



Area Planning Committee (South and West)

Date Thursday 14 December 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. Minutes of the Meeting held on 23 November 2017 (Pages 3 - 4)
5. Applications to be determined
 - a) DM/17/00244/OUT - Land At Catkin Way, Bishop Auckland
(Pages 5 - 30)
Outline planning application for 101 residential dwellings and means of access (all other matters reserved).
 - b) DM/17/03602/FPA - Garage Block, Armstrong Close, Newton Aycliffe, Co Durham (Pages 31 - 50)
2 no. dwellings (including demolition of garages).
 - c) DM/17/02903/FPA - Plots 2 and 3, Dean Lane, Spennymoor, Co Durham (Pages 51 - 64)
2 no. detached dwellings.
 - d) DM/17/02967/OUT - Green View Lodge, Hamsterley, Bishop Auckland (Pages 65 - 80)
Outline all matters reserved except access for construction of 12 no. dwellings including demolition of farm buildings.
 - e) DM/17/03278/FPA - Jacobs Lodge, Hill Top, Eggleston (Pages 81 - 90)
Temporary change of use of dwelling to holiday accommodation (Retrospective).

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
6 December 2017

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

Councillor H Nicholson (Chairman)
Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,
K Liddell, C Martin, A Patterson, G Richardson, J Shuttleworth,
L Taylor, F Tinsley and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 23 November 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), C Martin, A Patterson, G Richardson, L Taylor and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors Huntington, Shuttleworth and Tinsley.

2 Substitute Members

There were no substitute Members in attendance.

Councillor Nicholson reminded Members of the Committee that they should try, wherever possible, to appoint a substitute Member if they were unable to attend the meeting.

3 Declarations of Interest

There were no declarations of interest in relation to any items of business on the agenda.

4 Minutes

The minutes of the meeting held on 19 October 2017 were agreed as a correct record and signed by the Chairman.

5 DM/17/02794/FPA - South Church Care Home, 21 Auckland Road, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the conversion of a nursing home into 12 residential units at South Church Care Home, 21 Auckland Road, Bishop Auckland (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, a site photographs, proposed site plan, proposed elevations and internal layouts.

Councillor Richardson referred to the site being in a flood risk zone and asked how this would be managed and whether there was an ongoing flood risk. Councillor Nicholson informed Councillor Richardson that approximately 8 years ago the Environment Agency had carried out an £8m flood defence scheme to address flooding issues. The Senior Planning Officer added that because the site was within an area designated within flood zones 2 and 3 the Environment Agency was consulted as a statutory consultee. While the Environment Agency initially objected to the application, this had subsequently been withdrawn following the introduction of the proposed Condition 9 of the planning permission.

Councillor Clare informed the Senior Planning Officer that Members of the Committee had received an email about the application conflicting with Policy BE14 of the Wear Valley District Local Plan and sought clarification on this and also asked whether Policy BE14 was relevant to the application.

The Senior Planning Officer replied that the area of land covered by Policy BE14 was larger than the application site. The application only related to the existing former care home site and would have no impact on the wider space, indeed the site would be enhanced by an increase in green space.

Councillor Atkinson referred to the possible danger of pedestrians crossing the road at the site and asked whether there could be any future costs associated with the development to make a safe road crossing. The Senior Planning Officer replied that highways officers had been consulted on the application and had raised no issues, with the existing access point and parking arrangements being acceptable.

Councillor Brown asked why a tree survey had not been carried out as advised by the Arboricultural officer. The Senior Planning Officer replied that at the pre-application stage the applicant had been encouraged to carry out a tree survey but this was not forthcoming. Trees could be removed from the site without causing overall harm and tree protection was conditioned at Condition 7 and landscaping at Condition 6.

Councillor Patterson considered it was good that the application would bring an empty building back into use. She was pleased that conditions for cladding and exterior render were included in proposed permission and **moved** approval of the application.

Seconded by Councillor Clare and

Resolved:

That the application be approved subject to the completion of a Section 106 agreement to secure a financial contribution totalling £24,310 towards offsite open space and recreational provision and the conditions contained in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00244/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for 101 residential dwellings and means of access (all other matters reserved).
NAME OF APPLICANT:	Yearville Estates Limited
ADDRESS:	Land At Catkin Way, Bishop Auckland, DL14 9AF
ELECTORAL DIVISION:	West Auckland
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 rectangular shaped parcel of land located within the Woodhouses area of Bishop Auckland. The site extends to approximately 3.16 hectares (ha) in area and comprises previously developed land, formally within an industrial use. Concrete hardstandings are present on the site with an area of mature vegetation along the north eastern site boundary. The site is relatively level, however a 2m fall is evident from the southern and part eastern site boundary to adjacent land containing residential properties and the highway Greenfields Road.
2. A public right of way (Footpath No.15 (Bishop Auckland)) lies adjacent to the northern boundary of the site, along an adopted highway, which provides the sole vehicular access to the site. Beyond this highway existing industrial buildings are located, which operate at a low intensity. To the east, the adopted highway of Greenfields Road is located, beyond which lies the residential area of Woodhouses. To the south of the site, the residential terrace of West View is located along with the retail stores of Lidl, Home Bargains and T.K. Maxx. To the west of the site the concrete hardstandings of a cleared industrial building are present.
3. The site is located 3.9km to the south east of Witton-le-Wear Site of Scientific Interest (SSSI) and 1740m from Escombe Pasture Local Wildlife Site. The Grade I listed building of Escombe Church is located 2.7km to the north of the site. Bishop Auckland Conservation Area lies 2.6km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.4km to the north west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II* Listed building of Witton Tower is

located 5.2km to the north west of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site. There are no landscape designation within or adjacent to the site.

The Proposal

4. This outline planning application is for the erection of 101 dwellings including the means of access with all other matters reserved. An indicative site layout has been submitted setting out that the dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road. It is indicated that there would be active frontages overlooking an area of public open space that would be provided to the eastern site boundary. The sole vehicular access to the site would be taken off Catkin Way.
5. This planning application is being reported to the South West Planning Committee because it is a residential development with a site area in excess of 1 hectares and over 100 dwellings.

PLANNING HISTORY

6. Outline planning permission was granted in 2007 on appeal and again in 2011 for a residential development up to 118 dwellings (Permission No. 3/2011/0272).
7. A full planning application for the erection of 75 dwellings immediately adjacent to the site is pending determination (Application No. DM/17/00466/FPA).

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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’.
9. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *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.
11. *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.

12. *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.
13. *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.
14. *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.
18. *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.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing 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.
20. *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>

21. 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; noise; open space, sports and recreation facilities and public rights of way; 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)

22. *Policy BE1 – Protection of Historic Heritage* – Sets out that the Council will seek to conserve the historic heritage by maintenance, protection and enhancement of features and areas of particular historic architectural interest or archaeology interest.
23. *Policy BE4 – Setting of a listed Building* – Sets out that development that impact upon the setting of a listed building and adversely affects it its special architectural, historical or landscape character will not be allowed.
24. *Policy BE 5 – Conservation Areas* – Identifies Conservation areas on the proposals map while seeking to protect them from inappropriate development.
25. *Policy BE8 – Setting of a Conservation Area* – Sets out that ddevelopment which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
26. *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.
27. *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.
28. *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.
29. *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
30. *Policy H24 – Residential Design Criteria*. New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
31. *Policy I5 – Industrial Estates* – Sets out that within designated Industrial Estates proposals for offices and business use (use class B1), general industry (use class B2) and storage and distribution (Class B8) will be permitted in principle
32. *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.

33. *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.

RELEVANT EMERGING POLICY:

The County Durham Plan

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (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 relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Wear Valley District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority* - It is advised that subject to minor modification to the location of the access point the proposed access arrangements would represent an appropriate access into the site and would not adversely impact on highway safety. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled and highway improvement works to alleviate pressures at the junction Maude Terrace/Greenfields Road are required. A contribution of £241,000 has been costed to deliver these wider capacity improvements which would need to be secured by a S106 agreement. It is however advised that residual impacts would result in increased queues and delays despite the mitigation, this would however not amount to a severe cumulative highway impact.
36. *Drainage and Coastal Protection* – Advise that the principles set out in the submitted flood risk assessment and drainage strategy are acceptable, subject to the detailing of the final scheme in support of any reserved matters application.
37. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition, whilst advising that the existing infrastructure would need to be upgraded by NWL to accommodate additional flows.
38. *Coal Authority* – Advise a conditional approach requiring further site investigations and detailing of mitigation where required to be submitted alongside any reserved matters application.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan, in this case the (WVDLP). The site is located within the ‘limits to development’ for Bishop Auckland as defined by Policy H3 of the Plan, and its development would accord with this Policy. The scheme would however conflict with Policy I5, however it is considered that this Policy can be afforded reduced weight as it has previously been established through an employment land review that the land is not needed for future employment purposes.
40. It is considered that the site is well related to the town with good access by shops and facilities located at Tindale Crescent. The principle of developing the site for housing would accord with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within the town, and effectively re-use land that has been previously developed. There are no in-principle objections to the development of the site.
41. *Landscape* – It is advised that consideration should be given to the rationalisation of the existing landscaping along the eastern boundary of the site, to form an active urban environment to be secured through any subsequent reserved matters application.
42. *Landscape (Arboriculture)* – Advise that the development is feasible without significant tree removal or conflict but a comprehensive landscape plan, to include tree removal retention and enhancement of the tree belts and provide a plan to show protective fencing should be submitted, particularly in relation to the trees on the southern boundary of the site.
43. *School Places and Admissions Manager* – Advises that a development of 101 houses could generate an additional 30 primary pupils and 12 secondary pupils. Taking into account current surplus in schools which could serve the development (based on The Education Department’s Guidelines) and other proposed developments in the area, it is identified that the capacity of primary and secondary schools in the area would need to be increased to accommodate the additional demand. A contribution of £300,931 is sought to deliver the increased primary and secondary capacity.
44. *Sustainability* – Offers no objections, while highlighting that improved connectivity to existing facilities should be secured. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
45. *Archaeology* – Raise no objection due to the previously developed nature of the site.
46. *Housing Delivery* – Advise that the scheme should provide a minimum of 10% affordable housing.
47. *Access & Rights of Way* – Identify that a public right of way passes the north of the site (Footpath No.15 Bishop Auckland).
48. *Ecology* – Advise that the conclusions of the submitted Ecological Appraisal are sound. It is however advised that the recommendation for ecological enhancements don’t go far enough to attain the net gain for biodiversity as required by the NPPF. It is therefore recommended that a detailed scheme for ecological enhancements is submitted for approval alongside a reserved matters application to ensure deliverability and address habitat loss on site.

49. *Environmental Health and Consumer Protection (Air Quality)* – The development would not exceed the indicative thresholds for traffic generation requiring the submission of an air quality impact assessment and therefore no mitigation measures are required in relation to air quality following completion of the development. However, it is advised that dust management plan should be adopted during the construction phase.
50. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that a Geoenvironmental Desk Study Report has been submitted in support of the application. Given the above and due to the fact that this development constitutes a change of use to a more sensitive a conditional approach to land contamination is recommended.
51. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures indicated within the submitted noise assessment reports. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
52. *Sustainable Transport* – Advise that modifications to the submitted travel plan are required, to be agreed by condition.
53. *Assets (viability)* – Advise that the general conclusions of the viability assessment are sound and the development could not support additional levels of contributions/affordable housing and remain viable.
54. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation.

NON -STATUTORY RESPONSES:

55. *Police Architectural Liaison Officer* – Offers layout advice any new development should accord to whilst highlighting that existing public rights of way should be overlooked.
56. *NHS* – Advise that Auckland Medical Practice has sufficient capacity whilst no wider cumulative impacts are identified.

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

58. The site is brownfield land that is within the built development limits of Bishop Auckland. The site is also considered to be in a sustainable location given it is in close proximity to local shops, services and facilities including schools and jobs. The proposal will bring clear economic benefits in terms of creation of construction jobs and increased spend in the local economy post construction. Social benefits will arise from the provision of affordable housing whilst access to existing open space will have health and well-being benefits for both existing and future residents.
59. In terms of environmental benefits, the site itself is of low ecological value, the scheme provides opportunities for enhancement through the retention of existing planting to the boundaries and opportunities for new planting within the site. The proposal will not result in any drainage / flood risk issues and can be safely served from Bishop Auckland.

60. The site has previously had consent for residential development for 118 residential dwellings, granted at appeal in 2007. Permission was granted to extend the permission in 2011 however this has now expired.
61. The Authority is part of a government pilot to promote development on brownfield land. The authority prepared a register of suitable brownfield housing sites available in the county as of June 2016. The application site is referred to on the register as 3/BA/20, Catkin Ways with a housing estimate of 118 residential dwellings.
62. The proposal is considered to constitute sustainable development with no adverse impacts that significantly or demonstrably outweigh the environmental, social and economic benefits arising from the delivery of new houses. In light of the above and the Council's current housing supply position, together with the previous appeal decision which establishes the principle of the use of the land for residential development, it is considered any application for residential development on the site should be considered favourably

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OKAATWGDL6N00>

PLANNING CONSIDERATIONS AND ASSESSMENT

63. 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, layout and design, highway safety and access, ecology, residential amenity, flood risk and drainage, ground conditions, heritage impacts, other matters and viability/planning obligations.

The Principle of Development

The Development Plan

64. 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 local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
65. 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 depending on the circumstances.

66. 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.
67. 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.
68. 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.
69. 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 where 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, then housing policies in a Local Plan cannot be considered up to date.
71. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 dwellings per annum (29,127 houses by 2033)
 - 1,629 dwellings per annum (30,951 houses by 2033)
 - 1,717 dwellings per annum (32,623 houses by 2033)
72. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.

73. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
74. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
75. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
76. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

Assessment having regards to Development Plan Policies

77. WVDLP Policy I5 designates the site as an industrial estate (Greenfields Industrial Estate). Within the estate, Policy I5 sets out that proposals for offices and business use (use class B1), general industry (use class B2) and storage and distribution (Class B8) will be permitted in principle. The proposed residential use would therefore not conform to the allocation in the WVDLP.
78. WVDLP Policy I5 is considered partially consistent with the NPPF. Although the NPPF sets out that adequate employment land should be made available to meet demand it requires at Paragraph 22 that land allocations should be regularly reviewed. Paragraph 22 also sets out that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals and need for different land uses to support sustainable local communities.
79. Given the age of the employment land supply figures that informed WVDLP Policy I5, the policy does 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 policy reduced as a result.
80. In addition to this an Employment Land Review (ELR) was undertaken in 2012 which identified large areas of vacancies and site clearance with a rundown appearance within Greenfield Industrial Estate. The ELR recommended that the site should not be protected for specific employment uses and therefore deallocated. Given the recommendation of the ELR, a material planning consideration, and the more flexible approach promoted in the NPPF, it is considered that the policy conflict with Policy I5 should be given reduced weight in the planning balance.
81. WVDLP Policy H3 sets out that new housing development should be located in the towns and villages best able to support it, setting out limits of development. 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. The NPPF

does not prevent a local planning authority from defining settlement boundaries; however, these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. As Policy H3 is not based on up-to-date evidence of this nature, it is therefore considered out of date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policy reduced as a result.

82. 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.

Conclusion on Principle of Development

83. The development of the site for housing would, in principle, be contrary to WVDLP Policy I5. However, WVDLP policies for the supply of employment land are out of date given the age of evidence which is not considered up to date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced, particularly in this instance given that it is only partially consistent with the NPPF and the recommendations of the ELR to deallocate the site for industrial/commercial purposes. As a result, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted in the paragraph NPPF 14 test.

Locational Sustainability of the Site

84. Paragraph 61 of the NPPF sets out that planning decision 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 Woodhouses and the wider development of Bishop Auckland relatively well by utilising existing connections and reinforcing pedestrian connections along the eastern boundary of the site.
85. 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. A distance of 2,600m is evident to the town centre, 480m to Tindale Crescent retail and employment sites. A distance of 1,500m is evident to the nearest secondary school and 640m to the nearest primary school. The nearest GP is located 1,500m away while Bishop Auckland Hospital is located 2,500m away.
86. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Bishop Auckland is identified as a main town in the Council's Settlement Study 2012 due to its array of services and 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 101 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of services provided. The walking routes into Bishop Auckland are also on adopted well-lit highways with no significant topographical restrictions.

87. 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 northbound on Greenfield Road (approx. 150m away) and Watling Road (approx. 320m away). This would give access to the town centre and connections beyond. A range of transport options would therefore be available for future residents.
88. In order to access the bus stop services and surrounding amenities adoptable footway links would be required on the complete eastern site boundary with Greenfields Road. A link from Greenfields Road/Catkin Way junction to Greenfields Road bus stop to the north of the site would also be required to prevent pedestrians walking on the carriageway between the stop and the development site. These could be delivered by conditions.
89. Overall, it is considered the improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and WVDLP Policies GDP1 and H24 (which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF) and Parts 4 and 7 of the NPPF.

