



Area Planning Committee (South and West)

Date Thursday 18 February 2016
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 21 January 2016 (Pages 1 - 6)
5. Applications to be determined
 - a) DM/15/02958/FPA - Land to Rear of East Green Care Home, 3 East Green, West Auckland (Pages 7 - 24)
Erection of 10 no. dwellings.
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
10 February 2016

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

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

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

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in **Council Chamber, Council Offices, Spennymoor** on **Thursday 21 January 2016** at **2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), B Armstrong, D Bell, J Clare, P Conway, K Davidson, A Patterson, G Richardson, H Smith, L Taylor, C Wilson and S Zair

Also Present:

J Byers – Planning Team Leader
P Hopper – Planning Officer
A Glenwright – Principal HDM Engineer
C Cuskin – Solicitor – Planning and Development

1 Apologies for Absence

Apologies for absence were received from Councillors C Kay and S Morrison.

2 Substitute Members

Councillor H Smith substituted for Councillor C Kay and Councillor P Conway substituted for Councillor S Morrison.

3 Declarations of Interest

Planning Application DM/15/01504/FPA – Unit 3, Jubilee Road, Shildon
Councillor H Nicholson advised that he was a Member of Shildon Town Council but had declared an interest on the two occasions that the application had been considered by the Town Council, and had taken no part in the discussions.

4 Minutes

The Minutes of the meeting held on 10 December 2015 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

a DM/15/01504/FPA - Unit 3, Jubilee Road, Shildon

Consideration was given to the report of the Planning Officer regarding an application for the change of use from retail unit (A1) to hot food takeaway (for copy see file of Minutes).

The Planning Officer gave a detailed presentation on the application which included photographs of the site. Members were informed that Jubilee Crescent should read Jubilee Road in paragraph 41 of the report.

Members discussed the application and the Chairman considered that the objections raised had been addressed in the report. One of the concerns expressed related to the oversupply of hot food takeaways within Shildon which exceeded the 5% threshold specified in the emerging County Durham Plan. However he understood that no weight could be attached to this in the light of the current position with the County Durham Plan which had been withdrawn.

With regard to this, Councillor Clare considered that even if weight could be attached to policies in the County Durham Plan the threshold would not apply in respect of the application under consideration as the premises were located outside of the town centre. The County Durham Plan chose to make specific to areas certain general provisions within the NPPF. Paragraph 11 of the report was about building strong, competitive economies. 50% of Shildon's High Street was made up of takeaway premises and building a strong, competitive economy could not be achieved by creating more hot food takeaways. The NPPF talked about planning positively for the provision and use of shared space and community facilities such as local shops. This application, if approved, would constitute the loss of a shopping space. Shildon must be hugely over-provided with hot food takeaways and he asked if there were any grounds to object on principle. Paragraph 70 of the NPPF stated that planning decisions should guard against the unnecessary loss of valued facilities and services – Shildon was gaining a hot food takeaway but the proposals would involve the loss of a retail outlet. He asked what weight could be attached to this.

The Member continued that Shildon Town Council was concerned about the adverse impact on health. The applicant had responded to concerns by amending the opening hours to ensure that it was not open during traditional school hours but this would mean that the takeaway would be open when the schools were closed. This was not a solution. The NPPF was explicit in its core planning principles. Paragraph 17 stated that planning decisions had to take account of and support local strategies to improve health and well-being. Paragraph 171 talked about having an evidence base on health and that planning must take into account the health of the local population. Policy D1 of Sedgefield Borough Local Plan required planning decisions to have a minimum adverse impact on local health. Therefore he asked if the report had adequately addressed the health issue and if an evidence base had been taken into account. It was clear that the NPPF considered health to be a major issue and the County Durham Plan intended to make a series of provisions regarding this, yet this application would be decided before the Plan was in place.

The Planning Team Leader responded that the proposal did not constitute the loss of a retail unit as the building had never been occupied, and the adjacent premises, which was now a store had originally been used as a training unit. It would be difficult to argue that the proposed hot food takeaway would adversely impact upon health when school children could purchase other foods which could be classed as unhealthy from the adjacent premises.

The NPPF was a framework of core planning principles from which planning authorities produced their own policies and plans to determine individual planning applications. Members were aware that no weight could be attached to policies within the County Durham Plan at the present time.

