



Area Planning Committee (South and West)

Date Thursday 23 March 2017
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 16 February 2017 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/16/00528/FPA - Dovecot Hill, South Church, Bishop Auckland
(Pages 13 - 40)
Erection of 56 dwellings with associated infrastructure works and access (resubmission)
 - b) DM/16/02643/OUT - Land To The North And East Of Startforth Morritt Memorial School, Startforth, Barnard Castle (Pages 41 - 56)
Outline application for 40 dwellings with access (all other matters reserved)
 - c) DM/16/04017/FPA - Land At West End Villas, Crook (Pages 57 - 68)
Erection of 40 dwellings
 - d) DM/17/00041/FPA - The Forresters Arms, 35 Collingwood Street, Coundon (Pages 69 - 80)
Conversion of building to provide 6 no self-contained flats
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
15 March 2017

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

Councillor H Nicholson (Chairman)
Councillor M Dixon (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 16 February 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors M Dixon (Vice-Chairman), B Armstrong, D Bell, D Boyes, J Clare, K Davidson, E Huntington, C Kay, G Richardson, L Taylor, C Wilson and S Zair

1 Apologies

Apologies for absence were received from Councillors Morrison and Patterson.

2 Substitutes

There were no substitute Members in attendance.

3 Declarations of Interest

Councillor J Clare referred to Agenda Item 5 d) and informed the Committee that while he was a Member of Great Aycliffe Town Council, he had taken no part in the discussion or consultative comments of the Town Council.

4 Minutes

The Minutes of the Meeting held on 19 January 2017 were agreed as a correct record and signed by the Chairman.

The Chairman changed the order of business to consider item no. 5d) on the Agenda first.

5 Applications to be determined

a DM/17/00080/FPA - Garage Block, Armstrong Close, Newton Aycliffe, Co Durham

Consideration was given to the report of the Planning Officer regarding the demolition of garages and erection of 5 no. dwellings at Armstrong Close, Newton Aycliffe.

The Planning Officer gave a detailed presentation, which included plans and photographs of the site. Members had visited the site earlier.

Mr Barker was speaking on behalf of Great Aycliffe Town Council, in objection to the proposal. He referred to The Neighbourhood Planning Bill which was in the final stages of debate in Parliament and expected to soon become adopted legislation, Clause 1 which would 'give duty to uphold neighbourhood development plans'. Should the Council choose to limit the weight given to Great Aycliffe Neighbourhood Plan (GANP), which was also in the advanced stages, this would send a message to communities that there was no point in contributing to them. He referred to the main objectives of the GANP which was to protect and retain the traditional green areas, open spaces and environment for the community. It has been the single, most important feedback which had been identified following the consultation.

Mr Barker wondered whether the underutilisation of the garages had been a deliberate attempt by the applicant to restrict maintenance and use. He confirmed that if an application for 7 houses without off-street parking had been submitted, it would have been rejected on Highways grounds. The Town Council objected to the proposal on the grounds that it was contrary to Sedgefield Borough Local Plan Policies and would result in the loss of open space. The development would also be contrary to the main objectives of the GANP; to protect the green areas and improve parking in the town. In summary, Mr Barker advised that there were alternative to build houses in Aycliffe and the justifications he had put to the Committee were sound reasons for refusal.

Councillor Hillary addressed the Committee as Local Member and in objection to the proposal. He referred to the transfer of assets between the former Sedgefield Borough Council and the applicant which had taken place in 2009. The terms of the contract included a requirement to maintain all properties, including 2700 garages. It also required the applicant to maintain grassed areas transferred at the same time. Newton Aycliffe had been built on the garden city principles and concepts. Off street parking and garages had been included originally to alleviate traffic issues and parking. In 1965, a time when not every household owned a car, planners had foreseen this growth.

Councillor Hillary referred to some photographs that had been submitted prior to the meeting and displayed to the Committee. They showed that the parking bays on Armstrong Close were well used and overflow parking was taking place on the roadside. He referred to the review of garage stock undertaken by the applicant and confirmed that it had taken two years to complete, during which time all applications for garages had been put on hold. He wondered how many people were on waiting lists for garages at Armstrong Close and surrounding areas.

Councillor Hillary referred to an earlier application which had been granted permission and resulted in the applicant demolishing garages and building houses on the land at Baliol Road. The consequences of this development had resulted in himself and Councillor Iveson spend £23k of their neighbourhood budget to provide off street parking in the area as residents were parking on grassed verges and destroying them. Councillor Hillary responded to the claims that there would be little impact caused, by arguing that all householders in the three neighbouring streets would be affected.

Councillor Hillary considered the number of applications which had been submitted by the applicant was high and he questioned whether the applicant had intentionally allowed the garages to become dilapidated, rather than maintain them as per the terms of the asset transfer. He considered that the garage block provided a turning point for vehicles and the removal of that would create a problem for delivery vehicles, bin wagons and emergency services. He asked the Committee to reject the application on parking issues alone.

Councillor Bob Fleming, Leader of Great Aycliffe Town Council objected on behalf of the Residents Association and addressed the Committee as a representative and local resident. He referred to when Newton Aycliffe was founded and of Lord Beveridge's vision of a garden city to provide communities centred around green areas for children to play safely. The grassed area which was referred to in the report had been used by generations of families for over 50 years.

Councillor Fleming referred to his time as Leader of Sedgefield Borough Council and recalled the transfer of assets to the applicant, which at the time was known as Sedgefield Borough Homes. He confirmed that as part of the contract, covenants were included in the transfer which sought to maintain the land and protect it from development. The purpose of the developing GANP had consistently been to protect green spaces and alleviate parking problems. He referred to documents which had been submitted to Members prior to the meeting via Great Aycliffe Town Council and referred to local news articles from 2008 expressing concerns from local Councillors regarding the protection of green space.

Councillor Fleming reminded Members that nine similar applications had been put forward by the applicant, many of which had been successful and resulted in the provision of new housing in the area. In addition the applicant had identified ten more potential development sites. He urged Members to help protect Newton Aycliffe's open spaces and reject the application.

Mr Kitchen addressed Members on behalf of the applicant and in support of the application. He reminded the Committee that that the applicant was a provider of affordable homes and was regulated by the Homes and Community Agency to ensure maximum value for money. The applicants business plan included a 1% rent reduction and a £500k investment plan and any profit generated from the development would be invested back into the garage stock. This would assist the refurbishment of those properties identified by the stock conditions surveys as in demand and profitable.

With regards to the GANP, Mr Kitchen reminded the Committee that it was still an emerging document and could not be considered as a reason for refusal. The applicant had been involved in the development stages of the plan and provided assurance that some areas which had been identified as significant to the community, would be protected. This site was not one of those identified. Mr Kitchen refuted the allegation that the applicant had deliberately allowed the garages to fall into disrepair and confirmed that extensive data had been collected to establish a refurbishment plan on the long term, sustainable garages. The applicant aimed to relocate existing tenants and offer in-curtilage parking where possible.

With regards to the housing white paper which had been recently published, Mr Kitchen confirmed that the governments plan was to reform the housing market and increase the supply of new homes. The applicant was making an attempt to make better use of existing land and meet the strategic housing need, and any future development plans would do the same.

The Chairman invited the Solicitor – Planning and Development, to clarify reference to the GANP, who confirmed that it was an emerging plan and could not be given full weight, however it could not be considered, and reference to what extent was made in the report.

The Chairman invited the Highway Development Manager to comment on the issues raised, who confirmed that of the occupied garages, there was the potential for an additional 7 vehicles could be displaced on to the Highway. He confirmed that some of the tenants had the provision of parking at their homes in the form of a driveway or garage, however consideration should be given to the impact caused by the dispersion of vehicles onto the road. Additional vehicles would result in competition for a layby, however it was not severe and did not create any danger. Driver frustration did not justify an objection from the Highways Authority. There had been no data recorded with regards to any road traffic accidents and in response to comments raised regarding the turning of vehicles, a refuse collection would continue to use the same route as usual and no additional problems were envisaged.

Councillor Dixon confirmed that the Committee were tasked with weighing up whether the social element of retaining the open space outweighed the economic element of the provision of housing. He referred to the GANP and although it could not yet be given full weight, he acknowledged that the Committee could give it some consideration. There were two key issues regarding parking and green space and both of those issues were core principles of the plan. He referred to the statement by the Highways Development Manager who had confirmed that parking was not as severe as to amount to an objection by the Highways Authority, however as a local Councillor he was aware that parking was a severe problem and no solution had been offered by the applicant to address the issues raised by objectors. He confirmed that unlike a private developer, the applicant had a social obligation to adhere to and their mandate was to assist in developing strong communities. Councillor Dixon had observed a lack of engagement with the local community and advised that a consultation would have assisted in addressing some of the concerns brought to the Committee. On balance, he concluded that the negative impact outweighed the positive aspects of the development and therefore moved refusal of the application.

Councillor Clare agreed that the Committee were tasked with balancing two arguments. The positive outcome of this proposal was the provision of 5 new houses in the area to meet demand, however had this been an application for social housing he considered it would have had greater weight. The loss of 5 market value priced dwellings would be no great loss to the housing supply or to those in desperate need of social housing. He referred to paragraph 72 of the report which confirmed that the applicant had the authority to serve tenants with one weeks

notice to vacate the garages with no obligation to provide alternative means of parking, and saw this as an implied threat to demolish them in the absence of a positive outcome.

Councillor Clare referred to the aerial photograph of Newton Aycliffe and highlighted the green areas which had been created specifically for the purpose of enjoyment by local people. In his opinion, the destruction of one of these areas could have a disastrous effect on the people who lived there and also set a precedent for the future, in effect it would go against the entire purpose of the New Town.

With regards to parking, Councillor Clare referred to the Highways Development Managers acknowledgement that demolition of the garages would result in vehicles spilling onto the highway. Although he did not feel this to be severe, the number of vehicles on the highway was not relevant when considering the impact the loss of green space would have to the local community. Councillor Clare confirmed that there had been approximately 111 garages demolished in various proposals approved by the Council and submitted by the same applicant and all of those cars had been dispersed onto the Highway. Parking had not been remediated in any way for any of these applications and therefore the Committee had to consider the cumulative impact. The policies within the GANP were relevant and Councillor Clare seconded refusal of the application.

Councillor Boyes referred to County Durham's New Towns, Newton Aycliffe and Peterlee, which had both been created with the inclusion of valuable open space. He had concerns should planning permission continue to be granted at the expense of open space and confirmed that he would not be supporting the recommendation to approve the application.

Councillor Davidson confirmed that the ownership of the land and terms of the asset transfer was not a consideration for the Planning Committee, however open space was an integral part of Newton Aycliffe and was always intended to be used as public amenity space.

Councillor Kay confirmed that although the money would be re-invested and the scheme had strong economic benefits, it was not such to outweigh the environmental and social detriment of losing more green space.

Councillor Richardson confirmed that he would support the recommendation to refuse the application.

Resolved:

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

1. The development of the site would result in loss of open space land which would unacceptably alter the character of the local area contrary to Sedgfield Borough Local Plan Policy L5 and emerging Great Aycliffe Neighbourhood Plan Policies CH1 and CH3.

2. The development would have an unacceptable impact up the residential amenity of surrounding occupiers due to increased on-street parking contrary to Sedgefield Borough Local Plan Policies H17 and D3 and emerging Great Aycliffe Neighbourhood Plan Policy T1.
3. In accordance with paragraph 14 of the NPPF it is considered that the economic, social and other benefits of the proposed development are significantly and demonstrably outweighed by the adverse impacts of the proposed development.

b DM/16/02030/FPA - Lloyd Ltd, St Helen Way, St Helen Auckland, Bishop Auckland

Councillor Boyes left the meeting at this point.

Consideration was given to the report of the Senior Planning Officer regarding an application for a proposed warehouse, office and showroom extension with associated external works and change of use of land to vehicle storage at Lloyd Ltd, St Helen Way, St Helen Auckland, Bishop Auckland.

The Senior Planning Officer gave a detailed presentation that included plans and photographs of the site.

The Senior Planning Officer informed the Committee further comments from Northumbrian Water Ltd were expected regarding drainage at the site and should the application be approved it would be subject to a further condition regarding a Drainage Strategy.

Councillor Wilson, Local Member, confirmed that the scheme would bring jobs to the local area and as concerns regarding external lighting had been addressed, she supported the scheme and moved the recommendation to approve.

Councillor Davidson seconded the recommendation.

Resolved:

That the recommendations as outlined in the report be approved subject to the addition of the following condition:

10. Prior to the commencement of development a Drainage Strategy shall be submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

c DM/16/03491/OUT - Ceramic Tile Centre, 3 Union Street, Bishop Auckland

Consideration was given to the report of the Senior Planning Officer regarding an outline application for up to 17 no. apartments with all matters reserved except access, at 3 Union Street, Bishop Auckland.

The Senior Planning Officer gave a detailed presentation that included plans and photographs of the site.

The Senior Planning Officer informed the Committee that the Coal Authority had not yet made formal comments on the application and should the application be approved, sought delegated authority to issue the permission subject to satisfactory comments being received.

The applicant's agent, Mr Lavender, addressed the Committee in support of the application and confirmed that the scheme put forward would deliver the benefit of affordable housing in the Town Centre and aid regeneration. In addition a contribution for off-site recreational would be provided via a section 106 agreement.

In response to Councillor Dixon regarding the draft plan of the building, the Senior Planning Officer confirmed that the design of the building was yet to be agreed and full plans would have to be submitted should the Committee grant approval of outline permission.

Councillor Zair, Local Member, confirmed that he welcomed the development; it would improve the visual appearance of the area, create housing and provided a welcome contribution towards open space. Councillor Zair moved the recommendation to approve.

Councillor Richardson observed that the road at the rear of the premises was narrow and queried whether it was suitable for vehicles turning. The Senior Planning Officer confirmed that parking provision had been provided at the rear of the property and it was recessed from the road.

Councillor Davidson seconded the recommendation to approve.

Resolved

That the application be approved subject to;

- The completion of a Section 106 Legal Agreement to secure financial contributions towards play and recreational facilities at a pro-rata rate of £1000 per residential unit and the provision of 10% affordable housing and;
- No objections being raised by the Coal Authority and;
- The recommendations as outlined in the report.

d DM/16/03932/FPA - George And Dragon Inn, Boldron, Barnard Castle

Consideration was given to the report of the Senior Planning Officer regarding change of use to a single dwelling at the George and Dragon Inn, Boldron, Barnard Castle.

The Senior Planning Officer gave a detailed presentation that included plans and photographs of the site.

Mr Ryan was a local resident and regular user of the George and Dragon, objecting on the grounds that should the change of use be approved, it would be irreversible. Mr Ryan considered the asking price for the pub was too high to attract enquiries and the viability of the George and Dragon could not be properly assessed unless the accounts were made public. Mr Ryan suggested that the application be deferred until such information was presented.

Mr Race, the applicant, confirmed that he had owned the George and Dragon for ten years. In that time he had never made a significant breakthrough in terms of the business, despite every attempt to make it successful. He had offered various services such as evening meals, Sunday lunch and Bed and Breakfast, but had suffered a huge financial loss. As a last resort, Mr Race had advertised the business for sale which resulted in the premises being leased, however the tenant left. Following that, Mr Race closed the property and invested in a full refurbishment. He was approached by local residents in 2014 who expressed an interest in purchasing the premises, however no formal offer was ever received and the George and Dragon reopened for business. Mr Race had anticipated that this would be a success however aside from a few regular customers, the community did not embrace the business and the premises was put back on the market for sale.

Mr Race confirmed that he applied for a notice for closure in November 2016 and the final day of trading was on 6 February 2017. Mr Race had lost a considerable amount of money attempting to make the business a success but sadly, all attempts had failed. He acknowledged the ongoing support from a small group of local residents, however the majority of Boldron and the wider community did not use the George and Dragon, and furthermore, a modern refurbished Village Hall was able to service the village in its absence.

