

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0054/DM
FULL APPLICATION DESCRIPTION:	Outline application for the erection of a dormer bungalow (resubmission)
NAME OF APPLICANT:	Mr Aitkin
ADDRESS:	Land west of Woodlea House, Horse Close Lane, Trimdon Colliery
ELECTORAL DIVISION:	Trimdon
CASE OFFICER:	David Gibson, Planning Officer 03000 261057, david.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site is located off Horse Close Lane and east of Woodlea House, Trimdon Colliery. The site contains a range of dilapidated buildings and a former joinery workshop.
2. The site is located outside of the residential settlement framework for Trimdon Grange, 170 metres to the south of the southern boundary. The site overlooks undeveloped open countryside to the south and west of the site. To the east, across Horse Close Lane, is an area of residential development of some five dwellings and which is clearly physically separated from the remainder of Trimdon Colliery.

Proposals

3. Outline planning permission is sought to erect a detached dormer bungalow. Whilst all matters have been reserved, an indicative layout plan has been submitted showing the scale, height, length and width of the proposed dwelling.
4. The site plan shows a dwelling measure 15 metres in length, 9 metres wide and 6 metres high. It will be located approximately 30 metres away from the nearest dwelling to the west.
5. The application is referred to committee at the request of the Elected Ward Member, Councillor Brookes, who considers that the site is suitable for residential development, being in a sustainable location and where its redevelopment would enhance the appearance of the area.

PLANNING HISTORY

6. An outline application (7/2011/0513/DM) for the erection of a dormer bungalow was withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

7. *Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Climate Change* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. The key principles including ensuring high quality development through good and inclusive design, and efficient use of resources.
8. *Planning Policy Statement 3 (PPS3) Housing* underpins the delivery of the Government's strategic housing policy objectives.
9. *Planning Policy Statement 7 (PPS7) Sustainable development in rural areas* 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.
10. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
11. *Planning Policy Guidance 13 (Transport)* sets out the objectives to integrate planning and transport at the national, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
12. The Government has indicated an intention to consolidate all planning policy statements, circulars and guidance into a single policy statement. Termed the *draft National Planning Policy Framework (NPPF)*, the overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. In particular they should approve proposals that accord with statutory plans without delay. The Framework proposes that planning permission should be granted where the plan is "absent, silent, indeterminate, or where relevant policies are out of date". The draft NPPF states that the primary objective of development management is to "foster the delivery of sustainable development, not to hinder or prevent development". It requires local planning authorities to approach development management decisions positively, attach significant weight to the benefits of economic and housing growth, influence development proposals to achieve quality outcomes, and enable the delivery of sustainable development proposals. The draft NPPF is capable of being a material planning consideration. Therefore, both the emerging intent of the NPPF and the existing PPSs and PPGs need to be given appropriate weight.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLANNING POLICY

13. 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. In July 2010, however, 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 was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.

14. 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. The following policies are considered relevant:
15. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
16. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
17. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance the sustainable internal and external connectivity and accessibility of the North East.
18. *Policy 24 (Delivering sustainable communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

LOCAL PLAN POLICY:

19. *Policy H8 (Residential frameworks for larger villages)* states that housing development within the residential frameworks of larger villages will normally be approved providing that there is no conflict between other policies within the plan.
20. *Policy D1 (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, that where necessary satisfactory landscaping be incorporated in the design and layout of the site, that this accommodates the needs and users of the development and provides satisfactory and safe provision for pedestrians and the private car.
21. *Policy D3 (Design for access)* states that careful consideration should be given in the design of the development to the access requirements of pedestrians, cyclists, public transport, cars and other vehicles.