Layout and Design

90. 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.
91. Furthermore NPPF Paragraph 58 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 resisted 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.
92. It is recognised that the application is in outline form, however an indicative layout has been submitted which following amendments demonstrates that development could be achieved on site with an acceptable layout and pedestrian connections. Although the layout indicates that a significant amount of vegetation would be removed the eastern vegetation, it is considered that subject to detailing a suitable landscape scheme in any reserved matters application, this would be acceptable and would appropriately relate to the urban environment as advised by the Council's Landscape officers.
93. Further to this it is recognised that the site in its present condition has an adverse impact on the character and appearance of the surrounding area, with a derelict untidy appearance. The development of the site as indicated on the submitted layout, subject to further detailing in any reserved matter application, would represent a positive contribution the street scene and could be considered a benefit in the planning balance.

94. WVDLP Policy BE23 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development is well designed and responds to local character, mirroring the aims of the WVDLP Policy. The Policy is considered partially consistent with the NPPF and can be afforded weight. It is considered that the provision of public art could be secured on the site to be secured by condition, to either be delivered at the site entrance or within the public open space as part of the landscaping scheme.
95. Overall, it is considered that the indicative layout has the potential to significantly improve the appearance of the area creating an attractive development that would contribute to the quality of the surrounding area. It is also considered that the indicated scheme would create a strong sense of place, responding to local character and would create a safe and accessible environment integrating itself with the existing settlement, in accordance with WVDLP Policies GP1 and H24 and Part 7 of the NPPF.

Highway Safety and Access

96. 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 (and therefore afforded full weight) which also sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition, Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
97. The development would be served by a single vehicular access taken off an unnamed adopted road leading from Greenfields Road. The proposed access would be slightly offset to an existing vehicular access serving a commercial unit adjacent to the site. The Highways Authority has advised that subject to minor modification to the location of the access point, to effectively form a cross road with the access opposite, the proposed access arrangements would represent an appropriate access into the site and would not adversely impact on highway safety.
98. As required by Paragraph 32 of the NPPF the application is supported by a revised Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area and mitigation is proposed to bring the junction of Maude Terrace/Greenfields Road, up to operational capacity. The mitigation is in the form of road widening along and layout changes with the traffic light reconfigurations at Maude Terrace/Greenfields Road.
99. The Council as Highway Authority, agree with the methodology in the submitted Transport Assessment (as amended) to assess the traffic impact of these development. It is advised that the mitigation proposed at Maude Terrace/Greenfields Road would result in the junctions operating satisfactorily with the added flows of the development. It is also recommended that a condition to secure the implementation of an appropriate travel plan for the site, to encourage alternative forms of transport is recommended to be secured by condition.
100. Subject to delivering the mitigation detailed above the development would acceptably mitigate its own impact on the highway network, the Highway Authority have however also considered the impacts alongside other planning applications and committed developments in the area. Without pre-empting the outcome of other applications, it is advised that if all proposed and committed developments are built, a wider scheme of

highways capacity improvement would be required to ensure that the schemes would have an acceptable cumulative impact. To deliver this wider scheme of improvement the highway contributions secured under individual planning applications through planning obligations would be combined (whilst still complying with The Community Infrastructure Levy Regulations 2010) for the Highways Authority to detail up and deliver appropriate schemes where it considers appropriate.

101. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, and while the development would have some impact on the wider highway network, this would not be at a severe level, subject to securing the mitigation proposed. This residual impact should be taken in to account in the planning balance. The scheme is considered to accord with WVDLP Policies GD1, H24 and T1 in this respect and Part 4 of the NPPF.

Ecology

102. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, the closest site of nature conservation is located 3.9km to the south east of Witton-le-Wear SSSI and 1740m from Escombe Pasture Local Wildlife Site. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes managing green spaces on site to promote their ecological value, erecting bird and bat boxes
103. The Councils Ecology Officer advises that the findings and conclusions the submitted ecology report are sound, however it is recommended that in order to ensure a net biodiversity gain is achieved a detailed scheme for ecological enhancements is submitted for approval alongside a reserved matters application to ensure deliverability and address habitat loss on site. Overall, subject to this condition the development is considered to conform to Part 11 of the NPPF in this respect.

Residential Amenity

104. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distance. 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 NPPF Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
105. The indicated site layout demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings could be achieved as advocated in the WVDLP. The development would increase the comings and goings of vehicles, and to a lesser degree pedestrian which would have an impact on the amenity of existing residents. However, such impacts are considered to not be so significant as to would warrant refusal of the application. It is considered that there would be an appropriate relationship to neighbouring and future residents, in terms of overlooking, privacy and outlook. Further scrutiny of this matter would be given to a reserved matters application for the outline element of the scheme.

106. 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.
107. The development would be located in proximity of a number of noise sources, including the surrounding highway network and existing commercial/industrial uses within Greenfield Industrial Estate and at Tindle Crescent. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents, noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties within the development would ensure that residential amenity would be protected. Health and Consumer Protection officers advise that the methodology and conclusions of the report are sound and that subject to implementation adequate levels of residential amenity would be achieved, subject to further details to be provided in support of any reserved matters application.
108. The submitted noise report has assessed the impact of the development against the existing noise climate, which includes the two large commercial/industrial buildings to the north of the site which currently operate at a low intensity. Should the intensity of these uses increase, or be brought back into use a conflict could potentially rise with the new housing. The buildings have an unrestricted B2/B8 use there would be no planning restriction on the future activities and therefore they would be at risk of restrictions placed upon them through the Environmental Protection Act 1990 (Statutory Nuisance) which Paragraph 123 of the NPPF seeks to avoid. However, as set out above a recently undertaken Employment Land Review proposes to deallocate the site for industrial/commercial purposes and therefore the potential loss/restriction of employment land would not have a wider impact on the provision across the County, although this is still considered an adverse impact in the planning balance.
109. Overall, the scheme would comply with WVDLP Policies GDP1 and H24 and Part 11 of the NPPF and would have and subject to acoustic attenuation mitigation the development would have appropriate relationship with existing developments. The indicative layout sets out that the development could achieve satisfactory separation distance internal and external to the scheme ensuring adequate levels of residential amenity.

Flooding Risk and Drainage

110. National advice within the NPPF 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.
111. The application is accompanied by a Flood Risk Assessment (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 Sustainable Urban Drainage (SUD's) including source and site controls leading to a retention basin to capture surface water and discharge at greenfield run-off rates. Subject to securing the finer detail of this approach, the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge.

112. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections, subject to detailing the design of the layout.
113. Subject to conditions to resolve the final surface and foul water disposal, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground Conditions

114. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advise that underground coal mining has taken place underneath the site at shallow depth. The applicant has detailed in principle, subject to further site investigations how the site stabilised, including grouting and the use of pile foundations. The Coal Authority advise that the preliminary strategy to deal with to historic coal mining legacy is acceptable, however a condition to secure further site investigations to inform detailed mitigation measures is recommended.
115. In relation to land contamination the applicant has submitted a phase 1 desk top study, undertaken site investigations and gas monitoring which identifies that there is a low risk of contaminants being present on site. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the further monitoring and assessment is required, particularly in relation to gas modelling, it is recommended that this is agreed by condition, in accordance with Policy GD1 of the WVDLP and Part 11 of the NPPF

Heritage Impacts

116. WVDLP Policies BE1, 4, 5 and 8 cumulatively seek to protect and enhance Conservation Areas and the character, appearance and setting of listed buildings. These Policies are consider largely consistent with the NPPF which at Part 12 seeks to protect heritage assets proportionate to their significance. The site is located 3.9km to the south east of Witton-le-Wear SSSI and 1740m from Escombe Pasture Local Wildlife Site. The Grade I listed building of Escombe Church is located 2.7km to the north of the site. Bishop Auckland Conservation Area lies 2.6km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.4km to the north west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II* Listed building of Witton Tower is located 5.2km to the north west of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site. However, as the site would have no direct inter-visibility with these heritage asset, principally due to the surrounding land topography existing development of Bishop Auckland there would be no harm in this respect.
117. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. However, given the previously developed nature of the site the Council's Archaeology officers advise that there would unlikely to be any remains of any significant on the site and therefor no further mitigation is required in this respect.

Other Matters

118. The development would not exceed the indicative thresholds for traffic generation requiring the submission of an air quality impact assessment and therefore as advised by the Council's Environmental Health and Consumer Protection (Air Quality) officer no mitigation measures are required in relation to air quality following completion of the development. However it is advised that dust management plan should be adopted during the construction phase.
119. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers consider that on balance whilst a secondary vehicular access point would be desirable on the whole the development is considered sustainable however it is requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. However, this would be achieved through the building regulations.
120. The NHS advise that Auckland Medical Practice has sufficient capacity whilst no wider cumulative impacts in relation the capacity of medical care are identified.

Viability/Planning Obligations

121. Paragraph 72 of the NPPF sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. In this respect the School Places and Admissions Manager highlights that a development of 101 dwellings would be expected to generate 30 primary and 12 secondary pupils. Although there is a degree of capacity within primary schools within Bishop Auckland that are accessible to the site via a 2 mile safe walking route, when taking into account other developments proposed within the area, the capacity of primary schools would need to be increased to accommodate the additional demand from this development. Based on the Council's policy in relation to securing developer contributions towards education provision, a combined contribution of £300,931 would be required. The applicant has presented a case setting out that the development would not be viable with this mitigation. The Council's Policy in relation to education contributions does recognise the issue of viability and allows exceptions in this respect.
122. 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. In order to accord to relevant policies, 16 dwellings would need to be offered on an affordable basis. However, the applicant has presented a case setting out that the development would not be viable with this obligation imposed.
123. 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.
124. The OSNA sets out the requirements for public open space and recreation provision on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. In this instance the site layout indicates that 0.35ha of amenity open space and semi natural green space would be made available on site. Therefore, in order to mitigate the developments impacts based on OSNA targets an offsite contribution of £200,964 would be required to maintain and enhance existing

facilities. Again, the applicant has sets out that the development would not be viable with this obligation.

125. 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. This is reflected in the Councils policy in relation to securing developer contributions towards education provision. 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.
126. Advice has been sought on this matter from the Council's Assets and Spatial Policy officers, who 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, and well below the 17-20% acceptable range of return. Having regard to the advice within the NPPF, it is accepted that the development could not mitigate its impact in relation to education provision, open space and recreation provision or deliver affordable housing provision whilst remaining viable.
127. The failure of the development to mitigate its impacts in relation to education provision and open space and recreation facilities are considered adverse impacts which need to be weighed in the planning balance. The lack of affordable housing is not considered a harm, but the development would conflict with WVDLP Policy H15 in this respect.
128. The Council's Employability officer requests that targeted recruitment and training clauses secured through a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 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, however, in the absence of specific policy requirements in this regard, such an obligation is considered voluntary.

Planning Balance

129. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

130. In light of the recent Government consultation document entitled "Planning for the Right Homes in the Right Places" and the likely change to the Council's position on five year land supply, the weight given to this boost in housing supply is marginally reduced but still carries weight in favour of the proposals nonetheless. Ultimately, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. 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 the Issues and Options scenario was still being relied upon.
131. 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, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.

132. The development would result in the positive re-use of previously developed land (which is listed on its Brownfield register) which in its current form has an adverse impact on the character and appearance of the surrounding area which is unlikely to come forward for any alternative employment use. The development of the site would result in significant environmental improvement, this benefit and the reuse of brownfield land should be afforded significant weight in the planning balance.

Adverse Impacts

133. The development would have a residual impact on the capacity of existing primary and secondary schools to accommodate additional pupils, and for which the Council would need to provide mitigation. However, the Council's Policy in relation to education contributions does recognise the issue of viability and allows exceptions in this respect. In addition there would be a degree of displacement to surrounding schools with existing capacity.
134. The development would increase pressures on existing open space and recreational facilities in the area, in conflict with WVDLP Policy RL5, however mindful of the significant highways contributions required in this instance the scheme could not bear the costs of additional contributions. There is also a healthy supply of outdoor sport space and amenity open space typologies within the immediate area, whilst there is some onsite provision.
135. The development would result in a residual impact on the wider highway network through the increase in traffic, however, financial contributions to provide highway improvements as mitigation would reduce this impact and a severe cumulative highway impact would not arise.
136. The development could prejudice the use of the two adjacent industrial units should their use intensify. However, it is proposed in a recent employment land review to deallocate these sites for employment purposes.

CONCLUSION

137. It is concluded that the development of the site for housing would be contrary to WVDLP Policy I5. However, in this case, the NPPF, a significant material consideration, sets out that on the basis that relevant employment and housing policies are out-of-date, that the presumption in favour of sustainable development is engaged, and as such, residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
138. In line with the previously refused scheme, it is identified that the development would result in harm in relation to the capacity of education provision in the area, increase pressures on open space and recreational facilities in the area, result in a residual impact on the highway network and could prejudice the future use of two existing industrial units. However, due to the viability position of the site and the benefits of the development including the re use of brownfield land in a sustainable location that

would result in a significant environmental improvement for the purposes of Paragraph 14, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply position. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with relevant WVDLP policies.

139. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards highway mitigation works, are considered necessary for the development to be considered acceptable and therefore meet the relevant tests.
140. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.
141. The proposal has generated no public interest, with no representations having been received.

RECOMMENDATION

That the application is **APPROVED** subject to:

The completion of a Section 106 Legal Agreement to secure the following:

- £241,000 for offsite highway mitigation works and,
- Provision of a voluntary targeted recruitment and training/local labour scheme.

The following conditions:

1. Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced other than remediation works.

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. Application for approval of reserved matters of the development shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved for that phase.

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

3. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway extending from Catkin Way for the full length of the eastern site boundary along Greenfields Road shall be submitted to and

approved in writing by the Local Planning Authority. The footpath shall thereafter be completed in accordance with the approved details prior to the occupation of the 30th dwelling hereby approved.

Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the National Planning Policy Framework.

4. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway extending 45m from Catkin Way to the north bound bus on Greenfields Road shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall thereafter be completed in accordance with the approved details prior to the occupation of the 30th dwelling hereby approved.

Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Parts 4 and 8 of the National Planning Policy Framework.

5. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including shared surfaces, private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the details and timings.

Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the National Planning Policy Framework.

6. Prior to the occupation of the first dwelling a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

7. Within a period of six months of the first occupation of any dwelling, a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

8. A detailed scheme for the management and disposal of surface water and foul water from the development shall be submitted to and approved in writing by the Local Planning Authority alongside any application for reserved matters. The detailed scheme shall be based on principles set out in The Drainage and Flood Risk Statement, ref RR/DFS/5083.v2. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the National Planning Policy Framework.

9. Notwithstanding the submitted information, prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be completed in accordance with the approved details and timings thereafter.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE23 of the Wear Valley District Local Plan and Part 7 of the National Planning Policy Framework.

10. The development shall take place in accordance with the ecological enhancement recommendations detailed within the preliminary Ecological Appraisal, Ref R-2860-01 dated April 2017.

Reason: To minimise impacts on biodiversity and providing net gains in biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework and Policy GDP1 of the Wear Valley District Local Plan.

11. Prior to the erection of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by Environmental Noise Solutions ref NIA/7348/17/7290 V1.0 as amended by report 7348/31/8/RP shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme and the approved details to be retained in perpetuity.

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with GDP1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework.

12. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with policy GDP1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

13. Prior to the commencement of development a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-
- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
 - The undertaking of that scheme of further intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated ‘no-build zone’ for the recorded mine entry which may be required and a time frame for implementation of those remedial works.

The scheme thereafter shall be completed in accordance with the approved details and timeframes.

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

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

Pre-Commencement

A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the

development completed in accordance with any amended specification of works and timescales.