The Chairman invited the Planning and Development Solicitor to comment on the viability of the premises as a public house and it was confirmed that evidence had been provided by the applicant and scrutinised.

The Chairman commented that it was sad to see the demise of a local business and the impact on the village as a result.

Councillor Kay confirmed that it was regrettable that the George and Dragon would be lost, however it was not a unique situation – many licenced premises were facing similar fates with supermarkets offering cut price alcohol and people choosing to drink at home. The applicant had made genuine attempts, losing a significant amount of money, to make the business work and retain it for the community. With sadness, Councillor Kay moved the recommendation to approve the application.

Councillor Clare confirmed that it was a common sight when passing through communities to see closed down, dilapidated buildings. He considered that converting this property to a residence was more preferable than becoming a blot on the landscape, and therefore seconded the recommendation to approve.

Resolved:

That the recommendation as outlined in the report be approved.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00528/FPA
FULL APPLICATION DESCRIPTION:	Erection of 56 dwellings with associated infrastructure works and access (resubmission).
NAME OF APPLICANT:	Gleeson Developments Ltd
ADDRESS:	Dovecot Hill, South Church, Bishop Auckland, County Durham, DL14 6TA
ELECTORAL DIVISION:	Shildon and Dene Valley
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a 1.57ha rectangular shaped parcel of land located to the south east of Bishop Auckland. The site lies adjacent to South Church Enterprise Park being separated on the western boundary by a Public Right of Way (Dene Valley No.97) and a line of trees/hedge predominantly down the eastern side of the path. The site is bordered to the south by Dovecot Hill a public highway and to the east by terraced dwellings along Bigland Terrace, West View and Rosemount Court. Site levels are relatively flat, although the land falls steeply beyond the northern boundary to the River Gaunless.
2. The site is located approximately 340m to the south of the Grade I Listed Building of the Church of St Andrew and 260m to the south east of the Grade I Listed Buildings of East Deanery. Bishop Auckland Conservation Area lies 1km to the west of the site.

The Proposals

3. The proposal involves amendments to a scheme that was refused planning permission on appeal. Detailed planning permission is now sought for the erection of 56 dwellings a new access and associated infrastructure works. The dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road. The layout has been designed to provide an active frontage onto Dovecot Hill while corner turning units are proposed to be utilised in key locations thought the site. The dwellings would be constructed from brick with pitched roofs 2 storey in nature. There would be a mix of 2 bed semi-detached (14), 3 bed semi-detached (24) 3 bed detached (13) and 4 bed detached dwellings (5).

4. There would be small areas of incidental green open amenity space within the scheme whilst a 3m high acoustic barrier consisting of 2m high fence on top of a 1m high mound would be erected along the western boundary. Existing vegetation would likely need to be removed to facilitate this, however new hedgerow planting is proposed along the fence line.
5. A new vehicular access onto Dovecot Hill is proposed with the existing access stopped. A secondary pedestrian access to the north western corner of the site is proposed to provide a link onto the PROW.
6. This planning application is being reported to South West Planning Committee because it is a residential development over 10 dwellings.

PLANNING HISTORY

7. The site was previously used for private allotments, however this use ceased in approximately 2013 and the site reverted to an agricultural use.
8. Planning permission was refused in 2015 for the erection of 61 dwellings (DM/14/02040/FPA) for the following reasons:-
 1. *The proposed development would result in the loss of an area of open space which contributes to the character and amenity of the area, contrary to saved policy BE14 of the Wear Valley District Local Plan.*
 2. *The development is not considered to represent Sustainable Development when considering all of the elements of the National Planning Policy Framework and would give rise to a development that is poorly related to neighbouring uses and community facilities.*
9. A subsequent appeal was dismissed in 2016. In the planning balance the inspector concluded that the site was an appropriate location for new development and would not have a significant visual impact on the surrounding landscape. However it was concluded that the development did not adequately address the existing noise climate in order to ensure that proposed residents are not adversely affected by the activities at the adjoining industrial premises. As a result, the inspector considered that existing businesses would be likely to be hampered in their ability to carry out their day to day activities and unable to expand without additional burdens, in the form of noise controls being placed upon them. It was also concluded that the proposal would be likely to reduce the attractiveness of the vacant plot of land to the north east of the industrial estate to an inward investor.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to

approach development management decisions positively, utilising twelve 'core planning principles'.

11. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
13. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
14. *NPPF Part 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.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
17. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, 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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

Wear Valley District Local Plan (2007) (WVDLP)

21. *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.
22. *Policy BE14 - Open Spaces* - Sets out that open spaces which contribute to the character and amenity of the area within the defined development limits will be protected from development.
23. *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.
24. *Policy BE23 (Provision of Public Art)*. In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
25. *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.
26. *Policy H3 (Distribution of Development)*. New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
27. *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

28. *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.
29. *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.
30. *Policy I4 (Prestige Industrial Sites)* – Identifies land including South Church Enterprise Park will be safeguarded for employment land for B1 and B2 uses
31. *Policy RL5 (Sport and Recreation Target)* - For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
32. *Policy T1 (General Policy – Highways)*. All developments which generate additional traffic will be required to fulfil Policy GD1 and 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 relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-savedpolicies/pdf/WearValleyLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

The County Durham Plan

33. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) 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. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Highways Authority* – Advise that the proposed access to the site would be better if it was offset from the opposite industrial access, however overall the submitted scheme is considered acceptable from a highway safety point of view, subject to amendments to the site layout in terms of parking provision. It is also advised that

the surrounding highway network is capable of accommodating the increase traffic flows.

35. *Drainage and Costal Protection* – Advise that a surface water drainage scheme should be developed prior to the commencement of development which utilises sustainable urban drainage techniques where appropriate, limiting discharge from the development to greenfield run off rates.
36. *Northumbrian Water* – Raise no objection subject to a condition requiring the drainage scheme to be implemented in accordance with the submitted details limiting the discharge rate to 7 Litres per second.
37. *Dene Valley Parish Council* – No comments received.

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – The Wear Valley District Local Plan was only intended to cover the period up to 2006 with the amount of housing land identified as allocations consistent with the assessment of housing need available at that time. That assessment is no longer considered to be up to date and compliant with the NPPF in terms of meeting the full, objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore out of date in respect of how to appraise housing applications in relation to supply.
39. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority is unable to demonstrate a five year supply of deliverable housing sites. This is also the case within County Durham, so even had the housing policies not been out of date on the basis of the evidence they would nonetheless be rendered 'not up-to-date' on account that a 5-year housing land supply cannot be demonstrated.
40. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular the tests set out within NPPF Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole and the remaining relevant saved policies of the WVDLP. There are no specific policies from the NPPF which indicate the development of this site should be restricted.
41. On this basis and in line with the original appeal decision the key issue is whether development would be compatible with nearby industrial businesses and whether housing can be developed in this location without future residents suffering from a poor living environment which in turn could curtail future activities at the industrial premises.
42. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the submitted noise assessment is robust, and currently demonstrates that noise levels would be equal to or close to the levels stated in the Councils Technical Advice Note in relation to noise (TANS), following mitigation works. However it is highlighted that there are a range of uncertainties that the assessment is unable to address, due to the nature of the site. The consultant's has stated a view that at times if significant nighttime working was introduced noise may be significantly above the levels given in the TANS. It is noted that evidence from the previous assessment shows significantly

different results from the most recent survey. Significant concerns are raised in relation to the potential future impact of noise from the commercial premises, especially considering the level of uncertainty. However from a statutory nuisance point of view following due consideration of the assessment and the lack of existing complaints from properties, no objections are raised. This is however based on the current operations identified at the site, should the businesses change operation in the future then this view may alter.

43. *Landscape*– Advise that in order to accommodate the proposed acoustic fence the trees and most of the hedgerow would need to be removed along the route of the public right of way. On the basis of the previous appeal decision the development of the site would not result in significant landscape visual effects, subject to protecting existing vegetation of site and developing a robust landscaping scheme.
44. *Landscape (Arboriculture)* – Raises concerns regarding the proximity of the fence to existing trees on the western boundary and the need to ensure that an adequate green buffer is retained between the industrial units and the development. Suggestions are also made on the type of tree species proposed in the planting schedule.
45. *Education* – Advise that a development of 56 houses could produce 17 additional primary school pupils and 7 additional primary pupils. It is advised that there are sufficient primary and secondary school places in the area to accommodate pupils from this development.
46. *Sustainability* – Offer no objections following the provision of a second pedestrian access onto the PROW, a condition to reduce the scheme energy use is recommended.
47. *Archaeology* – Advise that the applicant has submitted the results of a field evaluation as part of the application, this shows that no archaeological remains were encountered during the fieldwork. No further mitigation is required in this respect.
48. *Design and Conservation* – Advise that the primary heritage consideration in regard to this application is the impact of the proposal on the setting of the grade I listed St Andrews Church. The conclusions of the submitted heritage statement which state that there will be no harm as a result of the development being read within an already developed landscape are considered reasonable. It is therefore advised there is no objection to this proposal on heritage and design grounds.
49. *Housing Delivery* – Advise that there should be a minimum of a 10% provision of affordable housing on site, unless it has been agreed for viability purposes this cannot be achieved.
50. *Public Rights of Way* – Identify the presence of a number a Public Rights of Way in the vicinity of the site (Footpath 97 Bishop Auckland and Shildon). Officers advise that a pedestrian link from the development is encouraged.
51. *Ecology* – Advise that the ecology report/addendum found that there were no ecological constraints to the development, however the site lies adjacent to the river Gaunless green corridor, substantial hedges, and wildlife corridors (potentially for bat foraging/commuting) and breeding birds. A bat survey concludes that although bats are using the site for foraging purposes this is largely confined to the western boundary and any displacement though the development would be unlikely to impact on the local conservation of the species. Mitigation measures are also proposed in terms of controlling lighting to further reduce any potential impact. It is highlighted

that the NPPF requires a net biodiversity gain, given the lack of green space on site and a suitable contribution or condition towards off site green infrastructure and biodiversity enhancements should be secured. It is noted that there is an existing disused railway line within 180m to the south of the site owned by the County Council, there may be opportunities to enhance this feature both for biodiversity gain.

52. *Environmental Health and Consumer Protection (Contaminated Land)* – Following review of a phase 1 contamination report and phase 2 site investigations a conditional approach in relation to validation of the remediation of the site in relation to land contamination is recommended.
53. *Employability* – Request that targeted recruitment and training clauses are included within a S106 legal agreement in the event of approval.

EXTERNAL CONSULTEE RESPONSES:

54. *Police Architectural Liaison Officer* – Concerns are raised regarding the link from the development to the adjacent footpath, as this would provide an effective escape route for anyone committing crime on the development. An alternative location is the road junction between plots 52 and 54 or 46 and 49, lighting columns should be placed adjacent the footpath entrance and the parking bay removed.

PUBLIC RESPONSES:

55. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents. 22 letters of objection have been received from neighbouring residents and businesses in relation to the development as summarised below:
 - The revised layout does not address concerns raised by the planning inspector and the potential conflict of the housing and existing commercial and industrial activities remain. Neighbouring businesses can legitimately operate over a 24 hour period and may do so if their operational demand requires this.
 - Complaints have been made by existing residents regarding odour from current operations who are located a significant distance from the application site. This highlights the potential conflict which would be worse as the proposed dwellings would be closer to the businesses.
 - The proposed 3m acoustic barrier would create unacceptable living conditions for future residents, particularly given the size of the proposed gardens.
 - Land safeguarded for employment uses within the Wear Valley District Local Plan, is in the process of being purchased by business operators. The siting of housing adjacent to this site would have implications on the potential future use of the site.
 - The proposal represents development on a green field site which is protected from development in policies within the Wear Valley Local Plan. The site is currently used as open space and forms part of the Green Belt and should be protected. The need for the development within South Church is questioned, given the withdrawn County Durham Plan. No affordable housing is proposed within the development.

- There are no facilities within the immediate area for future occupants to use while a strain will be placed on existing services by an increase in the population.
 - There is no play provision on the site for future residents to use while existing play areas are only accessed across busy roads.
 - Concerns are raised regarding a loss of residential amenity through a loss of outlook due to the separation distances to the properties and proposed boundary treatments. The development of the open space will impact on the view experienced by properties bordering the site while disruption will be caused through the construction of the dwellings and once they are occupied.
 - The development would result in the loss of value to existing properties while restricting access for maintenance.
 - Concerns are raised regarding the loss of the character of the village and the impact on surrounding historic buildings and potential archaeological interests. The design of the buildings does not relate to existing housing stock.
 - The existing road network cannot accommodate additional traffic while there would be conflict with industrial uses. The poor condition of existing roads in the vicinity of the site is highlighted.
 - The development would have a negative impact the ecological interest of this greenfield site.
56. The Rt. Hon. The Lord Foster of Bishop Auckland DL objects to the application advising that the revised layout does not alleviate concerns for the future protection of businesses on South Church Enterprise Park and the threat of future residents complaining about noise from industrial units which could give rise to restrictions being placed their operations. It is considered that the Local Planning Authority should not planning authority should not place the interests of housing above the interests of business, investment and employment.

APPLICANTS STATEMENT:

57. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable.
58. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services. The viability of the site has been scrutinised and although affordable housing cannot be provided, contributions are proposed towards open space provision in the locality. The proposal achieves a density level of around 35 dwellings per hectare and is integrated well into the locality through the design proposals which accords with National Planning Policy.

59. All criteria required to be complied with in Policy requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended several times during the planning submission, to take into account the comments made.
60. Development of this site would bring a number of benefits to South church including additional Council Tax of £65,000 and New Homes bonus payments of £392,000 payable over 6 years to the Council. The scheme would also provide a number of jobs and apprenticeships to local people, as well as safeguarding many current jobs.
61. However, despite the above comments this application is recommended for refusal by the Officer. It is noted that the Environmental Health Officer has confirmed that current noise levels would not cause a statutory nuisance, and that mechanical ventilation has been proposed so that sleep would not be disturbed even if the businesses were to change in operation and become noisier during the night. The Noise assessment provided with the application clearly demonstrates that the site can be developed in a way that residents have an appropriate level of amenity. The revised layout submitted with the revised application does indeed reflect this.
62. The proposed development will not preclude future development of the industrial estate or indeed, further noise development on the industrial estate. Of course, new development will have to be designed so as to take account of nearby residential properties, including those to the north and existing residential development to the east, whether or not the proposed new development is carried out. This can be addressed by alignment of buildings to shield residential properties from any potential noise rather than placing noisy activities on open boundaries to the site. If development of housing was prevented on sites near businesses 'just in case' they might change to a noisier use in the future, much of the Country would be unsuitable for development. Future development on the site will not be prevented providing that appropriate measures are taken and these need not be costly.
63. In the light of the recent White Paper with its clear identification of a need to build new homes as soon as possible and widen the opportunities for building homes fast, combined with the previous Inspector's conclusions on the suitability of the site for housing development in terms of its location and design, it is clear that there is a strong presumption in favour of the proposed development from a National Policy standpoint. The proposals will create a development where the residential amenity of the new residents will be of an appropriate level, and measures have been put in place to ensure that, even if there is an increased noise environment during the night, residential amenity can be maintained. There is no evidence that there are plans for any business development that would be likely to impact upon this situation. If the vacant industrial land is to be developed in the future it could clearly be designed in a way to minimise disturbance simply by way of orientation of structures within the site. Given the strong reasons in favour of the site, and the lack of any evidence to suggest that this strong presumption could be outweighed by any other consideration, the proposals should be permitted as soon as possible to allow this site to be brought forward for much needed housing development.