The Planning Officer added that Policy H18 of the Local Plan supported convenience style uses within residential areas where they would not adversely impact upon the living conditions of surrounding residents and this approach accorded with the NPPF.

By way of clarification for Members, the Solicitor – Planning and Development stated that it may be difficult to sustain a reason for refusal based upon the impact of one single hot food takeaway on the health of the local population, and also in terms of building a strong, competitive sustainable economy. With regard to the loss of facilities and services she explained that the shop was currently vacant and had never been occupied so it would be difficult to argue that Shildon was losing a facility that was of value to the community.

In conclusion she advised that determining the application at this point in time would not prejudice the aims of the emerging County Durham Plan.

Councillor Nicholson reiterated that the proportion of takeaways to other retail outlets in Shildon was 50%. Health statistics produced by Public Health in respect of Shildon highlighted the need to promote healthy communities. He appreciated the difficulty in sustaining a refusal for change of use but he was concerned about the health of the local population. He also emphasised the need to ensure the vitality of the town centre.

The Member also stated that there were empty units within the town centre, the NPPF made clear that the planning system could play an important role in facilitating social interaction and creating healthy, inclusive communities, and that planning decisions should aim to achieve places which promoted safe environments where crime and disorder and the fear of crime did not undermine quality of life.

The views of Councillor Nicholson were shared by Councillor Wilson who did not believe that Shildon needed another hot food takeaway.

In response to a comment from Councillor Armstrong about highway safety, the Highways Development Officer advised that the site included an area of existing parking which was unusual for takeaway premises. There had been only one recorded personal injury accident in the last five years in the locality which demonstrated the effectiveness of the traffic calming measures.

Councillor Davidson was of the view that there were no robust reasons to refuse the application on planning grounds. He did not believe that one additional hot food takeaway would make a difference to the eating habits of the local population. It could be argued that if the premises opened as a shop instead of a takeaway it could sell the same food products that were already available at the adjacent store.

Councillors Armstrong and Patterson noted that the next application on the Agenda referred to Policy S1 of the Sedgefield Borough Local Plan and asked why this Policy was not relevant to the application under consideration, which was in an edge of town location.

The Planning Officer responded that Policy S1 sought to promote existing town centres and it was felt that the Policy could not be sustained in respect of the current application, being a single unit located outside of the town centre. He continued that the NPPF set out a sequential approach to considering the location of developments in out of centre positions and also stated that the need for a sequential assessment was only applicable when the floor space was above a certain size. Therefore in this case a sequential assessment was not required.

Councillor Conway was of the view that a key consideration was the impact on the town centre; the unit was clearly located outside the town. Many towns had a preponderance of hot food takeaways and whilst he had sympathy with the objectors he was having difficulty finding reasons to refuse the application on planning grounds.

Councillor Clare reiterated the comments of Councillor Conway. There were no grounds to sustain a refusal on highway safety grounds and this was not a town centre development, but he felt that there must come a point where one more takeaway was deemed to be too many. Members had heard that no weight could be attached to policies in the County Durham Plan, that saved policies were only relevant where they conformed with the NPPF, and that the relevant parts of the NPPF were general principles which did not apply here. Common sense dictated that this application should be refused but there were no valid grounds on which to do so. He therefore supported the views of Councillors Davidson and Conway.

Councillor Davidson moved and Councillor Conway seconded that the application be approved.

Resolved:

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

Councillor S Zair left the meeting.

b DM/15/03207/FPA - Bridge Garage, Horndale Avenue, Aycliffe Business Park, Newton Aycliffe

Consideration was given to the report of the Planning Officer regarding an application for change of use from car show room (Use Class Sui Generis) to office accommodation (B1), retail (A1) and coffee shop (A3) (for copy see file of Minutes).

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

Councillor Clare stated that the vacant premises were a blot on the landscape in a very prominent position. He believed that he spoke for the local community in saying that they would welcome the reoccupation of the unit. The proposals would enhance the industrial estate as a whole. This view was shared by Councillor Nicholson.

Following a question from Councillor Patterson the Member was advised that the overall size of the retail space was not contrary to Local Plan Policy or the NPPF in respect of developments outside the town centre.