Completion

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

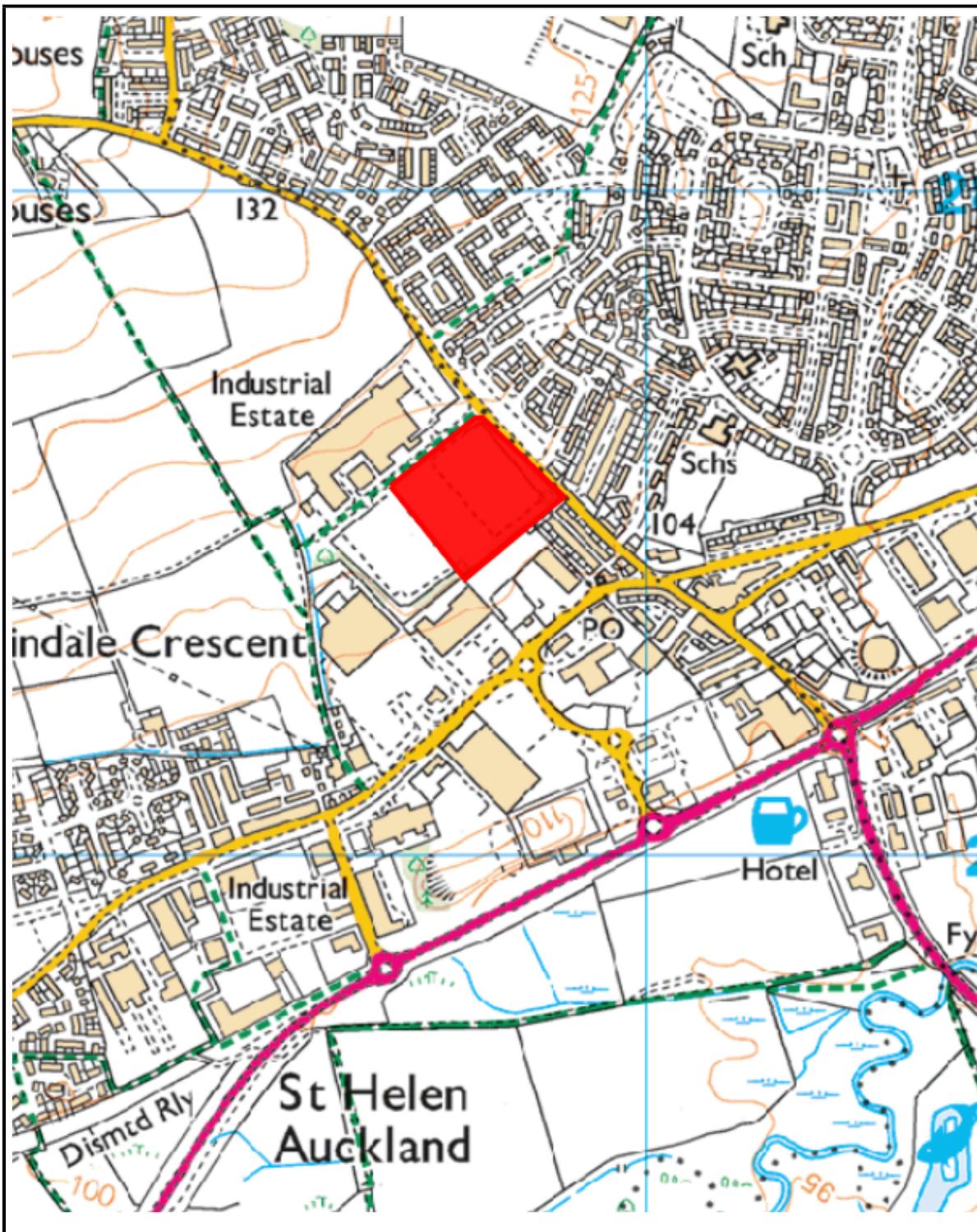
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve 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)
- National Planning Practice Guidance Notes
- Wear Valley District Local Plan 2006
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Public Place Planning Document 2006
- Calculating developer contributions in relation to education.
- Statutory, internal and public consultation responses



Planning Services

DM/17/00244/OUT Outline planning application for 101 residential dwellings and means of access (all other matters reserved), Land at Catkin Way, Bishop Auckland, DL14 9AF

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Comments

Date December 2017

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03602/FPA
FULL APPLICATION DESCRIPTION:	2no. dwellings (including demolition of garages)
NAME OF APPLICANT:	Livin
ADDRESS:	Garage Block, Armstrong Close, Newton Aycliffe, Co Durham
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to 0.04Ha of land which is currently occupied by two blocks of terraced garages (14no. units in total) to the east of no's 22, 24, and 26 Armstrong Close, Newton Aycliffe. The site is bordered by neighbouring residential properties to the east, south and west, and by an area of undeveloped grassland (some 0.06Ha) to the north. The site is accessed from the main road serving Armstrong Close to the west with public footpaths bypassing the perimeter of the site to the south and east, linking to surrounding residential areas.
2. Livin Homes who own the application site and the adjacent grassland to the north wish to demolish the 14no. garage units and construct 2no. 2 bed bungalows (semi-detached in form). The dwellings would have a north-south alignment across the site and would include private gardens to the rear (east) and 4no. off street parking spaces to the front (west) of the site. A small area of highway verge to the front of the garages (some 17m²) would be lost to facilitate the development, although the existing grassland to the north is to be retained as amenity space.
3. The application is being reported to the Planning Committee at the request of Great Aycliffe Town Council which objects to the application on the grounds outlined below.

PLANNING HISTORY

4. Planning application ref: DM/17/00080/FPA relating to the construction of 5no. dwellings across the site (including grassland to the north) was refused by the Planning Committee in February 2017. A subsequent appeal concerning this refusal was subsequently dismissed by the Planning Inspectorate in August 2017 (PINS ref: APP/X1355/W/17/3171109 - appended to this report).

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), 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.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
7. *Part 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.
8. *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.
9. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. *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:

11. The development plan is the Sedgefield Borough Local Plan saved policies:
12. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site’s relationship to the adjacent land uses and activities.
13. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
14. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
15. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
16. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.

RELEVANT EMERGING POLICY:

The County Durham Plan

17. 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>.

The Great Aycliffe Neighbourhood Plan

18. The application site falls within the geographical scope of the Great Aycliffe Neighbourhood Plan (GANP). This plan received support through a recent referendum on 22 June 2017 and now has development plan status, with the following GANP Policies considered relevant to the determination of this application:

GANP CH1 (Landscape character and townscape)

GANP CH3 (Existing amenity open spaces and recreational areas)

GANP H1 (In-fill developments and small sites)

GANP H3 (Parking standards for new residential development)

GANP H5 (Provision of in curtilage parking and storage)

GANP T1 (Parking impacts on existing infrastructure)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Great Aycliffe Town Council* – Object to the proposals on the grounds of the perceived exacerbation of existing parking problems in the area and the setting of a precedent which could encourage further applications of such nature to be submitted in the future, resulting in a cumulative negative impact. Furthermore, concerns are raised over the perceived impact on the character of the area and the erosion of the Beveridge vision of Newton Aycliffe. Specific reference is made to perceived conflict with the Great Aycliffe Neighbourhood Plan.

20. *Highway Authority* – No objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

21. *Environmental Health (Contaminated Land)* – Officers agree with the content and conclusions of the submitted Phase 1 Desk Study (Solmek, S160502, May 2015) advising contaminated land conditions be attached to any planning approval.

22. *Environmental Health (Noise)* – The granting of planning permission for the development may potentially result in a statutory nuisance being created. However, the

imposition of conditions relating to sensitive site operations and sensitive removal of asbestos would be sufficient to mitigate the potential of a statutory nuisance.

23. *Ecology* – raise no objections to the proposals.

PUBLIC RESPONSES:

24. The application has been publicised by way of notification letters to neighbouring residents. 4no. individual letters of objection have been received from local residents who raise the following key areas of concern:

Garages to be demolished are still in use;

Lack of garages within Newton Aycliffe;

Existing parking problems in street will only worsen;

Lack of manoeuvrability for bin wagons, emergency vehicles and delivery lorries;

Development would restrict access to neighbouring property;

25. In addition Town Cllr Fleming has raised objections to the proposals, citing reasons for refusal attached to the previous application for 5no. dwellings in this location whilst questioning the need for an additional 2no. dwellings.

APPLICANTS STATEMENT:

26. This revised and much reduced scheme for just two houses, now no longer involves any loss of green space at all - the development is on the site of the garages and thus on previously-developed land. The Planning Inspector in the last appeal decision letter made it clear that the development of this area of brownfield land was acceptable. It was only the green space that was a concern to him, and now no green space is to be built upon. Therefore this revised scheme is acceptable. The Planning Unit have concluded this to be so, and the Highways Unit raise no adverse comments on the scheme. Despite some neighbours concerns, the DCC Highways Officers regard the layout and spacing as acceptable. The objection concerns are noted and acknowledged; however this decision has to be made on a fair balance of all the relevant planning factors, some of which are admittedly competing. However the objections cannot be regarded as being outweighing - as per the balanced reasoning in this Planning Report and the previous Planning Inspector's comments at appeal. It is thus respectfully requested this application is approved without delay, as, on balance, it is acceptable, and of benefit to the County.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

27. 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, Privacy/Amenity, Open space, Highways, Ecology and Land Contamination.

The principle of the development:

28. Paragraph 14 of the NPPF expects applications which accord with the development plan to be approved without delay. Paragraph 49 of the NPPF requires that applications for new housing be considered in the context of a presumption in favour of sustainable

development, with Paragraphs 47- 55 seeking to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.

29. Policy H1 of the GANP seeks to grant permission for suitable in-fill developments and small sites of less than 30 houses where:

The development is proportionate to the scale of the settlement;

The development is within the built up areas for an in-fill development;

The development is well contained;

The development design respects the character and form of the settlement or locality;

The development clearly relates to part of an established settlement;

30. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

31. Newton Aycliffe is a Main Town, as identified in the County Durham Settlement Study. The application site lies in an established residential environment and has good links to the local amenities and services in the town. Two additional dwellings in this location would relate to the surrounding settlement and make a small contribution to housing supply (and social objectives). Given the site also constitutes brownfield land (currently occupied by garage development); its re-use is encouraged in the NPPF.

Scale / Design:

32. Part 7 of the NPPF, saved policies H17 and D1 of the Sedgefield Borough Local Plan and Policy H1 of the Great Aycliffe Neighbourhood Plan seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.

33. The proposed dwellings would be semi-detached in form and of single storey, bungalow design, incorporating a hipped roof. Although surrounding dwellings are of two storey scale, the proposed bungalows would not appear incongruous in their wider setting with the semi-detached building form reflecting the development pattern of surrounding properties, particularly to the east, whilst fitting acceptably within the wider plot, not appearing as overdevelopment. The introduction of bungalows in this location would provide a wider mix of housing types within the area consistent with the principles of Part 6 of the NPPF which seeks to deliver a wide choice of high quality homes.

34. Sufficient space would be left for private gardens to the rear (east), with off street parking to the front (west).

35. The dwellings would be of buff coloured brick construction with a black flat profile tile roof and white upvc fenestration which would complement surrounding building materials in the area. The proposed dwellings would be of a scale and design which respect their surroundings, thereby satisfying the principles of Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan and Policy H1 of the Great Aycliffe Neighbourhood Plan.

Privacy / Amenity:

36. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum

separation criteria between dwellings, requiring a minimum 21m distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.

37. The proposed bungalows would be west facing, maintaining a separation of approximately 27m between their front facing principal elevations and the opposing east facing elevations of numbers 20, 22, 24 and 26 Armstrong Close opposite. A single storey projection at no. 28 Armstrong Drive would extend within 20m of the principal elevation of proposed plot no.2; however this relationship is still considered acceptable, particularly given the single storey height of the proposed dwellings which would minimize any overshadowing or loss of light, with no directly overlooking windows impacting on privacy.
38. To the east, the proposed rear facing elevations of proposed plot no.1 would maintain a separation of 22m from the principal rear facing elevation of no.5 St Oswalds Court opposite with the rear elevation of Plot no.2 to the south not overlooking any property in this direction. Such separation is considered acceptable and given the single storey height of the proposed bungalows and the existing and proposed boundary enclosures (1.8m high timber fencing) which would effectively screen any ground floor windows, no concerns are raised with regards to overshadowing, loss of light or privacy.
39. To the north the gable elevation of proposed plot no.1 would face the undeveloped grassland to be retained with the nearest property in this direction some 34m away.
40. The blank gable elevation to the south of plot no.2 would only achieve a separation of 10m or so from the principal rear elevations of no's 7 and 9 St Oswald's Walk beyond a public footpath. However given the positioning of this bungalow to the north of the opposing 2 storey development to the south, and the hipped roof design, there would be no significant concerns of overshadowing or loss of sunlight to these neighbours. 1no. bathroom window would be installed in the south facing elevation of plot no.2 which would be obscured glazed by condition. Irrespective of this detail it is considered that existing and proposed boundary enclosures (1.8m high timber fencing) would effectively screen opposing windows at the ground floor level.
41. Control over possible future extensions and outbuildings which may encroach into the aforementioned separation distances would also be appropriate by condition in the interests of residential amenity.
42. Both bungalows would occupy reasonably sized plots and benefit from private rear garden spaces commensurate in scale to surrounding plots, whilst front garden space is to be utilized for off street parking.
43. With regards the amenities of neighbouring residents during the demolition and construction phases, although the Environmental Health section advise that some level of disturbance may result from site operations, this can be appropriately conditioned in terms of control over the timings of works so as to ensure the limitation of noise emission from the site during more sensitive hours.
44. In view of the foregoing, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

Open space:

45. Saved policy L5 of the Sedgfield Borough Local Plan seeks to ensure that new developments which would result in the loss of an area of open space should be

resisted. This is supported by policies CH1 and CH3 of the Great Aycliffe Neighbourhood Plan.

46. Policy CH1 requires that developments must respect the landscape character of the parish and its settlements in particular, new development should, where appropriate ensure green open space is provided within the development site to maintain the Beveridge 'vision' for the new town of Aycliffe.
47. Policy CH3 states that existing open spaces, sports and recreational buildings and land, including playing fields and amenity open space not identified as a Local Green Space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. In all cases, development undertaken must preserve and not detract from the character, heritage and appearance of the area and its surroundings.
48. A previous application for the construction of 5no. dwellings across this site included the loss of the area of undeveloped grassland to the north. This was refused permission and a subsequent appeal dismissed by the Planning Inspector, making specific reference to the detrimental impact which would result from the loss of this open space area. Within their objection, Great Aycliffe Town Council state that certain paragraphs of the Inspectors decision remain relevant to the current application, namely the development of open space and subsequent erosion of the Beveridge vision of Newton Aycliffe, detrimental to the character and appearance of the housing area. A copy of this decision is appended to this report for information.
49. The applicant has sought to address all previous concern relating to the loss of open space within their revised submission, focusing new development only on the proposed garage area, whilst confirming that the grassland to the north is to be retained. Whilst a very small area of grass verge to the front of the garages adjacent to the highway would be lost to facilitate the proposed development, this 17m² patch of land has no amenity value, serving instead as a narrow grass verge which separates the garages from the adjacent highway. The proposed layout plans indicate that this area is to be occupied by an off road parking space to serve plot no.1, allowing for vehicles to park within curtilage and off the adjacent road.
50. The applicant's intention to retain the grassland to the north is considered to overcome the previous concerns about the loss of open space, which were upheld by the Planning Inspector. Whilst some existing grass verge will need to be removed to provide off street parking in relation to the new development, this is not considered to affect the functional role of the larger retained area. The proposals are therefore not considered to conflict with saved policy L5 of the Sedgefield Borough Local Plan or policies CH1 and CH3 of the Great Aycliffe Neighbourhood Plan.

Highways:

51. Saved policies H17 and D3 of the Sedgefield Borough Local Plan, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe. Policy GANP T1 states that proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access.
52. Within the previous appeal decision for 5no. dwellings (appended to this report), the Planning Inspector concluded that whilst the proposal would result in the loss of 14no.

garages which currently occupy the site, it is common ground that only 7no. of these are occupied. Although these may not currently be used to house vehicles, there is no substantive evidence that they are not being used for this purpose and there is consequently potential for vehicles to be displaced onto the highway.

53. The previous planning appeal decision reflected initial observations made by the highway authority in relation to the original submission who raised no objections to the construction of 5no. dwellings on this site. Armstrong Close is a lightly trafficked residential cul-de-sac with a number of parking bays within the cul-de-sac that allow vehicles to be parked clear of the main carriageway with demand for these spaces likely to vary at different times of the day.
54. It was previously considered by the highway authority and the Planning Inspector that due to the relatively small number of dwellings in the street, whilst there may be some additional vehicle movements and manoeuvres as a result of the proposed development of 5no. dwellings, there is no evidence that would indicate that this would generate significantly more noise than currently arises from vehicle movements on the highway, or that any cumulative impacts of the development on the highway would be severe. Furthermore, whilst existing and any future vehicles which park on the highway would reduce its effective width, any parked vehicles would not prevent other vehicles from using the road. Whilst the proposed development may result in some additional demand for on street parking resulting from the displacement of vehicles which may be stored within the garages to be demolished, the Planning Inspector concurred with the highway authority, that there is capacity in the street to accommodate the proposed development without prejudicing either highway safety or the living conditions of the occupiers of existing houses.
55. The current application seeks permission for only 2no. dwellings, occupying a smaller section of the site with a reduced impact on the surrounding street scene compared to previous. The views of the highway authority have again been sought who state that initial observations made by engineers to the previous application remain relevant in this case with no highways objections raised. Of the 14no. units to be demolished, only 7no. of these are currently occupied. The addresses of those 7no. occupants previously provided by the applicant indicate that 6no. of these are from the immediate surrounding houses on Armstrong Close and St Oswald's Walk. The seventh occupant lives on Washington Crescent some 150m away. With the frontage of the development site already left clear to permit access to these garages, any displacement of vehicles resulting from the proposed works would relate onto to those vehicles which are stored within the garages and not to any vehicles which park on the highway verge adjacent to the site.
56. Those being displaced as a result of the proposed works, and who are seeking alternative accommodation have been previously encouraged to contact Livin about relocation to alternative garage blocks in the local area. Even in the event that a small number of vehicles are displaced from these garages into the immediate surrounding area, it is important to note that parking laybys do exist directly opposite the garages which will be retained. These parking areas are not demarked but do provide space for approximately 6no. vehicles off the main highway without detrimentally affecting manoeuvrability through the site. Furthermore, the number of dwellings within the development has been reduced to 2no. which would reduce the overall level of vehicle movements within the close compared to previous.
57. With regards the proposed 2no. bungalows, submitted plans show these to be served by 2no. in-curtilage parking spaces each. Such provision would comply with the minimum parking requirements outlined in the Durham County Residential Car Parking Standards 17.7.13 and those set out within GANP Policies H3 and H5.

