

# Planning Services

## COMMITTEE REPORT

---

### **APPLICATION DETAILS**

---

<b>APPLICATION NO:</b>	<b>3/2010/0548</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>OUTLINE APPLICATION FOR 31 DWELLINGS (INCLUDING 9 AFFORDABLE BUNGALOWS), A1 RETAIL UNIT, PARKING AND ASSOCIATED ACCESS.</b>
<b>NAME OF APPLICANT:</b>	<b>MR T JACQUES C/O ENGLAND &amp; LYLE LIMITED</b>
<b>ADDRESS:</b>	<b>LAND AT PARK ROAD, WITTON PARK, BISHOP AUCKLAND, DL14 0EL</b>
<b>ELECTORAL DIVISION:</b>	<b>WEST AUCKLAND</b>
<b>CASE OFFICER:</b>	<b>Adrian Caines adrian.caines@durham.gov.uk 01388 761619</b>

---

### **1.0 DESCRIPTION OF THE SITE AND PROPOSALS**

---

- 1.1 This is a resubmission of refused application 3/2010/0028 for outline planning permission on the site. The proposal has been amended with a reduction in dwellings from 34 to 31 and now includes 9 affordable bungalows. The retail unit and car parking is still retained in the proposal. All matters apart from access have been reserved for future approval (appearance, landscaping, layout and scale). A revised indicative site layout has been provided to demonstrate how the development would fit the site.
  - 1.2 The site is an agricultural field approximately 0.8 hectares in area and is greenfield land for planning purposes. It is also located outside the development limits of Witton Park and is therefore in the open countryside. Accordingly, the proposal is a departure from the development plan.
  - 1.3 There are terraced dwellings lining Park Road to the north and west of the site, however, most of the site is surrounded by more agricultural fields. At present the site appears to be used for grazing horses. Historical maps show that in the past the land appears to have been used as allotment gardens. Those maps also show that there is no history of housing on the land dating back to 1894.
-

---

## **2.0 PLANNING HISTORY**

---

2.1 Planning permission has previously been refused twice for residential development on the site:

3/2010/0028 outline application for 34 dwellings, retail unit, parking and access –  
Refused 16.10.2010  
3/1989/0141 Erection of bungalow – Refused 10.04.1989.

---

## **3.0 PLANNING POLICY**

---

3.1 **NATIONAL POLICY:**

3.2 **Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Climate Change** – Sets out the Government's overarching planning policies on the delivering of sustainable development through the planning system. The key principles include:

- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient;
- use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities in locations with good access to jobs and key services for all members of the community.

3.3 Planning and Climate Change is a supplement to PPS1 and sets out how planning should contribute to reducing carbon emissions and stabilising climate change, and how planning can best support achievement of the zero-carbon targets by 2016. Key principles include paying attention to the location of major generators of travel and the potential to build into new and existing development more efficient means of energy supply and increasing contributions from renewable and low-carbon energy sources.

3.4 **Planning Policy Statement 3 (PPS3) Housing** – Sets out the delivery of the Government's national housing objectives. New housing should be directed to sites within the development limits of towns and villages which offer access to a range of local facilities, jobs, services and public transport, with priority given to development on previously developed land (brownfield). Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations.

3.5 **Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth** – Proposals should also meet the key sustainable locational objectives of PPS1, PPS7 and PPG13.

3.6 **Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas** - Sets out the Government's planning policies for rural areas. The key objectives are for continued protection of the open countryside and to promote more sustainable patterns of development by:

- focusing most development in, or next to, existing towns and villages;

- preventing urban sprawl;
- discouraging the development of 'greenfield' land.

**3.7** New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. In particular, when considering housing, house in the countryside will not normally be permitted and regard must be given to national housing policy requirements (PPS3).

**3.8 Planning Policy Guidance 13 (PPG13) Transport** - Aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.

**3.9 Planning Policy Statement 22 (PPS22) Renewable Energy:** Sets out Government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

**3.10 Planning Policy Statement 23 (PPS23) Planning and Pollution Control:** Sets out the Government's primary objectives for the protection of land, air and water quality which may be impacted by development. The onus is on the developer to demonstrate the site is not contaminated or to provide suitable remediation.

**3.11 Planning Policy Statement 25 (PPS25) Development and Flood Risk** - Sets out government policies for development and flood risk. Flood risk should be considered at all stages in the planning process to avoid inappropriate development in areas at risk from flooding and to direct development away from areas of highest risk using a sequential approach. In addition to considering the risk of flooding, consideration has to be given to managing surface water to prevent flooding elsewhere. Surface water drainage should conform to the hierarchy of preference with first priority given to Sustainable Urban Drainage systems (SUDS).