Resolved:

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

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02958/FPA
FULL APPLICATION DESCRIPTION:	Erection of 10 no. dwellings
NAME OF APPLICANT:	Water Ville Homes
ADDRESS:	Land to Rear of East Green Care Home, 3 East Green, West Auckland
ELECTORAL DIVISION:	West Auckland
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 0.79ha in area and formerly comprised part of the curtilage of a school. However this use has long ceased and it currently has an unkempt appearance with scrub vegetation growing through areas of hardstanding and stone boundary walls in a poor condition. The site is bordered to the north by allotment style gardens, beyond which lies the residential terraces. Arnold Street is located directly to the east from where access to the site is taken and to the south across an un-adopted footpath linking Station Road and Arnold Street lies the redundant East Green Care Home. St Helens Millbank Youth Club and the rear of residential properties on Station Road are situated along the western boundary of the site.
2. The site lies just outside the West Auckland Conservation Area the boundary of which is situated to the south and west.
3. This application seeks full planning permission for the erection of 10 no terraced properties. These would be provided in a linear arrangement in one block of development adjacent to the northern boundary of the site. The dwellings would consist of brick built, two storey, 3 bed properties with pitched roofs. Garden areas are proposed to the rear (north) of the dwellings with hardstanding areas for parking proposed to the front (south) accessed of a new vehicular access taken off Arnold Street. It is envisaged that the highway access and layout would be offered for adoption to the Highways Authority. It is also proposed to improve the surfacing of the non-adopted footpath linking Station road with Arnold Street and create a new section of foot path on Arnold Street within the adopted highway.

4. This development would represent the first phase of a wider scheme that would also involve the demolition of the existing care home and the redevelopment of this site for residential purposes. A planning application in relation to Phase 2 would be submitted for consideration in due course.
5. The application is being reported to the Planning Committee in accordance with the Scheme of Delegation because the development is classed as a major application.

PLANNING HISTORY

6. There have been a number of previous applications approved associated with the development of East Green Care Home.

PLANNING POLICY

NATIONAL POLICY

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

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

LOCAL PLAN POLICY:

15. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant to the application, however in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight:-
16. *Policy GD1 - General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
17. *Policy BE1 - Protection of Historic Heritage* - Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
18. *Policy BE5 – Conservation Areas* – Sets out that the character of Conservation Areas will be protected from inappropriate development.
19. *Policy BE8 – Setting of a Conservation Area* – Sets out that development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
20. *Policy BE17 - Areas of Archaeological Interest* - Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
21. *Policy H3 - Distribution of Development* - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.

22. *Policy H15 - Affordable Housing* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
23. *Policy H22 - Community Benefit* - On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
24. *Policy H24 - Residential Design Criteria* - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
25. *Policy RL5 - Sport and Recreation Target* - For every 1 hectare of land developed residential purposes, at least 1300 square metres of land should directly be made available on or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.
26. *Policy T1 – Highways* - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

EMERGING PLAN:

27. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 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 is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. *Highway Authority* – Raise no objections to the proposed access and highway layout following the receipt of amended plans. It is recommended that conditions should be attached to any approval to secure the extension of the public footpath along Arnold Street and to ensure that the existing footpath linking to Station Road is upgraded.
29. *Northumbrian Water Limited* – Suggest a conditional approach for the disposal of foul and surface water from the development.
30. *Environment Agency* – Offer no objections providing the conclusions and recommendation of the Flood Risk Assessment are implemented, including the height of finished floor levels and the adoption of flood resilience measures in the construction of the building

31. *Coal Authority* – Recommend a conditional approach requiring further site investigations to confirm the need for remedial works in relation to previous coal mining activity.
32. *West Auckland Parish Council* – No Objections

INTERNAL CONSULTEE RESPONSES:

33. *Design and Conservation Section* – Offer no objections advising that no harm would be caused to the West Auckland Conservation Area as a result of the proposals. Any proposal for phase two will be required to provide for a more sensitive development and relationship with the adjacent village green. Advice has been offered in relation to the fenestration detailing and to break up the extent of hardstanding.
34. *Sustainability Section* – Advise a conditional approach to secure the energy and carbon reduction measures detailed in the submitted Sustainability Report.
35. *Ecology Section* – Advise that the likely presence and impact on protected species the proposals is low as no buildings will be demolished in this phase.
36. *Environmental Health Section* – Has no objections in principle to the development, but in order to protect the amenity of future residents during construction it is recommended to control the working hours on site and incorporate measures to suppress noise and dust during construction.
37. *Housing Section* – Identify that 10% affordable housing should be provided on the site.
38. *Contaminated Land Section* – Advise a conditional approach in relation to land contamination.
39. *Drainage and Coastal Protection* – Offer no objections providing a detailed scheme of surface water disposal is submitted limiting discharge to greenfield run-off rates utilising sustainable drainage techniques. .
40. *Archaeology Section* – Advise a conditional approach to securing archaeological monitoring and evaluation.
41. *Public Rights of Way Section* – Advise that the proposed layout makes provision for the retention of a claimed path along the former mill race which is welcomed. It is however advised that this path should be brought up to adoptable standards.

PUBLIC RESPONSES:

42. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. One letter of representation has been received in relation amenity concerns in the second phase of the development and protection of trees in the area.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NV6OJ3GD0A000>

APPLICANTS STATEMENT:

43. Waterville homes ltd would like to offer for the consideration of the planning committee our Development of 10 new build family Homes.
44. Waterville Homes Ltd hope to gain permission for phase one of our development which consists of 10 number 3 bed family homes, which in turn will become part of a larger development of 31 family homes, We hope to build a community within the site and improve local amenity's with the improvement of footpaths and removal of the former East Green Care Home which is part of phase 2.
45. If approval is granted it would allow both phase 1 and 2 of the site to be secured and sectioned off from the public while construction operations are under way.
46. Waterville homes believe that we can provide good quality family homes on a site that is currently of no real value to the community as it stands, so we would seek to gain full planning permission to enable the redevelopment of the site and improvement of amenity.

PLANNING CONSIDERATIONS AND ASSESSMENT

47. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, design, layout and the effect on the character of the Conservation Area, access and highway safety issues, access and highway safety, ecology, flooding/drainage issues and other issues.

The Principle of Development

48. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
49. Furthermore, paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or ii) specific policies in this Framework indicate development should be restricted.
50. The application site is located within the residential framework of Bishop Auckland where WVDLP Policy H3 seeks to direct new housing. However, recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries should be regarded as policies for the supply of housing. Furthermore, the Secretary of State has previously concurred with a Planning Inspector who considered that where policies for the supply of housing are based on housing figures of some age, that did not represent an objectively assessed need, these are "out of date" irrespective of the position on 5 year housing land supply .

51. Given the age of the WVDLP and housing supply figures that informed it, Policy H3 must now be considered “out-of-date”, for the purposes of Paragraph 14 of the NPPF and no weight should be afforded to it in relation to advice on housing supply. Consequently, it is considered in this instance that the proposal should not be assessed against compliance with WVDLP Policy H3 but instead should be assessed against advice contained within Paragraph 14 of the NPPF.
52. The County Durham Settlement Study identifies Bishop Auckland (which includes West Auckland) as a Tier 1 Main Town with a wide range of services, facilities and employment opportunities. A development of 10 dwellings represents a small scale development commensurate with the role of West Auckland in the settlement hierarchy of the County. The site is located on a regular bus route and a good range of services and amenities are accessible on foot. In regards to location sustainability the site is considered to perform well. The development would provide 3 bed dwellings and one affordable unit, likely offered for a discounted market sale secured by a S106 Agreement. It is therefore considered that the mix of housing proposed is acceptable and the provision of affordable housing is an added public benefit.
53. Saved policy RL5 of the Local Plan sets out that for every 1 hectare of land developed residential purposes, at least 1300 square metres of land should directly be made available on or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities. In this instance and given the site’s constraints it is considered appropriate to secure an offsite contribution of £10,000 through a S106 Agreement. This would be used to maintain and enhance facilities to mitigate the impact of the development in West Auckland.
54. The proposal represents an opportunity to improve the condition of the application site and immediate area which is has a negative impact within the Conservation Area detracting from its character and appearance. The site has also been the subject of anti-social behaviour due to its neglected condition and a source of complaint by local residents to the Council and Police.
55. In principle therefore the site is considered an appropriate location for new housing development being located in a sustainable location with ready access to a wide range of services, facilities and employment sites. Subject to detailed consideration of the acceptability of the development against other relevant local plan policies and those within the NPPF the use of the site for residential purposes would be acceptable.