58. The Proposed Site Plan shows a 1.8 metres wide footway to be constructed on the western boundary of the site, abutting the carriageway in the public highway. The applicant would need to agree the construction specification for the 1.8 metres wide footway and the multiple width vehicular access crossings with the DCC Highways Adoption Engineer along with the procedure for the adoption of same if required. Likewise, there is an existing street lighting column set back 1 metre or so from the edge of the existing road kerb line that would end up in the middle of the proposed 1.8 metres wide footway in the land edged blue. This street lighting column will need to be relocated to the rear of the proposed 1.8 metres wide footway. The applicant can be reminded of these details by informative.
59. Subject to the above, the highway authority raise no objections to this proposal which would be seen to satisfy the provisions of Part 4 of the NPPF, saved policies H17 and D3 of the SBLP and GANP policies H3, H5 and T1. In the context of this application, taking into consideration the continued support of the highway authority and the lack of any objections raised by the Planning Inspectorate in relation to 5no. dwellings in this location, the residual cumulative impacts of proposed development for a reduced 2no. bungalows are not considered to be severe.

Ecology:

60. As the proposal involves demolition, regard must be given to potential impacts on bats, a protected species. In this case the garages to be demolished are flat roofed and cold. As such, they do not represent suitable habitat for breeding or hibernating bats. The risk of disturbing bats or loss of habitat is therefore extremely low. The Ecology Section has considered the proposals and have no objection, with no conflict with the requirements of the Habitat Regulations and Part 11 of the NPPF.

Contaminated Land:

61. Part 11 of the NPPF seeks to ensure that new development is appropriate for its location, preventing unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application has been submitted alongside a Phase 1 Desk Study (Solmek, S160502, May 2015). Officers concur with the findings and conclusions set out within this report and are satisfied that approval may be granted, subject to condition. Subject to the above, the application would be considered to satisfy the provisions of Part 11 of the NPPF.

Other matters:

62. Concerns raised by the Town Council and members of the public are addressed where possible within the main body of this report. Those areas not covered are addressed as follows:
63. *The setting of a precedent which could encourage further applications of such nature to be submitted in the future, resulting in a cumulative negative impact.*
Each application must be determined on its own merits. There is no reason to assume that the granting of approval for this specific case would result in the approval of other schemes in the surrounding area for similar schemes. Aycliffe is a large town and as such any perceived cumulative impact of such schemes would unlikely be realised at a localised level but rather dispersed across the settlement.
64. *The perceived impact on the character of the area and the erosion of the Beveridge vision of Newton Aycliffe.*

The proposed works would only see the development of the garage site and not the adjacent amenity space which is to be retained. The development site is brownfield in nature and would not detrimentally impact the original Beveridge vision of maintaining areas of open space across the settlement.

65. Garages to be demolished are still in use.

The 14no. garages are all owned by Livin who have identified that they are to be removed as part of a wider assessment on garage stock. Regardless of the outcome of this application, Livin would be entitled to vacate these garages and seek their demolition (subject to a demolition consent application where only the method of demolition and subsequent restoration of the site can be assessed).

66. Lack of garages within Newton Aycliffe.

Such matters cannot be considered as relevant to the determination of the current application. This application concerns the loss of 14no. garages of which only half are in current use. The applicant has previously encouraged any displaced tenants to approach them regarding suitable accommodation elsewhere.

67. Lack of manoeuvrability for bin wagons, emergency vehicles and delivery lorries;

The Planning Inspectors previous decision (appended to this report) considered that there was sufficient capacity in the street to accommodate the proposed development without prejudicing either highway safety or the living conditions of the occupiers of existing houses. The road width is capable of supporting emergency, refuse and delivery vehicles even whether on street parking is apparent.

68. Development would restrict access to neighbouring property;

The proposed site boundary extends forward from the front of the proposed dwellings to the west although the dwellings and curtilage would be set back from the adjacent carriageway. The neighbours dropped kerb would not be entirely restricted by the proposed development and would remain accessible should approval be granted for the proposed scheme.

CONCLUSIONS

69. Paragraph 14 of the NPPF expects applications which accord with the development plan to be approved without delay. Paragraph 49 of the NPPF requires that applications for new housing be considered in the context of a presumption in favour of sustainable development, with Paragraphs 47- 55 seeking to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.

70. The proposal represents a sustainable form of development that would make a minor contribution to meeting housing need in the area with a minor economic benefit arising from developing the site, utilising local workforce, and through the economic activity of those future residents. The current scheme would not impact the adjacent grassland which is to be retained in open use with 2no. dwellings to be satisfactorily accommodated onto the site without resulting in overdevelopment or an incongruous development form which would otherwise detract from the surrounding residential street scene.

71. Whilst the loss of 14no. existing garages units is regrettable, these are privately owned and Livin have confirmed that they are to close in the near future as part of their business plan. As such, their ongoing viability for their original purpose is very much in doubt. Only 7no. of the garages are presently occupied with 1no. of these occupied by a resident located 150m away. At worst, the resulting displacement of vehicles onto the adjacent public highway would be limited to those vehicles stored within these 7no.

garages and can be satisfactorily accommodated without resulting in any significant and detrimental highway impact as previously confirmed by the highways authority and the Planning Inspector. As explained, Livin will also seek to support those who are displaced where assistance is sought.

72. The redevelopment of this privately owned site would result in a sympathetic form of development which would reflect the character, layout and density of the surrounding street scene without compromising highway safety, residential amenity, open space provision, ecology and land contamination. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Borough Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal 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:

2724-D-00-010 Rev B (Proposed site plan), received 01 November 2017

2724-D-00-011 Rev B (Bungalow plans and elevations), received 01 November 2017

2724-D-00-012 (Enclosure details), received 01 November 2017

Reason: For the avoidance of doubt and in the interests of proper planning.

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

Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the south facing bathroom window of proposed plot no.2 shall be frosted/opaque and shall remain so

Reason: In the interests of the privacy of the neighbouring occupier and to comply with saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan.

5. 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.

Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgefield Borough Local Plan.

6. An asbestos survey shall be undertaken before any demolition commences. If asbestos or asbestos containing materials are found these shall be removed and disposed of by a licensed contractor before demolition commences.

Reason: In the interests of protecting neighbouring amenities in accordance with saved policies H17 and D1 of the Sedgefield Borough local Plan.

7. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses. The Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

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
- Sedgefield Borough Local Plan
- Statutory response from the Highway Authority
- Internal responses from Ecology, Environmental Health and Contaminated Land



 <p>Planning Services</p>	2no. dwellings (including demolition of garages)	
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	Date 14 December 2017	

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Appeal Decision

Site visit made on 20 June 2017

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd August 2017

Appeal Ref: APP/X1355/W/17/3171109

Garage block, Armstrong Close, Newton Aycliffe, DL5 4BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Kitchen of Livin against the decision of Durham County Council.
 - The application Ref: DM/17/00080/FPA, dated 9 January 2017, was refused by notice dated 17 February 2017.
 - The development proposed is demolition of garages and construction of five dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Since the appeal was lodged, the Great Aycliffe Neighbourhood Plan (GANP) has been subject to a referendum and was made by the Durham County Council on 19 July 2017. The GANP now forms part of the development plan for the area. The views of the parties were sought with regard to any implications that this had for the appeal proposal and I have had regard to the responses received. Although the appellant suggests that the appeal should be determined on the basis of the status of the policies in the GANP at the time that application was submitted to the Council, Section 38(6) of the Planning and Compulsory purchase Act 2004 means that the appeal should be determined in the light of the development plan policy operative at the time of this decision¹.

Application for costs

3. An application for costs was made by Mr Andrew Kitchen of Livin against Durham County Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the development on the living conditions of the occupiers of nearby residential properties, with particular regard to on-street car parking.

¹ Jefferson v National Assembly for Wales & Anor [2007] EWHC 3351 (Admin)

Reasons

Character and appearance

5. The appeal site comprises approximately 0.1 hectares of land. Part of the site is occupied by two blocks of flat roofed, brick built, garages and the remainder is laid to grass. It is located in a predominantly residential area. Newton Aycliffe is a planned new town with large tracts of housing built around the same time, and with particular design principles being followed, including houses grouped around greens. Armstrong Close comprises terraced housing, part of which is linked to a similar terrace at St Oswald's Walk. To the east there are newer detached and semi-detached dwellings in St Oswald's Court.
6. The wider surrounding area consists of primarily terraced housing of a similar age, arranged around a series of culs-de-sac leading from a distributor road, and incorporating garage courts and frequent areas of incidental open space similar to the appeal site. There are smaller numbers of detached and semi-detached houses interspersed through the area. An extensive network of footways runs through the housing area and ties it together as a series of linked spaces. Although fairly densely developed, the layout of the housing and the frequent areas of open space give the area an open and green character, reflecting its new town origins.
7. The appeal proposal comprises two pairs of semi-detached houses and a detached house with an attached garage. The external appearance is not consistent with the design of the houses in Armstrong close but would be similar to the newer houses in St Oswald's Court immediately to the east of the site. Whilst the area as a whole has a range of architectural styles and house types, it primarily derives its character from the layout of the housing and the linked series of spaces rather than from the external appearance of the buildings.
8. Saved policy L5 of the Sedgefield Borough Local Plan 1996 seeks to protect areas of open space from development except in particular circumstances. The appeal site does not fall within the categories listed in the supporting text to the policy of sports grounds, school playing fields, public parks, village greens, commons or allotments. However, the supporting text also goes on to state that the function of open space also includes enhancement of the setting of a town or village by way of areas of woodland, major landscaping and amenity areas. The appellant suggests that the appeal proposal complies with Paragraph b) of Policy L5. As the appeal proposal would result in the development of the whole of that particular open space area, and the garage block, whilst it could benefit from some maintenance, is not unsightly or derelict, I do not find this to be a compelling argument.
9. The proposal does not meet any of the exceptions in Policy L5. Although this Policy is now of some age, it is still relatively consistent with the advice in sections 7 and 8 of the National Planning Policy Framework relating to promoting good design and healthy communities. It can, therefore, still be accorded significant weight.
10. Local Plan Policy L5 also has to be read in conjunction with Policies CH1 and CH3 of the GANP which has only very recently been made. Policy CH1 seeks to ensure that new development respects the landscape character of the area and requires new development to meet certain requirements in respect of

landscape features, where appropriate. Due to the small scale of the appeal proposal, criteria 1 and 2 of the policy are not especially relevant. Whilst the supporting text to the Policy sets out that it seeks to protect, enhance or achieve the 'vision' of Lord Beveridge to have a town where houses are grouped around greens, the wording of criterion 3 within the overall context of the policy requires open space to be provided within new development sites where appropriate. The wording of the Policy does not confer protection on existing areas of open space. Again, due to the limited size of the appeal proposal, it would not be practical to provide open space within the development. Consequently, the proposed development would not conflict with the requirements of this policy.

11. GANP Policy CH3, on the other hand, does specifically seek to protect areas of amenity open space, such as the appeal site, which are not identified as Accessible Local Green Space by Policy CH2. The Policy sets out that such areas of open space should not be built on unless certain circumstances are met and that, in all cases, the development undertaken must preserve and not detract from the character, heritage and appearance of the area and its surroundings.
12. It is not suggested that the appeal proposal meets criteria 2, 3 or 4 of Policy CH3. With regard to criterion 1, whilst neither party has submitted detailed evidence in respect of the quantity of amenity open space, or any standards that open space provision has to meet, it is common ground that the County Durham Open Space, Sport and Recreation Needs Assessment concludes that there is a surplus of amenity open space in the area.
13. Whilst this may be the case, and there are other areas of open space including a large park nearby, the reason for refusal is not predicated on the proposal resulting in a quantitative shortfall in open space. Rather, it relates to the final paragraph of GANP Policy CH3 in relation to the preservation of the character, heritage and appearance of the area. The total loss of one of the areas of open space that were planned into the original layout of this part of the town would significantly erode its character and would be harmful to the character and appearance of the housing area.
14. Whilst part of the site contains buildings and the Framework encourages the reuse of previously developed land, the greater part of it is open and there is no evidence that would suggest that this has been previously developed or that the appeal proposal would be effectively re-using this part of the site.
15. I also note that appellant's point that the site could be enclosed by a fence using permitted development rights. Whilst this may be the case, and would prevent access to it, it would not remove the openness within the built up area that the undeveloped nature of the appeal site creates and would have significantly less effect on the character and appearance of the area.
16. Neither of these points, either singly or collectively, would outweigh the harm to the character and appearance of the area that would result from the loss of the open space area.
17. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Policy L5 of the Local Plan and Policy CH3 of the GANP which

seek to retain open space areas that contribute to the character and appearance of an area.

Living conditions of neighbouring residents

18. It is not suggested that the proposed development will cause any loss of privacy, loss of daylight or sunlight to, or loss of outlook from, existing houses. From the submitted drawings and my site visit, I have no reason to reach a different conclusion.
19. When read together, Policies H17 and D3 of the Local Plan seek to ensure that new development has adequate parking provision, does not prejudice highway safety and does not cause harm to the living conditions of the occupiers of existing residential properties.
20. Policy T1 of the Great Aycliffe Neighbourhood Plan seeks to ensure that new developments within existing built up areas do not result in additional on-street parking that would impact on the safety of road users or have an unacceptable adverse impact on the character of the area.
21. The proposed new dwellings would have either a driveway capable of accommodating two cars or a driveway and a garage, which would meet the Council's car parking standards.
22. Whilst the proposal would result in the loss of fourteen garages that currently occupy the site, it is common ground that only seven of these are occupied. Although it is suggested that these may not currently be used to house vehicles, there is no substantive evidence that they are not being used for this purpose and there is consequently potential for vehicles to be displaced onto the highway.
23. Armstrong Close is a lightly trafficked residential cul-de-sac, and I saw when I visited the site that whilst some of the houses benefit from off street parking, slightly more than half do not. There are a number of parking bays within the cul-de-sac that allow vehicles to be parked clear of the main carriageway. At the time of my visit, in the late morning, approximately half of these were in use, although I recognise that at other times of the day demand for parking is likely to be higher. There were also a number of vehicles parked on the highway.
24. I note that the appellant has stated that it is their intention to offer alternative garage provision to displaced tenants or, where feasible, offer to provide in-curtilage parking. Due to the configuration of the street and the relationship of the existing parking bays to the houses, this latter option would be impractical for a number of the houses and result in some of the existing parking becoming unavailable to provide access to in-curtilage parking for others.
25. The carriageway of Armstrong Close is approximately 4.5 to 5 metres wide and whilst vehicles parked on the highway would reduce its effective width they would not prevent other vehicles from using it. There is no substantive evidence from either party in respect of parking demand in the street or the number of vehicles that may be displaced if the garages were to be demolished. The proposed new dwellings have off street parking and I note that the Highway Authority have not objected to the proposal. I also note that

the appellant has the ability to terminate the leases on the garages and not make alternative provision.

26. Due to the relatively small number of dwellings in the street, whilst there may be some additional vehicle movements and manoeuvres as a result of the proposed development, there is no evidence that would indicate that this would generate significantly more noise than currently arises from vehicle movements on the highway, or that any cumulative impacts of the development on the highway would be severe.
27. Within this context, on the basis of the evidence before me, and from what I saw when I visited the site, whilst the proposed development may result in some additional demand for on street parking, I am satisfied that there is capacity in the street to accommodate this without prejudicing either highway safety or the living conditions of the occupiers of existing houses.
28. I therefore find that the proposed development would not cause harm to the living conditions of the occupiers of nearby residential properties, with particular regard to on-street car parking. It would comply with the relevant requirements of Policies H17 and D3 of the Local Plan and Policy T1 of the GANP which seek to ensure that new development provides appropriate level of car parking and does not cause harm to the living conditions of existing occupiers.

Conclusion

29. Section 38(6) of the Planning and Compulsory purchase Act 2004 requires that any determination to be made under the planning Acts the determination must be made in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration, but it also makes it clear that it does not change the statutory status of the development plan and that development which accords with an up to date development plan should be approved, whilst proposed development that conflicts should be refused. I have found that the appeal proposal would conflict with Policy L5 of the Local Plan, which can still be given significant weight, and with Policy CH3 of the GANP.
30. Paragraph 49 of the Framework requires that applications for housing should be considered in the context of the presumption in favour of sustainable development that is set out in Paragraph 14. It is not in dispute between the parties that the Council cannot demonstrate a deliverable five year supply of housing land. No precise figures in respect of housing land supply or future delivery of housing has been provided by either party, although I note that the Council state that the level of shortfall is not great.
31. The fourth bullet point of Paragraph 14 of the Framework operates when the development plan is absent, silent or relevant policies are out of date. Although it is old, Local Plan Policy L5 still carries significant weight and the GANP is very much an up to date part of the development plan. In the light of the recent Supreme Court judgement² adopting a narrower definition of relevant policies for the supply of housing, Local Plan Policy L5 and Policy CH3 of the GANP would not be considered to be such policies.

² Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

32. Paragraph 198 of the Framework states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.
33. There would be some small scale economic benefits arising from the proposal through investment in its construction and a small social benefit from the provision of additional housing. However, the development would cause environmental harm as a result of its effect on the character and appearance of the area that would be permanent and lasting. This is to my mind an important matter such that the proposed development should be regarded as being in conflict with the development plan as a whole, notwithstanding compliance with other policies as set out above.
34. Whilst there would be some modest benefits arising from the provision of a small number of additional houses, these would not, of themselves, warrant making a decision other than in accordance with the development plan. For this reason the appeal must fail.
35. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/02903/FPA
FULL APPLICATION DESCRIPTION:	2no. detached dwellings
NAME OF APPLICANT:	Arlington Real Estate (Homes) Ltd
ADDRESS:	Plots 2 and 3, Dean Lane, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to an area of land (some 0.1Ha) located on the west side of Dean Lane close to road intersection of Dean Lane and Green Lane. The site lies to the immediate north of a separate development plot where permission was recently granted for the erection of 1no. dwelling under planning approval ref: DM/16/03643/FPA. Construction of this adjacent property is presently ongoing. To the north the site overlooks an area of grassland with properties on Watson Park to the west and Dean Lane to the east.
2. Planning permission is sought to construct 2no. detached 4 bed dwellings, accessed from a private, shared driveway which links with Dean Road to the east. Both dwellings would be north facing and of two storey scale, with privately enclosed rear gardens extending to the south adjacent to the previously approved plot.
3. The application is being reported to the Planning Committee at the request of Spennymoor Town Council which objects to the application on the grounds outlined below.

PLANNING HISTORY

4. Planning permission was granted in January 2014 for the erection of 2no. dwellings on land at the corner of Green Lane and Dean Lane (ref: 7/2013/0419/DM). This approved development was never implemented. Since this time the site has been split in half with an application for 1no. dwelling approved on the southern plot under planning approval ref: DM/16/03643/FPA in January 2017. The previously approved northernmost plot represents the current application site where 2no. dwellings are now proposed.

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), 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.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
7. *Part 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.
8. *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.
9. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. *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:

11. The development plan is the Sedgefield Borough Local Plan saved policies:
12. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
13. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
14. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
15. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
16. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.

RELEVANT EMERGING POLICY:

The County Durham Plan

17. 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:

18. *Spennymoor Town Council* - Object to the proposals on the grounds of loss of light/overshadowing, overlooking/loss of privacy, visual amenity, traffic generation/highways and access issues and design/appearance.
19. *Highway Authority* – No objections to the proposals.
20. *NWL* – No comments to make. Consultation has already taken place regarding the diversion of the water main on site.
21. *The Coal Authority* – raise no objections to the proposed development.

INTERNAL CONSULTEE RESPONSES:

22. *Environmental Health (Contaminated Land)* – raise no objections to the proposals, provided that any imported soils are tested.
23. *Environmental Health (Noise)* – The information submitted demonstrates that the application complies with the thresholds stated within the TANS, indicating that the development would not lead to an adverse impact. Subject to ensuring all sound attenuation measures as set out within the submitted Apex Acoustics Noise Assessment (10 November 2017) are fully implemented prior to the beneficial occupation of the development and permanently retained thereafter, the development is unlikely to cause a statutory nuisance.
24. *Ecology* – raise no objections to the proposals.
25. *Design and Conservation* – raise no objections to the proposals.

PUBLIC RESPONSES:

26. The application has been publicised by way of site notice and notification letters to neighbouring residents. At the time of preparing this report 14no. Individual letters of objection have been received from local residents including 3no. from the same objector. The key areas of concern raised are summarised below:

Highways:

- Highway safety concerns arising from increased traffic using the proposed access and Dean Lane;

Scale/Form/Amenity;

- Unsustainable overdevelopment;
- The proposed development would be out of character to its surrounds;
- Loss of privacy to neighbouring property;
- Loss of light to properties on Watson Park;
- Overbearing scale;

Landscape impact;

- Loss of green space;
- Overlooking of adjacent public amenity space;
- Enclosure of site, removal of topsoil's and loss of public footpath without permission in place;
- Loss of trees;

Other matters;

- Coal mining legacy;
- Damage to a water main;
- Site security and disruption to local residents caused by ongoing construction works;
- Lack of consultation;

27. Issues relating to a reduction in property values, inability to sell property and loss of views cannot be considered as material planning considerations relevant to the determination of the application. Likewise, neither can the alleged low demand for new residential development in the area, concerns over the time taken to construct the adjacent plot no.1 and concerns raised over the alleged encroachment of DurhamGate into Thinford or concerns over the lack of retail and offices within the wider DurhamGate site.

APPLICANTS STATEMENT:

28. The principle of residential development at this site has already been established with planning permission having been previously granted for residential use. The site is located in a sustainable location for the development of new housing with excellent access to services, amenities and employment sites. Residential use is therefore considered to be acceptable on the proposed site and will support sustainable housing growth within Spennymoor.

29. The high-quality design of the dwellings is in-keeping with the surrounding dwellings on Green Lane and the nearby DurhamGate development, with the proposed house type having been successfully delivered and currently exhibited at Plots 9 and 14 Eve Lane. The design incorporates the local character of the surrounding residential amenity, as the scale of the proposed buildings are consistent with the existing row of dwellings along Green Lane, which are predominantly large detached properties, and the proposed materials are brick and tiles which reflect the materials of the existing dwellings.

30. The applicant has fully considered the comments received by neighbouring residents and consultees; and where appropriate, a response and/or additional information has been provided. This demonstrates continued collaboration throughout the planning

process. The proposal accords with the NPPF and adopted Development Plan and should therefore be approved accordingly.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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, Privacy/Amenity, Highways, Ecology, Land Contamination and Coal Mining.

The principle of the development:

32. Paragraph 14 of the NPPF expects applications which accord with the development plan to be approved without delay. Paragraph 49 of the NPPF requires that applications for new housing be considered in the context of a presumption in favour of sustainable development, with Paragraphs 47- 55 seeking to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.

33. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. Given the age of the Sedgefield Borough Local Plan, its general housing supply policies are out of date and therefore carry little weight. Under such circumstances, this engages Paragraph 49 of the NPPF which requires that applications for new housing be considered in the context of a presumption in favour of sustainable development. Paragraph 14 of the NPPF explains that for decision making, this means granting permission unless any adverse impact would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

34. The overarching principles of the NPPF seek to secure development in sustainable locations. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.

35. Spennymoor is a Main Town, as identified in the County Durham Settlement Study. The application site lies in an established residential environment and has good links to the local amenities and services in the town and surroundings. Planning permission was previously granted in January 2014 for the erection of 2no. dwellings on land that included this site with the principle of residential development in this location therefore established.

Scale / Design:

36. Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. The application site is not located within a Conservation Area or area of special control.

37. The application site adjoins previously approved plot 1 to the south where a 2.5 storey, 6-bed dwelling with attached garage is currently under construction. This large dwelling appears as a continuation of the properties along Green Lane to the west and Eve Lane to the east with proposed plots 2 and 3 to the north of a smaller scale, 2 storey in height, more reflective of adjacent properties on Dean Lane and Watson Park to the east and west. The proposed design also incorporates variations in heights and building lines that assist in visually breaking up the overall scale of the development. The general form and aesthetic is fairly traditional incorporating steeply pitched roofs, overhanging eaves, chimneys, a projecting front gabled element and vertically proportioned windows some with mullions etc. Design cues have been taken from Plot 1 to create some continuity while also being consistent with the design approach of the wider DurhamGate development with similar house types delivered on Dean Lane to the east of the site.
38. The proposed development is considered to act as an effective intermediate between larger development to the south and smaller plots to the north, east and west, blending with its surrounds without appearing excessive in scale or incongruous to the surrounding street scene. The material specification submitted by the applicant (Ashington red brick, Marley modern grey slate, Artstone heads and cills, uPVC Rehau multi-fold door and casements windows etc.) would be in keeping with the local material palette and as such is deemed acceptable. However, any approval should be subject to a condition controlling specific material details in an attempt to ensure future control over the final appearance of the development in ensuring cohesion with its surrounds.
39. With regards the proposed site layout, both plots are shown to be north facing, spread across the site in an east-west direction. Although it may be preferable for development to be outward facing, with properties fronting east onto Dean Road, it is not considered that 2no. dwellings of such scale could be accommodated this way within the plot whilst making the most efficient use of the land. In order to address any concerns of an east facing gable elevation fronting the adjacent carriageway, the applicant has revised plans to introduce a larger central window feature with decorative ventilation brick to add detail to this prominent elevation and break up the mass of brickwork. Such revisions are welcomed from a design perspective, providing some aesthetic interest to the side elevation fronting the main road.
40. In view of the foregoing, it is considered that the proposed dwellings would be of a scale and design which respect their surroundings, thereby satisfying the principles of Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

Privacy / Amenity:

41. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
42. The proposed dwellings would be north facing, overlooking an area of public grassland beyond the shared drive area. To the east, the proposed east facing gable elevation of plot no2 would overlook Dean Lane, with the nearest front facing elevations of opposing properties (31, 33 and 35) some 23m away.
43. To the south, both dwellings would provide for sizeable, enclosed rear garden amenity spaces which back onto the front and rear garden areas of Plot no.1. Given the

orientation of plot no.1 which would be constructed at an angle, there would be no directly overlooking windows facing each other within close proximity.

44. To the west, the 2no. plots would be set back from the front elevation of no's 1-5 Watson Park to the north west with only the gable elevation of plot no.3 facing towards the private amenity space to the rear of no.22 Dean Lane. This elevation would only contain a first floor en-suite bathroom window. In the interests of privacy, it is deemed necessary to condition this side facing window to be obscured so as to avoid overlooking of this neighbouring garden.
46. Both dwellings would provide sizeable rear garden spaces which are to be suitably enclosed by a 1.8m high close boarded fence which wraps around the eastern side of the development fronting onto Dean Lane. Although not ideal, an enclosure of such height fronting onto Dean Lane is required in order to prevent unobscured views into the proposed rear garden of plot no.2 when viewed from the adjacent carriageway. In an attempt to soften the impact of this fence on the adjacent footpath, landscaped planting will be planted the front of this fence, adjacent to the footpath. The proposed front garden of plot no.2 would be enclosed only by a low level hedgerow (0.6m height) which is to be maintained in order to achieve the necessary junction visibility splays of the site access to the north.
47. To the front (north) of the site, a 0.9m high hoop rail fence with landscape planting would border the proposed drive area overlooking the adjacent grassland. This would return along the footpath fronting adjacent properties on Watson Court, remaining at low level so as to ensure neighbouring residents are not faced with an otherwise oppressive boundary elevation.
48. It is considered that the proposed enclosures (fencing and landscaping) would satisfactorily maintain privacy between existing and proposed dwellings whilst being of a scale and design which respects the residential setting without impacting highway safety.
49. Both proposed dwellings would occupy reasonably sized plots and benefit from reasonable private rear garden spaces commensurate to surrounding plots. However permitted development rights for future extensions/outbuildings are to be removed by condition in order to control any future works which may encroach further into the aforementioned separation distances.
50. With regards the amenities of neighbouring residents during the demolition and construction phases, it is inevitable that some level of disturbance may result from site operations. However, this can be appropriately controlled in terms of sensitive site operations and operational hours so as to ensure the limitation of noise emission from the site during more sensitive hours.
51. With regard the amenities of future occupiers of the dwellings, the application has been submitted alongside a Noise Assessment (Apex Acoustics, 10 November 2017, Rev A) which demonstrates that the application would not lead to an adverse impact. Subject to a condition ensuring all sound attenuation measures detailed within this assessment are fully implemented prior to the beneficial occupation of the development and permanently retained thereafter, no objections are raised with the development unlikely to cause a statutory nuisance. The proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

Highways:

52. Saved policies H17 and D3 of the Sedgefield Borough Local Plan, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
53. Concerns have been raised by local residents over the perceived highway safety issues arising from an increased use of Dean Lane, resulting directly from the occupation of 2no. additional dwellings. In highways terms, it is not considered that such an increase in use arising from a small increase in dwellings would give rise to any significant and detrimental impact on highway safety.
54. Access to the site would be achieved from Dean Lane to the east, with the 2no. dwellings to be served by a 4.5 metres wide private shared driveway link which is deemed to be acceptable from a highways point of view. A new 4.5 metres wide vehicular access crossing would need to be constructed in the existing public footway on Dean Lane with the new vehicular access crossing to be constructed along with the diverted 1.8 metres wide footpath link under a combined Section 38/278 Agreement Highways Act 1980. The applicant is to be reminded of this detail by informative.
55. Both of the 4 bedroomed dwellings would be supported by a double garage and 2no. on-site car parking spaces, which is also deemed to be acceptable from a highways point of view.
56. The Proposed Site Plan includes a notation relating to the 2.4 x 45 metres junction sight visibility splay onto Dean Lane, the 45 metres forward sight visibility envelope and reference to the maximum height of vegetation and means of enclosure within these sight visibility restrictions, which are noted and deemed to be acceptable from a highways point of view.
57. There is no perceived conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and in accordance with NPPF paragraph 32, the residual cumulative impacts of the proposal on highway safety could not be classed as severe and therefore there are no justifiable reasons to refuse the proposal on highway safety grounds.
58. In arriving at this decision, it is noted that the previous enclosure of this site has resulted in the loss of an adoption standard footpath link from Dean Lane to the front of no. 1, Watson Park. This footpath link has been recently reinstated to the north of the site. The original street lighting column serving the removed path would need to be removed to facilitate the approved development. The new footpath across the green to Watson Park to the north is not lit and there are no current plans to adopt this footpath link. Further discussion with the Council's Street Lighting Manager confirms that street lighting would only be required along this footpath link if there was no alternative lit route. In this instance there is an alternative lit route available with spill lighting from existing street lights in the surrounding area shining over this new link. For this reason there would be no necessity for a new street light serving this reinstated footpath link.

Ecology:

59. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The site has been cleared, with topsoil removed and enclosed, with no trees or vegetation remaining. The views of the ecology section have been sought who raises no objections to the proposals. There would be no perceived impact on protected species with the proposals considered to satisfy the provisions of Part 11 of the NPPF.

Contaminated Land:

60. Part 11 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application has been submitted alongside A Coal Mining report and Ground Investigation report. Officers have viewed the submitted information and agree with the findings of these reports, raising no objections providing any soils to be imported onto the site are suitably tested. The applicant may be reminded of this detail by informative. Subject to the above, the application would satisfy the provisions of Part 11 of the NPPF.

Coal Mining

61. The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable historic unrecorded underground coal mining activity at shallow depth.

62. The applicant has submitted a Ground Investigation Report (15 June 2015, prepared by WSP UK Limited) in support of the current planning application. This Report details and interprets ground investigations carried out across the wider site to inform development proposals comprising the erection of a single dwelling at Plot 1 and a further dwelling at Plot 2 (now referred to as Plots 2 and 3).

63. The Ground Investigation Report indicates that two coal seams were encountered, with evidence of workings found within the Durham Low Main at depths of approximately 13.7m-16.8m. Nevertheless, the report author is satisfied that a sufficient amount of rock cover is present above these workings across the current application site so as to ensure surface stability. As such, the Report advises that shallow foundations may be used in the construction of development at Plot 2 (now Plots 2 and 3). The Report also advises that based on the results of ground gas monitoring, no gas protection measures are required to be incorporated in the development.

64. The Coal Authority raise no objections and consider that the content and conclusions of the Ground Investigation Report are sufficient for the purposes of the planning system and meet the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Further detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application.

Other matters

65. Those areas of public concern which have not been discussed within the main body of this report are covered below:

Loss of green space:

66. The application site is privately owned and has been fenced off with the top surface layer removed in preparation of future development. Whilst historically the area was grassed and trees planted as part of the former Green Lane Industrial Estate and may have been used by local residents on an informal basis, it is not classified as designated open space within the Durham County Councils Open Space Needs Assessment (OSNA). The applicant was within their rights to restrict access onto this land and there was no requirement to safeguard this privately owned plot for open space provision despite any previous historic informal use.

67. In assessing its potential loss against the criteria of saved policy L5, it is accepted that the land did previously provide a small area of greenery in a location which formerly marked the entrance to the Green Lane Industrial Estate. Recent development has seen this land enclosed by new residential properties. However, there do exist other areas of usable open amenity space in close proximity, including a small area immediately to the north and particularly within the larger Durham Gate development to the east of the site where a significant landscape spine including amenity areas is proposed through the centre of the estate.

68. The proposed works would not conflict with the principles of the wider objectives of saved policy L5. The principles of policy L5 are to safeguard areas of open space as a scarce resource given its vital function in a community. As explained, given its current condition, provision of other areas in close proximity and ownership, any departure is limited and can be justified on this occasion.