PLANNING CONSIDERATIONS AND ASSESSMENT

64. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, noise, landscape impact, layout and design, highway safety and access, ecology, heritage and archaeology, residential amenity, flooding/drainage, other issues and planning obligations.

The Principle of Development

The Development Plan

65. 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 the statutory 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 due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.
66. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

67. 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 this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

68. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
69. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the WVDLP are out-of-date as outlined below.

Five Year Housing Land Supply

70. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
71. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
72. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
73. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
74. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the local plan may be out of date for other reasons, as discussed below. These can only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

75. Given the age of the WVDLP and housing supply figures that informed it, the housing supply policies do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
76. WVDLP Policy H3 sets out that new development should be located to the towns and villages best able to support it setting out limits of development providing there is no conflict with other policy of the WVDLP. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF. It is however recognised that the NPPF promotes a more flexible approach to site selection based on the sustainability of the development as a whole. It is considered that moderate weight can be afforded to this Policy in accordance with Paragraph 215 of the NPPF.
77. The site designated under saved Policy BE14 of the Local Plan as an Open Space within a built up area. Policy BE14 sets out that open space that contribute to the character and amenity of the area as designated in the WVLP Proposal map will be protected from development. It is noted that designating large areas of open space is not recognised within the NPPF as a method to safeguard land, however case law indicates that green wedges and other landscape designations may be considered NPPF-compliant. It is considered that moderate weight can be afforded to this Policy in accordance with Paragraph 215 of the NPPF in this respect.
78. Due to the protection of the site as an open space under policy WVDLP BE14 the proposals draw no support from WVDLP H3. However as WVDLP Policy BE14 can be partially regarded as a policy which controls the supply of housing it is also considered out of date for the reasons set out above.
79. Remaining policies within the WVDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
80. Overall the development of this site for housing would conflict with local plan policy BE14. However WVDLP policies for the supply of housing and development are not fully NPPF compliant or not up to date. This does not mean that they should be disregarded or be given no weight, but the weight that can be afforded to them is reduced. As a result the acceptability of the development largely rests on whether any adverse impacts of approving the scheme would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

81. The County Durham Settlement Study 2012 is an evidence based document which categorises Bishop Auckland as a Main Town (which includes South Church) with a wide range of services and amenities such as primary and secondary schools, medical provision, community facilities and employment sites with transport hubs. In line with the now withdrawn County Durham Plan Bishop Auckland was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The

erection of 56 dwellings is considered to be proportionate to the role of the town within the settlement hierarchy and the level of services provided.

82. NPPF Paragraph 61 sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of South Church and wider development of Bishop Auckland by creating a pedestrian connection onto the PROW on the western boundary. Although this Public Right of Way is unlit and is unsurfaced in places it does provide linkages into South Church itself, including the primary school and play facilities.

83. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. The Institution of Highways and Transportation (CIHT), in their document "Providing for Journeys" suggest the following walking distances to services:

	<i>Town Centre</i>	<i>Commuting/School/Sightseeing</i>	<i>Elsewhere</i>
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m

84. In assessing the application against the above distances when measuring centrally to the site a distance of 2100m is evident to the town centre, 200m to South Church Enterprise Park. A distance of 1900m is evident to the nearest secondary school and 724m to the nearest primary school. The nearest local shop/local retail centre is located 1700 away while the nearest GP is located 1800m away. Higher education and hospital facilities are located in Bishop Auckland.

85. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', and are therefore towards the higher end of distances or beyond that residents may reasonably be expected to walk. Whilst recognising the degree of separation provided by the A688 it is noted that Bishop Auckland is one of the largest settlements within the County with the joint highest sustainability score (with Durham City) as set out in the Council's Settlement Study 2012. This is in recognition of the wider range of services and amenities, employment opportunities and transport linking including a town centre train station.

86. In terms of cycle access, the site does perform better, with services in the town centre within a 5 minute cycle ride. Bus stops are located on the north and southbound Rosemount Road a maximum of 350m walk for future residents which would give access to the town centre and connections beyond on a regular basis. A range of transport options would therefore be available for future residents.

87. Overall it is considered the pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. This is in line with the Inspector's conclusions in the appeal where it was deemed that the development would comply with the locational principles set out in the NPPF. The scheme is therefore considered to accord with WVDLP Policies GDP1 and H24 of the WVDLP in this respect which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF.

Noise

88. Wear Valley District Local Plan policy GD1 requires that new developments do not disturb or conflict with adjoining uses. This policy is considered consistent with the NPPF, which at paragraph 109 sets out that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from or be adversely affected by unacceptable levels of noise pollution. Furthermore at paragraph 123 the NPPF sets out that planning policies and decisions should aim to avoid noise that gives rise to significant adverse impacts on health and quality of life. It is also recognised that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. It is also accepted that measures may be put in place to mitigate or minimise the adverse effects of noise including through the use of conditions. Due to its conformity with the NPPF significant weight should be afforded to policy GDP1 in the decision making process in this respect. It is also identified that paragraphs 109 and 123 of the NPPF are policies which indicate development should be restricted if there is conflict for the purposes of paragraph 14 of the NPPF.
89. As set out above the application site is located with close proximity of South Church Enterprise Park, designated a Prestige Industrial Estate within the WVDLP. The Estate has a number of successful businesses and a high occupancy rate in comparison to other industrial estates and employment sites within the local area (approx 90%). The proposed development would be located a minimum distance of 15m away from the nearest industrial units. These units consist of single storey steel clad and framed buildings with large areas of hardstandings utilised for goods deliveries, external storage and manufacturing processes. Activities within these units fall within a B2 planning use class and specifically include a steel machining business and a plastics moulding facility. There are no planning restrictions on the use or nature of these units in terms of operating hours, processes, external operations, vehicular movements and deliveries.
90. The key consideration in the appeal on the original application was the relationship between the potentially conflicting uses of commercial and housing and the potential impact on future residents and the ability of businesses to continue operating without restrictions placed on them. In order to address this potential conflict the applicant proposed mitigation measures to reduce the monitored noise level of these businesses on future residents. The Planning Inspector concluded the noise monitoring had not taken account of all of the noise sources at nearby industrial premises whilst the mitigation proposed was on the cusp of relevant thresholds. It was also noted that other noisy activities at the industrial premises, which may not have been captured in the noise surveys undertaken would result in readings above relevant noise levels. This could impact on the amenity of future residents and the operation of existing business due to potential restrictions through statutory noise nuisance.
91. In this revised planning application, the applicant has revised the site layout, by realigning the internal road layout adjacent the western boundary. This has moved the majority of the dwellings a minimum of 16m away from the boundary fence, however plots 55 and 56 would be in a similar position sited 6.5m from the site boundary. In support of the resubmitted planning application the applicants have undertaken a revised noise impact assessment, the scope of which was agreed with the Council's Environmental Health and Consumer Protection Section (EH) prior to submission. This involved noise monitoring over 2 weeks including some 24hr

periods. In reviewing the submitted assessment EH Officers advise that the methodology undertaken is robust and is appropriate for the nature of the site and existing noise climate. It is advised that the noise assessment demonstrates that the noise levels arising from the monitored industrial operations are in excess of the levels stated in the Council's Technical Advice Note on Noise (TANS). Therefore mitigation has been proposed by the applicant in the form of a 3m high barrier which would reduce noise levels by 7dB at the top floor windows, along with acoustic ventilation incorporated in the building fabric. This would bring noise levels in the round equal or close to the levels set out in the TANS.

92. However, it is highlighted by EH Officers that there are a range of uncertainties that the assessment is unable to address due to the nature of the site and adjacent uses. Evidence from the previous assessment demonstrates significantly different results from the most recent survey which indicate the changing nature of surrounding business and noises generated from a range of activities. Other uncertainties are highlighted by EH Officers include the location of noise sources (a higher level flare burner was previously identified) which would reduce the effectiveness of the acoustic barrier.
93. Due to concerns raised in the appeal the applicant's consultant has modelled what the impact from noise might be should the businesses expand to include significant night-time working. It is advised by EH officers that even with the acoustic barrier in place the noise level would still be significantly above the TANS threshold levels (15db above background as opposed to 5db). The submitted noise report considers potential noise levels including the proposed mitigation against "sleep disturbance levels". It is identified that there could be 6 times per hour where noise may be at such a level so as to disturb sleep (assuming worst case scenario). Whilst many residents might be expected to have their windows closed during these periods the Council's EH Officer has advised in relation to statutory nuisance that people are entitled to have their windows open and not be subjected to excessive noise from a distinct noise source. The Noise Policy Statement for England (referred to in foot note 27 of paragraph 123 of the NPPF and in the NPPG) sets out that the need to close windows for significant periods of time is likely to be considered a significant Observed Adverse Effect that is recommended to be avoided. More generally paragraph 109 also seeks to prevent new and existing development from contributing to or being put at risk from or be adversely affected by unacceptable levels of noise pollution.
94. Although no objections are raised from Environmental Health from a statutory nuisance point of view, based on the current operations of the site it is advised that should businesses change their operation there is the potential that this could lead to a statutory nuisance. This could result in restrictions being placed on neighbouring business on how they operate or their ability to expand. Recognising the important role these business play within the economy of the local area, this is considered a significant adverse impact which need to be weighed in the planning balance. This would be in conflict with Paragraph 123, footnote 28, which references the Environmental Protection Act 1990 and other relevant law when considering this matter.
95. In addition, some of the proposed dwellings would be close to a vacant parcel of land to the north eastern edge of the industrial estate. In accordance with policy I4 of the WVDLP, the industrial estate is classed as a Prestige Industrial Site. The WVDLP states that the area is needed to provide high quality, strategically located major industrial sites for B1 and B2 uses. The lack of current constraints on the type of B2 uses which could locate on that land is likely to be a significant positive factor in

encouraging inward investment. Policy I4, and the protection of the industrial estate, is consistent with the Framework's aims to encourage economic growth.

96. The development would involve the introduction of a noise sensitive use adjacent to an established industrial estate which significantly contributes to the economic output of the local area. Although mitigation measures are proposed there is a significant degree of uncertainty regarding their effectiveness and ability to mitigate future change in business operations and practices without adversely affecting the amenity of adjacent residents. As a result, existing businesses are likely to be hampered in their ability to carry out their day to day activities and to expand without additional burdens, in the form of noise controls, being placed upon them. It is therefore considered that the development conflicts with Wear Valley District Local Plan policy GD1 which requires that new developments do not disturb or conflict with adjoining uses. The development is also considered to conflict with paragraphs 109 and 123 of the NPPF, which are policies which indicate development should be resisted for the purposes of paragraph 14 of the NPPF.

Landscape Impact

97. The site is subject to a protected open space designation in the WVDLP under policy BE14, which seeks to protect areas of open space within built up areas where the land contributes positively to the character or amenity of the area as designated on the proposals map. Policy BE14 is considered a dual purpose policy and although out of date for housing supply purposes it can be considered up to date for other purposes such as landscape impact. It is noted that designating large areas of open space is not recognised within the NPPF as a method to safeguard land, although case law indicates that green wedges and other landscape designations may be considered NPPF compliant. Full weight can therefore be given to this policy in decision making in this respect. WVDLP Policy H3 is also considered a dual purpose policy. Although it relates to housing supply and as above is considered out of date in this respect, the policy justification sets out that it also seeks to protect surrounding landscapes and to ensure that the environmental capacity of the area is sufficient to accommodate new development. These objectives are considered consistent with the NPPF, while recognising that the NPPF promotes a more flexible approach to site selection, moderate weight can be afforded to the policy in this respect. WVDLP Policy GD1 also seeks to ensure that development would not have a detrimental impact on the landscape quality of the area and structural landscaping is provided around the periphery of major sites. This Policy is considered compliant with the NPPF which requires development to integrate well with its surroundings whilst seeking to protect valued landscapes. Full weight can therefore be given to this Policy in the decision making process in this respect.
98. The application site was previously used as private allotments, however this has ceased and the site has reverted to an agricultural use with an undeveloped appearance. The condition of the site has deteriorated since the earlier application and appeal and it is covered in scrub vegetation, with an unkempt nature.
99. The visual impact of the development on the surrounding landscape and the loss of the open space designation was given consideration as part of the appeal. The Planning Inspector considered that the open space on the site was not highly visible from the open land and footpath to the north due to the changes in level and scrub on the northern site boundary. It was also identified that from further north the land is seen as an undeveloped 'gap' site within an otherwise built-up envelope. However it was not viewed as an integral part of the riverside open space. The Inspector also noted that the site was largely screened from Dovecot Hill by a line of trees along the frontage. With the exception of these trees, the inspector considered that the site

does not provide any significant amenity benefit when viewed from the road whilst vegetation screens the site from the industrial estate.

100. The Inspector also concluded that the surrounding area has a mixed residential and industrial character and contained a wide network of informal open space close to the site that was deemed more important to the character and amenity of the area than the appeal site. It was also considered that the site is not particularly attractive in its own right and not highly prominent in its surroundings. Whilst recognising that the land has the appearance of a 'gap' site in an otherwise built-up envelope the Inspector considered that it does not contribute to any meaningful degree to the character or amenity of the area and its loss would not cause harm in these respects, particularly bearing in mind the amount of more valuable open space in close proximity. Overall the inspector concluded that the development of the site would not harm the character or amenity of the area.
101. In relation to this resubmitted scheme, the amount of developed area is largely the same with the site layout revised to provide the distributor road closer to the western boundary. Whilst it is considered that this revision has no greater impact in the wider landscape, the height of the proposed acoustic barrier on the boundary has been increased to 3m from 2.5m. This would to a degree have a greater visual impact on the PROW than the earlier scheme due to the increased height and land take required and it is likely that a significant amount of vegetation including the trees on the western boundary would need to be removed. A scheme of replanting could be undertaken to help mitigate these impacts although in combination these works would result in a residual negative visual impact on the PROW and the local landscape. Nevertheless this visual impact is not considered sufficient to result in a conflict with either policies GDP1 and H3 of the WVDLP.

Layout and Design

102. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. These policies are considered consistent with the NPPF which at Part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to these policies in this respect in the decision making process.
103. Furthermore Paragraph 58 of the NPPF sets out that decisions should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
104. In considering the amended scheme against the above policy criteria, and the opportunities and constraints of the site, it is considered that overall the development would relate reasonably well to the surrounding built environment providing an active frontage onto the highway Dovecot Hill maintaining existing mature vegetation at this point Elsewhere through the development frontages and corner turner units have largely been utilised to maintain an active street scene. The proposed house types

are considered appropriate to the area which does not exhibit a strong local vernacular. The highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development.

105. No areas of open space are provided within the site, with the exception of an area directly adjacent the proposed acoustic barrier alongside the western boundary. This would not provide an amenity area that could be used by residents but would provide some screening to the acoustic barrier. Without further substantial screening, over and above what is proposed, the barrier would be a dominant feature within the street scene.
106. Overall it is considered that the scheme would deliver an acceptable development and would contribute to the quality of the surrounding area in accordance to policies GP1 and H24 of the WVDLP and policies 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

107. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF in this respect which also sets out at Paragraph 32 that safe and suitable access can be achieved for all people. Full weight should therefore be afforded to these Local Plan policies in the decision making process.
108. It is proposed that the existing access to the site would be stopped up and a new access formed approximately 15m to the east. This would be the only vehicular access into the site, while a secondary pedestrian access would be formed to the North West site boundary adjoining the PROW. In relation to the vehicular access the Highway Authority still favours the location of the existing access, which is off-set from that of an adjacent industrial complex opposite, but has advised that there are not sufficient highways safety grounds to object to the proposal as submitted.
109. In respect of the impact of the development on the local highway capacity, the Highway Authority considers that the surrounding road network is capable of accommodating the additional vehicular flows generated by the development and would not lead to unacceptable conflict with industrial and commercial traffic, particularly considering there are already surrounding residential uses already sharing the road network.
110. The proposed dwellings would provide at least 2 vehicle parking spaces, either through double driveways or through the provision of a garage and driveway. A number of visitor parking bays are also proposed. This would comply with the recently revised County residential car parking standards, subject to minor site layout modification in relation to visitor parking bays which could be secured by condition. There is however mention in the application that not all garages may necessarily be built, which is a concern for the Highway Authority. Accordingly, to ensure compliance with the County parking standards, a condition would be necessary to require hard standings for parking where garages are not built on individual plots.
111. Overall, it is considered that the development would not lead to a severe cumulative highway impact with a satisfactory access and layout could be achieved, the development therefore accords with Wear Valley Local Plan policies GD1, H24 and T1 in this respect as well as NPPF section 4.