Design, layout and the effect on the character of the Conservation Area

56. Local Plan Policies, BE1, BE5 and BE8 seek to preserve the historic environment, particularly the character, appearance and setting of Conservation Areas. In Section 12, the NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance.
57. The site is located directly adjacent the West Auckland Conservation Area, a designated heritage asset. West Auckland Conservation Area’s interest lies predominantly in its historic village green and encircling traditional properties, together with its Victorian linear approaches to this historic centre. The buildings around the village green present an almost continuous unbroken frontage, providing a sense of enclosure. Linear developments of late 19th and early 20th century terraced properties follow the main route ways into and out of the village centre, reflecting the later industrial expansion of the settlement. Its form, architecture and aesthetic appearance add to the richness of its character.

58. The site is set just outside of the Conservation Area boundary and is not visible from the Village Green, being screen by buildings lining the Green, including the adjacent derelict care home and those that front onto the highway network. The scale and condition of the care home building creates a prominent negative feature within the Conservation which detracts from its character and appearance. Although this development will not directly address this matter, the proposal is intended to be a first phase of development that would help finance a second phase resulting in the removal of the care home and redevelopment of that site. The applicant has advised that an application for phase two is likely to be submitted later this year following the completion of requisite ecology surveys. Development of the application site itself would also improve its unkempt and overgrown appearance, which offers no positive contribution to the character of the area.
59. The 10no. new-build dwellings would result in a linear block of development backing on to the northern boundary of the site. The properties would be a modern replication of terraced dwellings with relatively traditional proportions, including a vertical emphasis in window arrangement and a 30 degree roof pitch, and brick detailing at eaves height.
60. The Council's Design and Conservation Section advise that the scheme is acceptable in terms of layout, scale and appearance given site constraints. Although standard in appearance the dwellings would be commensurate with the surrounding housing stock and appropriate for this portion of the site and would not adversely affect the character and appearance of the conservation area. It is however recommended that the use of materials and detailing of windows is conditioned to improve the appearance of the buildings. The detailing of boundary treatments will also be required including securing appropriate landscaping of the site. No significant vegetation removal would be required in this phase of development.
61. In terms of Archaeology, WVDLP policy BE17 and the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. After reviewing the history of the site the Council's Archaeology Officer advises a conditional approach to recording and mitigating potential archaeological remains.
62. Neighbouring properties to the north west (rear of Station Road) are sufficiently far away to not be affected by window relationships, either complying with local plan separation distances (21m window to window) or being at obscure angles preventing any significant overlooking. To the east (no. 16 Arnold Street) a separation distance of approximately 12.5m would be evident to the gable elevation of the development. Although this would reduce the outlook of this property, when balanced against improving the appearance of the site, this is not considered sufficient reason to refuse the application. No objections have been received from neighbouring residents in this respect, perhaps reflective in part of the anti-social behaviour issues associated with the site.
63. Taking all of the above into account it is considered that the proposal would be acceptable in design and heritage terms and accordingly would preserve the character and appearance of the West Auckland Conservation Area. It is however noted that a higher design of properties would be expected to be produced in phase 2, especially in relation to those fronting out onto the village green. This would be controlled through the determination of any future planning application. The proposal is considered to comply with WVDLP Policies GD1, BE1, BE5, BE8 and H24, as well as the relevant design and heritage provisions in Parts 7 and 12 of the NPPF.

