satisfy the provisions of Parts 7 and 11 of the NPPF and saved policy E15 of the Sedgfield Borough Local Plan.

Ecology:

70. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application has been submitted alongside an Ecological Assessment Report (August 2015) confirming the impacts of the development to have no ecological significance. Subject to conditions ensuring adherence to mitigation measures specified within this report, no objections are raised with the application considered to satisfy the provisions of Part 11 of the NPPF with respect to impact on protected species and local ecology.

CONCLUSION

71. The principle of extending this existing school site to provide additional classrooms and improved on site recreational facilities is considered acceptable given its sustainable location within the heart of an existing residential area. Careful consideration has been given to the scale and design of the proposed development, its relationship to surrounding residential uses, highway safety implications, Ecological impacts and landscape/ arboriculture restraints. Consideration is also given to the concerns expressed by local residents and members with regard to highway safety and congestion in the area surrounding the school site. On balance the benefits of this scheme are considered to outweigh the concerns raised. In view of the foregoing this application is recommended for approval subject to the imposition of suitable planning conditions.

RECOMMENDATION

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

1. Time limit

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. Approved plans

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

A100-01 0 (Proposed plans), *received 26 October 2015*

A100-02A (Proposed site plan), *received 01 December 2015*

A100-03 0 (Proposed elevations to classroom extension and hall extension), *received 26 October 2015*

A100-04 (Landscape proposals around new staff parking), *received 26 October 2015*

A100-06 0 (Proposed site sections), *received 26 October 2015*

A800-01 0 (Proposed MUGA), *received 26 October 2015*

Reason: To define the consent and for the avoidance of doubt in the interests of proper planning.

3. Cycle storage

The development hereby approved shall not commence until a scheme detailing the provision of on site bicycle parking spaces has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the first use of the 2no. classrooms hereby approved.

Reason: To ensure that the growth of this site is supported by sustainable transport modes in accordance with the NPPF and saved policies L11 and D3 of the Sedgefield Borough Local Plan.

4. Travel Plan

The existing School Travel Plan shall be updated and submitted for approval in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to the occupation of the 2no. classrooms hereby approved.

Reason: In order to encourage sustainable means of travel in accordance with the overarching sustainability principles of the NPPF.

5. MUGA use limitation

The Multi Use Games Area (MUGA) hereby approved shall only be used during school opening hours and at no other time. The MUGA shall not be lit by any external lighting at any time.

Reason: In the interests of residential amenity in accordance with saved policies H17, L11 and D1 of the Sedgefield Borough Local Plan.

6. Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section 7 of the Ecological Assessment (August 29015)

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

7. Landscape details

No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, replacement planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the visual amenity of the area and to comply with policies E15 and D1 of the Sedgefield Borough Local Plan.

8. Landscape implementation

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

Reason: In the interests of the visual amenity of the area and to comply with policies E15 and D1 of the Sedgefield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns raised during the consultation and publicity period were forwarded to the applicant and satisfactorily resolved during the statutory determination period.

