
APPLICATION DETAILS

APPLICATION NO:	3/2011/0349
FULL APPLICATION DESCRIPTION:	Outline application for the erection of 20 dwellings (including 4 affordable bungalows)
NAME OF APPLICANT:	Mr J Watson c/o Howson Developments
ADDRESS:	Land south east of William Street, Auckland Park, Bishop Auckland, DL14 8RJ
ELECTORAL DIVISION:	Coundon ED Chris Baxter (Senior) Planning Officer
CASE OFFICER:	01388 761626 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a rectangular parcel of land (0.65 hectares) situated to the south east of William Street in Auckland Park. The site is currently open grazing land with a stable building located to the south east. The housing development of St. Phillips Close bounds the site to the south west and Morton Close lies to the west. Open fields and grazing land is situated directly to the north. The site borders a further parcel of land used as a paddock to the south east and beyond this, on the opposite side of an unmade road, there is a recently approved housing development which is currently under construction.

The proposal

2. Outline planning permission is sought for the erection of 20 dwellings on the site, including 4 affordable bungalows. Access and layout are to be assessed through this application with scale, appearance and landscaping to be reserved for future consideration. Access is to be taken from the road which runs between St. Phillips Close and Morton Close. The layout shows a central estate road with properties on either side or a turning head to the south of the site. Submitted plans indicate that the proposal would provide a mix of 2, 3 and 4 bedroom detached properties.
3. This application is reported to the South West Area Planning Committee as it represents major development.

PLANNING HISTORY

4. No specific history relevant to this application site, although a housing development has been previously approved to the south east of the application site. This application was approved in 2010 and is currently under construction.

PLANNING POLICY

NATIONAL POLICY

5. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
6. *Planning Policy Statement 3: Housing (PPS3)* underpins the delivery of the Government's strategic housing policy objectives.
7. *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)* sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
8. *Planning Policy Guidance Note 13: Transport (PPG13)* sets out objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
9. *Planning Policy Statement 22: Renewable Energy (PPS22)* sets out the Government's policies for renewable energy, which planning authorities should have regarded to when taking planning decisions.
10. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development. This draft guidance is a material consideration in determining planning applications.

REGIONAL PLANNING POLICY

11. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.

13. *Policy 2: (Sustainable Development)* seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
14. *Policy 3: (Climate Change)* The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
15. *Policy 4 (Sequential Approach to Development)* seeks to adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations.
16. *Policy 7: (Connectivity and Accessibility)* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
17. *Policy 8: (Protecting and Enhancing the Environment)* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
18. *Policy 24: (Delivering Sustainable Communities)* refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
19. *Policy 38: (Sustainable Construction)* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.
20. *Policy 39: (Renewable Energy Generation)* seeks to generate at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.
21. *Policy 54: (Parking and Travel Plans)* seeks to support the delivery of improved public transport throughout the Region, the promotion of travel plans and the provision and pricing of parking will be essential. Key elements include the marketing of public transport, cycling, walking and car sharing in trying to influence travel behaviour.

LOCAL PLAN POLICY:

22. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the determination of this application:
23. *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.

24. *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.
25. *Policy H22 (Community Benefit)*: On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
26. *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.
27. *Policy T1 (General Policy – Highways)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and:
 - i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - iii) Be capable of access by public transport networks.

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

28. *Environment Agency* has no objections.
29. *Northumbrian Water* has no objections.
30. *County Highways Authority* has stated that the available carriageway width of the unnamed street leading to the application site has recently been increased along its length and a 1.3m wide footway provided on the western side. This was done to improve highway access arrangements for existing residents of William Street on what hitherto was a poorly maintained section of private road.

Whilst it is considered that there are some deficiencies in the connecting access road layout, these are not of overriding concern and some developer funded improvements are intended. Subject to a condition requiring full engineering details no objection is made. However, it is stressed that this access route would be unsuitable to serve any further residential development.

31. *Architectural Liaison Officer (Police)* recommends measures to be incorporated into the scheme which will reduce the opportunity for crime and help create a safer place.

INTERNAL CONSULTED RESPONSES:

32. *County Ecologist* has no objections.
33. *Landscape Section* has no objections.