Overlooking of adjacent public amenity space;

69. The proposed dwellings would face north onto an area of open grassland which is available for public use. This grassland is already overlooked by properties on Watson Park to the West and Dean Lane to the east with no concerns raised over an additional 2no. dwellings facing towards this area of public amenity space.

Previous enclosure of site, removal of topsoils and loss of public footpath, all without permission in place;

70. The application site is privately owned with the applicants within their rights to install security fencing around the site to prevent public access. The removal of vegetation, excavation of topsoils and removal of the public footpath was not condoned by the Authority with the footpath having been reinstated to the north of the site and site works ceased until the outcome of a formal planning submission.

Loss of trees

71. Trees which previously occupied this site and the adjacent development plot were not protected with the land owner within their rights to remove this vegetation. The current development proposals include new landscape proposals which would help mitigate the loss of former site landscaping.

Damage to a water main;

72. NWL have raised no objections to the proposals noting that consultation has already taken place regarding diversion of the water main which formerly crossed the site.

Site security and disruption to local residents caused by ongoing construction works;

73. There is no reasonable planning control over the build time for the adjacent plot no.1. It is acknowledged that any new development will result in a degree of disturbance to surrounding residents during the build period. In response the applicant confirms that the proposed dwellings will be built by Partner Construction (a reputable house builder who has constructed similar developments in the area and will keep disruption to a minimum during the development process). The applicant is reminded to ensure sensitivity to neighbouring residents for considerate working practices by informative.

Planning balance:

74. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. In cases where existing policies for the supply of housing are out of date, paragraph 14 of the NPPF is engaged and the acceptability of a proposal needs to be considered in the context of the planning balance test. This requires that applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.
75. Officers acknowledge that the construction of the adjacent approved plot has led to some disturbance for neighbouring residents in terms of the timing of site clearance works (prior to approval being granted) and subsequent construction hours relating to the approved scheme. However it is considered that such details can be effectively managed in terms of the current application through condition with it hoped that the applicant will now work with the planning authority to deliver the proposed scheme with minimal impact upon these neighbours, limiting construction hours and minimizing any adverse impacts relating to site development.
76. The development of 2no. additional dwellings would make a minor contribution to meeting housing need in the area with a minor economic benefit arising from developing the site, utilising local workforce, and through the economic activity of those future residents whilst delivering social benefits through contributing to the wider DurhamGate community.
77. The proposed dwellings are of a scale and design sympathetic to their surrounds without impacting the amenities of neighbouring properties or the wider character of the street scene. The former pedestrian footpath which crossed the site has been relocated to the immediate north with no perceived highway impacts arising from the proposed development.
78. Having regard to the above and notwithstanding concerns that have been raised by some local residents, it is considered on balance that the adverse impacts of the development are outweighed by the overall benefits.

CONCLUSIONS

79. Paragraph 14 of the NPPF details how Planning Authorities should approve development proposals which accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date; Planning Authorities should only grant permission where any adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits.
80. The proposal for 2no. dwellings on the site represents a sustainable form of development within an established residential setting that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. This is a privately owned site which is not designated as open space within the authority's OSNA. The development of this site would result in a sympathetic form of development which would reflect the character, layout and density of the surrounding street scene without compromising highway safety, residential amenity, open space provision, ecology, land contamination or coal mining legacy. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgfield Borough Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore 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:

PS.DEANLANE/01 revD (Proposed planning sketch and site plan), received 14 November 2017

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the west facing elevation of approved plot no.3 shall be frosted/opaque and shall remain so.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with policy H17 and D1 of the Sedgefield Borough Local Plan.

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

Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan.

7. 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.

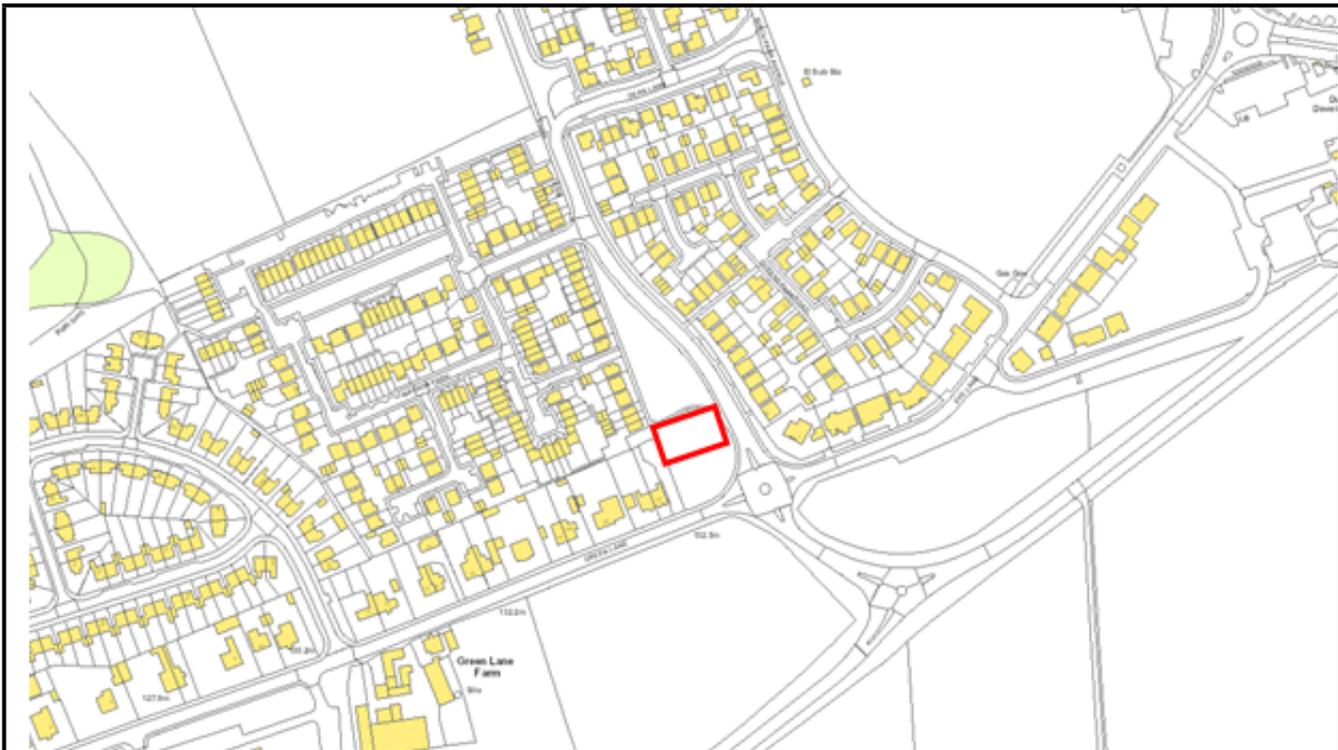
Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgefield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation 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 a mutually agreed extended determination period with the applicant having sought to satisfactorily address all concerns raised.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 Sedgefield Borough Local Plan
 Statutory response from the Highway Authority and NWL
 Internal responses from Ecology, Environmental Health and Contaminated Land



 <p>Planning Services</p>	2no. detached dwellings	
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	Date 14 December 2017	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/02967/OUT
FULL APPLICATION DESCRIPTION:	Outline all matters reserved except access for construction of 12no. dwellings including demolition of farm buildings
NAME OF APPLICANT:	Mr & Mrs M Betney
ADDRESS:	Green View Lodge Hamsterley Bishop Auckland DL13 3QF
ELECTORAL DIVISION:	Evenwood
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 existing pig farm and part of an adjoining field to the south of Saunders Avenue in Hamsterley. Site area is 0.82 hectares and the majority of the site, apart from the initial section of access lies beyond the Hamsterley settlement boundary and therefore within the countryside. Hamsterley is a village of rural character closely surrounded by open farmland. It is set mainly on an east to west axis along Saunders Avenue around areas of registered village green, which includes the strip of land along the site frontage on Saunders Avenue. The surrounding countryside is designated in the Teesdale Local Plan as an Area of High Landscape Value (AHLV).
2. The pig farm is accessed off Saunders Avenue between Green View Lodge and the Working Mens Club. The main buildings lie approximately 120m south of Saunders Avenue and comprise a series of timber clad pig housing buildings and feed silos. Public footpath number 6 runs down the first 90m of the farm access before branching west into the adjacent field and travelling south through the field alongside the farm buildings. Hamsterley Primary School and its associated playing field lies to the north west of the site. The site boundaries contain groups of mature trees and shrubs, particularly to the northwest and southeast.
3. The application is in outline for residential development of 12no. dwellings with access being the only matter not reserved for future consideration. As such, apart from the access details, the proposed site layout plan is treated as indicative. The proposed access would involve works to the existing access onto Saunders Avenue to create an adoptable access to serve the new dwellings. This would include widening the junction with 6m radii, pedestrian footpaths and alterations to the parking and access arrangements for Green View Lodge and Green View. These works would be on land registered as village green.

4. The application is reported to the Planning Committee as it constitutes a proposal for major development.

5. PLANNING HISTORY

6. There is limited planning history available for the site and that which does exist is related to the existing pig farm at the site. Planning approval for 3 pig fattening houses was refused in 1978, while planning approval was granted for the erection of an implement house in 1980.

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.

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

LOCAL PLAN POLICY:

15. The following saved policies of the Teesdale Local Plan are relevant to the application:
16. *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.
17. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
18. *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.
19. *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.

20. *Policy ENV15 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. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off
21. *Policy ENV17 Sewerage Infrastructure and Sewage:* Disposal Proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment. Where main drains are not available to serve a development, alternative methods of sewage disposal will be assessed by the developer in line with the advice in Circular 3/99, prior to the determination of the application.
22. *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.
23. *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.
24. *Policy TR10: Development affecting Public Rights of Way* Development which would directly affect a public right of way will only be permitted if an acceptable and equivalent alternative route is provided. Where possible development should facilitate the incorporation rather than diversion of public rights of way.

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/3271/Teesdale-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

25. 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:

26. *Hamsterley Parish Council:* Has made a number of comments:

- The access will cause risk of accident.
- More parking congestion because of proximity to the school.
- Increased pressure on services and utilities within the village.
- The access road would require alteration and crossing of the village green, which DCC cannot authorise.

27. *South Bedburn Parish Council*: support this application but would like to see more than 2 affordable houses.

28. *Highways Authority*: The northern section of the site has Village Green status (reference VG45 on DCC records). The development would require the highway serving the proposed dwellings to be constructed and laid out to an adoptable standard. This will affect the Village Green land both in terms of physical extent of new engineering works upon Village Green grassed areas and likely reconstruction of areas already hardened. My understanding is that this would require the agreement of Village Green trustees, and may require an application to the Planning Inspectorate. Without this matter being addressed I cannot conclude that an appropriate access will be available therefore would ask that the application is not determined in the meantime pending further information.

In relation to parking provision plots 1 and 2 must to have 2 car spaces each. Plot 12 parking - the hard paved parking area should be extended fully to the eastern site boundary to permit vehicles to exit the plot in a forward gear (the plot is at the end of a long cul de sac). Please verify if the historical vehicular access to the existing dwelling Green View is to be terminated and if the 'gifted area' is intended to be accessed from the proposed new adoptable highway only.

29. *Northumbrian Water*: No objections subject to drainage condition.

INTERNAL CONSULTEE RESPONSES:

30. *Education*: There are sufficient primary and secondary school places available to accommodate pupils from this development.

31. *Affordable Housing*: The Strategic Housing Market Assessment (SHMA) sets out the affordable housing requirement across the County, the West delivery area has an affordable housing requirement of 15%, equating to 2 affordable units across this development, as has been proposed. A discount market sale product would be acceptable, but an indication of open market price is required to allow the percentage discount to be determined to ensure the units comply with affordability criteria.

32. *Contaminated Land*: Contaminated land condition required.

33. *Drainage and Coastal Protection Team*: For Outline Planning we are satisfied with the surface water drainage proposals as per the flood risk and drainage assessment RO/FRA/17058.1. However we would like to see above ground attenuation developed for the final drainage proposals as opposed to below ground attenuation. This can be further discussed when the full planning application is made.

34. *Ecology*: I have viewed the Preliminary Ecological Appraisal and I am satisfied that the site is generally of low value for priority or protected species and habitats. It is however noted that the recommendations suggest that both bat and breeding bird features should be built into the proposed new houses on site. The number of these

to be included have however not been stated. In order to ensure a net gain as required by the NPPF, it is recommended that at least 4 integral bat roost units, and at least 5 bird boxes (a mixture of house martin cups, sparrow terraces, and a swallow overhang) be included in the proposed development. This should be the subject of a condition, and be included in the proposed elevations or site plan at reserved matters stage to ensure it is deliverable.

35. *Landscape Section*: The site is within an Area of High Landscape Value and is outside the settlement boundary. It is primarily visible from the public footpath that passes north-south across part of it. The majority of the site shown for development is currently taken up with the pig farm buildings and a suitable development could potentially result in a significant visual improvement. However the part of the site immediately south of Hamsterley Primary School is currently a field and its development would result in a negative change in the landscape character, which I would resist.

The tree survey makes clear that there is no arboricultural justification for the removal of most of the trees that are proposed for removal simply because they are in the way of the proposed layout. I therefore oppose the removal of trees 1, 2, 3 and 6 as contrary to saved policies ENV1, ENV3 and ENV10. The purpose of carrying out a tree survey is to enable the site layout to avoid damaging retained trees. These trees should be retained, and it is clear that a significant revision of the layout is required.

36. *Landscape Section (Trees)*: The site has numerous trees around the perimeter, both in and outside the boundary of the development. The proposal will look to remove the majority of the trees inside the site and while some of the trees have faults, they are prominent and visible from the main road and the public footpath and the loss would be to the detriment of the visual amenity. As these trees are generally around the perimeter of the site, it is feasible for some development to take place while retaining most of them and replacing others that are in a poorer condition.

Many of the trees in the site that are marked for removal are in reasonable condition and make a positive impact to the visual amenity. The development is therefore not supported from an arboricultural perspective and conflict is identified with Policy ENV10.

37. *Archaeology Section*: The proposed layout indicates that much of the new development will be located over the current farm buildings. These buildings are likely to have destroyed any below-ground deposits. I therefore have no objection on archaeological grounds.

38. *Noise Action Team*: No Objection.

39. *Public Rights of Way*: In the event of approval an application to divert this footpath will be required and the drawings have suggested a proposed new route. On the basis of approval of the layout I am assuming that the public right of way will follow the footpath within the new development to then be part of future adoption. Once this path leaves the adopted network I would expect a high quality path to be provided for the full length to where it meets footpath 5 to the south of the development, at this point a gate will need to be provided. Between plots 9 and 10 where it is proposed to provide a gated access for pedestrians and agricultural vehicles, I would suggest that a separate gate for public use needs to be provided. This would enable the agricultural gate to be locked for security or any future stock control. We will also need to discuss with the agent how access by the public will be maintained during development.

Can I therefore ask that in the event of approval a condition is included whereby discussions are commenced as soon as possible with the Rights of Way section to agree on path specifications, width, materials, and furniture and access provision to the remaining section of path outside the development.

PUBLIC RESPONSES:

40. The application has been publicised by way of press notice, site notice and neighbour notification letter.
41. Support has been received from Councillor Heather Smith who considers that the development will provide much needed new housing in the village along with two affordable homes. She notes that complaints have been made to her about smell from the site and suggests that development of this site would provide support to existing services and facilities within the village. She has noted a positive response to a public consultation exercise undertaken by the applicant.
42. In addition there were three further letters of support on similar grounds of environmental improvements from removal of the pig farm and benefits of additional housing in the village.
43. Two letters of objection have raised concerns that the rural appearance surrounding Hamsterley should be retained and that the negative impacts identified in relation to the pig farm have been overplayed. There is also concern that the access would cross registered village green and cause highway safety issues.
44. The adjacent Hamsterley and District Social Club is concerned about possible impact on their access.

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:

45. You have before you a wholly reasonable and well-conceived proposal for a modestly-scaled residential development of 12no. houses in the village of Hamsterley, two of those dwellings being affordable homes. The scheme represents a huge opportunity for the village, as it proposes the removal of a long-standing issue in the village, that of a pig farm, and its replacement with new, well designed housing which will bring new life-blood into the village, with the prospect of reinforcing the well-being of the future of the village, with such support as the prospect of new children for the village primary school.
46. Disappointingly, the planning and landscape officers in particular have taken issue with one aspect of the proposal, in that whilst it is acknowledged that the area occupied by the unsightly pig-farm buildings can be redeveloped, they are resisting the application because it includes a limited area of worthless land covered in nettles and thistles which adjoins the farm buildings, and which has been included in the proposed development in order to ensure the viability of the scheme. If the scheme was not to be viable, then it makes little sense to the farmer other than to continue with what is a profitable, though noxious, pig-rearing enterprise. The farmer stands at a crossroads, as he has to either invest considerably in the upgrade of the pig farm for environmental and animal welfare reasons, or he achieves a viable planning permission for the redevelopment of the site, for which a local builder based within

the Bishop Auckland area, employing a local workforce, has already expressed an interest.