BACKGROUND PAPERS

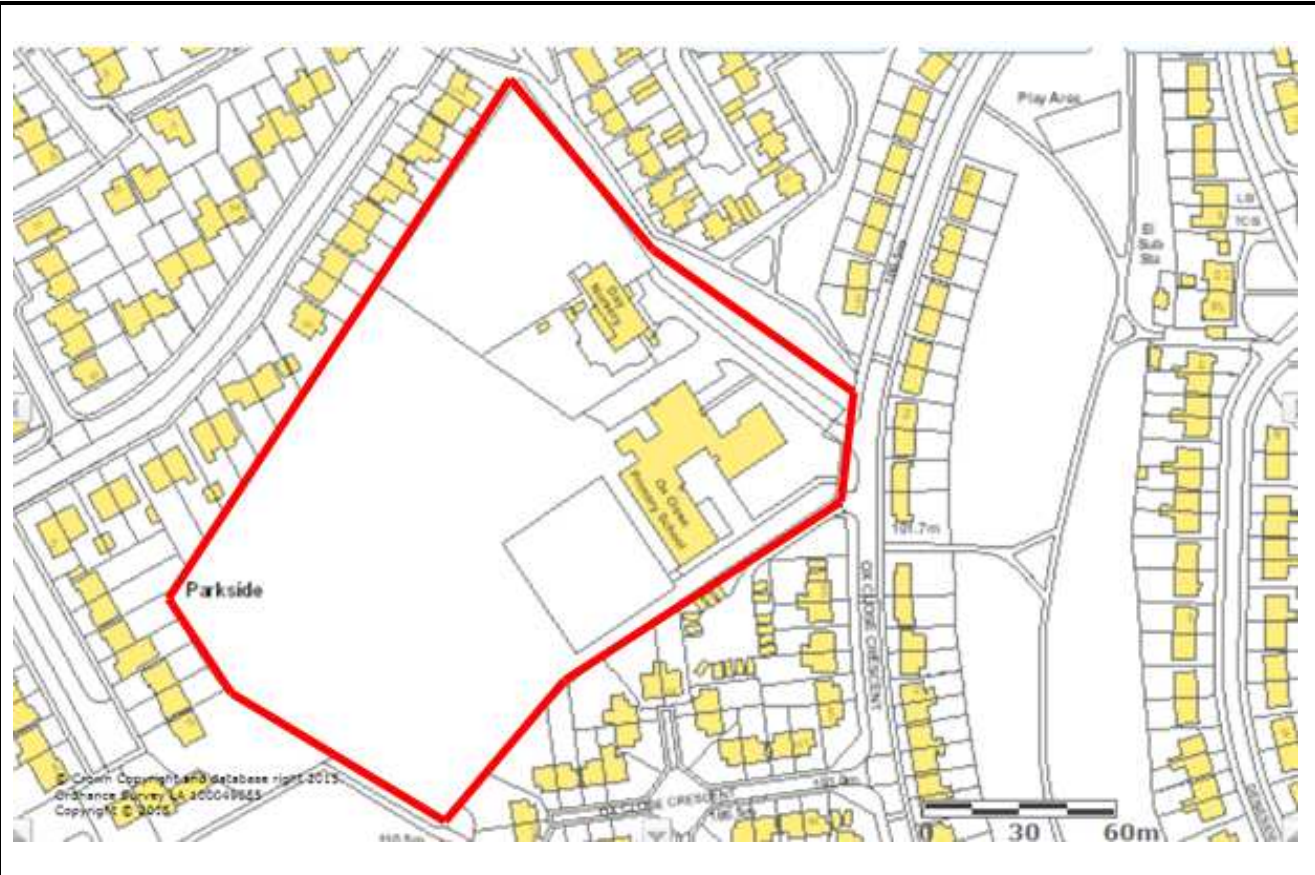
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

Statutory responses from the Highway Authority and Sport England

Internal responses from Drainage, Ecology Environmental Health (Noise) and Landscape/
Arboriculture



Planning Services

Proposed school extension including new external Multi Use Games Area, staff and visitor parking and resurfacing of existing play yard

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Comments

Date 10 December 2015

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COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | DM/15/02581/FPA |
| FULL APPLICATION DESCRIPTION: | Demolition of 5no. bungalows and erection of 11no. bungalows and 12no. apartments |
| NAME OF APPLICANT: | Mr Andrew Kitchen, Livin |
| ADDRESS: | Travellers Green, Newton Aycliffe, Co Durham |
| ELECTORAL DIVISION: | Aycliffe East |
| CASE OFFICER: | Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to an area of land measuring approximately 0.62Ha located at Travellers Green which is a residential estate to the north of the Aycliffe Business Park and Aycliffe Nature Park (a designated Local Wildlife Site). The western section of the site is occupied by 5no. bungalows with the eastern section comprising an unmarked gravel parking area currently containing a number of storage containers and stored materials. An informal footpath crosses the centre of the site in a north south direction linking the public highway to the north with the Local Wildlife Site to the south.
2. Access to the site is taken from Travellers Green to the immediate north, with existing bungalows beyond to the north and north west. To the north east lies an existing green space where permission was granted in June 2015 to construct 79no. dwellings. To the west lies further residential development and an area of public amenity open space. The southern boundary of the site borders an established landscaped buffer which runs along an old railway line within an adjacent Local Wildlife Site. To the east, an existing post and rail fence separates the site from an adjacent undeveloped field.
3. Livin (a registered provider of social housing) seek permission to demolish the existing 5no. bungalows and redevelop the entire site with 23no. residential units comprising 11no. bungalows and 12no. apartments in 3no. two storey blocks. The new housing would target over 55s and/or disabled people, with all units comprising of 2no. bedrooms, kitchen, living room and WC. A Draft S106 agreement has been submitted to accompany the application detailing a commuted sum open space payment of £23,000 and provision of 3no. affordable units in perpetuity across the site.
4. Redevelopment of the site would take place in two phases. The construction of 2no. apartment blocks (8no. living units) and the 11no. bungalows together with all access and parking infrastructure would take place in Phase 1. Phase 2 would involve the construction of the final apartment block to the north west corner of the site.