Residential Amenity

112. WVDLP Policies GD1 and H24 requires that the design and layout of development to ensure that appropriate relationships remain with existing dwellings and would not conflict or disturb adjoin uses. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from levels of pollution.
113. At present the site is open and the properties of Bigland Terrace, West View and Rosemount Court have a ready view across the site. The development would therefore reduce this open aspect and the current outlook experienced. However in considering this matter, the site layout would achieve the minimum separation distances of 21m between habitable room windows and 15m between gables and windowed elevations, which are considered acceptable relationships by policy H24 of the Local Plan. Although the relationship between 1 Bigland Terrace and plot no.12 would fall below this recommended distance (13m front to gable) the dwellings are staggered and therefore any impact is considered to be minimal. Therefore it is considered that although there would be a change to views experienced by neighbouring residents, this would not be to the extent that would cause harm to their amenity in respect of overbearing or loss of privacy. Concerns expressed about loss of view and impacts on property values are not planning considerations which can be given any significant weight in the consideration of the application.
114. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts.
115. The development of both sites would increase the comings and goings of vehicles and to a lesser degree pedestrians which would have a limited impact on residential amenity. However, this is not considered to be at a level that would warrant refusal of the application.
116. Overall, notwithstanding considerations around noise impact of existing business as detailed above the scheme would comply with WVDLP Policies GD1 and H24 and paragraph 17 and Part 8 the NPPF and would not lead to a significant reduction in residential amenity.

Ecology

117. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Part 11 of the NPPF. In addition with regards to European Protected Species (EPS) under the requirements of The Habitats Regulations it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of The Habitat Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions.
118. The ecology surveys submitted with the application conclude that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations (Amendment) 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. However the site lies adjacent to the

river Gaunless green corridor, substantial hedges, and wildlife corridors (potentially for bat foraging/commuting and breeding birds). A bat survey concludes that although bats are using the site for foraging purposes this is largely confined to the western boundary and any displacement through the development would be unlikely to impact on the local conservation of the species. Mitigation measures are also proposed in terms of controlling lighting to further reduce any potential impact.

119. The Ecology Section advise that the methodologies and conclusions of the submitted reports are considered sound. However it is identified that no greenspace has been provided within the site as compensation for the loss of the existing habitat. It is highlighted that a suitable contribution towards off site green infrastructure and biodiversity enhancements or a mitigation strategy secured by condition could be agreed to secure a net biodiversity gain as required by part 11 of the NPPF.

Heritage and Archaeology

120. The site is located approximately 340m to the south of the Grade I Listed Building of the Church of St Andrew and 260m to the south east of the Grade I Listed Buildings of East Deanery Farm.
121. The development could therefore be considered as falling within the setting of these heritage assets. However, in having appraised the development in this respect, the Design and Conservation Section advise that there would be a neutral impact on the church due and the farm due to the degree of separation, level changes, proposed planting on the northern boundary and general built up character of the wider area within which the site sits. Accordingly, having regard to section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would have a neutral impact on the setting of the Listed Church and East Deanery Farm thereby preserve their setting and any historic significance it possesses. There would be very limited inter visibility between the site and Bishop Auckland Conservation Area
122. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey and has prepared a written scheme of archaeological investigation. In reviewing these documents the Council's Archaeology Officer advises that subject to the investigation works being carried out before ground works commence the development should have a low risk of impacting on anything of archaeological interest.
123. Overall, the setting of the Grade I Listed St Andrews Church and Grade I Listed Buildings of East Deanery Farm would not be negatively affected the proposal therefore accords with Wear Valley Local Plan Policies GD1, H24, BE1 and BE17; and NPPF part 12.

Flooding and Drainage

124. National advice within the NPPF (Paragraph 100) and PPG with regard 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 (FRA).

125. The application is accompanied by a FRA which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of a surface water storage system, within the site to restrict runoff to Green Field rate before being discharged to a water course. Subject to securing the detail of this approach, and incorporating Sustainable Drainage Systems where appropriate the Councils Drainage and Coastal Protection officers offer no objections to the development. Northumbrian Water also advise a conditional approach to managing surface water discharge.
126. In relation to foul water, it is proposed to connect to the existing sewerage network. Northumbrian Water raise no objections subject to detailing the design of the layout.
127. Subject to conditions to resolve the final surface and foul water disposal proposals are recommended no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Other Issues

128. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 1.57ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Given the lack of assessment it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.
129. In this instance it is considered that the amount of agricultural land that would be lost is less than significant. Therefore this should not be considered an adverse impact even in the event it was found to be best and most versatile. i
130. In relation to land contamination the applicant has submitted a phase 1 desk top study report which identifies that there is a low risk of contaminants being present on site but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations. This would satisfy the requirements of paragraph 120 of the NPPF.
131. The development would fall below the thresholds requiring a requirement an assessment on the impact of air quality.

Planning Obligations

132. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring that sufficient school places are available to meet the needs of existing and new communities. The Council's School Organisation Manager highlights that a development of 56 dwellings would likely generate an additional 17 primary and 6 additional secondary pupils. It is advised that sufficient primary and secondary school places exist to accommodate the development within an appropriate distance from the site.

133. WVDLP Policy H15 in accordance with Part 6 of the NPPF sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision.
134. No affordable housing contributions are proposed as part of the scheme, and the applicant has stated that should this be a requirement the development proposed would be economically unviable. Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. In circumstances where the viability of the scheme is in question, the developer will be required to demonstrate to the Council's satisfaction that this is the case.
135. Advice has been sought on this matter from the Council's Assets and Spatial Policy Sections, which have considered in detail the submitted development appraisal for the site, including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions once the amount paid for the site and development costs are taken from expected sale values, excluding any affordable housing provision the viability of the site is considered marginal, well below the 17-20% acceptable return. Having regard to the advice within the NPPF, it is accepted that the development could not deliver affordable housing provision without being unviable. Whilst it is accepted that the scheme does propose a mix of dwellings, including 2 bed semi-detached dwelling which would be expected to be priced at the lower end of the market.
136. WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
137. The OSNA sets out the requirements for public open space on a population pro rata basis setting minimum requirements for each typology that development should provide for, to serve future residents and to mitigate the extra demand generated by the development. In this instance as the development provides minimal onsite amenity open space with the exception of incidental areas, based on the OSNA calculations an offsite contribution of £122,499 would be required to mitigate the developments impact. A figure of £56,000 is offered in this instance, although this would not fully mitigate the developments impacts particularly in relation to allotment, semi natural green space and parks and gardens typologies, mindful of the site viability position this contribution is considered acceptable.
138. WVDLP Policy BE23 sets out that the Council will encourage the provision of works of art as part of development. This Policy is considered partially compliant with the NPPF which requires development to be well designed and responds to local character, while recognising no specific mention of public art is made within the NPPF. Issues around viability however need to be taken into consideration. No reference to meet the requirements of this policy has been made by the applicant in this instance, however due the viability position of the site this is cost the development is not considered to be able to bear.
139. The Council's Employability officer request that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

Planning Balance

140. The development of the site would result in a departure from the WVDLP as the site is designated open space and protected from development under policy BE14 of the WVDLP. However, in circumstances where relevant policies are out of date and in the absence of a five year housing land supply, the NPPF, as a significant material consideration sets out that the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. Paragraph 14 states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted. It is identified that the proposed development is considered contrary to Paragraphs 109 and 123 of the NPPF, which are specific policies that indicates that development should be restricted and so negates the presumption in favour. Therefore, there is no requirement for the adverse impacts to significantly and demonstrably outweigh the benefits. However, for clarity the balance test considers the approach where that test would apply.

Benefits

141. The development would assist in maintaining housing land supply at a time the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
142. Recent Planning Case Law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply. It also considered reasonable to suppose that any shortfall is likely to be relatively temporary, and that there is likely to be a boost in supply through housing allocations once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied. The scheme would only provide between 11 and 13 days housing land supply based on indicated OAN figures.
143. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs.

Adverse Impacts

144. The development would involve the introduction of a noise sensitive use adjacent to an established industrial estate which significantly contributes to the economic output of the local area. Although mitigation measures are proposed there is a significant degree of uncertainty regarding their effectiveness and these would not likely mitigate future change in business operations and practices without adversely affecting the amenity of adjacent residents. As a result, existing businesses are likely to be hampered in their ability to carry out their day to day activities and to expand without additional burdens, in the form of noise controls, being placed upon them.
145. The proposal is likely to reduce the attractiveness of a vacant plot of allocated employment land to an inward investor due to the likely restrictions and controls required to safeguard residential amenity.

Impacts

146. Loss of agricultural land would arise, however given the site of the site (1.57ha) this should not be considered an adverse impact even in the event that the land is best and most versatile.
147. The development would result in a residual visual impact on the public right of way due to the formation of a 3m high acoustic screen, this impact is not considered sufficient to result in a conflict with either policies GDP1 and H3 of the WVDLP.

CONCLUSION

148. The proposed development is considered contrary to Paragraphs 109 and 123 of the NPPF, which are policies that indicates that development should be restricted and displaces the presumption in favour of sustainable development.
149. Notwithstanding this, adverse impacts have been identified, most notably that the development would involve the introduction of a noise sensitive use adjacent to an established industrial estate which significantly contributes to the economic output of the local area. It is likely that future restrictions would be placed on adjacent businesses in the form of noise controls. The development would also reduce the attractiveness of a vacant parcel of allocated employment land to inward investment.
150. Whilst there are some benefits to the proposal, notably the boost to housing supply, direct and indirect economic benefits, these are considered to be of reduced value given the level of housing supply the Council can demonstrate. In this instance these benefits are outweighed by the particular adverse impacts identified. As specific NPPF policies indicate development should be restricted the proposed scheme cannot be considered to be sustainable development. In any event, the adverse impacts of the development would together, be such that they would significantly and demonstrably outweigh the benefits if the presumption in favour of sustainable development balance test was applied.
151. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

1. The Local Planning Authority considers that the introduction of a noise sensitive use adjacent to an established industrial estate is likely to result in future residents being adversely affected by the activities at the adjoining industrial premises and future restrictions being placed on those adjacent and future businesses in the form of noise controls contrary to policy GDP1 of the Wear Valley District Local Plan and Paragraphs 109 and 123 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised,

and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

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

The National Planning Policy Framework (2012)

The Noise Policy Statement for England (2012)

National Planning Practice Guidance Notes

Wear Valley District Local Plan

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

The County Durham Settlement Study (2012)

Technical Advice Note – Noise

Open Space Needs Assessment 2010

Statutory, internal and public consultation responses.



Planning Services

DM/16/00528/FPA
 Erection of 56 dwellings with associated
 infrastructure works and access
 (resubmission).

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Comments

Date February 2017

Scale 1:5000

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02643/OUT
FULL APPLICATION DESCRIPTION:	Outline application for 40 dwellings with access (all other matters reserved)
NAME OF APPLICANT:	Startforth Barnard Castle Ltd
ADDRESS:	Land To The North And East Of Startforth Morritt Memorial School Startforth DL12 9AQ
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises of an irregular shaped 2.4 hectare greenfield site, which is currently used for grazing. Visually the land separates High Startforth to the north from Low Startforth to the south. Barnard Castle lies a short distance across the River Tees to the east, but the Barnard Castle Conservation Area extends across the river. The recently closed Startforth Morritt School and associated playing field lies to the south west. Land levels slope downwards from west to east. Mature trees occupy and border some parts of the site, particularly along the Gill Beck, which runs to the north.
2. The application proposes the erection of up to 40no. dwellings to be accessed at two points, one from the C164 to the east, known as Boldron Lane and another from an unclassified road to the south. All other matters have been reserved.
3. The application is reported to the Planning Committee as it constitutes a major development in accordance with the scheme of delegation.

PLANNING HISTORY

4. The site has previous history of refusals for housing development:
5. Outline housing applications 6/1983/0399/DM, 6/1983/0400/DM and 6/1984/0064/DM were all refused in 1984 on grounds of housing supply and highway safety.
6. An outline application for 35 dwellings 6/1989/0497/DM was refused in 1990 on landscape impact.

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. *NPPF Part 4 – Promoting sustainable Transport.* 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, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. *NPPF Part 8 - Promoting healthy communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.
12. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at

unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

14. *NPPF Part 12 - Conserving and Enhancing the Historic Environment* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

15. *The above represents a summary of those policies considered most relevant in the Development Plan*

LOCAL PLAN POLICY:

16. The following saved policies of the Teesdale Local Plan 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.

17. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.

18. *Policy ENV1: Protection Of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

19. *Policy ENV3: Development Within Or Adjacent To An Area Of High Landscape Value:* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.

20. *Policy ENV8: Safeguarding Plant and Animal Species Protected by Law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.

21. *Policy ENV10: Development Affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm to or loss of: Any tree or hedgerow protected by a preservation order; or A tree within a conservation area; or Any trees, tree belts or hedgerows which do, or will when mature, contribute significantly to any of the following A. Landscape diversity B. The setting of nearby existing or proposed buildings C. A protected species habitat D. Visual amenity

22. *Policy ENV11: Protection Of Agricultural Land:* Development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on

land within the boundaries of existing developed areas, and on poorer quality farmland.

23. *Policy ENV16: Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Development in high risk flood areas will only be permitted as an exception where there are no reasonable opportunities to develop in a lower risk area. Applications will be considered against the criteria in the sequential test set out in paragraph 30 and table 1 of ppg25. All applications for development in flood risk areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment as outlined in ppg25, appendix f. Developers will be required to fully fund the provision and future maintenance of flood mitigation and defence measures required as a result of their proposals, including any consequent works to prevent additional flood risk to other land/properties. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.
24. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building.* Development which would adversely affect the character of a listed building or its setting will not be permitted.
25. *Policy BENV4: Development within and / or adjoining Conservation Areas* Development within and/or adjoining conservation areas will only be permitted provided that: A) the proposed location, design layout, materials and scale respects the quality and character of the area; B) materials for buildings and hard landscaping must be appropriate to and sympathetic with the characteristics of the area; C) the proposal does not generate excessive traffic, parking, noise or other environmental problems which would be detrimental to the character and appearance of the conservation area; D) the proposal does not destroy trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or the appearance to the area and its settings; E) any services which lead to the new development should wherever possible be located underground; F) proposals should meet the requirements of other relevant policies of the local plan. Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.
26. *Policy BENV11: Archaeological Interest Sites.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.
27. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
28. *Policy H14: Provision Of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

RELEVANT EMERGING POLICY:

The County Durham Plan -

29. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Startforth Parish Council*: Object to the application. There is concern about the lack of services and residential infrastructure available within Startforth. Concern is expressed in relation to the existing highways network and the additional strain that this development will place upon it.
31. *Highway Authority*: The site has shortcomings in terms of both pedestrian and vehicular access. A vehicular access from the southern boundary is not favoured given it would encourage use of a substandard junction with the B6277, reached by a substandard carriageway width for two way traffic as it nears the same junction and where visibility of and for northbound B6277 Church Bank traffic is substandard. There is a carriageway pinch point at 24 Boldron Lane where only single lane traffic is possible. The adopted footway also terminates at this point, due to inadequate width. Boundaries on each side are high walled. In relation to pedestrian access, there are many locations in the vicinity where footways are of substandard width, and incapable of improvement; in some cases absent. The most direct pedestrian route between the site and the town centre is via Thorngate Footbridge to the east but is suboptimal and, due to topography and physical constraints, has limited scope for meaningful improvement.
32. *Northumbrian Water*: No objection.