34. *Planning Policy Team* has no objections as the proposal is not considered to be of a scale which would undermine emerging housing number plans; and the development would consolidate the settlement of Auckland Park.
35. *Sustainability* recommends that the standard 10% renewable energy condition is attached to any permission granted.

PUBLIC RESPONSES:

36. The application has been advertised on site, in the press and the closest residents notified in writing.
37. Four letters of objection have been received from local residents raising the following concerns:
 - i) The development has a poor access, and would give rise to loss of privacy issues and that there are legal covenants on the land which restricts buildings being constructed.
 - ii) It has been identified that the site is not within settlement boundary for Dane Valley and is in the countryside. Therefore the proposal is contrary to policy H3 of the Local Plan and also guidance contained within PPS1 and PPS7.
 - iii) There are other more suitable sites which are in more sustainable locations.
 - iv) The neighbouring development site to the south east was approved contrary to officer recommendation, which was believed to have been granted permission as the developer promised low cost housing.
 - v) There used to be housing on the land previously in the 1960's but has been grassed over for over 50 years and is used for grazing land and has green field status.
 - vi) Issues are raised with regards to the lands status within the Strategic Housing Land Availability Assessment (SHLAA) and that the time frame is 11 to 15 years. This time frame suggests that this land is allocated for housing but is in a weaker market and unlikely to deliver housing in the next 10 years.
 - vii) The land is classified as Green Belt.

APPLICANTS STATEMENT:

38. The Committee may be aware that this parcel of land sits between housing on three sides, and represents a natural extension of the settlement. We have shown a relatively low key development of 20 dwellings and included within that 4 bungalows that would be available as affordable units. It is likely these would be for elderly people and help to meet the shortage of this type of accommodation in the area. At the moment this is an untidy piece of land and its development would 'round off' housing in the area. Added to this, we are happy to make a contribution of £10,000 towards the delivery of a play area on a piece of land next to the site that I know the parish council have been hoping would be completed for local people in the near future.

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

39. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 development plan policies and 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, impact on residential amenity, visual impact, highway issues, affordable housing contribution and financial contribution.

Principle of development

40. This application proposes the residential development of land to the south east of William Street that is outside the defined settlement limits for Dene Valley. In strict planning policy terms the development of the site would conflict with Policy H3 of the Local Plan. It is therefore necessary to establish whether there are any material considerations which justify making a decision other than in accordance with the development plan.
41. It is considered in this case that there are locality specific issues which need to be taken into account, including the presence of new or intended development nearby. A new housing estate has been completed on the western corner of the site (within the settlement limits) and planning permission has been granted for residential development on land to the south east located outside of the settlement limits. These developments have and will change the character and appearance of the locality.
42. When viewed in this context it is not considered that the proposal would harm the scale and form of this part of the settlement, and that modest and appropriately designed dwellings would integrate well with existing pattern of development that is now established
43. In terms of housing numbers, is not considered that a development of 20 units would undermine or prejudice the aims of the emerging County Durham plan if the site is released now. Whilst is acknowledged that the former Wear Valley area is maintaining a 5-year supply of deliverable housing sites in accordance with PPS3, the proposal is not of a scale that would compromise the Council's ability to bring forward other sites, or plan accordingly bearing in mind Bishop Auckland is a main town within the County.
44. It is recognised that sequentially preferable sites located within the settlement boundary were identified within the Strategic Housing Land Availability Assessment (SHLAA). However, the neighbouring site (which is further removed from the settlement boundary) was recently granted consent for housing. It is considered that this site would consolidate the settlement in this location, rather than cause harm. PPS3 places great emphasis on delivery, and this site is available and could achieve housing in the short term in line with this objective.
45. For these reasons, it is considered that the proposal is acceptable in principle and in accordance with guidance contained within Planning Policy Statement 3 and that a departure from policy H3 of the Local Plan can be justified.