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://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Trimdon Parish Council* has not commented on the application as the time of writing the report
23. Cllr Peter Brookes has provided a letter of support for the application on the grounds that all the buildings on the site are in a state of disrepair and unused, that the development would also re-generate and improve an untidy area of land and

although the proposed development lies outside the residential framework of Trimdon Colliery by some 200 metres, there are other properties immediately North and East of the site. A new dwelling will consolidate an area which is already considered by local people to be residential in nature. The proposed site is also close to existing amenities, and Policy 4 of the RSS indicates that suitable sites adjoining areas, particularly those that involve the use of previously located land and buildings could be considered for development. Finally, this application can not be considered to be isolated or in the open countryside as houses are located immediately east and north of the site. In years gone by, this site was at the bottom of a terraced row of colliery houses known as 'coffee pot' by local people, with no gap in development as there is now.

24. *The Highway Authority* has objected to the development on the grounds of highway safety. This objection would be removed subject to a plan showing the access to the north being used.

INTERNAL CONSULTEE RESPONSES:

25. *The Ecology Section* has recommended that a condition be placed on any approval restricting when demolition can take place to avoid harm to nesting birds.

PUBLIC RESPONSES:

26. The application has been publicised by way of site notices and letters to individual surrounding occupiers, however, no objections have been received.

APPLICANTS STATEMENT:

27. A supporting statement has not been submitted by the applicant.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

28. 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 and the impact new residential development would have on the character of the area, the impact on residential amenity, highway safety and ecological implications.

Principle of development

29. Adopted Sedgfield Borough Local Plan Policy H8 supports housing development within the residential framework of Trimdon Grange providing there is no conflict with the provisions of the plans environmental, open space or design policies. Frameworks are defined on the proposals map, with residential development outside of this settlement boundary considered contrary to this adopted policy. The proposal is located approximately 200 metres to the south of the defined residential framework.

30. At a regional level, RSS Policy 4 outlines a sequential approach to the identification of land for residential development, with sites located within settlement boundaries favoured over Greenfield sites located outside of the settlement boundary.

31. At a national level, PPS3 supports new housing development in suitable locations, and which makes efficient use of the land. PPS7 highlights the key tests for which rural development (outside of a settlement boundary) may be considered acceptable. Paragraph 10 makes clear that new permanent dwellings within the countryside will require special justification for permission to be granted, such as if the proposed dwelling is required to enable agricultural, forestry and other certain full time workers to live at, or in the immediate vicinity of their place of work. However, it will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside.
32. It has been suggested by a Local Elected Member that the development should be allowed as it is adjacent to existing houses. Whilst it is accepted that the proposed development is relatively close to other existing residential properties, these dwellings are located to the east of Horse Close Lane, while the proposed development would clearly be the first of its kind to the west of Horse Close Lane, notwithstanding the site of the former Old Locomotive to the north. It is considered that if this development is accepted then it could lead to future ribbon development along Horse Close Lane up towards the settlement boundary to the north significantly altering the character and appearance of the areas. The application site is located outside of the residential settlement of Trimdon Grange, on what is considered to be a Greenfield site. The site consists of an area of former allotments and now demolished or former agricultural buildings. In accordance with the definition of previously-developed land, as set out at Annex B to PPS3, land that is or has been occupied by agricultural buildings is excluded from the definition, and is therefore Greenfield. Any approved development would therefore represent uncontrolled sporadic growth beyond an established settlement limit and on land that has not been previously-developed.
33. As it stands now, the land to the west of Horse Close Lane is used for agriculture and retains a certain rural character and charm. The loss of this for a modern residential development will detrimentally impact upon this special character of the area and would be contrary to local, regional and national policies which seek to protect the countryside. The agricultural nature and openness of the area add to the character of the Trimdons and it is considered that this would be lost should this development be approved.
34. Local Plan Policy H8 aims to restrict all new housing to the defined residential framework of Trimdon. The purpose of this is to encourage the development of sustainable Brownfield sites surrounded by housing. The application site constitutes land that is not located within the residential framework of Trimdon Grange. The application site is therefore considered contrary to the provisions of adopted local plan policy H8, the sequential approach set out at RSS Policy 4 and advice contained in national planning policies, PPS3 and PPS7 which together seek to promote residential development in suitable locations which achieve sustainable development objectives whilst protecting against the erosion of rural areas caused by new development. The application site, being located outside of the defined residential framework and not located in close proximity to shops and services is considered to be unsustainable.
35. The applicant has failed to demonstrate any robust need for an additional dwelling in this location. In view of the foregoing, the very principle of additional residential development in this location is unacceptable.