INTERNAL CONSULTEE RESPONSES:

33. *Spatial Policy*: In accordance with the NPPF the proposal must be considered in the context of Paragraph 14 of NPPF. The effect of the Paragraph 14 places a greater emphasis on approving sustainable development by setting a higher test in relation to the significance of dis-benefits. In this case the site offers opportunities to boost slightly housing supply. However, in terms of dis-benefits the development would be of a form that does not reflect the current settlement form for housing resulting in an incursion into attractive greenfield land designated as AHLV. Development would

also lead to coalescence between Startforth and High Startforth. Furthermore, there are listed buildings to the North & South of the site.

34. *Landscape Section:* Object to the Development: The site is within an Area of High Landscape Value and contributes to the local landscape by providing attractive rural separation between High Startforth and Low Startforth. The site is part of a Landscape Conservation Area as defined in the County Durham Spatial Strategy. For these reasons it can be considered a valued landscape as referred to in paragraph 109 of NPPF that should be protected and enhanced.

Of major importance to the character of this piece of land are the trees that largely surround it. There is concern that the northern fringe of the site, between the access road and the northern boundary, still seems to be considered as a proposed residential area. This will not protect and enhance the landscape, and is likely to cause conflict between any houses and the trees to the north. There is also concern that the attenuation storage and its discharge may affect the ancient woodland to the north east of the site, and more detail of what is proposed, and the route of the outflow, is needed. The current views across the site, referred to above, will be destroyed if the site is developed as indicated. The proposed tree planting will obscure the views, while the current rural foreground to the views will be obliterated by roads and houses. The avoidance of the coalescence of Startforth and High Startforth is important in landscape terms. Although the distance between the two is not great their separateness is reinforced by the woodland strip that lies immediately to the north of the site. This proposal would cause complete coalescence.

35. *Design and Conservation:* It is not possible to agree with the conclusions of the heritage statement in regard to the magnitude of impact. The document correctly identifies that there will be no direct impact upon designated assets and that issues of setting are the primary concern. In addition to this the issues of coalescence of historic High and Low Startforth and the loss of local landscape character associated with this are perhaps as important if not more so. Overall it is considered that the scheme will cause less than substantial harm to the setting of a number of designated assets, but without any demonstrable public benefits which outweigh this as defined in the NPPF. The loss of local landscape character and the coalescence and loss of the distinct character of the two villages which is not offset by the proposed site layout and mitigation, further add to the reasons that support cannot be provided for this development.

36. *Ecology:* Note that the Preliminary Ecological Appraisal (E3 Ecology, August 2016), report is in draft form, with recommendations for further survey work. This will need to be undertaken and provided in support of the planning application, prior to determination. The results of the survey work undertaken should help shape the site plan, and will detail the mitigation required, which should be conditioned.

37. *Noise Action Team:* No specific objections but there is potential to cause disturbance to nearby properties during the construction phase and therefore a Construction Management Plan should be submitted in the event of approval.

PUBLIC RESPONSES:

38. The application has been publicised by way of site notice, press notice and neighbour notification letters. Letters of objection from 26 addresses have been received.
39. Full details of concern can be found on the Councils web site, but the main common points of objection are summarised below:

Highways

- Concern over impact of additional traffic in terms of road safety

Landscape and Ecology

- Negative impact on residential amenity and privacy
- Concern over loss of open field which affords important views into Barnard Castle but which is also important in views out of Barnard Castle
- Concern over loss of good quality agricultural land
- Flooding and Pollution concerns in relation to Gill Beck
- Concern over loss of ecology habitat
- Negative impact on setting of listed property at Low Startforth Hall East

Sustainability of Location

- Concern over lack of facilities and amenities within Startforth
- No evidence of need for additional housing in the area because other housing developments have been recently approved
- Concern over capacity of schools in the area given the recent closure of nearby school

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/>

APPLICANTS STATEMENT:

40. Durham County Council are currently unable to demonstrate a five-year supply of deliverable housing land. As such, in accordance with paragraph 49 of the NPPF the application should be considered in the context of the presumption in favour of sustainable development. The site lies immediately adjacent to the south-western development limits of Barnard castle and Startforth and as such, the site is sustainably located with regards to access to core services including; shops, schools and employment opportunities within Barnard castle. In addition to providing much needed housing in an area which lacks a five-year housing land supply, the proposal would provide a number of other benefits, including:

- the provision of 15% affordable housing, based on the most up-to-date SHMA, which would contribute to the delivery of objectively assessed affordable housing need within the district and would improve the housing tenure mix of the area;
- onsite public open space and recreation facilities for use by the whole community,
- an indicative layout that illustrates the opening up of more publically available views to Barnard Castle, the Church of St, Mary's and a new view to the Bowes Museum;
- properties would be built to modern building regulations requirements and therefore provide excellent thermal performance through insulation and heating systems, helping to ensure the proposal is contributing towards carbon savings and the move to a low carbon economy;
- The scheme will provide housing in close proximity to services, facilities and employment opportunities. The occupants would shop and live locally, therefore ensuring that local services have a greater catchment population to serve.

- The proposed development would generate employment opportunities in construction and in other sectors linked to the construction market. There would also be ongoing maintenance costs and services required by the occupants which would supplement the local economy.
41. As an outline application, including access, the exact details of the layout and landscaping are for reserved matters. However, an indicative layout has been submitted that illustrates how the site can respond to the important landscape features of the site, including the retention boundary trees and key views, and the separation of Startforth and High Startforth through utilising public open space and additional planting and landscaping. The application is supported by a number of technical assessments, all of which outline the acceptability of the site for residential development. The applicant considers that the proposal comprises sustainable development and that it would not result in any significant adverse impacts that demonstrably outweigh the benefits which arise from the scheme.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, Location, Impact on character and appearance and designated heritage assets, Highway safety, and Ecology.

Principle of development

43. The application site is agricultural land which sits outside of the Barnard Castle and Startforth settlement boundary and as such is within the open countryside where saved policy ENV1 of the Teesdale Local Plan states that development will only be permitted for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses. The proposal for residential development is therefore in conflict with Policy ENV1.
44. Nevertheless, because of the age of the Teesdale Local Plan, having regard to paragraph 215 of the NPPF, there are no up to date housing policies for the area and therefore only limited weight can be given to Policy ENV1 in respect of its guidance relating to housing location.
45. To that end, due consideration is to be given to the proposal in the context of the presumption of sustainable development as set out in paragraph 14 of the NPPF. This presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. This will be considered in the sections below.

Location

46. Some objectors have noted the very limited facilities within Startforth itself, particularly after closure of the school, and the incline involved in walking to access services and facilities available within the centre of Barnard Castle.
47. It is accepted that the quickest footpath links via the unclassified road to the south, the Lendings and associated footpaths and a pedestrian crossing on the river tees is suboptimal and use of this route may not be favoured during for example times of darkness or those of less adventurous spirit. It is noted that while the site is served by a scheduled bus service, this is limited to Monday to Friday daytimes only.

48. However, at the same time the location cannot be considered as remote or isolated. Barnard Castle is a major centre in respect of services, employment and education, and lies just 1-1.5 km to the east if accessed across Barnard Castle Bridge. Bus stops and the services/facilities in Barnard Castle are within walking distance of the site.
49. Accordingly, the proposal does not significantly conflict with paragraph 55 in respect of avoiding isolated housing.

Impact on the character and appearance of the area and designated heritage assets

50. The site is identified in the Teesdale Local Plan as an area of high landscape value (ALV), defined in the County Durham Landscape Character Appraisal as the Dales fringe landscape character area. The landscape strategy for this area is to conserve the character of the landscape and restore it where it has been weakened. This includes aims to maintain and strengthen the rural character of the landscape between towns and villages. Saved Policies GD1 and ENV3 of the Teesdale Local Plan require among other things, that new development does not unreasonably harm the rural landscape of the area and qualities of the ALV. These policies are consistent in this respect with the aims of the NPPF, as one of the core planning principles within paragraph 17 is to recognise the intrinsic character and beauty of the countryside. Paragraph 56 attaches great importance to the design of the built environment and requires that development should contribute positively to making places better for people. Paragraph 109 states valued landscapes should be protected.
51. In addition, although the site does not sit within the Barnard Castle Conservation Area, which terminates on the western banks of the Tees to the east of the development site, it does play a role within its setting due to the sloping topography of the area and views to and from Barnard Castle. There are also a number of nearby Listed buildings bordering the site. Immediately to the north of the site is Grade II Listed Low Startforth Hall. To the south is Grade II Listed Startforth House. To the east is Grade II Listed Holy Trinity Church.
52. As such, the local planning authority must have particular regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires that in considering whether to grant planning permission for development which affects the setting of a listed building the local planning authority shall have special regard to the desirability of preserving its setting. Saved Policies BENV3 and BENV4 of the Teesdale Local Plan relate to development in relation to listed buildings and impact on Conservation Areas respectively, including their setting. These policies are consistent with NPPF Part 12, which seeks to protect heritage assets. Specifically, paragraph 126 states heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 gives great weight to the asset's conservation and notes significance can be harmed or lost by development within its setting.
53. The application site lies between the settlements of High and Low Startforth. High Startforth comprises of a small collection of mostly traditionally-built dwellings, along with the former school and Holy Trinity Church, which creates an attractive small rural village character within a landscape setting. Low Startforth on the other hand is predominantly a housing estate with a large proportion of post war housing and is experienced more as an extension of the built up area of Barnard Castle. The mature trees along Gill Beck provide a strong settlement edge to Low Startforth and the application site provides a pleasant open pasture which separates these two very

different settlements, enhancing the rural identity of High Startforth as an independent settlement with its own unique character, and makes a strong positive contribution to the landscape quality and character of the area appropriate to its ALV designation.

54. The mix of open pasture of the application site and adjacent woodland also contributes positively to the setting of Barnard Castle Conservation area and other nearby heritage assets. The views out towards the pastoral and wooded landscape are noted as being important within the most recent Barnard Castle conservation area character appraisal and are therefore important to its significance. There is also a strong intervisibility between the site and the Castle, particularly through the gap in the existing houses to the south. To the north of the site, whilst the setting of Low Startforth Hall primarily relies on the land within its curtilage, the appreciation of open pasture on the application site through filtered views beyond Gill Beck and the southern boundary of its curtilage is a positive contributor to its setting, and thereby its significance, particularly as development has surrounded it to the north over time. Similarly, while the Holy Trinity Church sits within grounds contained by trees, in the winter it does become more visible within an open landscape, which is a positive contributor to its setting, and thereby its significance. Furthermore, rig and furrow features have been identified on the site, adding to the landscape character and archaeological significance of the site.
55. It is acknowledged that the application is in outline and therefore final details of appearance, landscaping and layout are unknown, but to accommodate the level of development proposed a substantial part of the site would have to be developed leading to irreversible harm to the character of the site. The two vehicular accesses proposed would also necessitate removal of significant sections of stone walls that currently bound the site at the two access points and are strong landscape features.
56. The applicant suggests some open views could be retained through the site and new landscaping within the site could offset any effects of the development on the landscape. However, indicative plans cannot be given any weight and even if some open views could be retained through the site, the change from the rural and open pastoral character of the site to a suburban character would be a fundamental change and erosion of the character of the site and to the experience of views to and from the notable nearby designated heritage assets. Further landscaping to screen and soften the proposal would also serve to reduce the open nature of the site, and overall there would be a coalescence between High and Low Startforth. This coalescence effect would be significantly detrimental to the character of High Startforth, which supports low density development reflective of an open and rural feel, enabling the village to sit comfortably in its own right within the wider open landscape. This important visual connection to the wider landscape would be lost and as a result High Startforth would no longer be seen in the context of the wider landscape. In addition, the removal of the boundary walls to accommodate two vehicular accesses into the site, along with loss of rig and furrow features in the site, would add further to the negative visual and landscape impacts of the proposal.
57. Overall, it is considered that the proposed development would not appear as a comfortable extension to either High or Low Startforth. Instead it would be a significant intrusion of built form into the landscape leading to the loss of the open and attractive qualities of the application site, which separates and makes a positive contribution in that respect to the two distinctly different settlements of High and Low Startforth. This fundamental and harmful change to the character of the site would in turn also have a negative impact on and fail to preserve or enhance the wider setting of the Barnard Castle Conservation Area, Low Startforth Hall and the Holy Trinity Church. As a result, the adverse landscape and visual impacts upon the ALV and designated heritage assets would be significant, albeit the harm in respect to

designated heritage assets would fall within the “less than substantial” category in the terms set out in the NPPF part 12. There are objections from the Design and Conservation, Landscape and Archaeology Sections on the grounds identified.

58. Having regard to the above, it is concluded that the proposal conflicts with Teesdale Local Plan saved policies GD1, ENV3, BENV3 and BENV4, and paragraphs 56, 109 and 132 of the NPPF.

Highway safety

59. Two vehicular accesses are proposed to the site, one from the C164 to the west of the application site, known as Boldron Lane and another from an unclassified road to the south.
60. While noting that the westernmost access is not without its shortcomings, the Highway Authority’s principle objections are in relation to the southern access point onto the unclassified road, which runs through High Startforth. The Highway Authority has advised that a vehicular access from the southern boundary of the site onto the unclassified road is not favoured because it would lead to intensified use of a substandard junction with the B6277 to the west, where visibility of and for northbound B6277 Church Bank traffic is very poor due to the acute angle of the junction, severe bend and rising land, which almost completely obscures the view of downhill traffic. They also advise that the carriageway width leading up to the junction is a substandard width for two way traffic where the adopted footway terminates due to the narrow width of the carriageway. While the applicant suggests this access will not serve the whole development there is no guarantee of that in the absence of detailed plans.
61. Having regard to the above, it is considered that the development would lead to intensification in vehicular traffic use of a substandard carriageway and junction with the B6277. This would be likely to increase the risk of accidents for all highway users, resulting in a significant adverse effect on highway safety. Thus, the proposal would conflict with Teesdale Local Plan Policy GD1 and NPPF paragraph 32 in respect of ensuring that developments that generate additional traffic can achieve safe and suitable access to the site by all people.

Ecology

62. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010 (The Regulations). Regulation 9 states that the competent authority “must exercise their functions which are relevant to nature conservation...so as to secure compliance with the requirements of the Directives” and “without prejudice to the preceding provisions, a competent authority, in exercising any of their functions, must have regard to the requirements of the Directive so far as they may be affected by the exercise of those functions”. It is incumbent on the planning authority to consider whether there is a reasonable likelihood of protected species being present and affected by the development. This is reflected in Teesdale Local Plan Policy ENV8 and NPPF Part 11.
63. A preliminary ecological appraisal has been supplied with the application. It indicates that while the recently grazed semi-improved grassland on the site is of limited value, there are potential opportunities for roosting bats in the trees within and surrounding the site and the boundaries are likely to be used by foraging and commuting bats roosting locally. Among other things the site and adjacent woodland and watercourse were also considered to be suitable foraging and commuting habitat for badgers and

otters, with records of such species having been recorded within 2km of the site. Accordingly, the report recognises that the development has potential to impact on protected species. However, the report advises that a detailed ecological impact assessment and the design of required mitigation cannot be fully completed until further work including Bat transect surveys, further tree assessment in relation to bats and a watercourse survey of Gill Beck has been completed. It is noted that the report is also in draft form.