47. The officers argue that the use of the area of scrubland included in the application site represents an intrusion into what is a piece of valued countryside, with a resultant impact on the general landscape. Members are requested to closely consider this opinion when visiting the site. It is regrettable that in coming to this position, officers seem to have paid little, if any, attention to the assessment report prepared by a landscape architect consultant engaged at some expense by the applicant and whose report found that the landscape impact was negligible, if it existed at all.
48. A public consultation exercise was undertaken in August 2017 prior to the submission of the application, when all residents in and immediately surrounding Hamsterley were provided with a document explaining the proposal (This document will be available for Members at the Committee). Although the response was limited, over 90% of responses were overwhelmingly in favour of the opportunity to see the removal of the pig farm and the end of the odour pollution across the village. This message formed part of the application submission to the Council.
49. All that is being sought in this application is the realisation of the opportunity to remove the pig farm and its associated problems, and replace it with a modest development wholly proportionate to the village of Hamsterley. This is a development which, it is categorically believed, would not have a negative impact on the village or its surrounding countryside, and which certainly does not have adverse impacts which significantly and demonstrably outweigh the benefits of the development, and this is the test Members are obliged to consider as required by the NPPF.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main issues are whether the proposal would constitute sustainable development, having particular regard to whether the site would be a suitable location for housing having regard to reliance on private car travel; the effect on the character and appearance of the area and affordable housing and open space requirements.

Planning Policy Context

51. The main part of the application site lies outside the development limits of Hamsterley as defined in the Teesdale Local Plan and is consequently within the countryside for the purposes of saved policy ENV1 of the Teesdale Local Plan. Policy ENV1 seeks to protect and enhance the countryside and only allows for development that is required for the purposes of agriculture, rural diversification, forestry, nature conservation, tourism, recreation, local infrastructure, or related to existing countryside uses, subject to landscape impact and satisfying other relevant policies. The proposal is not for one of the specified purposes and is therefore contrary to policy ENV1.
52. 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 such as Policy ENV1 cannot be considered up to date.

53. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:

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)

54. As of April 2017 the Council considers that it has a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.

55. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.

56. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. This is still a consultation document and final figures may yet change but on this basis, the Council would be able to establish a supply of housing land in excess of 5 years.

57. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.

58. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

59. Given that Policy ENV1 is considered out of date in relation to housing supply, this engages Paragraph 49 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF explains that for decision making, this means granting permission unless any adverse impact would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. The proposal is therefore subject to the planning balance test, which will be considered in the sections below.

Location

60. Hamsterley is classified in the County Durham Settlement Study as a tier 5 small village, but it does have some facilities including a primary school. The site is not isolated from the village and new development would help to support the existing

services and facilities. Accordingly there is no significant conflict with the aims of NPPF paragraph 55 in respect of avoiding isolated dwellings in the countryside.

Impact on the character and appearance of the area

61. Whilst saved policy ENV1 has been considered out of date in respect of housing supply, this does not mean that it can be completely disregarded, as it remains part of the development plan. The secondary aim of policy ENV1 is to help protect the intrinsic value and character of the countryside.
62. In addition, Policy ENV3 states that within the Area of High Landscape Value development will be permitted where it does not detract from the area's special character and pays particular attention to the landscape qualities of the area.
63. Policy GD1 sets out various criteria that will be applied to all new development. Amongst these is criterion (I) which seeks to ensure that new development would not unreasonably harm the rural landscape of the area. Criteria (B)c) requires landscape and natural features on the site to be retained and incorporated into the design and layout of the scheme to ensure development is in keeping with the character and appearance of the area.
64. When read together, Policies ENV1, ENV3 and GD1 expect a comprehensive and co-ordinated approach to development which takes account of the site's natural and built features and its relationship to the surrounding area. They also seek to ensure that new development creates a sense of place that incorporates satisfactory landscaping, including existing landscape features, and maintains the character of the countryside. These aims are consistent with the NPPF, which expects new development to be of a high standard of design that takes the opportunities available for improving the character and quality of the area and recognises the intrinsic character and beauty of the countryside.
65. The character of the application site is mixed. The part of the site that hosts the existing pig sheds is of poor environmental character. Its appearance within the site is however significantly worse than from outside the site. Although no strong odour was noted at the time of the visit, the Council's Environmental Health section has previously investigated odour at the site on several occasions over the last few years, although no odour-related action has been taken. Whilst agricultural land and buildings are excluded from the NPPF definition of previously developed land, removal of the pig farm would be an environmental benefit and an appropriate redevelopment scheme on the part of the site that hosts the pig sheds would be welcomed.
66. However, the development proposal is not just confined to the area occupied by the farm buildings. The application site also includes part of the field to the west of the pig buildings, which would extend the built development into undeveloped countryside in a manner which would not represent a natural extension of the built form of the village. The applicant's landscape assessment has significantly underplayed the value of the landscape and impacts. It fails to acknowledge that the land has a designation as an Area of Landscape Value and that development into the field would necessitate the removal of good value trees which contribute positively to the landscape character.
67. Hamsterley is a rural village where the countryside runs closely up to the settlement itself and is designated as an Area of High Landscape Value. This is considered to represent a valued landscape in line with the NPPF due to the function it performs in relation to the rural character of the settlement. There is a public footpath passing

directly through this particular field and a notable group of trees along the field boundary next to the buildings in the upper part of the site, which increases the contribution of this field to the rural character of the village. The condition of the field itself has been allowed to become overgrown through the absence of active agricultural use and management, but there is no reason why that could not be improved and therefore its current condition does not carry significant weight to justify its development in a way which would have a permanent negative landscape impact.

68. The encroachment of development into the adjacent field would necessitate removal of the tree group along the boundary. These trees are visible from Saunders Avenue and from public footpath no.6. The Tree Survey classifies these trees as category B and C and are therefore worthy of retention. Any dwellings along the access behind Green View Lodge would also conflict with the adjacent trees in the school grounds, which form part of the valuable tree group that is visible from Saunders Avenue.
69. On the whole, the encroachment of development beyond the built up area of the pig farm and loss of trees would in combination be to the detriment of visual amenity and landscape character.
70. As far as the access works are concerned, the improved access onto Saunders Avenue would necessitate the widening and formalisation of the existing driveway access to an adoptable standard road with radii and pedestrian footpaths spanning the majority of the front of the site. As pointed out in a number of representations, the land to the front of the site is registered village green. Whilst this would also require separate consent for development on a village green and there is no guarantee such consent would be given, it is a matter for the applicant. There would however be a significant change to the character of the site frontage. At present the access is domestic in character and the grassed area, although cut by driveway access to the adjacent property, is clearly viewed as part of the village green extent on the southern side of Saunders Avenue. The village green is an essential part of the character of the village. The formal access road would be unlike any other residential access in the village and together with the effect on a section of village green there would be a materially harmful impact on the character and appearance of the area from this formal access road.
71. Taken as a whole, it is considered that the proposal for 12 dwellings could not be successfully accommodated without causing harm to the character and appearance of the area. There is conflict with Teesdale Local Plan Policies ENV1, ENV3 and GD1(B).

Affordable Housing

72. In line with saved Policy H14 of the Teesdale Local Plan and advice from the Council's Housing Section, there is a need for the provision of affordable housing in the area, equating in this case to the delivery of 2 affordable units in the development. This Policy is consistent with the NPPF in respect of delivering a wide choice of high quality homes and to create sustainable communities. The Council's Housing section has confirmed that the affordable units could be Discount Market Sale as long as the discount applied ensures the units can be considered affordable.
73. The applicant has indicated willingness to enter into a S106 agreement to secure the 2 discount sale units. The applicant's current suggestion of a sale price equating to 75% of market value would not meet the Council's identified affordable house price figure of £96,500 so further work would be required on the S106 before it could be said that the scheme makes appropriate provision of affordable housing.

Open Space

74. Policy H1A seeks the provision of open/play 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.
75. The Open Space Needs Assessment (OSNA) identifies a deficiency of useable open space play space in the Hamsterley and South Bedburn electoral area. The only formal play or recreation facility in Hamsterley is the tennis courts at the far west of the village, approximately 700m from the application site. There is a distinct lack of a children's play area.
76. The development of 12 family homes would increase the need and use of open space and recreation facilities. In line with the OSNA, the development should provide a minimum of 54 sqm of play space within the development together with an offsite contribution of £20,665 towards the maintenance or improvement of other types of open/recreation space in the locality.
77. The indicative scheme did not initially propose to secure any play space within the site, but was willing to secure the additional £20,665 off site contribution in a S106 agreement. The applicant has however now agreed to provide the necessary play space within the site. This could be secured through the S106 in addition to the off-site payment and the details would be finalised through any reserved matters application. There is no conflict with Teesdale Local Plan Policy H1A.

Highway Safety

78. There have been representations concerned with safety of the access, but the Highway Authority is satisfied that the proposed access would not be detrimental to highway safety. Detailed comments about parking spaces could be addressed at reserved matters stage.
79. The Highway Authority is however concerned that the access works are dependent on getting other consents for development on a village green and therefore the ability to secure an appropriate access is uncertain. They have requested that the application is not determined until this matter is resolved.
80. However, as this is a matter outside the planning system it would not be appropriate to delay determination of the application. It is ultimately a matter for the applicant to sort out and if the necessary village green consent was not obtained the development couldn't go ahead anyway.
81. There is no conflict with Teasdale Local Plan policy GD1 in respect of providing safe access.

Other Issues

82. Encroachment of development into the adjacent field would obstruct the public footpath (No.6 Hamsterley) which runs through the field alongside the farm buildings, necessitating its diversion through the development. The diversion would require separate consent. Teesdale Local Plan Policy TR10 states that where possible development should facilitate the incorporation rather than diversion of public rights of way. If the site were to be developed within its built up limits the footpath would not require diversion. Diversion through the residential environment could lead to a

minor diminution of the rural experience of the footpath. It is therefore a negative aspect of the scheme, however, as the details are still to be finalised and are subject to separate consent there are not sufficient grounds for this to form a basis for refusal at outline stage.

83. The submitted Preliminary Ecological Appraisal advises that the site is generally of low value for priority or protected species and habitats and the Ecology section have raised no objection subject to the provision of new bat and bird roosting opportunities within any development scheme. This could be secured by a condition and detailed application.
84. The bottom part of the site is identified as an overland flood flow route. Discharge of surface water to a watercourse is proposed based on the existing drainage feature on the southern boundary. While raising no objection, the Drainage and Coastal Protection Section would like to see above ground attenuation developed for the final drainage proposals as opposed to below ground attenuation. This could be resolved by a condition and detailed application.

CONCLUSION

85. In accordance with paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
86. The proposal would provide a moderate benefit of adding 12 dwellings to the mix and supply of housing at a time when there is not an up to date 5 year housing supply, albeit that it is considered the weight to be applied to this benefit ought to be slightly reduced. There would also be some support for local services and temporary employment benefits during the construction period. This would contribute to the economic and social aspects of sustainability.
87. The removal of the pig farm and its associated odours are significant environmental benefits, but this could still be achieved by a different scheme of development so it does not carry overriding weight.
88. Limited weight can be given to provision of affordable housing at this stage because although 2 affordable homes have been pledged by the applicant, the level of discount proposed within the supporting information would mean that the sale price of the units would not meet affordability criteria. Open space provision is required to mitigate the effects of the development rather than being a benefit and is therefore a neutral factor in the planning balance.
89. The encroachment of development beyond the existing farm buildings into the Area of High Landscape Value and removal of trees that make a positive contribution to the amenity of the area would be harmful to landscape character. The scale and design of the new access and impact on a section of the village green, would result in harm to the character and appearance of the area. These are significant environmental disbenefits.
90. It is considered that the adverse impacts of granting planning permission for this particular scheme would significantly and demonstrably outweigh the benefits. When assessed against the development plan and the NPPF considered as a whole, on balance, the overriding consideration is that the scheme would not be sustainable

development. There is substantial conflict with Teesdale Local Plan Policies ENV1, ENV3 and GD1(B).

91. The application is therefore recommended for refusal.

RECOMMENDATION

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

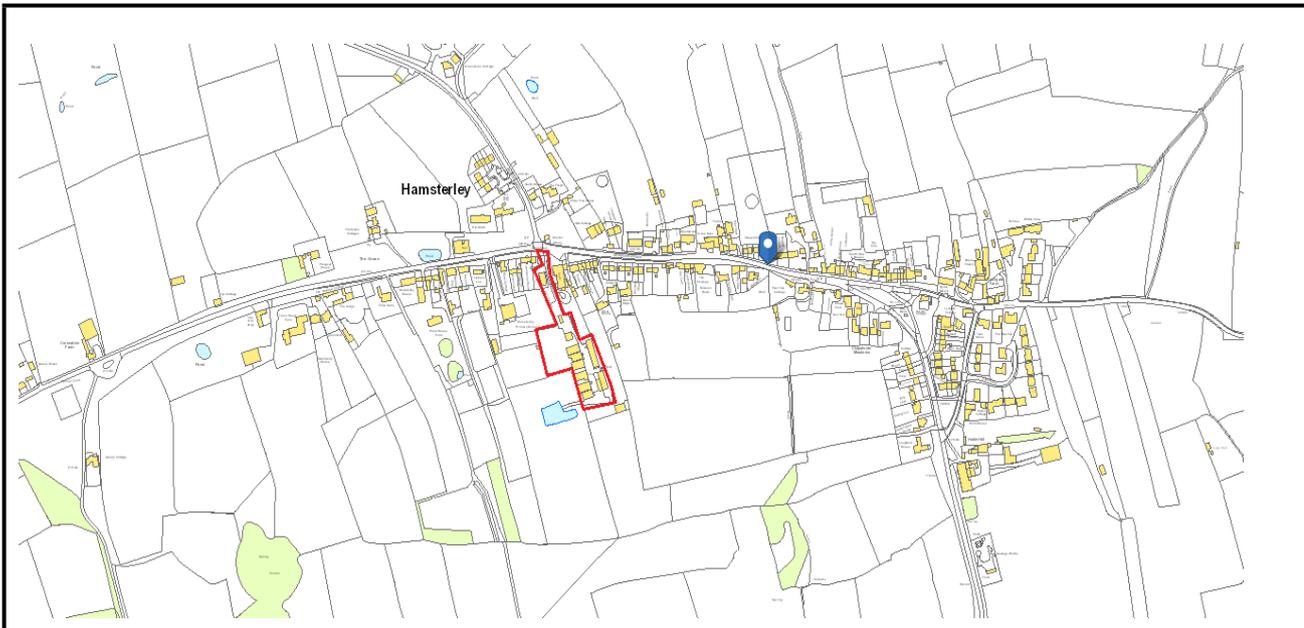
1) The proposed development by reason of its encroachment into the landscape designated as Area of High Landscape Value and removal of trees that make a positive contribution to the amenity of the area, along and the effect of the new access on the site frontage and character of the village green, would have a materially harmful impact on the character and appearance of the area. This is contrary to Saved Policies ENV1, ENV3, GD1(B) of the Teesdale Local Plan, and when assessed against the development plan and the NPPF considered as a whole, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

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. There may be scope for an acceptable scheme to be achieved, but issues of landscape impact and design of the access will need to be addressed.

BACKGROUND PAPERS

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



Planning Services

Outline all matters reserved except access for construction of 12no. dwellings including demolition of farm buildings

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14th December 2017

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03278/FPA
FULL APPLICATION DESCRIPTION:	Temporary change of use of dwelling to holiday accommodation (Retrospective)
NAME OF APPLICANT:	Messrs & Mrs Hutchinson & Bowers
ADDRESS:	Jacobs Lodge, Hill Top, Eggleston, DL12 0AU
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Jill Conroy Planning Officer 03000 263980 jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located in Hill Top which is a subsidiary Hamlet to the adjacent settlement of Eggleston and comprises a mostly linear collection of a small number of dwellings at scattered intervals along the B6278.
2. Jacobs Lodge is a recently constructed detached property with a garage/store, which lies between residential properties, Cloud High to the south east and Galehurst to the north west. It has been finished to a high standard and contains living accommodation with 7 bedrooms over 2 floors and in the roofspace. There is a large rear garden providing amenity space and parking. Access is taken off the B6278 adjacent to Galehurst.

The Proposal

3. The application seeks to regularise use of the property as holiday accommodation for a period of 5 years. The property would revert to a dwelling after this time, unless otherwise granted by further planning permission.
4. The application has been called to Planning Committee by Eggleston Parish Council.

PLANNING HISTORY

5. Planning permission was initially granted in 2014 for the erection of a detached dwellinghouse and garage (6/2013/0390/DM).
6. The property was subsequently constructed under a revised planning application approved in 2015 (DM/15/01167/FPA).