5. Vehicular access to the site would be achieved via a single access point to Travellers Green to the west of the existing access to this site which would be closed. Parking bays for residents and visitors would be evenly distributed off the internal access road.
6. This application is being reported to the Planning Committee in accordance with the Councils Scheme of Delegation as it falls within the definition of a major development.

PLANNING HISTORY

7. There is no relevant planning history relating to this particular site.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
10. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
11. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
12. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

14. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
15. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

LOCAL PLAN POLICY:

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
17. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
18. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
19. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
20. *Policy E15 - Safeguarding of Woodlands, Trees and Hedgerows* - expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
21. *Policy H14 - Maintenance and improvement of housing stock* - seeks to support the improvement of housing stock through the redevelopment, conversion or modernisation of buildings.
22. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
23. *Policy H19 - Provision of a range of house types and sizes including Affordable Housing* - Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
24. *Policy L2 - Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
25. *Policy L5 - Safeguarding of areas of open space* – seeks to resist developments which would result in the loss of an area of open space.
26. *SPG Note 3 - The layout of new housing* - sets amenity/privacy standards for new residential development.

RELEVANT EMERGING POLICY:

The County Durham Plan

27. 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.
28. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Great Aycliffe Town Council* – Offer no comment.
30. *Highway Authority* – Offer no objections.
31. *Environment Agency* – Have no comment to make on this application.
32. *Northumbrian Water Ltd* – Raise no objections to the proposals but note that insufficient detail has been provided with regard to the management of foul and surface water from the development to allow for an assessment as to whether existing capacity can treat resulting flows. It is advised that any approval be conditioned so as to control such detail. It is also noted that a public sewer crosses the site and may be affected by the proposed development. NWL do not permit a building over or close to its apparatus and may require necessary diversion, relocation or protection measures.

INTERNAL CONSULTEE RESPONSES:

33. *Sustainable Development and Energy Section* – Raise no objections to the proposals subject to a condition to secure embedded sustainability and reduce carbon from construction and in-use emissions. Any ecological impacts need to be mitigated.

34. *Drainage Section* – Identifies the site to be at risk of flooding during storm conditions. The design should take this into account and mitigate any flooding to properties by ensuring floor levels are 150mm above any potential flood level. The design should also prevent any surface water runoff. Details of surface water drainage should be submitted to the lead local flood authority (Durham County Council) for assessment if approval is granted.
35. *Air Quality Officer* – Advises that the proposed development would not introduce receptors (residential dwellings) into an area where the existing levels of an air quality pollutant (nitrogen dioxide) are close to or above a national air quality standard.
36. *Archaeology Section* – Raise no objections to the proposals. Historical site activity will have disturbed any areas of potential archaeological value with previous investigative work undertaken to the immediate north of the site having identified no concerns.
37. *Design and Historic Environment Section* – No objections, subject to control over details of enclosures.
38. *Ecology Section* – No objections, subject to adherence to the mitigation measures detailed within the submitted Phase 1 survey report (E3 Ecology, July 2015). Ecology officers request a S106 contribution to the management of the adjacent Local Wildlife Site, in order to alleviate impacts and safeguard the biodiversity interest of the site.
39. *Environmental Health (Contaminated Land) section* – No objections to the proposals. Given the proposed development constitutes a change of use of a section of undeveloped land to a more sensitive receptor, any approval should be subject to a contaminated land condition requiring the submission of a Phase 2 site investigation and risk assessment (at minimum) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
40. *Noise Action Team* – No objections to the development in principle, although concerns are expressed in relation to the impact of dust and noise on neighbouring residential property during the construction phase. Such details should be controlled by condition.
41. *Landscape and Arboricultural Sections* – Concern is expressed over the proximity of proposed dwellings to the established tree belt to the south of the site, and the resulting shading caused by these trees which would impact residential amenities of future occupiers.
42. *Spatial Policy Section* – Offer no objections to this proposal, subject to satisfactorily addressing matters of detail relating to layout, ecology and proximity to the nearby industrial estate. The application site is located wholly within the built up area of the settlement of Newton Aycliffe in an accessible and sustainable location.
43. *Public Rights of Way Section* – Advise that a permissive path known as the Great Aycliffe Way exists across the application site. Whilst one building will affect the route of this path, provision is made for access within the proposed development. No objections are raised as long as a link to the Great Aycliffe Way is provided.