Impact on residential amenity

46. The proposed layout plan shows that there would be adequate separation distances between the proposed properties to ensure that sufficient levels of privacy are achieved. Separation distances of at least 21 metres would be achieved between the proposed properties and the rear of the houses on St. Phillips Close is in accordance with criteria set out in policy H24 of the Local Plan. Given the orientation of the proposed properties in relation to neighbouring dwellings it is considered that no adverse impact would be created in terms of overbearing and overshadowing. Adequate levels of private and useable garden amenity space are provided with each property in terms of residential amenity. The proposal would therefore comply with the aims of saved policies GD1 and H24 of the Wear Valley District Local Plan

Visual impact

47. The proposed layout would have a linear form which is mainly dictated by the shape and size of the site and would generally reflect the new housing estates which have been developed recently in the immediate area. Although the final design, appearance and scale of the properties is reserved for future consideration, the illustrative plans show two storey properties and bungalows of a modern design that would blend in with neighbouring properties and not appear out of keeping within the street scene.
48. The proposed development is therefore considered to be acceptable in terms of layout and in keeping with the surrounding area and would be in accordance with saved policy GD1 of the Wear Valley District Local Plan.

Highway issues

49. The proposed internal road layout and car parking provision for the site are considered acceptable.
50. The site is to be accessed via an unnamed access road off the main highway to the south. This has recently been improved following resurfacing works and the introduction of a footpath on one side. There is inadequate width to install a footway on both sides of the road.
51. Despite the lack of a second footpath the Highways Officer has considered that the unnamed road would be acceptable to accommodate additional traffic arising from the development providing that alterations to the southern junction entry radius and removal of the telegraph pole are undertaken. These alterations can be covered through a planning condition, which is recommended accordingly.
52. It is considered that the proposed development would not compromise highway safety and would be in accordance with saved policies GD1 and T1 of the Wear Valley District Local Plan.

Affordable housing and financial contribution

53. There are no current Local Plan policies that can require the provision of affordable housing units within proposed developments. Nevertheless, the developer in this instance has proposed 20% affordable housing which equates to four bungalows. To ensure that these affordable housing units are provided within the scheme, the developer has agreed to enter into a Section 106 legal agreement which details the delivery of the affordable units. This Section 106 legal agreement also includes a financial contribution which the developer has to pay for the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

Other Matters

54. Most of the concerns raised by objectors have been covered in the sections above. The land is not Green Belt, although it is classified as greenfield land. The issue raised in relation to legal covenants on the land restricting building works is not a material planning consideration in assessing the merits of the scheme.

CONCLUSION

55. The proposed housing site is not within the settlement boundaries for Dene Valley. However its development would not adversely impact on the overall form of Auckland Park or undermine the deliverability of housing numbers within the area. The site is therefore considered acceptable in principle for a scheme of the size envisaged.
56. From a more detailed perspective the layout demonstrates that adequate separation distances would be achieved between properties. The residential amenities of existing and future occupiers of the proposed properties and neighbouring dwellings would not be adversely compromised.
57. The proposal would be in keeping with the visual amenity of the surrounding and would relate adequately to neighbouring housing that has been permitted in the area.
58. On the basis that improvements are made to the southern junction of the access road, which can be covered by a planning condition, there would be no adverse impacts on highway safety.
59. The developers have agreed to sign up to a Section 106 legal agreement which would ensure that affordable housing provision is incorporated into the development and ensure that financial contribution is provided for provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

RECOMMENDATION

That the application be **APPROVED** subject to the applicants first entering into of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) setting out:

- (a) contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality; and
- (b) affordable housing provision.

and the following conditions and reasons;

Conditions:

1. Application for approval of reserved matters 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 final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the details of appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

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

Plan Ref No.	Description	Date Received
004	Block Plan	01/09/2011
	Proposed Site Plan	01/09/2011

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

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

Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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

Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. Prior to the commencement of development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

8. Construction works on the site shall be restricted to the hours of 08:00 hrs to 18:00 hrs Monday to Fridays and 08:00 hrs to 13:00 hrs Saturdays. Construction works shall not be undertaken on Sundays and Bank Holidays.

Reason: In the interests of the amenity of nearby residents in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.