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). The overriding message is that new development that is sustainable should go ahead without delay.
8. The following elements are considered relevant to this proposal;
9. *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 a low carbon future.
10. *NPPF Part 3 – Supporting a prosperous rural economy.* To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

The above represents a summary of the NPPF considered most relevant. The full text may be accessed at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

LOCAL PLAN POLICY:

11. The following saved policies of the Teesdale District Local Plan are considered to be relevant:
12. *Policy GD1 - General Development Criteria* - development will be permitted providing it complies with a number of criteria including that it would not disturb or conflict with adjoining uses, or unreasonably harm the amenity of adjoining occupants.
13. *Policy BENV13 - Change of Use or Conversion in the Countryside* – permits change of use or conversion of buildings in the countryside to holiday accommodation (part A) provided it fulfils criteria (part B) in respect of among other things, suitability for conversion, amenity impact, and highways impacts.
14. *Policy TR2 - New Visitor Accommodation* – permits new visitor accommodation in the countryside within conversions of existing buildings, provided among other things it is not detrimental to road safety and accords with Policy BENV13.

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

<http://www.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY

15. 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:

16. *Eggleston Parish Council* – No objection to the development in principle, but some concerns have been raised regarding statements in the application form and supporting planning statement, as well as the following planning issues: loss of 1 dwelling against housing supply numbers; disturbance to neighbours; increase in vehicle traffic; new fence causes loss of light to neighbours.
17. *Highways Authority* – No objection.
18. *Visit County Durham* – Supports the application. As an accommodation business, the property will help to support the visitor economy in the rural economy, namely in supporting businesses in the surrounding area from eating out, visitor attractions and retail.

INTERNAL CONSULTEE RESPONSES:

19. *Environmental Health (noise)* – The applicant has provided a management plan which is considered sufficient to address previous concerns regarding the potential of the development causing a statutory nuisance. Notwithstanding this, an increase in the number of users for the purpose of holiday use, will inherently increase the likelihood of noise regardless of the controls imposed.

PUBLIC RESPONSES:

20. There have been 12 letters of support, which includes one from the neighbouring property Cloud High and 6 from local business and community interests, while the other neighbour Galehurst has made the only objection.
21. The neighbour at Cloud High states that despite initial concerns in their three month experience since the property has operated as holiday accommodation they have not experienced unreasonable disturbance and have no complaints about cars accessing the property. The Operators of the accommodation have shown them regard by asking on several occasions if they experienced any disturbance from guests.
22. Those businesses supporting the proposal include:

- The Three Tuns pub giving support to proposals which help the local economy by encouraging people to stay longer, make use of local facilities and participate in local events.
- Coach House Tea Room explaining that their business relies heavily on tourist visitors, and businesses like this (holiday accommodation) helps them open throughout the year.
- Rose and Crown Inn stating that they rely on holiday cottages like Jacobs Lodge to support the business in winter months when caravan sites are closed, and have already benefitted from group bookings by guests from the cottage. They feel the area lacks high quality accommodation for large groups and this type of accommodation is ideal for shooting parties, mountain bike groups and those with disability needs.
- Mickleton Service Station have said they have seen increase in fuel sales from an increase in visitors to the dale so they welcome further accommodation in the area which helps local business survive.
- Secretary of Eggleston Carnival has highlighted how guests from the cottage recently joined in activities for a village fund raising event.
- Sykes Cottages have stated that properties of this size are very rare in this area which makes it a highly sought after accommodation for holiday makers bringing tourist revenue to the region.

23. The only letter of objection from the neighbour Galehurst questions the retrospective nature of the application and original intentions of applicant, as well as raising the following concerns:

- Doubts about job creation from the use.
- There is potential for up to 16 people stay with anything from 6 to 12 cars entering and exiting the site.
- Impact on privacy with occupants walking up the driveway passed our windows.
- The site is unsustainable in terms of existing facilities which encourage occupants to shop further afield taking trade from local businesses.
- Flood risk from the tarmac drive instead of block paving.
- Loss of 1no dwelling against DCC housing figures.
- A fence has been erected which reduces the sun light into the garden of Galehurst.

The above represents a summary of the main points from 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/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

24. The use began without planning permission because the owners didn't realise it was required – in the vast majority of cases, planning permission is not required to use a house as a holiday cottage – it is the same use class. The owners have sought to work with officers to resolve matters promptly at every step of the way.

25. According to the Durham Tourism Management Plan, the visitor economy is currently worth over £752m to County Durham. This includes 1.43 million overnight tourists visited County Durham in 2014, spending £308 million or 41% of the total expenditure. Tourism supports 10,800 full time equivalent (FTE) jobs in County Durham of which 8,572 are directly employed in the visitor economy.

26. Visitor accommodation in the Dales is therefore critical to County Durham's economy, and is not surprisingly supported by the County Council and other Authorities. Planning policies, for this reason, support the provision of tourism accommodation.
27. The current proposal is important because there is so little accommodation available for larger parties, such as groups of families who want to stay together. We were only able to find one other on the internet within the County Durham area that had similar facilities.
28. Since the house was first let out, it has rarely had vacancies, and has generated the support of a number of businesses in the area, who have noticed increased patronage as a direct result of Jacobs Lodge.
29. Jacobs Lodge has a number of neighbours, and all but one support the development. No complaints have been received regarding noise arising from the development. There is no greater loss of privacy or amenity than would occur from occupation of the property as a dwelling. In such circumstances, there would be extremely limited control over the quality and behaviour of occupiers. As it is occupied as a well-managed holiday cottage, the owners work hard to ensure occupiers are sensitive and respectful to neighbours as Alistair and David Hutchinson are neighbours too, (living in West View and Stonedress respectively), and have provided additional comfort in the form of a carefully considered management plan to support the planning application.
30. With the above in mind, it is hoped Members of the planning committee can afford significant weight to policies in the development plan which seek to encourage much needed tourism in the Dales and approve the application.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

32. The NPPF provides support for economic growth proposals, particularly those that support a strong rural economy through rural tourism and leisure developments that benefit businesses, communities and visitors in rural areas. Locally, Teesdale Local Plan Policies BENV13 and TR2 are permissive of new visitor accommodation within the countryside through conversions of existing buildings, providing various detailed criteria are met. This applies to all buildings, not just derelict or disused buildings. The policies are consistent with the aims of the NPPF.
33. The comments from the Parish Council and Galehurst have questioned the economic benefits of the proposal. However, as noted by the comments from Visit County Durham and local businesses, the visitor economy is extremely important to the local area and it is estimated that it supports around 11,000 jobs in the County. Previous Visit County Durham Research suggests that for every 3 self-catering properties, one full time job is created. Overnight tourists spent £81 million in the County in 2015 with the average spend of £232.55 per trip, however the number of

visitors staying overnight within County Durham has remained static with the lack of new accommodation options a possible contributory factor. Improving the amount and diversity of quality accommodation options in key visitor areas is seen as an important way to keep visitors in the County for longer, and the longer they can stay in the area, the more likely they are to spend money at local facilities, shops and attractions.

34. The proposal would provide a type and quality of accommodation that Visit County Durham and the letting agents Sykes Cottages advise there is market demand for and the property is well placed in relation to the village of Eggleston and tourist and leisure opportunities in the wider Teesdale area, which could benefit from increased visitor spend. The comments from nearby local businesses provide convincing evidence of the value of this type of visitor accommodation to the area, with some of those businesses already experiencing benefits from this particular cottage.
35. It is therefore considered that the proposal would make a valuable contribution to increasing the range and quality of tourist accommodation in the County and in turn can bring positive economic benefits to the rural area.
36. The loss of 1 dwelling would not make any significant difference to housing supply numbers and would in any case be demonstrably outweighed by the economic benefits of this proposal. Providing there are no operational issues in the future there would be no objection to the use being permanent, but the applicant would like flexibility to be able to return the property to a dwelling without further planning permission if needed.
37. The principle of the proposal therefore draws strong support from national and local planning policies.

Residential amenity

38. One of the twelve core planning principles of the NPPF is to seek a good standard of amenity for all existing and future occupants of land and buildings. Teesdale Local Plan policy GD1 does not permit development which would disturb or conflict with adjoining uses, or unreasonably harm the amenity of adjoining occupants.
39. The property has immediate neighbours to either side who could be most affected – Galehurst and Cloud High. Representations have been received from both these neighbours, but with conflicting views. Galehurst have raised concerns about the number of guests and cars, as well as loss of privacy, whilst Cloud High have stated that despite initial misgivings they have not experienced any unreasonable disturbances since the use commenced more than 3 months ago.
40. Environmental Health have commented that the number of guests will inherently increase the likelihood of noise from the property associated with vehicles and the use of the external area, but are now satisfied that there are management measures in place to address potential of the development to cause a statutory nuisance.
41. It is because of the scale of the use that it has been determined that there has been a material change in use from a dwelling and therefore it is accepted that the use could be materially different to that of a typical dwelling in terms of number of guests and vehicles at the property. However, the nature of the use is important. The National Planning Practice Guidance (NPPG) explains that the level at which significant adverse effects of noise occurs is when noise causes a material change in behaviour such as having to keep windows closed for most of the time. The level of noise that would start to cause disturbance to neighbours may be at a lower level

than statutory nuisance, but it is very unlikely that any noise from a holiday cottage would be frequent and for long periods i.e. for most of the time. A lot of the time there will be no noise at all from the property. The main noise sources are likely to be from use of the outdoor area and vehicle movements. However outdoor use will not occur all of the time and vehicle movements are intermittent and take place over a short period. Even if these effects are noticeable at times, they would not necessarily be disturbing. Use as a residential property would still result in use of the outdoor space and comings/goings by vehicles. A 7 bedroom dwelling could have a larger than normal number of associated vehicles using the same access, and even though the approved dwelling had only 4 bedrooms, planning permission would not have been required to create the additional bedrooms within the existing internal arrangements if the property had remained a dwelling.

42. The applicant has prepared a management plan to the satisfaction of Environmental Health, which includes measures aimed at preventing noise and disruption to neighbours. It is not something that would be enforceable for the local planning authority, but for the purposes of decision making it must be assumed that the site will be run properly. The evidence from the neighbour at Cloud High who is closest to the outdoor area and garage, as well as a lack of reports to Environmental Health, indicates it is being managed effectively. The owners also live just 2 properties down from the cottage and could therefore be on hand reasonably quickly to deal with any issues if ever needed. The benefit of a temporary 5 year permission would also allow review of the situation in the future.
43. The neighbour at Galehurst has also raised concerns about loss of privacy from guests walking up the driveway and the impact of a fence that has been erected along the driveway and to the rear of their property. There is a window in the gable end of Galehurst, but even as a residential dwelling, residents would still be able to walk up the driveway and the window was taken into account in granting the previous permissions. The previous permission for the house did not include the fence, but it has been erected under permitted development, along with the bin store. As such the impact is not a matter for consideration in this application, although it is noted that it does offer better levels of privacy for both sides. Window relationships and the position of the garage/outbuilding are unchanged, and even if the garage is used for leisure purposes, the same could have happened without needing planning permission if the property was a private dwelling. The garage is in any event a sufficient distance from Galehurst in the southern corner of the property where it was judged to be acceptable under the previous planning permission, and Cloud High, who are closest to it, have not experienced any problems with its use.
44. Taking all the above into account it is considered that the proposal would not unreasonably harm the residential amenity of neighbours. The proposal therefore accords with policy GD1 of the Teesdale District Local Plan and provisions of the NPPF.

Access and Highway Safety

45. The Parish Council and Galehurst, have raised concerns about the number of vehicles accessing and parking within the property. They have claimed that the permission for the dwelling was restricted to just 3 parking spaces, but that was not the case. This was just a reference on the application form to the minimum number of spaces that could be provided within the site during the house application. There was no conditional restriction placed on the property to prevent additional parking or to limit it to any particular location within the property.

46. The Highways Authority has been consulted on the application and notes the increase in the number of bedrooms and the claims that the garage may no longer be used for accommodating parked cars. However, they are satisfied that there is adequate in-curtilage parking provision for the holiday use, even without the garage, and have not raised concerns about safety of the access, which was judged to be acceptable when the dwelling was approved. The property accesses a B classification road and therefore the development would not make any material difference to road capacity.

47. In the absence of any objection from the Highway Authority the proposal is considered acceptable in highway safety terms. There is no significant conflict with Teesdale Local Plan policy GD1 or Part 4 of the NPPF in this respect.

Other Issues

48. Despite the retrospective nature of the application the proposal must be considered on its merits and speculation over anyone's previous intentions for use of the property are not a material planning consideration and cannot therefore be given any weight in the consideration of this application.

49. There was no conditional requirement for approval of the driveway surface or restricting it to block paving and therefore the use of tarmac is not unauthorised. In any event there are large permeable areas of gravel and grass within and at the bottom of the site for surface water to drain to.

CONCLUSION

50. The proposal can bring positive economic benefits to the rural area and has the support of local businesses in the area. It is a form of development which draws strong support from the NPPF and for which Teesdale Local Plan policies BENV13 and TR2 are permissive, subject to detailed matters.

51. The concerns from one of the neighbouring properties and Parish Council have been carefully considered, however when taking all matters into account, it is felt that the proposal would not result in unreasonable impacts on residential amenity and is acceptable in highway safety terms.

52. The proposal is therefore recommended for approval.

RECOMMENDATION

Recommendation that the application is **APPROVED** subject to the following conditions:

1. The use hereby permitted shall cease after 5 years from the date of this permission and the building reinstated to its former residential use, unless an application for continuation of the use has previously been made to and approved in writing by the local planning authority.

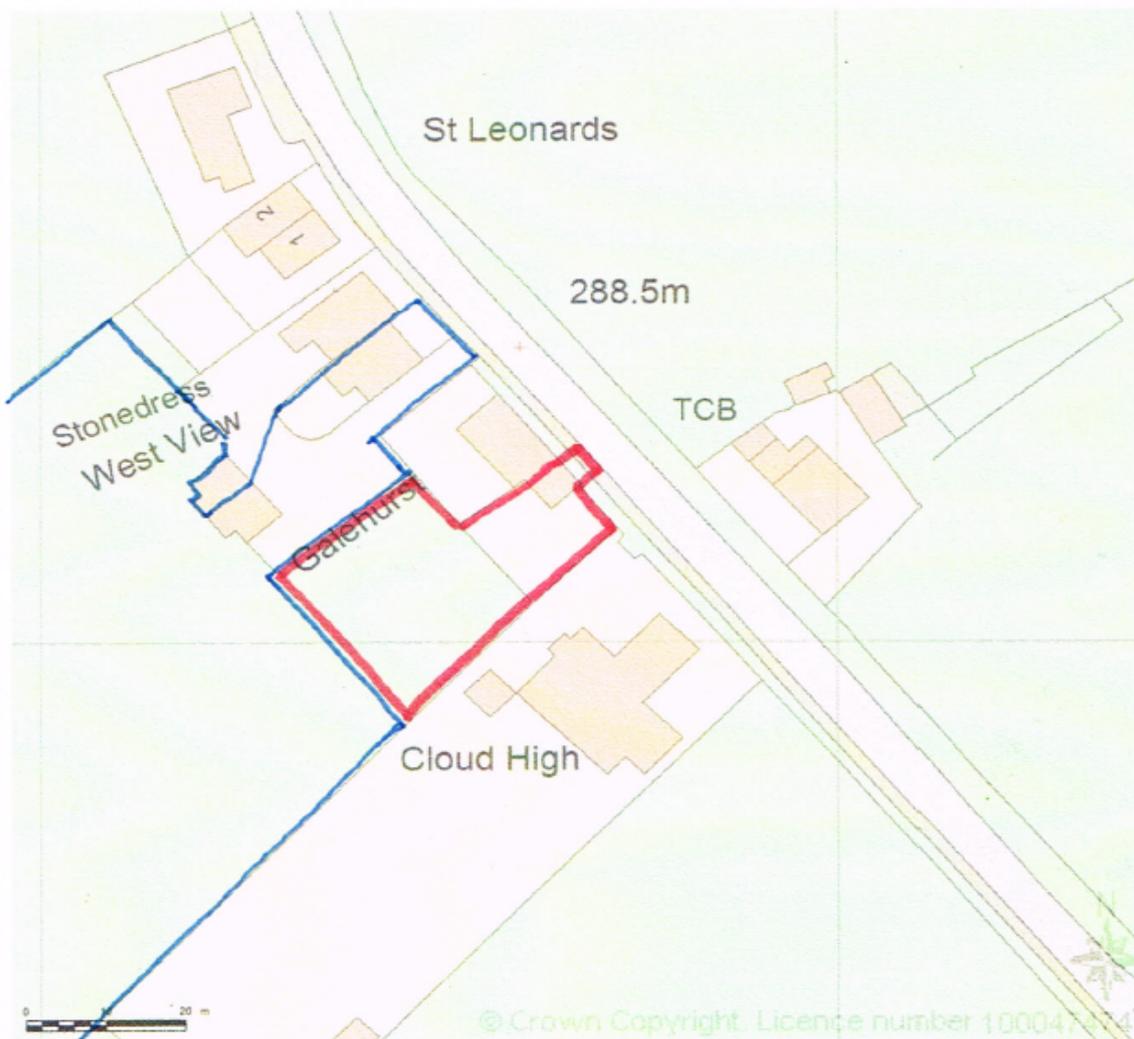
Reason: To define the nature of the consent as applied for.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
Consultation responses and representations received



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