Access and highway safety issues

64. Saved WVDLP policies GD1 and T1 require that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.
65. The site is currently served by an existing vehicular access off the adopted highway Arnold Street, This would be replaced by a new access from this street to adoptable standards to serve the development and future potential phases. The Highways Authority considers that as amended this access and the internal layout would be suitable to serve the development and could be offered up for adoption. It is also advised that, the development would comply with the Council's established residential car parking standards.
66. In order to improve accessibility and to maintain pedestrian safety it is recommended by the Highway Authority that the pedestrian footway is extended along Arnold Street along the site boundary. This is depicted on the submitted plans but a condition securing implementation is recommended.
67. An existing pedestrian link extends across the southern boundary of the site in east west direction, linking Arnold Street with Station Road. This is a well used route and both the Highway Authority and Public Rights of Way section recommend that it is upgraded to adoptable standard to improve accessibility. A condition to secure this is recommended.
68. Based on the advice of the Highways Authority the proposal is acceptable in highways safety terms and appropriate means of access and highways layout would be created. Subject to the recommended conditions the development would have acceptable permeability to existing developments and overall and complies with WVDLP Local Plan policies GD1 and T1 in this respect.

Ecology

69. An ecology survey has been submitted with the application, highlighting that no protected species were detected on the site. However bats have been observed roosting in the adjacent care home building to the south and are a protected species.
70. The Council's Ecologist has reviewed the submitted ecology survey and has not raised any objections as the application and concludes that this development would not interfere with the identified roosts or result in a loss of habitat. It is highlighted that mitigation and a bat licence would be required in relating to potential future development on phase two, which would be secured through the consideration of any future application.
71. Overall and given the lack of impact on protected species on site, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 and the proposal would comply with NPPF paragraph 118.

Flooding and Drainage

72. National advice within the NPPF and NPPG with regards to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, following the Sequential Test and, if required, the Exception Test.

73. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site (along with the majority of West Auckland) is within flood zone 3a with a high flood risk probability. Flood zone maps are defined by the Council's Strategic Flood Risk Assessment, these maps are based on detailed topographical information, but do not take into account existing flood defences. In West Auckland flood defences in the form of a floodwall on the bank of the River Gaunless are present which would provide protection to the site and surrounding residential properties against a minimum of 1 in 200 year flood event.
74. It is accepted that in relation to the sequential and exception tests referred to in the NPPF and PPG that there are other housing sites available to deliver housing development with less flood risk. However it is considered that in order to facilitate the regeneration of the site and secure associated improvements to the character and appearance of the Conservation Area, the quantum of the proposed housing is justified. In this respect some account also needs to be taken of the likely demolition costs associated with the care home and limited returns on housing in the area. It is also considered that it is unlikely that a less vulnerable land use will come forward on the land given its location and constraints. These wider sustainability benefits are therefore considered sufficient to pass the first part of the exception test.
75. The development is still required to show that it will be safe and will not increase flood risk elsewhere. In this respect in reviewing the FRA the Environment Agency has raised no objection to the application on flood risk grounds. This is on the provision that the finished floor levels of the development are sufficient to meet a 1:200 year flood event and construction flood resilience measures are incorporated, along with the identification and provision of safe routes in out of the site for future residents. The Environment Agency consider that the development is NPPF compliant in regards to matters of flood risk and the development would not impact on the risk of flooding elsewhere.
76. With regards to the disposal of surface water from the site a final detailed design is not included within the FRA. However, the need to adhere to the hierarchy of surface water disposal and the undertaking of further tests to establish whether soakaway and infiltration methods are achievable on the site is outlined. No objections are raised in principle to this approach from the Council's Drainage and Coastal Protection Section or Northumbrian Water. It is therefore recommended that conditions should be added to resolve final surface and foul water disposal on any approval, restricting surface water run off rates to appropriate rates.
77. As a result of the above consultation responses, no objections are raised to the development on flood risk and drainage grounds having regards to WVDLP policy GDP1 and Part 10 of the NPPF and relevant guidance within the PPG.

Other Issues

78. The Environmental Health Section has recommended conditions relating to working hours and construction activities. While recognising that the Environmental Health Section have additional controls outside of planning that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties some form of control is necessary. The issues raised by the Environmental Health Section could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties. No objections are raised regarding the potential impact of neighbouring noise sources on future residents.

79. The Contaminated Land Section has noted that the development would result in “a more sensitive end user” but recommend that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case.
80. Part of the application site lies within the High Risk Coal Mining Referral Area due to the presence of a coal seam. The applicant has submitted a Coal Mining Risk Assessment which concludes that it is likely that the site has been subject to previous coal mining activity. The report recommends a programme of investigation and mitigation to confirm the absence or otherwise of historic workings and appropriate mitigation measures. It is therefore recommended that this be secured by condition, requiring validation of these investigation works before construction of the dwelling commences as suggested by the Coal Authority.
81. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. A condition requiring this is therefore necessary.