64. In the absence of the further surveys and their findings, it is not possible to determine whether the application would have a material adverse effect on any protected species. The planning authority cannot therefore be satisfied the Regulations won't be breached and cannot establish if any works may be licensed by Natural England, as it is required to do under the derogation tests of the Habitats Regulations. The proposal therefore also fails to demonstrate compliance with Teesdale Local Plan Policy ENV8 and the aims of NPPF Part 11.

Other matters

65. In line with Policy H14 of the Teesdale Local Plan and the advice of the Council's Housing Section a minimum of 15% Affordable Housing would be required on the site to be split (75% - 25%) between affordable rent and affordable home ownership. This is in accordance with the aims of NPPF paragraph 50 to deliver a wide choice of homes and widen opportunities for home ownership to create sustainable, inclusive and mixed communities. The applicant has supplied a heads of terms agreement which states they are willing to make this provision on site through a Section 106 agreement.

66. In addition Policy H1A seeks the provision of open space within developments of 10 or more dwellings. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities. The nearest equipped play area is within Low Startforth. The applicant proposes that the S106 agreement includes an obligation for either a specified on-site open space provision, or a financial contribution to be made towards improvements of facilities in the immediate locality in lieu of on-site provision. The Council's preference would however be on-site provision to serve the needs of the development and accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations, 2010. The alternative would be contributions towards maintenance/improvements to the play area in Low Startforth, but that facility would be more than 500m away for most residents in the site.

67. However, although the applicant's intention to enter into such agreements has been made clear, there is currently no S106 to secure this, and having regard to the Planning Practice Guidance (PPG) which states that a condition requiring that a planning obligation be entered into should only be used in exceptional circumstances in the case of more complex and strategically important development which would otherwise be at serious risk, the use of a condition would not be appropriate in this case.

68. Accordingly, in the absence of an appropriate Agreement or Undertaking the intention to provide affordable housing and open space provision/contributions cannot be given any weight and it cannot be said the proposal makes adequate provision for affordable housing or open space provision to comply with Teesdale Local Plan Policies H1A and H14 and NPPF paragraphs 50 and 73.

CONCLUSION

69. Because of the age of the Teesdale Local Plan the housing policies for the area cannot be considered as up to date. To that end, the proposal must be considered in the context of the presumption of sustainable development as set out in paragraph 14 of the NPPF. This presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. In addition, given that less than substantial harm to designated heritage assets has been identified, it is required in the terms of NPPF paragraph 134, that this harm should be weighed against the public benefits of the proposal.
70. In its favour, the development would make a contribution to housing supply and provide some support to local services. Investment in construction and related employment for its duration would also represent a benefit. In this respect it would deliver socio-economic benefits to the public that can be given some weight. However, given most of the local services the development would help to support are in Barnard Castle, those services would not be under threat in the absence of the development and therefore the impact of the development in that respect would be very modest. The intentions to provide affordable housing and open space provision/contributions are noted, but in the absence of an appropriate Agreement or Undertaking those intentions cannot be given any weight.
71. On the other hand it has been concluded that the development would have significant harmful effects on the character and appearance of the area, the setting of designated heritage assets and highway safety. There is also insufficient information to determine whether the development would have a material adverse effect on any protected species. There is conflict with Teesdale Local Plan Policies GD1, ENV3, BENV3, BENV4 and ENV8 in these respects. The environmental dimension of sustainable development would therefore not be achieved and being particularly mindful of the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation of Habitats and Species Regulations 2010, and the stipulation in paragraph 132 of the NPPF that great weight should be given to the conservation of designated heritage assets, the objections in these respects are particularly strong and weigh heavily against the proposal.
72. The Council's current position in respect of five year housing supply does not automatically lead to a grant of planning permission. In this case the adverse impacts of the proposal are considered to significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. It is therefore concluded that the proposal would not constitute sustainable development.

RECOMMENDATION

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

1. The development would have a significant harmful effect on the character and appearance of the area and setting of designated heritage assets by reason of its intrusion into and urbanisation of an area of attractive open pasture, which is considered important to the rural character and landscape setting of High Startforth, as well as to the setting and thereby significance of the Barnard Castle Conservation Area and the Grade II Listed Low Startforth Hall and Holy Trinity Church. This is contrary to Teesdale Local Plan Policies

GD1 (B & I), ENV3, BENV3 and BENV4 as well as paragraphs 56, 109 and 132 of the NPPF.

2. The proposed vehicular access onto the unclassified road through High Startforth would lead to intensification in vehicular traffic use of a substandard carriageway and junction with the B6277. This would be likely to increase the risk of accidents for all highway users, resulting in a significant adverse effect on highway safety. Thus, the proposal would conflict with Teesdale Local Plan Policy GD1(Q) and NPPF paragraph 32 in respect of adequate and safe access.

3. There is insufficient information submitted with the application to enable the local planning authority to determine whether the application would have a material adverse effect on any protected species. The proposal therefore also fails to demonstrate compliance with Teesdale Local Plan Policy ENV8 and the aims of NPPF Part 11.

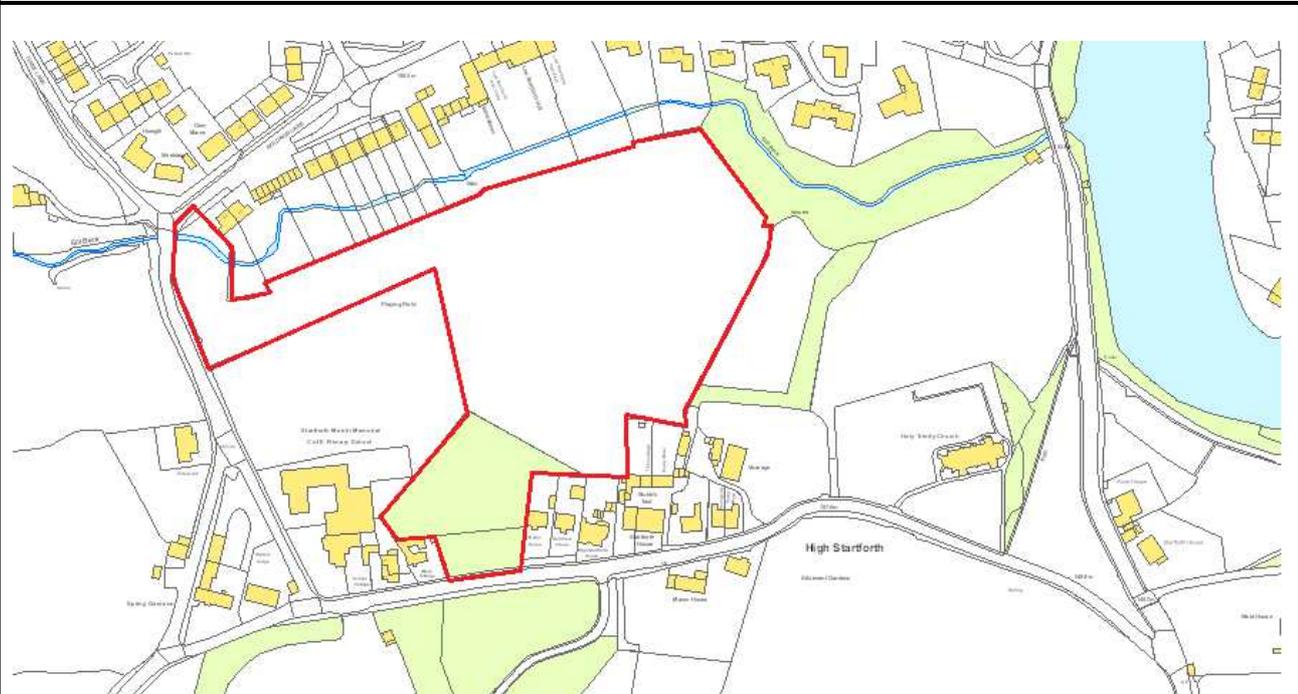
4. In the absence of an appropriate Agreement or Undertaking to provide affordable housing and open space provision/contributions it cannot be said the proposal makes adequate provision for affordable housing or open space provision to comply with Teesdale Local Plan Policies H1A and H14 and NPPF paragraphs 50 and 73.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Teesdale Local Plan saved policies
The County Durham Plan (Submission Draft)
County Durham Landscape Strategy
County Durham Open Space Needs Assessment
All consultation responses received



Planning Services

Outline application with all matters reserved except access for 40 residential dwellings

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23rd March 2017

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/04017/FPA
FULL APPLICATION DESCRIPTION:	Erection of 40no. dwellings
NAME OF APPLICANT:	Mr David Atkinson
ADDRESS:	Land At West End Villas Crook DL15 9LR
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to multiple parcels of land at West End Villas in Crook, which is a residential estate of post war housing to the west of the town centre. While the land is currently grassed with some trees, it had previously been occupied by housing which was demolished in the 1980/90s. The open space in the centre of West End Villas does not form part of the application site and proposals.
2. The application proposes the erection of 40no. dwellings, comprising of 22 bungalows and 18 two storey houses, 34 of which would be two bed with 6 three bed. All of the properties on the site would be provided for affordable rent through County Durham Housing Group.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. There is no recent relevant planning history relating to the site.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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.

6. *NPPF Part 4 – Promoting sustainable Transport* 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, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *NPPF Part 7 – Requiring Good Design* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 8 - Promoting Healthy Communities* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.
10. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
11. *NPPF Part 11 – Conserving and Enhancing the Natural Environment* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

12. The following policies of the Wear Valley Local Plan 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.
13. *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.
14. *Policy H3 Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
15. *Policy H15 Affordable Housing:* The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
16. *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.
17. *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.
18. *Policy T1 General Policy - Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan

RELEVANT EMERGING POLICY:

The County Durham Plan -

19. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Highway Authority*: No objections. The latest site plan reflects post-submission discussions with the applicant regarding increased parking provision, including a smaller car park in lieu of the one which is to be removed as part of re-development. This car park will be the responsibility of the applicant. Off street parking provision is now deemed acceptable.
21. *Coal Authority*: No objections subject to further coal mining investigation.
22. *Northumbrian Water*: No objection. The adjacent sewer network does not have capacity to accommodate additional foul flows at present, although it is likely that works can be carried out to increase capacity. A discharge rate has been agreed with the developer in relation to surface water. No objections subject to inclusion of condition.

INTERNAL CONSULTEE RESPONSES:

23. *Drainage and Coastal Protection*: No objections - there is no scope to include SuDS within the site in relation to surface water drainage and an appropriate discharge rate has been agreed with NWL.
24. *Affordable Housing*: The SHMA identifies a need for 10% affordable provision in the South of the County. The proposed scheme will deliver 40 new units in a mix of bungalows and houses, all of which will be for affordable rent. This will surpass the affordable requirement but will provide much needed affordable rented accommodation and help to meet an identified need for older persons' accommodation. The scheme will be delivered by Galliford Try in partnership with County Durham Housing Group who will own and manage the affordable rented units. As such, in terms of affordable housing provision, we would strongly support the delivery of this scheme.
25. *Landscape Section*: I welcome the efforts made to retain existing trees and leave the Senior Tree Officer to comment on the details of this. I would like confirmation of the location and details of the front garden enclosures, and I would like to see details of any proposed soft landscaping.
26. *Landscape (Trees)*: The proposal will result in the removal of large mature trees and the impact of this removal should be considered in the wider scheme and whether the requirement for housing outweighs the positive impact the trees have. If the proposal is accepted, it is recommended that a thorough replacement tree planting scheme is carried out, with species selection compatible for residential landscapes considered and planting in the retained open spaces.
27. *Design and Conservation*: Map regression reveals that the land in question has on the whole been previously developed and as would be expected of housing stock of this age and origin the original densities were much higher. The area is dominated by two storey brick built dwellings with fewer more recent bungalows. The scale, style and materials proposed for the current developments are considered therefore to reflect the immediate vernacular and on this basis there are no grounds for objection.

28. *Environmental Health (Noise)*: No objections subject to the provision of a construction management plan.
29. *Ecology*: No objections subject to mitigation requirements being conditioned.
30. *Contaminated Land* – No objections, contaminated land condition required relating to phase II investigations.
31. *Education*: No objections, there are sufficient primary and secondary school places available to accommodate pupils from this development.

PUBLIC RESPONSES:

32. The application has been publicised by way of site notice, press notice and neighbour notification letters. One letter of concern has been received.
33. The occupier of one of the properties next to one of the building plots has concerns over loss of land beside their property. They also express concern over impact on staircase, hall way windows to the side elevation and are worried about the impact of the development during the construction process.

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/>

APPLICANTS STATEMENT:

34. The proposed development represents a significant opportunity to deliver the following economic, social and environmental benefits to Crook and the wider area and include:
 - Delivery of 40 no. affordable dwellings creating a sustainable residential extension to the settlement of Crook
 - A mix of two and three-bedroom houses and bungalows will be provided, helping to meet an identified need for such properties within the County
 - Residential amenity will be protected, both within the development, and between the proposed development and neighbouring occupiers
 - There will be no adverse impact on the surrounding highway network
 - The site is well located to promote pedestrian and cycle trips
 - The site is well-connected in terms of public transport to a number of larger settlements and their services within the surrounding area
 - The site is located in close proximity to the village centre of where a range of shops, services and local facilities are available
 - New residents will help to sustain existing shops, services and facilities within the village due to the higher footfall and patronage, thus reinforcing the village's local retail and service role

- The site is not at risk of flooding nor will it increase the risk of flooding elsewhere
- A drainage solution is proposed that would ensure that surface water can be satisfactorily disposed of

The statements above provide a strong case that demonstrates that the proposed scheme follows adopted planning policy and meets the criteria for good quality residential design. Given the adherence to national and local planning policy we would confirm that the scheme should be viewed favourably and engender support for a positive determination.

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, Layout, design and amenity and highways impacts.

Principle of development

36. The application site falls within the development limits of Crook and therefore the proposal is wholly in accordance with Policy H3 of the Wear Valley Local Plan.
37. Notwithstanding this, it is recognised that the housing policies of the Wear Valley Local Plan are not up to date. In such circumstances the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
38. The main purpose of the NPPF is to achieve sustainable development. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
39. The application site lies within an established residential area in Crook, which is identified as a main town in the County Durham Settlement study, reflecting the wide range of services and facilities that are available. The application site is well located for access to these services and facilities through being located within the existing residential framework of the town.
40. The development would provide a mix of 40 dwellings for affordable rent including a significant proportion of bungalows, which is a form of housing required to meet an identified need for older persons' accommodation. All the units would be owned and managed for this purpose and in line with policy requirements 10% would be formally secured through a Section 106 Agreement.
41. Accordingly there is no conflict with the aims of NPPF Parts 4 and 6 in respect of location of housing and delivery of sustainable, inclusive and mixed communities.

Layout, design and amenity

42. The development would comprise of a mixture of semi-detached and terraced bungalows and two storey dwellings which would be built of brick with grey concrete tiled roofs. The dwellings would respect the setting of the site and would be laid out on the established road network within the existing urban area. The development would be carried out at a similar density to the existing residential development at West End Villas.
43. Gardens would be provided to the front and rear of the properties. The rear gardens would generally be less deep than the 10 metre requirement under Wear Valley Local Plan Policy H24; however, this is in keeping with the established character of the area.
44. Adequate separation distances between properties would be provided within the development and to neighbouring properties, thereby protecting residential amenity. The concerns expressed by a neighbour relating to loss of light to their side windows are noted, but the windows in question do not serve habitable rooms and the relationship is in any case considered acceptable.
45. It is noted that many of the existing street trees have already been removed, but as they were not protected there was no control over their removal. There are still further trees to be removed, but while they do have some general amenity benefit they are not old established specimens worthy of protection and retention. It is also understood that complaints have been received about overshadowing and damage to walls and paved areas caused by the trees. The majority of trees on parts of West End Villas that are not to be developed are to be retained on the site. The applicant has agreed that it would be possible to provide a landscaping scheme on the site which would involve the planting of trees which would be more suitable to a dense residential environment. This would mitigate to some extent the loss of the existing trees and impact on general amenity. The landscaping scheme can be conditioned.
46. The proposed development is therefore considered to be of appropriate form, mass, scale, layout, density and materials. There would be no conflict with Wear Valley Local Plan Policies GD1 and H24 and NPPF Part 7.