36. The site contains a number of dilapidated buildings and looks quite unsightly when driving from the south along Horse Close Lane towards Trimdon Colliery. It is accepted that the site looks untidy and a new well designed dwelling would mean the loss of the old dilapidated buildings and would possibly improve the visual appearance of the area but this does not justify new development in the open countryside. The upkeep of a site is the responsibility of the owner of the site and the lack of care for a site does not justify the building of a dwelling that otherwise would be contrary to policy. The Local Planning Authority has other powers to deal with untidy land under Section 215 of the Town and County Planning Act 1990, and if it was considered necessary in the interests of the amenity of the area, the appearance of the site can be improved using these powers.

37. It is felt that if a dwelling was approved on site using the justification that it would improve the appearance of an untidy area of land then it could lead to a dangerous precedent being set whereby owners of sites in the open countryside could leave their sites unmanaged and unsightly in the knowledge that they could build a house that would normally be contrary to policy.

Residential Amenity

38. Local Plan Policy D1 aims to protect the amenity of neighbouring properties. The proposed dwellings are situated over 25 metres away from the properties to the east. The indicative site plan shows a rear garden of over 10 metres in length and ample side and front gardens which will provide sufficient amenity space. Based on these separation distances it is considered that residential development on this site would not have an adverse impact on the residential amenity of the neighbouring properties and it is considered that the scheme accords with Local Plan Policy D1 in this regard.

Highway Safety

39. Local Plan Policy D1 aims to ensure that a proposed development does not have an adverse impact on the highway network. Concerns have been raised with regards to the access to the south. Providing this is closed up and the access to the north is used then it would be considered to be acceptable from a highways perspective.

40. Subject to the modifications being made and satisfactory sight visibility splays being achieved it is considered that the scheme accords with Policy D1 of the Adopted Local Plan.

Ecology

41. The proposed development involves the demolition of a number of buildings within the site. The Ecology Section has assessed the scheme and has confirmed that the demolition of these buildings could pose a risk to nesting birds, and it is therefore considered that the demolition should not take place between March and August.

CONCLUSION

42. In conclusion, the application site is located outside of the residential settlement of Trimdon, on Greenfield land. Any approved development would therefore represent uncontrolled sporadic growth beyond an established settlement limit with the potential for creating ribbon development along the western side of Horse Close Lane.

43. The applicant has failed to demonstrate any justified need for a new dwelling in this location, which although is not entirely unsustainable in nature owing to its close proximity to the settlement, does constitute uncontrolled residential development in the countryside. It is argued that there are more suitable sites within the settlement which could support infill development rather than rely on new Greenfield sites beyond the settlement limits.

44. This application is therefore considered contrary to the provisions of adopted local plan policy H8, RSS Policy 4 and national PPS3 and PPS7 which together seek to promote residential development in suitable locations which achieve sustainable development objectives whilst protecting against the erosion of rural areas caused by new development.