PUBLIC RESPONSES:

44. The application has been publicised by way of site notice, individual notification letters to neighbouring residents and Press Notice. No objections have been received in response to this consultation and publicity exercise.

APPLICANTS STATEMENT:

45. The scheme aims to bring new contemporary, spacious, thermally efficient dwellings to an existing residential area. The proposals take advantage of this scenic area of Newton Aycliffe, offering views out from properties to the open spaces surrounding the site while also maintaining the pedestrian route through the site to the old railway line.
46. A mix of bungalows and apartments will provide accommodation for the elderly and/or disabled. These will replace the old pre-fabricated bungalows that are no longer fit for purpose.
47. Consideration has been given to the existing residents during the design, and the new development will be constructed over two phases. This will minimise the impact on the current occupants.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, scale/design of the proposed development, impact on residential amenity, noise, highway safety, open space provision, arboricultural/landscape impact, ecological impact, flood risk/drainage and contaminated land

The principle of the development:

49. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. The key matter in applying the NPPF relates to directing development to sustainable locations; however the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of landscape quality.
50. The application site is located within the Aycliffe residential settlement in a sustainable and accessible location close to the town centre and surrounding public transportation linkages.

51. Saved policy H14 of the Sedgefield Borough Local Plan supports the maintenance and improvement of housing stock through granting permission for schemes which lead to the improvement of housing areas through the redevelopment, conversion or modernisation of buildings.
52. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.
53. A designated Green Wedge is located to the immediate east of the site where policy E4 of the Sedgefield Borough Local Plan seeks to prevent built development unless in exceptional circumstances. Permission was recently granted for the erection of 79no. dwellings within this green wedge area, establishing the principle of residential development on this adjacent land. The current application site would infill a gap between the existing residential settlement to the north and west and the approved residential site to the east, whilst maintaining clear demarcation from woodland to the south.
54. The application site is considered to represent a sustainable and accessible location within the existing settlement that is already partly occupied by residential development. No objections are raised over the principle of infill residential development in this location in accordance with the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

Scale/Design:

55. Part 7 of the NPPF and saved policies H17(C) and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.
56. The application site contains 5no. existing bungalows to the west and an informal car park/hardstand area to the east (presently used for storage). The existing bungalows are of no architectural or historic interest and the site is not located within a designated Conservation Area or setting of a Listed Building. Therefore the principle of the demolition of these existing properties is considered to be acceptable.
57. The surrounding housing estate to the north and west dates from the mid and late 20th century with groups of brick and tiled bungalows and two storey properties, interspersed with shared spaces and mature tree planting.
58. The proposed development comprises a group of 3no. 2 storey apartment blocks providing 12no. flats on the site of the demolished bungalows, plus a group of 11no. new bungalows to the eastern half of the site.
59. The proposed layout has evolved through pre-application discussions and the relationship with the retained properties to the west of the site is positive. Connectivity through the site is strong with enhanced links through the new development site to the existing housing development and beyond to local services.

60. The apartment buildings would be dual fronted so as to provide an attractive and integrated presence to Travellers Green to the north and within the new development. The rear elevations of the new bungalows are less active, leading to private gardens.
61. The architectural style of the proposed units is contemporary but understated; with a palette of materials that reflects the local mix of brick and render. The inclusion of cedar cladding on the apartments would add some contrast in texture and colour to the adjacent render panels.
62. Soft landscaping through the site would help soften the visual appearance of the shared parking courts and lessen the dominance of the central access road. The provision of 1.8m high timber fencing to the rear of the new bungalows is less positive potentially creating a hard barrier to views through the estate. Design officers have requested that further attention is given to these enclosures, preferring a reduction in the height of this fencing to units 17 and 18 to 1.5m, with a trellis or supplementary hedge planting on the inner side for enhanced security. It is considered reasonable to control such detail by way of condition.
63. It is considered that the proposed dwellings would be of a scale and design sympathetic to their immediate settings taking into account the character of surrounding dwellings in accordance with Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