Highways Impacts

47. It is noted that the provision of bungalows to the north east of 9-12 West End Villas would result in the loss of an existing tarmaced area which is utilised for off street parking. This was initially a cause for concern as its loss without replacement would have placed an additional burden on off street parking in the area. However, the plans have since been amended, and a small car parking area for 6 cars is proposed to the south of 56-60 West End Villas. The Highways Authority considers this a suitable replacement provision and has raised no objections in this respect. In relation to off street parking provision within the curtilage of the dwellings, this has been increased during the application process to the satisfaction of the Highways Authority.
48. Conditions would secure the submission of engineering details including footways, kerbing, and street lighting, as requested by the Highway Authority.
49. On this basis and given the acceptance of the scheme by the Highway Authority, it is considered that the proposed development would not be prejudicial to highway safety. The proposal does not therefore conflict with Wear Valley Local Plan Policies GD1 and T1 or NPPF Part 4.

Other issues

50. The proposal does not include any provision or contributions towards open space and recreational facilities, which conflicts with Wear Valley Local Plan Policy H22. However, it is accepted that this will make the development unviable and the site benefits from good access to the existing open space and recreational facilities in the area, including the central open space area which the site surrounds. In addition, the development will deliver other important benefits through the provision of good quality affordable rented housing, including older persons' accommodation for which there is a pressing need.
51. In relation to drainage, Northumbrian Water have advised the existing sewer network does not have capacity to accommodate additional foul flows at present, but it is likely that works can be carried out to increase capacity if there is certainty that the site is to be developed, and therefore this is not a reason to withhold planning permission. An appropriate discharge rate for surface water has also been agreed with NWL. The drainage details can be secured by conditions.
52. Some further investigation is required by the Coal Authority to see if any additional remediation steps need to be incorporated as part of the development but this can be appropriately conditioned.
53. A construction management plan will need to be submitted to consider the potential environmental impacts during the construction process.

CONCLUSION

54. The proposal represents a sustainable form of development which offers significant socio-economic benefits in terms of the provision of good quality affordable rented homes in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in residential amenity, highways and drainage terms.
55. There have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no significant conflict with the relevant policies of the Wear Valley Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a section 106 agreement to secure a minimum of 10% affordable housing and the following conditions;

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

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

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

2751 D 22 103 REV A
2751 D 22 102 REV A
2751 D 22 101 REV B
2751 D 22 100 REV A
2751-D-104

Street Elevations 2751 D 90 -103 REV A rec 21st February 2017

Location Plan 2751 D 90 -100 REV B “

Amended proposed site plan drawing 2751 D 90 -102 REV F rec 1st March 2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 4, 6, 7, 8, 10, 11 and Wear Valley Local Plan Policies GD1, H3, H15, H22, H24 and T1.

3. No construction of dwellings above dpc level 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 and numbers of planting.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

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

Reason: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area.

5. Drainage works shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. For the avoidance of doubt all surface water from the approved development shall discharge to the existing surface water sewer at manhole 0310 at a maximum restricted rate of 22.8 l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. No construction works on foundations shall commence until the additional intrusive investigative works recommended within the Phase 2 Ground Investigation Report dated 22 September 2016 and prepared by Arc Environmental Ltd have been undertaken in agreement with the Coal Authority, and the results of said investigation have been submitted to and approved in writing by the Local Planning Authority. Should the results of the investigative works confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, the proposed scheme of remedial/mitigation works must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed remedial/mitigation scheme.

Reason: In the interests of the stability of the land sought for development having regards to Part 11 of the NPPF.

7. No construction of footways, kerbing and street lighting shall commence until plans showing full engineering details of these works have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of Highway Safety and to comply with Policy GD1 and T1 of the Wear Valley Local Plan.

8. The on street parking bays and off street parking spaces shall be made available for use prior to the first residential occupation of the property to which they relate and shall remain available for the lifetime of the development.

Reason: In the interests of Highway Safety and to comply with Policy GD1 and T1 of the Wear Valley Local Plan.

9. Prior to the closure of the public parking area to the north east of 9-12 West End Villas the replacement public parking area shown on drawing no 2751- D- 90-102-F(proposed site plan) to the south of 56-60 West End Villas shall be completed and be available for public use and shall remain for public use for the lifetime of the development.

Reason: In the interests of Highway Safety and to comply with Policy GD1 and T1 of the Wear Valley Local Plan.

10. Development shall take place in accordance with the mitigation and recommendations detailed within section H of Preliminary Ecological Appraisal Report by E3 Ecology Ltd rec. 23rd February 2017.

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

11. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To ensure the construction is carried out with appropriate consideration and minimal disruption to the amenity of the local area and in the interests of highway safety in accordance with Wear Valley Local Plan Policy GD1.

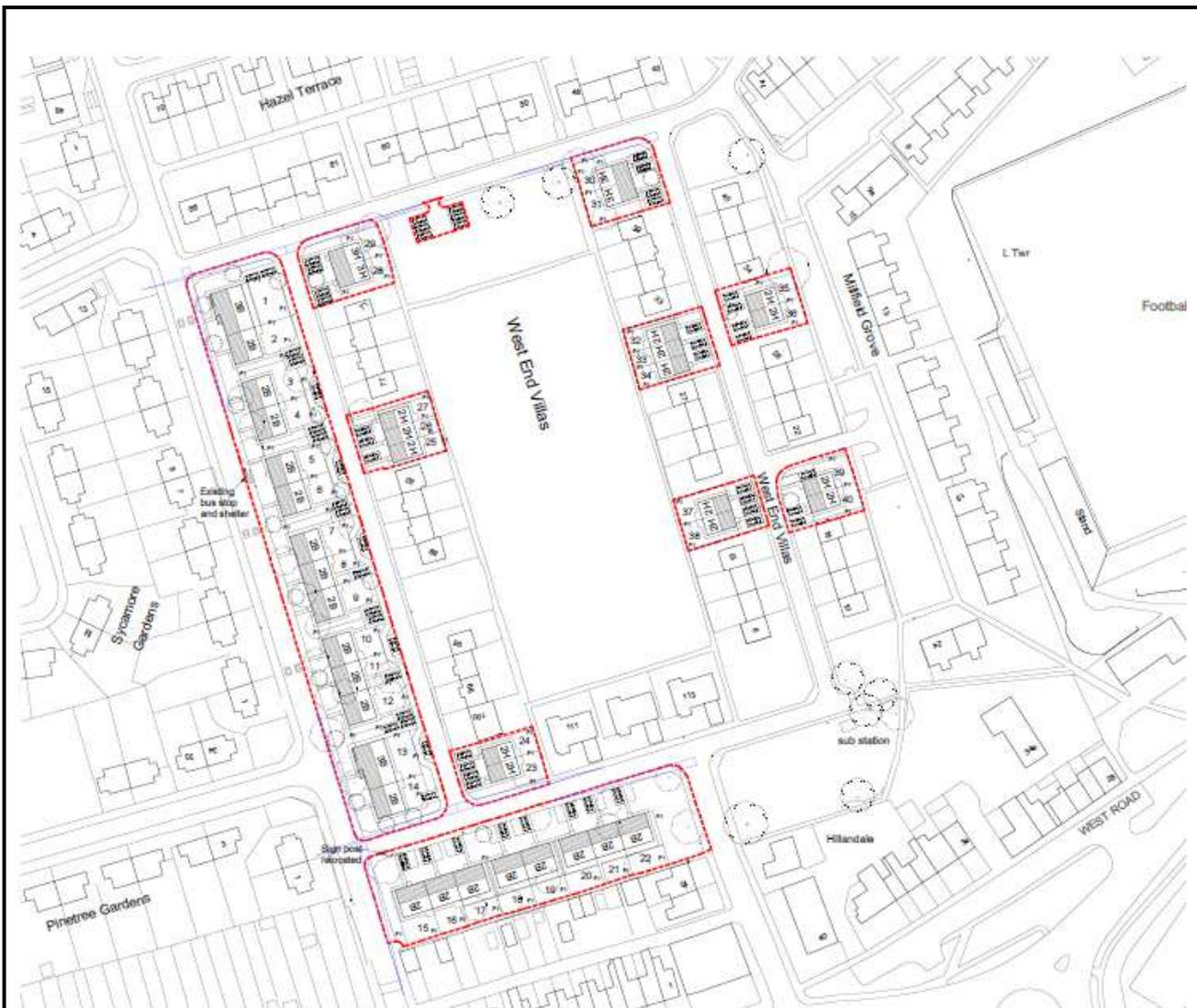
STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of 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. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Wear Valley Local Plan
- The County Durham Plan (Submission Draft)
- County Durham Settlement Study 2012
- County Durham OSNA
- All consultation responses received



40no. dwellings



Planning Services

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23rd March 2017

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00041/FPA
FULL APPLICATION DESCRIPTION:	Conversion of building to provide 6 no self contained flats
NAME OF APPLICANT:	Mr Andrew Samuels
ADDRESS:	The Forresters Arms, 35 Collingwood Street, Coundon, DL14 8LG
ELECTORAL DIVISION:	Coundon
CASE OFFICER:	Amy Harkness, Planning Officer, 03000 261391, amy.harkness@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to a redundant public house situated within Coundon Village Centre.
2. The property is detached and comprises the original public house with a two storey brick addition to the rear across the full width of the building with pitched roofs perpendicular to that of the original building. Beyond this is a single storey flat roof wc extension to the north eastern corner and rear yard area enclosed by a brick wall of single storey height incorporating out buildings of the same height. The eastern side of the entire building and western gable of the original building are in white render, with other elevations being in brick and stone. Roofs to the main building are pitched in slate with a flat felted roof to the single storey rear wc addition. The building has a timber frontage incorporating access doorway to the primary elevation on Collingwood Street. All existing windows to the building are upvc casements. Large chimneys are attached to the east and west gables of the original building, with a further chimney attached to the two storey rear addition.
3. To the western side of the building is a gravelled parking area and vehicle access to the site is directly into this area off Collingwood Street.
4. Two operational public houses lie immediately to the west and a grassed area of public open space lies to the east on Collingwood Street. Bungalows on Wilson Avenue are situated to the rear of the site and terraced houses are to its front on the opposite side of Collingwood Street.
5. Planning permission is sought for conversion of the building to six self contained, one bedroom flats. Each flat would have a separate living/kitchen area, bathroom and bedroom. Access would be from the front and rear of the building and individual flats would be accessed internally via shared circulation space.
6. Vehicle access to the site would remain as existing off Collingwood Street. The area to the side of the building would have a new tarmac surface and five car parking spaces and bin storage would be provided.

7. The main changes to create the new residential layout are internal but a limited number of external alterations are proposed to facilitate the new use. On the front elevation of the building the timber frontage would be removed, a new stone string course added at single storey height and the entire bottom section of the wall rendered. All existing windows and doors would be replaced and signage and an advertising hoarding to the eastern side would be removed. Existing rendered walls would be made good, brick and stone walls and the slate roofs would be retained as existing.
8. To the rear of the building the wc extension and out buildings would be removed. The external wall around this area would be retained and reduced in height at the eastern side. This space would form an amenity area for occupiers of the flats and provide two of the five proposed car parking spaces. The remaining car parking spaces would be provided in the existing yard to the side of the building.
9. The application is being reported to the Planning Committee at the request of Cllr Charlie Kay who raises concern over traffic generation, highway safety, residential amenity and noise and disturbance.

PLANNING HISTORY

10. Planning permission was granted in December 2015 (DM/15/02846/FPA) to subdivide the first floor into 2 no. flats, retaining the bar area below. There is no other relevant planning history to this site.

PLANNING POLICY

NATIONAL POLICY

11. 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.
12. 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;
13. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *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.

15. *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.
16. *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.
17. *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:

18. The development plan is the Wear Valley District Local Plan saved policies:
19. 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.
20. 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.
21. Policy H18 – Subdivision of Premises – Planning permission will be approved for conversion of premises to flats where they are located in the limits of towns and villages defined by Policy H3, will not be detrimental to the amenity of adjoining residents, suitable access, parking and amenity space is provided, alterations relate to the character of the surrounding area and the criteria of Policy GD1 is met.
22. 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.
23. Policy T1 – Highways - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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>

RELEVANT EMERGING POLICY:

The County Durham Plan

24. 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 (CDP) 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. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. Highway Authority – Initially commented that the gravelled area to the side of the building would not be capable of having formal demarked spaces and no bin storage was provided. An amended plan showing this area in tarmac with 5 no. delineated parking spaces and bin storage was subsequently provided by the agent. The Highways Officer advised this was acceptable and raises no objections to the proposals subject to a condition being attached to any approval to secure implementation of the car parking area prior to first occupation of the building.
26. Police Architectural Liaison Officer – Has assessed the crime risk of the development as low. The proposal has been considered from a ‘design out crime’ perspective and it is considered there are no grounds for objection by the Police. There are no features of the development considered to generate crime or antisocial behavior. The Traffic Management department raise no objections.

INTERNAL CONSULTEE RESPONSES:

27. Ecology Section – No objections.
28. Environmental Health (Noise) – Consider that the development is unlikely to cause a statutory nuisance issue.
29. Design and Conservation – No objections.

PUBLIC RESPONSES:

30. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. At the time of preparing this report 3 no. individual letters of objection had been received from local residents and an objection petition including 184 names and signatures. The key areas of concern are summarised below:
 - Coundon already has many empty houses and flats
 - The nature of the accommodation and its potential occupants
 - The applicant is not local to the area and would profit from the scheme
 - The vehicle access is hazardous
 - Proposed parking is inadequate and vehicles will park on Collingwood Street close to a pedestrian crossing

- Anti social behavior, noise and disturbance
- Security of neighbouring dwellings and potential for trespassing

31. APPLICANTS STATEMENT:

32. The Foresters Arms, 32 Collingwood Street, is a traditional pub with a single two bed roomed flat at first floor level. In 2015, planning approval was granted to provide an additional flat, Ref- [DM/15/02846/FPA]. Work on the conversion was not started, and vandalism saw the property boarded to prevent further deterioration of the structure. Despite requests by local residential groups, to address problems, the owner of the building could not be contacted. In 2016, the pub and accommodation was repossessed and placed back on the market. The property is still on the open market, however, it currently remains unsold.
33. To maximise the use and interest in the building, a planning application to provide 6 No. apartments has been submitted for approval. Parking within curtilage of the site can accommodate resident parking.
34. We would reiterate, that it is in the interest of all parties, to seek a favourable solution to retain and secure the current use of the building, or to provide a sympathetic conversion to provide residential accommodation within the building.

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 relate to the principle of development, scale/design, highway safety, privacy/amenity and ecology.