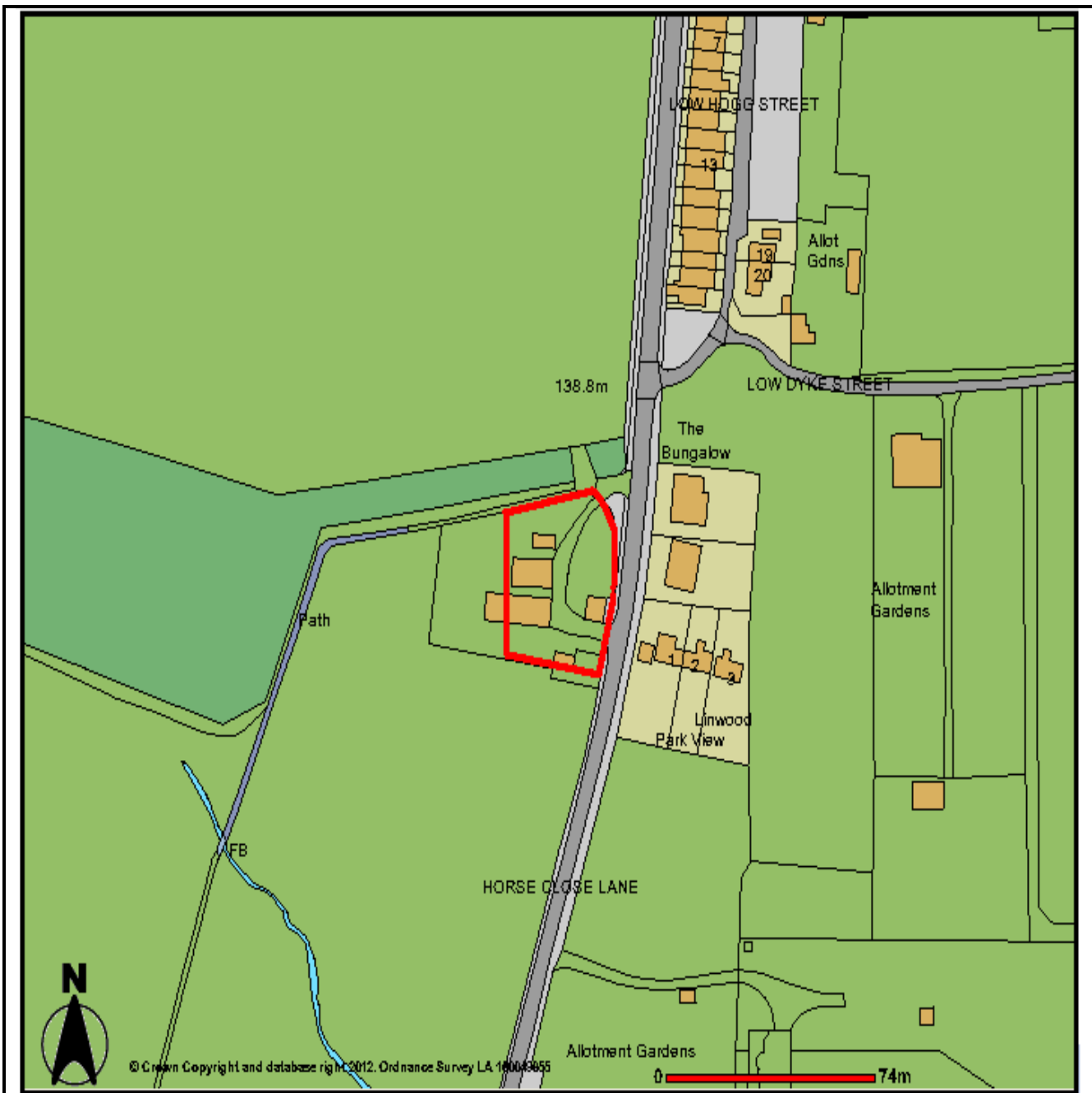
RECOMMENDATION

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

1. In the opinion of the Local Planning Authority, the proposed dwelling would constitute uncontrolled residential development on a Greenfield site in the open countryside, outside of any identified residential settlement boundary, and would lead to a loss of the rural character of the area and result in the sprawl of residential development to the western side of Horse Close Lane. The proposal is therefore contrary to the provisions of adopted Policy H8 (*Residential frameworks for larger villages*) of the Sedgefield Borough Local Plan, RSS Policy 4, PPS3 (*Housing*) and PPS7 (*Sustainable development in rural areas*).

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Design and Access Statement
- Sedgefield Borough Local Plan 1996
- Regional Spatial Strategy
- Planning Policy Statements/guidance notes: PPS1, PPS3, PPS7, PPS9 and PPG13
- Responses from Elected Ward Member, Highway Authority and Ecology Section



Planning Services

Outline application for the erection of a dormer bungalow (resubmission) on land west of Woodlea House, Horse Close Lane, Trimdon Grange

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Comments

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