Privacy/Amenity:

64. Saved policies H17 (B), D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m separation between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
65. The proposed dwellings would benefit from sufficient levels of private amenity space to the front and rear and achieve satisfactory separation from existing and proposed properties in line with the minimum spacing requirements. The distance between rear elevations of plots 18 and 19 and the opposing side elevation of plot 17, and the rear elevations of plots 15 and 16 and the opposing side elevation of plot 14 would fall just short of the 14m guidelines (measured at 12m in both cases). However no side facing windows are to be installed into the gables of plots 14 or 17 and there would be no overlooking windows within close proximity resulting in a loss of privacy. Furthermore, as these properties would be single storey bungalows and there would be no significant overshadowing or loss of natural daylight to these units.
66. Across the remainder of the development, there would be no directly overlooking windows located within close proximity of each other, and no unacceptable privacy/amenity issues for existing residents who border the site approximately 19m to the north of proposed unit 23 and 10m to the west of proposed unit 1.
67. Subject to a condition controlling details of enclosure so as to maintain an acceptable level of privacy between neighbouring properties, and the removal of permitted development rights for extensions and outbuildings to the proposed bungalows (which could allow for the unacceptable encroachment into the aforementioned separation distances), the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5.

Noise Impact:

68. The application is supported by a noise impact assessment. Concerns have been raised by the environmental health section regarding the procedural methods in producing this survey and therefore its findings. However these concerns are considered unlikely to significantly alter the outcome of the assessment, considering the distance from the noise source and demonstrated noise levels. The environmental health section therefore raises no objections to the development.
69. Given the part residential nature of the area concerns are also expressed in relation to the potential impact of dust and noise during the construction phase with environmental health officers requesting that such details be controlled by condition. Such matters can be controlled by separate environmental health legislation although the applicant is to be reminded of the duty to remain a sensitive developer at all times by informative should approval be granted.
70. In view of the foregoing, and subject to the necessary controls over sensitive working hours, the proposed development is considered to satisfy the provisions of saved policies D1 and H17 of the Sedgefield Borough Local Plan relating to ensuring the protection of neighbouring amenities.

Highway safety:

71. Saved policies H17 (A) and D3 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for a satisfactory means of access and parking provision having regard to the number and type of vehicles using the development. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
72. Site access would be achieved onto Travellers Green to the north via a newly created junction. The proposed development (both phases) would see 23no. 2 bed dwellings supported by 36no. on site car parking spaces. This is above the minimum requirements outlined in Durham County Council's residential car parking standards with car parking provided at the Phase 1 development stage which is welcomed from a highways perspective.
73. With regard to pedestrian access, a permissive path known as Great Aycliffe Way currently crosses the site in a north-south direction, linking the residential area to the adjacent Local Wildlife Ste. This path would be affected by the proposed development although pedestrian access through the site is to be retained. The proposal would therefore be deemed to satisfy the provisions of saved policies H17 and D3 of the Sedgefield Borough Local Plan and the provisions of the NPPF.

Open space provision:

74. Saved Policy L5 of the Sedgefield Borough Local Plan seeks to resist development which would result in the loss of an area of designated open space unless certain circumstances apply.
75. Saved policy L2 of the Sedgefield Borough Local Plan seeks to ensure the provision of open space within or adjacent to housing developments of ten or more dwellings. For every ten dwellings, a minimum of 100m² of informal play space and 500m² of amenity space is required. For the purposes of this application a net increase of 18no. units is proposed, taking into account the loss of the 5no. existing dwellings on this site. This

equates to a 180m² informal play space and 900m² amenity space requirement. Where this level cannot be provided, either fully or in part, an in lieu commuted sum equivalent to £1000 per dwelling is required.

76. The proposed site layout provides a small area of open amenity space to the north west of the site (approximately 250m²) but would involve the loss of an existing narrow strip of designated open space to the south of the site adjacent to the mature landscape buffer (as identified in the 'Open Space Needs Assessment' (OSNA) but not allocated on the development Plan as Open Space.
77. This strip serves little recreational or amenity value, located in-between existing dwellings to the north and the woodland buffer to the south, and with significant areas of more useable amenity space in the close vicinity. The loss of this narrow strip to allow for the redevelopment of the wider site is therefore not considered significant.
78. To address the combined loss of this strip and under provision of open space elsewhere across the site, the applicant has agreed to enter into a S106 agreement, providing a commuted sum of £23,000 (£19,000 Phase 1 contribution and £4000 Phase 2 contribution). A draft agreement confirming this figure has been submitted in support of the application alongside the protection of 3no. affordable units in perpetuity. Accordingly, the scheme is considered to comply with the provisions of saved policies L2 and L5 subject to adherence to the terms of this agreement.