10. Prior to the commencement of development hereby approved, full highway engineering details for improvements to the access road 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 highway safety in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

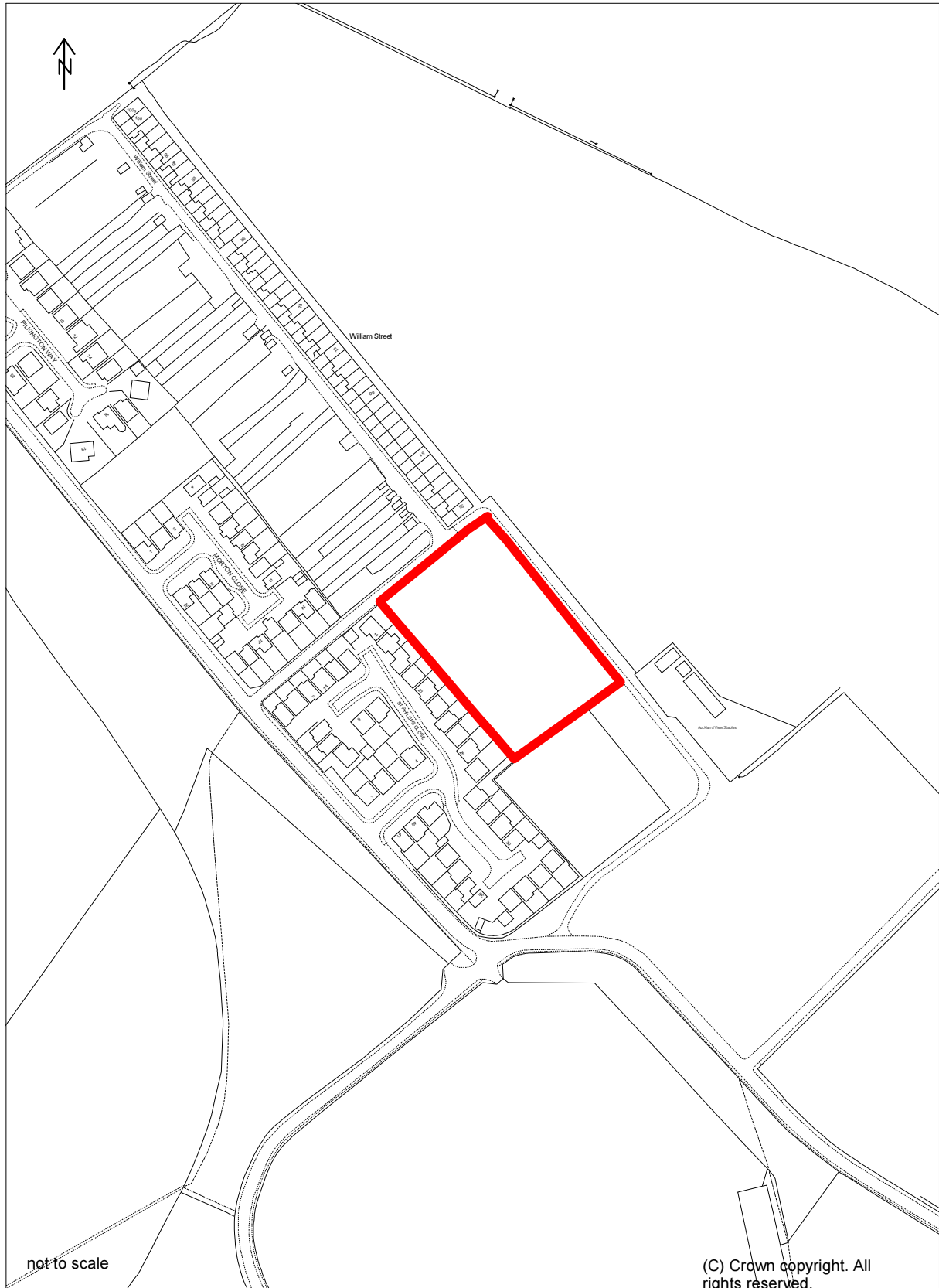
REASONS FOR THE RECOMMENDATION

- i. The proposal is acceptable in relation to policies GD1, H22, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within PPS1, PPS3 and PPS22 for the following reason:
- The development would consolidate the settlement of Auckland Park without compromising its character and form or the ability to bring forward other housing sites in the area
 - Residential amenities of existing and future occupiers of the proposed development and neighbouring houses would not be adversely affected;
 - Highway safety would not be compromised.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS7, PPS22, PPG13
- Consultation Responses
- Public Consultation Responses

3/2011/0349 - Outline application for the erection of 20 dwellings (including 4 affordable bungalows) at Land south east of William Street, Auckland Park, Bishop Auckland for Howson Developments



not to scale

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