CONCLUSION

82. The development of this site for housing would conform with local plan policies supporting new housing within the defined settlement limits of West Auckland. Although the development plan is now out of date in relation to settlement limits when the proposal is assessed against all elements of sustainable development set out in the NPPF, it is considered that the scheme would represent a sustainable form of development, in accordance with the aims of the NPPF, and is therefore considered acceptable in principle.
83. The proposed redevelopment of the site would have a positive impact on its condition and would enhance the character and appearance of the West Auckland Conservation Area, in accordance with national and local planning policy. It is also intended to help facilitate a wider redevelopment of the adjacent care home site which has a number of potential benefits.
84. Although the application site is located within flood zone 3, the Environment Agency do not raise any objections to the development given the existing flood protection measures and subject to mitigation on the scheme. The redevelopment benefits are considered acceptable to meet the sequential and exceptions tests set out in the NPPF.
85. The development would also be acceptable in relation to issues of highway safety, ecology, drainage, amenity, land stability and land contamination, subject to conditions.

RECOMMENDATION

That the application is **Approved** subject to the completion of a Section 106 Legal Agreement to secure the provision of 1 affordable housing unit and a contribution of £10,000 towards the maintenance and provision of public open space in the proximity of the site.

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

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

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

Proposed Elevations, DRWG No 2015/MF/02, Date 4th Jan 2016
Proposed Site Plan, DRWG no. 2015/MF/06, Date 7th Feb 2016

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

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

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7 and 12 of the NPPF.

4. Notwithstanding the submitted information, no development other than preliminary site excavation and remediation works shall commence until details of all fenestration, including the design and material of external windows and doors, the introduction of heads and cills on openings and brick work detailing to be used in the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7 and 12 of the NPPF.

5. No development other than demolition, preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

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

The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years, and replaced if they fail within 5 years of initial planting, not later than the following planting season. .

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7 and 12 of the NPPF

6. No development approved by this permission other than demolition, preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be based on the principles of surface water management highlighted in the Flood Risk Assessment ref RAB: 1211_D V1, Dated 26.10.2015. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley District Local Plan and part 11 of the NPPF.

7. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by RAB of 26/10/2015 ref: 1211_D Version 1.0 and the following mitigation measures detailed within the FRA:
 1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 2. Finished floor levels are set no lower than 106.89 m above Ordnance Datum (AOD).
 3. Flood resilience and resistant measures incorporated into the buildings as per the FRA.

The mitigation measures detailed within the FRA shall be fully implemented prior to occupation of the dwellings hereby approved

Reason: To mitigate the impacts of flood risk in accordance with part 11 of the National Planning Policy Framework

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

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley District Local Plan and part 10 of the National Planning Policy Framework.

9. No development, including demolition and preliminary site works, shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:

- i. the timing of construction works

- ii. parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. measures to control the emission of dust and dirt during construction

Reason: In the interests of residential amenity, visual amenity and highway safety in accordance with policy GD1 and BENV4 of the Wear Valley District Local Plan

10. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii. Postfieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. A timetable of works in relation to the proposed development
 - vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii. A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

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

Reason: To comply saved policies BE17 of the Wear Valley District Local Plan and section 12 of the NPPF

11. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme for the installation of a new adoptable standard pedestrian footway extending from the proposed site entrance up to no.17 Arnold Street has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full engineering details of the footway. The approved scheme shall thereafter be implemented and brought into use prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety and to improve pedestrian access to the site, in accordance with policies GDP1 and T1 of the Wear Valley District Local Plan.

12. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme for the upgrading of the pedestrian footway, which crosses the site linking Arnold Street with Station Road, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full engineering details of the upgrade works. The approved scheme shall thereafter be implemented and brought into use prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety and to improve pedestrian access to the site, in accordance with policies GDP1 and T1 of the Wear Valley District Local Plan

13. Notwithstanding the submitted information, prior to the development commencing a detailed site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the risk of unstable land in relation to historic coal mining activity and make provision for mitigation measures in line with the findings of the investigation report. The development shall be carried out in accordance with the approved report and mitigation measures.