### **3.12 REGIONAL POLICY:**

**3.13** 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 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.

**3.14** In July 2010 the Local Government Secretary signaled 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 the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each

Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant:

- 3.15 Policy 3 Climate Change** – Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.
- 3.16 Policy 4 Sequential Approach to Development** – Priority is given to previously developed land in the most sustainable locations, avoiding areas at risk from flooding. Sites should be selected in the following priority order:
1. Brownfield sites within urban areas.
  2. Other suitable locations within urban areas not protected for environmental, heritage or recreational purposes.
  3. Brownfield sites adjoining urban areas.
  4. Brownfield sites in settlements outside urban areas.
- 3.17 Following this sequential approach, all suitable Priority 1 sites should be developed before Priority 2, 3 or 4 sites within urban areas are released for development. Any sites beyond those specified above will not be permitted.
- 3.18 LOCAL PLAN POLICY:**
- 3.19 The Local Plan is the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
- 3.20 Policy GD1 General Development Criteria** – New development should be well designed, appropriate to the setting, not conflict with adjoining uses, have adequate drainage, be energy efficient, deter crime, protect and enhance the environment and biodiversity, not be within the floodplain, have safe vehicular access and adequate parking, not create levels of traffic that exceed the local road network, and be well linked to public transport, pedestrian and cycle networks.
- 3.21 Policy H3 Distribution of Development** – Identifies the settlement limits of the towns and villages within which new development should be directed.
- 3.22 Policy H15 Affordable Housing** – The Council will seek to negotiate an element of affordable housing where required.
- 3.23 Policy H20 Alternative uses in Residential Areas** – Small shops up to 100sqm may be acceptable in residential areas subject to consideration of the amenities of residents; scale and character; traffic generation.
- 3.24 Policy H22 Community Benefit** – A financial contribution towards community recreational facilities is required for all sites of 10 or more dwellings.
- 3.25 Policy H24 Residential Design Criteria** – Sets out the criteria to which all new residential units should be assessed to ensure proposals are appropriate in terms of private and usable amenity space and relationships between windows.
- 3.26 Policy ENV1 Protection of the Countryside** – Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
-

- 3.27 **Policy T1 Highways General Policy** – Developments which generate additional traffic must provide adequate access, be accessible to public transport networks and not exceed the existing highway capacity.

---

*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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

---

## **4.0 CONSULTATION AND PUBLICITY RESPONSES**

---

### **4.1 STATUTORY RESPONSES:**

- 4.2 Coal Authority – Objection withdrawn following supply of further information and subject to conditions requiring intrusive site investigation prior to commencement of development.
- 4.3 Environment Agency – The development would only be acceptable subject to a condition requiring a surface water drainage scheme incorporating sustainable drainage principles.
- 4.4 Northumbrian Water Ltd – No objection.
- 4.5 Highways - The internal road as shown on the illustrative layout plan is not acceptable. I have concerns regarding both internal road geometry and the proposed residential parking arrangements. The six parking spaces shown on Park Terrace on the illustrative layout plan are essential to ensure adequate visibility at the site access.

### **4.6 INTERNAL CONSULTEE RESPONSES:**

- 4.6 Policy – Objection still stands. This proposal is earmarked for unallocated greenfield land that is located outside of the existing residential framework for Witton Park (as shown on Inset Map 5). The village is poorly served by services and there is therefore a requirement for residents of the village to make trips to work, and to access health, secondary school, shopping and leisure facilities in higher tier settlements. In view of this the Planning Policy Team considers that there is significant conflict with the Wear Valley Local Plan and permitting housing development of this scale on this site within Witton Park is inconsistent with Policy 4 of the RSS, and the role the village plays in the County Durham settlement hierarchy.
- 4.7 Public Rights of Way – No PROW affected.

### **4.8 PUBLIC RESPONSES:**

- 4.9 A site notice was posted, letters were sent to neighbours and the application was advertised in the local press. To date 3 observations have been received from members of the public. There have been 2 objections and 1 supporting observation. The main points of observation are summarised below:
- a) At PACT meetings some Park Road residents were concerned about car parking on the pavement causing a hazard on the narrow bus route. Those arriving to shop would add to this problem if parking bays are allocated to new residents.
  - b) When the developments at Lightfoots and New Road are complete the infrastructure in Witton Park would struggle to cope with more housing. How will sewage be dealt with?
-

- c) The provision of car parking would greatly benefit the Rose and Crown Public House. The provision of social housing bungalows is endorsed and will reduce the need for an ageing population to leave Witton Park for suitable accommodation.

---

## **5.0 APPLICANT'S STATEMENT**

- 5.1 The application proposes a modern residential development incorporating a 250sqm retail unit. The scheme will tidy up a site which significantly detracts from Witton Park and has the support of the local community, particularly the retail element. The layout of the scheme has been amended significantly since the previous application and is less dense and includes an area of open space. As part of the development, it is proposed that 30% of dwellings will be 'affordable' in accordance with the PPS3 definition. This equates to 9 dwellings. The indicative layout includes the provision of 9no. bungalows at the southern end of the site and it is envisaged that these dwellings will provide the 'affordable' element of the scheme.