The principle of the development:

36. Saved policy H3 of the Wear Valley District Local Plan (WVDLP) seeks to direct new housing development to those towns and villages best able to support it, balancing the requirement for new housing with the need to maintain the character of the surrounding countryside. The site falls within the development limits of Coundon and therefore accords with the policy.
37. However, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Local Plan policies depends upon the degree of consistency with the NPPF. Para. 49 of the NPPF also states that Local Plan housing policies should not be considered up to date where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In this respect the settlement boundary policies are housing policies and are not considered to be up to date or compliant with the NPPF, which adopts a more flexible approach and does not seek to restrict the development limits of settlements. The aims of saved policy H3 relating to siting of housing in sustainable locations within settlements best able to support it and the protection of the open countryside are consistent with the NPPF and these aspects of the policy carry some weight.
38. Where local housing policies are not up to date, para. 49 of the NPPF goes on to say that housing applications should be considered in the context of the presumption in favour of sustainable development, which is set out in para. 14. This advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the

policies of the NPPF as a whole. A planning balance test should be applied to assess the benefits and adverse impacts of the development and determine whether the proposal would accord with para. 14.

39. Notwithstanding the above requirement for a planning balance test, the site is situated within the village centre and is well located in terms of access to local services and facilities. As such new residents would not be wholly reliant on private car travel and the proposal is broadly in accordance with the aims of part 4 of the NPPF in respect to transport.
40. Part 6 of the NPPF seeks to achieve a wide choice of quality homes, Para. 17 supports the re-use and conversion of existing buildings and para. 51 applies this principle directly to residential uses. The proposed development involves reuse of a redundant building for residential purposes in a sustainable location at the centre of the village close to local services and public transport. The proposed new residential use would be consistent with existing uses in the surrounding area.
41. Para. 70 of the NPPF states that planning decisions should guard against loss of valued community services and facilities. There are other public houses within the vicinity and the building is not listed on the Council's designated community assets register. It would therefore not result in the loss of a key community facility and its impact to the local community is considered acceptable in this respect.
42. Subject to the outcome of the planning balance test and an assessment of whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, it is considered that the proposal is in broad accordance with the aims of the NPPF.

Scale/Design:

43. Part 7 of the NPPF seeks to ensure good design in new developments and saved Local Plan policy GD1 seeks to ensure good design standards, ensuring new developments are in keeping with their surroundings reflecting the density and character of the locality.
44. The proposed conversion would involve the replacement of windows and doors, removal of dated signage and making good of the elevations, which would result in a substantial improvement to the appearance of the building and its contribution within the street scene in this part of Coundon.
45. Other external alterations to the building to facilitate the new use are of a limited nature. New render and a stone string course would be introduced to the front elevation in place of the existing timber frontage, which is a more recent addition to the building. Reinstatement of the wall behind using materials to match the existing building and introduction of traditional detailing to the door and windows would relate to the character of the building and surrounding area.
46. The modern flat roof wc extension to the rear is of no aesthetic merit and its removal, to leave a lower height boundary wall of 1.7m in height around the rear amenity space would enhance views of the building along Collingwood Street to the east. The other out buildings to the rear are screened in most views by the existing building and are of little aesthetic merit. Their loss to facilitate amenity and parking space would not be detrimental to the character of the surrounding area.
47. The gravelled area to the western side of the building has become over grown with weeds in places and has been subject to littering. This area would be tarmaced to

accommodate parking spaces and a screened bin store. The proposed works would improve the appearance of this area and views into it from Collingwood Street to the south east.

48. The proposal is considered to be well designed and would relate to the character of the surrounding area in accordance with part 7 of the NPPF and saved Local Plan policy GD1.

Highway safety:

49. Para. 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved Policy T1 from the WVDLP states that all developments which generate additional traffic should accord with GD1 and provide adequate access, not exceed the capacity of the local road network and be capable of access by public transport networks.
50. Coundon has frequent bus services to nearby towns such as Durham, Spennymoor, Shildon, and Bishop Auckland. Buses run directly past the property or in very close proximity and the nearest bus stop is 60m west of the site. The site is central within the settlement and is in a sustainable location.
51. Five de-marked off street parking spaces and a screened bin store would be provided in the side yard area adjoining the building, that would be resurfaced in tarmac. This represents an improvement upon existing parking provision at the site and encourages use by the occupiers of the flats. As requested by the Highway's Officer a condition would be appropriate to secure implementation of the car park before the building is first occupied.
52. The Manual for Streets (2007) provides key national guidance and good practice on highway safety and design issues. This states that direct vehicular access in urban areas is appropriate on to roads with a 30 mph speed limit with traffic flows of up to 10,000 vehicles per day. The Highways Officer confirms that Collingwood Street, which has a 30mph speed limit, has traffic flows significantly less than 10,000 vehicles per day. Sight visibility at the junction between the vehicle access to the Forrester's Arms and Collingwood Street exceeds guidance contained within the Manual for Streets. The Highways Officer therefore considers that the vehicular access to the site is suitable for the proposed development and would not adversely affect highway safety. The Police Traffic Management Department also do not raise any concerns in terms of road safety.
53. The current use of the building is a public house and if it was re-opened for this purpose, it would have a higher parking demand and associated vehicle movements than the proposed residential use. In addition current permitted development rights would enable the public house to be converted to a restaurant or shop, without the need to apply for planning permission. Such uses are also likely to attract a parking demand and vehicle movements significantly in excess of residential use or the current public house use.
54. The development includes an adequate level of off street parking for the new use and the vehicular junction with Collingwood Street is in accordance with national good practice guidance. The current public house use and permitted alternative uses have potential to result in a significantly higher demand for parking and vehicle movements in excess of the proposed residential use. The proposal would not result in such a severe adverse impact on highway safety to warrant refusal of the

application on highway grounds, in accordance with para. 32 of the NPPF and would accord with saved policies T1 and GD1 from the WVDLP.

Privacy/Amenity:

55. Para. 17 of the NPPF states that new development should maintain a good standard of amenity for all existing and future occupants of land and buildings. Para. 123 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the WVDLP advises that new development should not disturb or conflict with adjoining uses.
56. Saved policy H24 of the WVDLP defines the expected standards of design for new residential developments and states there should be a minimum distance of 21m between walls of dwellings containing windows to habitable rooms. This policy has is only partially consistent with the objectives of the NPPF which is more permissive and therefore does not carry full weight in decision making.
57. The rear wall of the building is 16.5m away from the rear wall of the closest bungalows on Wilson Avenue to the north east. The rear boundary wall of the site enclosing the proposed parking and amenity areas is an intervening feature between the adjacent bungalows. This sits around the same height as the eaves level of the bungalows and would provide effective screening between ground floor windows of both properties.
58. The upper floor windows of the new flats would look down on some areas of the garden and rear wall of the bungalows. However the first floor of the Forrester's Arms has a current residential use and at present windows within the living area, stairwell and bathroom face this direction. This would change to two bedrooms and a living/kitchen area as part of the proposals. The proposed rooms at this side of the building would have a similar level of use and potential for residents looking out of the windows to the existing rooms on this side. Therefore it is considered that the proposal would not lead to any new overlooking issues or loss of privacy to residents of the adjacent bungalows, beyond that of the existing arrangement.
59. The site is situated 7m to the east of the Durham Ox Public House, which is understood to be operational. The Environmental Health Officer has advised that it is possible the new occupiers of the flats could experience noise from amplified music and external plant at the Durham Ox. However it is noted that there are existing dwellings with a similar spatial relationship to this public house as the proposed flats and that there are no records of noise complaints to date. Overall the Environmental Health Officer considers that it is unlikely the development would cause a statutory nuisance and has not recommended any sound attenuation measures. Any noise and disturbance to occupiers of the new flats from the Durham Ox are unlikely to be to a significant level and the amenity impacts in this regard are considered acceptable, in accordance with the aims of para. 123 of the NPPF.
60. Neighbouring residents to the site have expressed concern about potential for noise and disturbance from the new use. However residential use would be less noisy than the current use as a public house, which could play loud amplified music and involve customers gathering externally to smoke and use outdoor areas. In addition the number of deliveries, vehicle movements and overall comings and goings associated with the residential use would be less than the current public house.

61. The proposed outdoor amenity space would be situated to the rear of the building close to the adjacent bungalows. However there are existing external areas to this side of the building which currently has a combination of residential and public house uses. The outdoor amenity space proposed is to a limited size and any potential noise from this area is not considered to exceed that which could currently be generated if the premises were to re-open. It is not considered that the impacts on the amenity of neighbouring residents would change and they are therefore acceptable in this respect, in accordance with para. 123 of the NPPF.
62. Local residents also have concerns about potential anti-social behaviour, security of neighbouring properties and trespassing as a result of the development. The current use as a public house or as a vacant building carries a risk of these issues occurring. The potential for such incidences occurring once the building is used residentially largely relates to the behaviour of individual future occupants which is impossible to predict. Other legislation is in place to control issues of anti-social behaviour and criminality, including trespass, which would be enforced by the Police and other departments within the County Council. The Police Architectural Liaison Officer has been consulted on the application and assesses the crime risk of this development as being low and notes there are no features considered to generate crime or anti-social behaviour.
63. The proposal would not be detrimental to the amenity of surrounding residents and would accord with paras. 17 and 123 of the NPPF and saved policy GD1 from the WVDLP.

Ecology:

64. Paragraph 11 of the NPPF and policy GD1 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests.
65. The Ecology Section have assessed the proposal. Given the location of the building and the proposed minor alterations the risk of roosting bats is considered to be low therefore supporting information is not required to accompany the application. They have however advised that whilst supporting information has not been required there remains a residual risk of bats. An informative is considered appropriate to make the applicant aware of this issue.

Planning Balance:

66. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.
67. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits the new flats would make to local housing supply, the support new residents would give to local services and economic benefits during construction.
68. It is considered that there are a number of other benefits associated with the development. The proposal offers an opportunity to bring the currently redundant building back into meaningful use, which would improve its external appearance and secure its long term maintenance. The new flats would be in a sustainable location where residents would not be wholly reliant on private car journeys to access local facilities and services and improved parking provision would be provided.

69. The development would not be detrimental in terms of scale and design, highway safety, local amenity or ecology and the relevant internal and external consultees raise no objections to the application.
70. The concern of residents that there are already a number of empty houses and flats in Coundon is noted. However there are no up to date housing policies that address issues of local housing demand and this is not something that can be controlled by the Local Planning Authority at this time. Ultimately market forces will dictate whether there is a demand for this type of housing locally via the uptake of potential purchasers and tenants. Other issues raised by neighbouring residents are acknowledged and have been addressed in detail above.
71. Overall there are not considered to be any adverse impacts associated with the development which would significantly and demonstrably outweigh the benefits of the proposal.

CONCLUSION

72. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
73. In this instance the development would provide public benefits, the most significant of which would be the contribution the proposal would provide to local housing supply in a sustainable location.
74. On balance, it is considered that the benefits of the development significantly and demonstrably outweigh any potential adverse impacts. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for approval.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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

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

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

Site Location Plan – Received 4/1/17

Proposed Elevations – Received 4/1/17

Proposed Ground & First Floor Plans – Received 4/1/17

Existing and Proposed Site Plan – Received 18/1/17

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

3. Full details of hard landscaping works and means of enclosure shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as

approved prior to first occupation of any of the flats. These details shall include details of the surfacing of the parking area, bin storage and boundary treatments including sections and specification of materials.

Reason: In the interests of securing a high quality of development, preserving the character and appearance of the surrounding area and in the interests of highway safety to comply with saved policies GD1 and T1 of the Wear Valley District Local Plan.

Informatives:

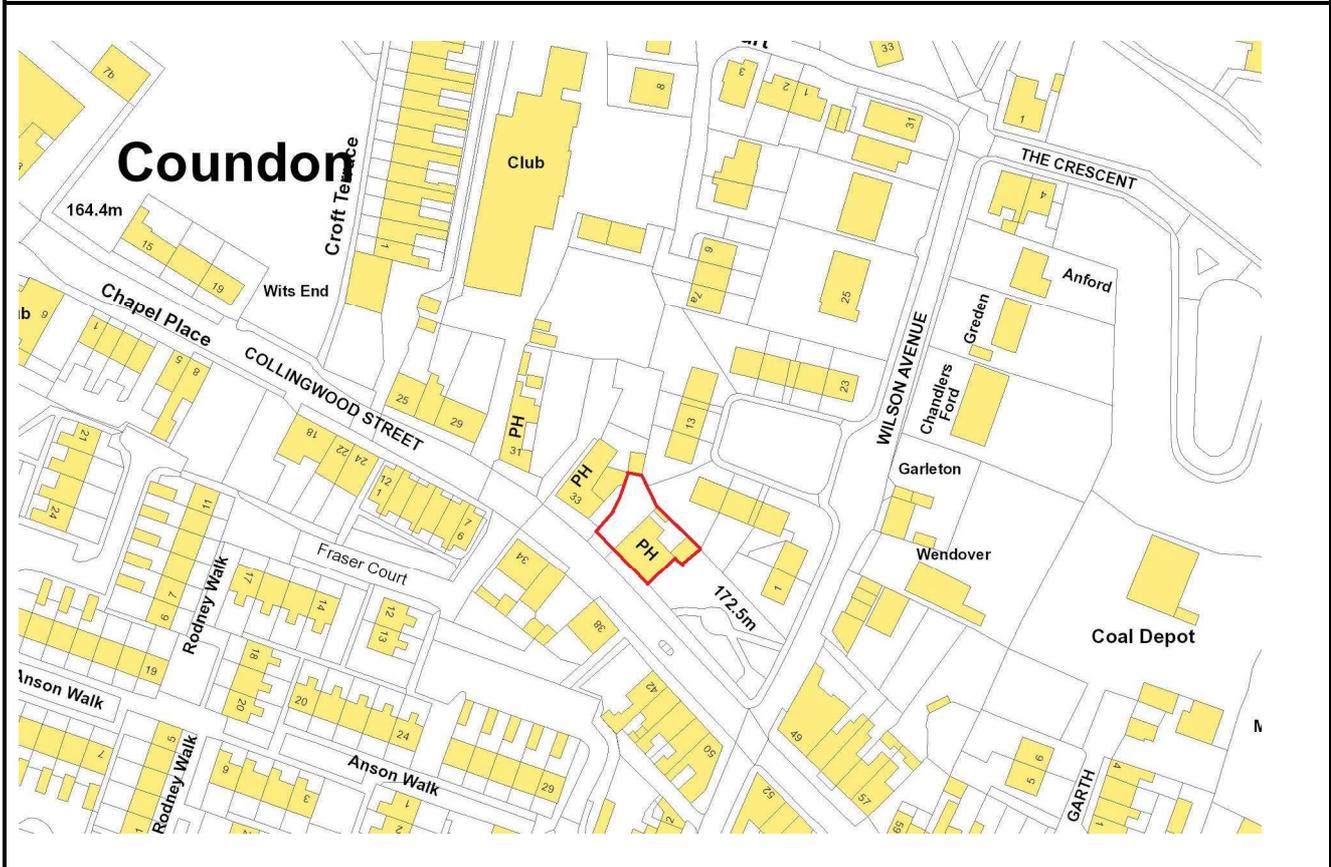
1. Bats and nesting birds are protected under the Wildlife and Countryside Act (1981) and the Conservation (Natural Habitats) Regulations (2007). It is an offence to deliberately capture, injure, disturb or kill bats or damage or destroy a roost or habitat. Therefore close inspection of trees should be undertaken for bats and their roosts, and nests prior to the commencement of any works. This should include any crevices, holes or cracks, especially trunks on large and old trees. If bird nests are evident works to trees should be avoided during the bird nesting season (March-September). If bats are found work should cease until advice has been obtained from Natural England who can be contacted on Tel. no. 0191 229 5500. Information and advice is also available from the National Bat helpline on 0845 1300228.

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. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Wear Valley District Local Plan
Statutory response from the Highway Authority
Internal responses from Ecology, Environmental Health and Design and Conservation
External response from Police Architectural Liaison Officer



Planning Services

Conversion of building to provide 6 no self contained flats

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Comments

Date 23 March 2017