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

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

Pre-Commencement

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

Completion

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

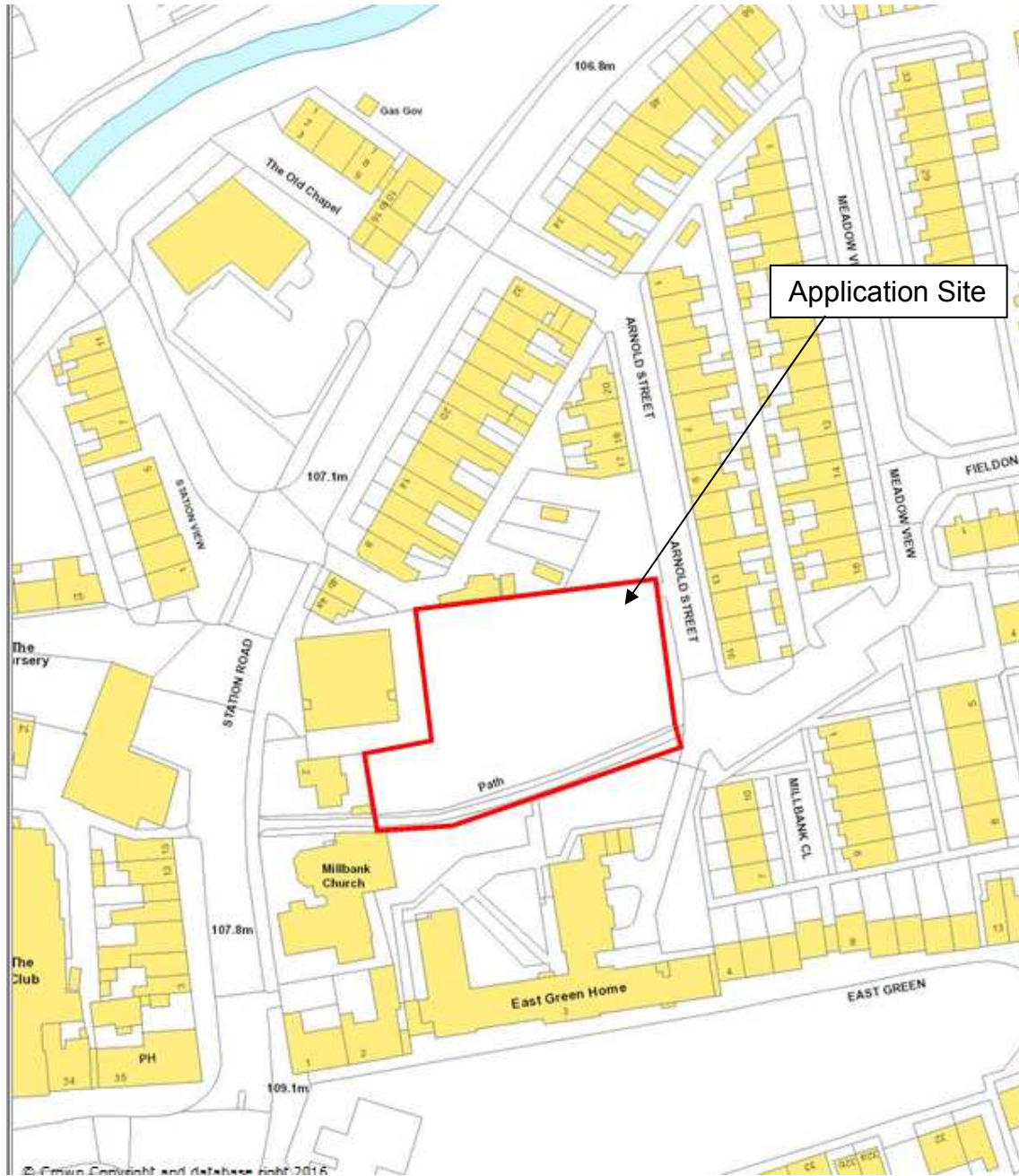
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Consultation responses
County Durham Settlement Study 2012



Planning Services

Part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure

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Comments

Erection of 10no. Dwellings

Date 3 February 2016

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