

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, and contains a range of dilapidated agricultural buildings and associated workshop. The site has two vehicular accesses of Horse Close Lane.
2. The site is located outside of the residential settlement framework for Trimdon Colliery, being 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 An outline application (7/2011/0513/DM) for the erection of a dormer bungalow was withdrawn prior to determination.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. The Government has now published its *National Planning Policy Framework (NPPF)*, which replaces all *Planning Policy Statements and Guidance notes*. The Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. The Framework sets out the presumption in favour of sustainable development. In terms of implementation, the Framework sets out that for the 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases following this 12 months period due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. In particular it is of note that at paragraph 12, it is highlighted that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

8. 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.
9. 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:
10. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
11. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
12. *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.

13. *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:

14. *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.
15. *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.
16. *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:

17. *Trimdon Parish Council* has not commented on the application as the time of writing the report
18. 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.
19. *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:

20. *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:

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

APPLICANTS STATEMENT:

22. 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

23. 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

24. Adopted Sedgefield Borough Local Plan Policy H8 supports housing development within the residential framework of Trimdon Colliery 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.
25. 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.
26. At a national level, the recently published NPPF provides guidance on decision-taking and in particular, introduces a presumption in favour of sustainable development, but at its heart contains a number of core planning principles that should be adhered to. In particular this includes encouraging the effective use of land by reusing land that has been previously-developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
27. 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 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.

28. 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 2 to the NPPF, land that is or has been occupied by agricultural buildings is excluded from the definition, and is therefore Greenfield, and the sites development for housing would therefore conflict with a key planning principle set out in the NPPF. The proposal if approved would therefore represent uncontrolled sporadic growth beyond an established settlement limit and on land that has not been previously-developed.
29. 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 guidance in the NPPF, 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 in close proximity to shops and services is not considered to be in a sustainable location.
30. In these circumstances, the applicant has failed to demonstrate any robust need for an additional dwelling in this location, and as such, the principle of additional residential development in this location is not supported.
31. 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 a new well designed dwelling would result in the loss of the old dilapidated buildings and could improve the visual appearance of the area. However this does not justify new residential 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 could be improved using these powers.
32. 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 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

33. 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

34. Local Plan Policy D1 aims to ensure that a proposed development does not have an adverse impact on the highway network. Highway 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.
35. 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

36. 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

37. 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.
38. 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.
39. This application is therefore considered contrary to the presumption in favour of sustainable development provisions set out in the Government's recently published National Planning Policy Framework, RSS Policy 4 and Policy H8 of the local plan which together seek to promote residential development in suitable locations that achieve sustainable development objectives whilst preventing the erosion of rural areas by new development.

RECOMMENDATION

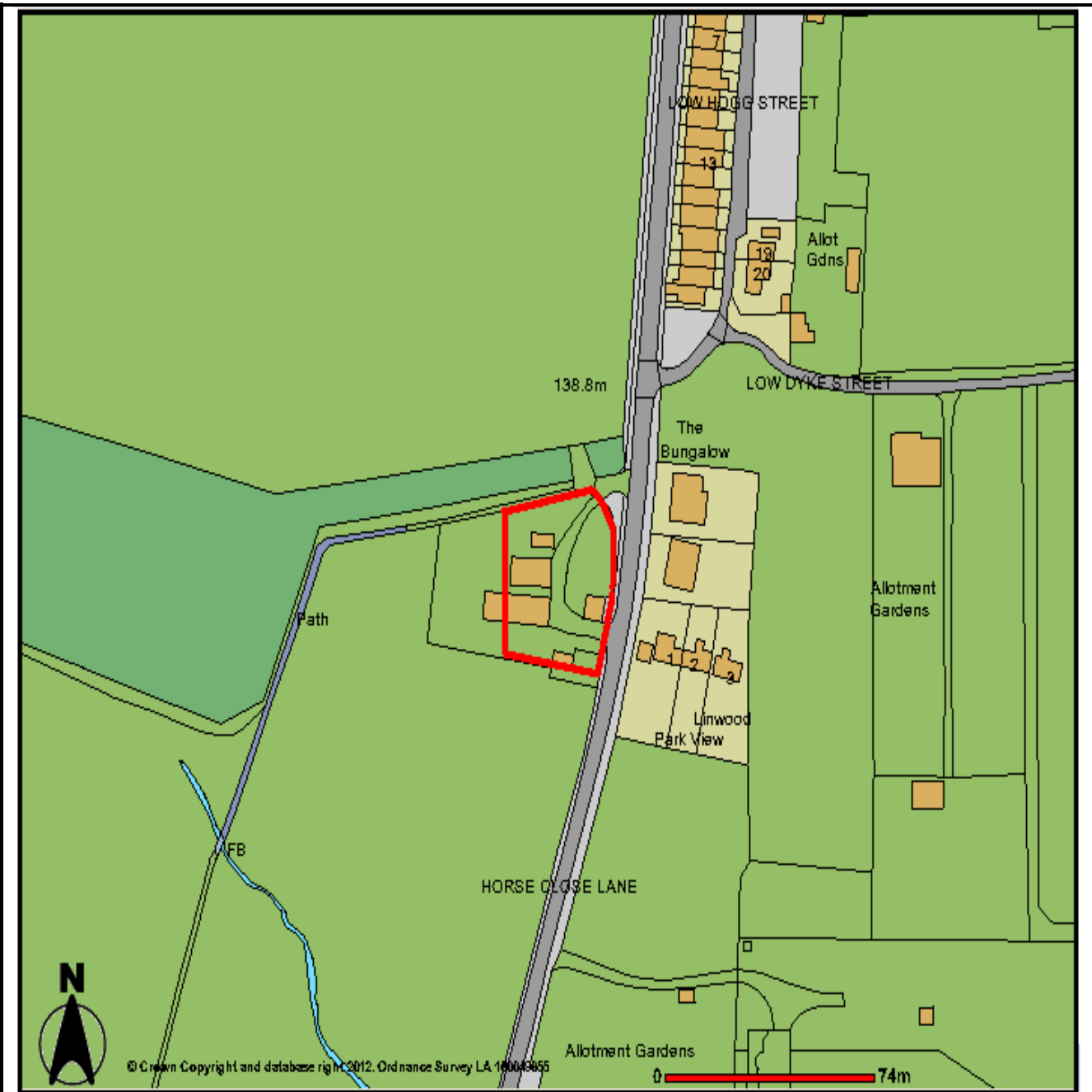
That the application be **REFUSED** for the following reason:

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. The site location is considered to not therefore be in a sustainable location and the development of the site 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 and guidance in the NPPF.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Design and Access Statement
- Sedgefield Borough Local Plan 1996
- Regional Spatial Strategy
- National Planning Policy Framework
- Responses from Elected Ward Member, Highway Authority and Ecology Section




Durham
County Council

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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