Arboricultural/Landscape impact:

79. Saved Local Plan Policies E1 and D5 require new development to be designed and built to a high standard that contributes to the quality of the built environment and which has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. Saved policy E15 seeks to ensure that new developments retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, replacing any trees which are lost.
80. The application site is located to the immediate north of a landscape buffer comprising a strip of mature vegetation which separates the application site from the Local Wildlife Site to the south. The proposed works would see the construction of dwellings adjacent to this buffer, in closer proximity than the existing bungalows to be removed, and the rear gardens of plots 9, 10, 11, 12 and 13 would back onto this strip.
81. An Arboricultural Impact Assessment summarizing the extent of tree removal required to facilitate the development has been submitted. This demonstrates that most of the trees to be removed are moderate and low grade, with the vast majority of better quality trees to the south of the site within the existing wildlife site buffer to be retained. A small number of trees of identified low quality located towards the south east corner of the site are to be removed to facilitate development, with none of these protected. Nevertheless, the Landscape Section has expressed concerns over the close proximity of the development to this buffer which could result in overshadowing of properties and impact on the amenities of future occupiers, with a resulting pressure to cut back or thin out trees in the future.
82. The landscape section identified possible means to alleviate these concerns involving an amended site layout that pushed the development further north on the site. However, such revisions would involve a significant reworking of the scheme and impact on the proposed access road, reducing private amenity space around dwellings as well as encroaching into the small area of public open space which is already deemed substandard for a development of this scale.

83. On balance, it is not considered reasonable to revise the entire site layout to achieve a small increase in separation from the existing landscaped buffer. The affected dwellings are shown to benefit from sufficient private amenity space with their rear facing elevations only affected by overshadowing at worst during winter months when the sun is lower in the sky, although tree fall at this time of year would allow some light penetration through the trees.
84. Although a degree of overshadowing would result from the proximity of some dwellings to the adjacent landscape buffer, these trees are not protected and are located outside of the application site boundaries. A level of overshadowing already exists over existing properties adjacent to this buffer which provides an effective screen between the application site and the Local Wildlife Site to the south. Any future thinning should demand arise would not significantly harm the character of this landscaped area and new tree planting throughout the site is proposed as part of the landscape scheme.
85. Landscape officers request that further consideration be given to providing new hedgerow to the front of the site and adjacent to the proposed footpath link through the site. A further condition is requested relating to the submission of a tree protection plan.
86. Subject to the above, this application would be considered to satisfy the provisions of Parts 7 and 11 of the NPPF and saved policies E1, E15 and D5 of the Sedgefield Borough Local Plan.

Ecology:

87. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application has been submitted alongside an Extended Phase 1 survey report (E3 Ecology, July 2015). Ecology officers note that whilst surveys undertaken in 2013 and 2015 concluded that there were no great crested newts within the designated local wildlife site to the immediate south of the development, a small population is in existence, and is currently under threat of local extinction due to the introduction of fish into the ponds. Electrofishing undertaken a few years ago assisted in bringing down the numbers of large fish, but have had no impact on the current high stickleback population - due to their size. The site is also designated due to the presence of species-rich grasslands, which are managed by the Town Council, and associated invertebrate population including dingy skipper (DBAP & UKBAP species).
88. The Ecology section confirms that there would be no adverse impact on protected species, with no objections raised. However a contribution of any S106 monies is requested to be directed towards the management of the adjacent Local Wildlife Site, in order to help safeguard the biodiversity interest of the site. Whilst this is a commendable objective, there is no provision to obtain monies through the 106 which specifically relates to open space and affordable housing. The procedures of applying for such funding are not to be considered in the determination of the current application.
89. It is also recommended that the use of the mitigation detailed in Section F of the report be conditioned. Including but not restricted to:
- The use of the appended Method Statements, for bats and amphibians;
 - Sensitive timing of any vegetation and demolition works to avoid impacts on breeding birds;
 - Use of sensitive lighting both during and post development, to reduce impacts on bats.

90. Subject to conditions ensuring adherence to mitigation measures specified, no objections are raised with the application considered to satisfy the provisions of Part 11 of the NPPF with respect to impact on protected species and local ecology.

Flooding/Drainage:

91. Part 10 of the NPPF seeks to ensure that new developments take account of flood risk. Inappropriate development in areas of high flood risk should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. The application site is not located within any identified flood zone area, although according to Environment Agency and Durham County Council Strategic Flood Risk Assessment data (SFRA), the site appears to be at risk of flooding during storm conditions. The drainage section has requested that any design ensures floor levels are at least 150mm above any potential flood level, whilst also ensuring surface water run off onto adjacent properties/land is prevented. Any approval should therefore be subject to control over surface water drainage details.

Contaminated land:

92. Part 11 of the NPPF seeks to prevent unacceptable risks to new development from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

93. The application has been submitted alongside a Phase 1 Desk Study Report (prepared by Solmek, November 2013). The Contaminated Land section has assessed the available information and historical maps with respect to land contamination and consider the submitted report to be old. However given there have been no changes since this report was prepared, there is no reason to believe the risk assessment would have altered. Due to the fact that this development constitutes a change of use to a more sensitive receptor, any approval should be subject to a contaminated land condition restricting the commencement of development until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority.

CONCLUSION

94. The principle of redeveloping this site for residential use is considered acceptable given its sustainable location and previously developed nature. The proposal would provide an appropriate mix of housing in an accessible location and would enhance the character and appearance of the area.

95. Careful consideration has been given to the scale and design of the proposed development, its relationship to surrounding development including the impact on amenity/privacy standards. The proposed development is considered to satisfy highway safety requirements whilst taking account of ecological and landscape/ arboricultural constraints as well as contaminated land, flooding and open space provision. Although the provision of public open space falls below the minimum requirements, the applicant has agreed a commuted sum with the Local Planning Authority through a s106 legal undertaking.

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

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the payment of a commuted sum of £23,000 in lieu of adequate on site open space provision and affordable housing provision, and the following conditions:

1. Time limit

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. Approved plans

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

2630-D-00-003-RevC (Proposed site plan, Phase 1), received 26 October 2015

2630-D-00-004-RevC (Proposed site plan, Phase 2), received 26 October 2015

2630-D-00-005-RevB (Semidetached bungalows, Plots 9&10), received 11 September 2015

2630-D-00-006-RevB (Semidetached bungalows, Plots 18&19) received 11 September 2015

2630-D-00-007-RevB (Terraced bungalows, Plots 15-17), received 11 September 2015

2630-D-00-008RevB (Terraced bungalows, Plots 11-14), received 11 September 2015

2630-D-00-009-RevB (Terraced bungalow elevations – 1 of 2, Plots 11-14), received 11 September 2015

2630-D-00-010-RevB (Terraced bungalow elevations – 2 of 2, Plots 11-14), received 11 September 2015

2630-D-00-011-RevB (Apartment Plans), received 11 September 2015

2630-D-00-012-RevA (Apartment Elevations), received 11 September 2015

2630-D-00-013A (Site section), received 09 November 2015

Reason: To define the consent and for the avoidance of doubt in the interests of proper planning.

3. Materials to be agreed

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

Reason: In the interests of the appearance of the area and to comply with Policies H17 and D1 of the Sedgfield Borough Local Plan.

4. Means of enclosure

Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policies H17 and D5 of the Sedgfield Borough Local Plan.

5. Surface water drainage

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

Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.

6. Foul water drainage

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

Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.

7. Landscape details

No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.

8. Landscape implementation

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

Reason: In the interests of the visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.

9. Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section F of the protected species report (Extended Phase 1 survey report, E3 Ecology, July 2015) including, but not restricted to the use of the appended Method Statements, for bats and amphibians; Sensitive timing of any vegetation and demolition works to avoid impacts on breeding birds; and the use of sensitive lighting both during and post development, to reduce impacts on bats.

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

10. PD rights (extensions)

Notwithstanding the provisions of Class A, B, C, D, E, F and G of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwelling house(s) shall be submitted to and approved in writing by the Local planning authority.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies H17 and D5 of the Sedgefield Borough Local Plan.

11. Contaminated Land

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

Completion

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

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

12. Sustainability

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: To ensure sustainability remains a key consideration of the proposed development in accordance with the overarching principles of the NPPF.

13. Tree protection plan

No construction or demolition work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved scaled tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan, inspected by the local authority and agreed in writing as satisfactory.

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

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns raised during the consultation and publicity period were forward to the applicant and satisfactorily resolved during the statutory determination period.

BACKGROUND PAPERS

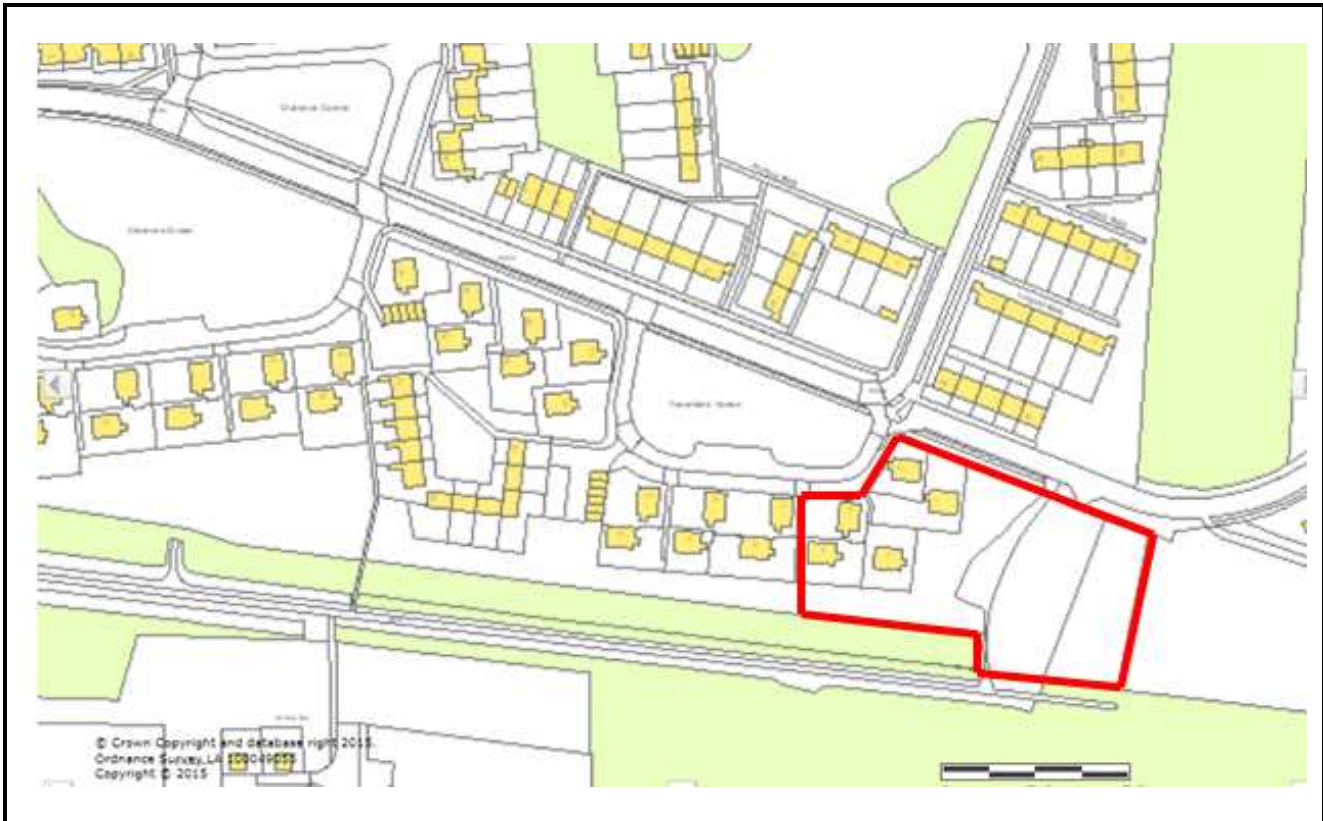
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

Statutory responses from the Highway Authority, NWL and the Environment Agency

Internal responses from Sustainability, Drainage, Environmental Health (Air quality), Archaeology, Design and Historic Environment, Ecology, Environmental Health (Contaminated Land), Noise Action Team, Landscape/Arboriculture, Spatial Policy and Public Rights of Way



Planning Services

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Demolition of 5no. bungalows and erection of 11no. bungalows and 12no. apartments

Comments

Date 10 December 2015

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