---

## **6.0 PLANNING CONSIDERATIONS AND ASSESSMENT**

- 6.1 The key issues for consideration are:

- The Effect on the Creation of Sustainable Patterns of Development in the Area
- Affordable Housing
- The Effect on the Character of the Area
- Flood Risk and Drainage
- Highway Safety
- Sustainability
- Land Stability

- 6.2 The Effect on the Creation of Sustainable Patterns of Development in the Area and Character of the Area

- 6.3 As this is an outline application the key issue for consideration is whether or not development of the site would be in accordance with the development plan, which comprises national planning policy, the North East of England Regional Spatial Strategy 2008 (RSS) and the Wear Valley District Local Plan (as amended by Saved and Expired Policies September 2007). The relevant policies are outlined on the preceding pages of this report.

- 6.4 The application site is an agricultural field located outside the development limits of Witton Park as defined in policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The application site is therefore greenfield land in the open countryside. Accordingly, both housing and retail development on the site would not be in accordance with local plan policy H3, nor would it meet any of the priority 1-4 categories set out in RSS Policy 4 Sequential Approach to Development and more importantly, would be in direct conflict with the locational aims of PPS1, PPS3, PPS4, PPS7 and PPG13.

- 6.5 In addition, the Council's Settlement Study scores Witton Park in the lowest category of sustainability because residents of the village mainly have to travel by car to work, and to access health, secondary school, shopping and leisure facilities in higher tier settlements. It is acknowledged that the provision of a small convenience shop would
-

on its own be a welcome addition to the village and would help to reduce some travelling for day to day convenience goods. Given the location of the site adjacent to the development limits, this element of the scheme could be considered as an acceptable departure on its own, however the amount of open market housing proposed alongside would lead to a significant increase in general car journeys to access essential services that would cause more conflict with development plan policies than the shop would address in terms of securing sustainable patterns of development.

- 6.6 In so far as the open market housing is concerned, PPS3 requires Local Authorities to adopt a plan, monitor and manage approach to housing land release and to demonstrate a continuous 5 year housing supply to ensure the required level of housing is delivered. When a continuous 5 year housing supply can be demonstrated, there is no presumption to release windfall sites if it can be shown that the level of oversupply would be unacceptable. The Strategic Housing Land Availability Assessment (SHLAA) also classes this site as unsuitable for housing development.
- 6.7 Accordingly, there is already sufficient land with planning consent to satisfy the former districts open market housing targets and therefore the Council can safely demonstrate a 5 year housing supply. There are also nearly 40 dwellings with planning permission yet to be built within Witton Park. Therefore, there is no justification at this time to support development of more open market housing beyond the existing defined development limits of Witton Park. In this case, there would be 22 open market houses on the site. The affordable housing though can be considered under general exceptions policy which can permit up to 9 affordable dwellings adjacent to existing development limits, as considered below.
- 6.8 Affordable Housing
- 6.9 Normally, for schemes over 15 dwellings on sites within the development limits of Bishop Auckland and surrounding areas, having regard to PPS3 and The County Durham Strategic Housing Market Assessment (SHMA), it would be appropriate for the council to request between 20-30% affordable housing. The application site is however outside the development limits of Witton Park.
- 6.10 For sites outside the development limits, PPS3 does suggest that Local Planning Authorities can consider the use of Rural Exception Policy to release normally unsuitable small sites solely for affordable housing. Such sites should comprise 100% affordable housing of under 10 dwellings.
- 6.11 Of the 31 dwellings proposed in this application, 9 would be bungalows and it is envisaged that these will provide a 30% affordable housing element in the scheme to be delivered by a Registered Social Landlord.
- 6.12 With just 30% affordable housing proposed on this site located outside the development limits, the proposal as a whole still fails against exceptions policy requirements for 100% affordable housing, although it is the remaining 70% market housing that is contrary to policy in this respect as the affordable housing can be considered small scale.
- 6.13 The amount of affordable housing and particularly the bungalow type of housing is certainly a welcome and commendable element of the application as there is local interest for that type of accommodation. The 9 affordable dwellings are therefore deemed acceptable; however the 22 market dwellings are contrary to local plan policies ENV1 and H3, as well as national planning guidance in PPS1, PPS3 and
-

PPS7.

- 6.14 However, it is not possible to dissect the application by approving the parts which are acceptable in planning terms. The Application as submitted must be considered and it is contrary to the planning policies mentioned above.
- 6.15 The effect on the Character of the Area
- 6.16 Members agreed that the previously refused proposal was poor in terms of high density, poor mix of dwelling types and poor quality of layout.
- 6.17 Although matters of appearance, layout, landscaping and scale are still reserved for future approval, the illustrative layout provides sufficient detail to assess the potential impact of the scale of development on the character of the area.
- 6.18 Officer suggestions in terms of locating the retail unit to the front of the site, fronting a terrace of dwellings onto Park Road, reducing the density of the development, creating a better mix of house types and creating a less car-dominant road surface have been suitably incorporated into the new layout. In addition, there would be an area of public open space and a potential pedestrian link to the village green.
- 6.19 Garden sizes would be very small with none of the properties meeting the 10m depth requirement of policy H24, however, with the provision of an area of open space within the development and a potential link to the village green, this is not a major concern and the onus would be on the developer to sell those properties. Also, the affordable bungalows would not require the same level of amenity space as family dwellings if targeted at elderly residents.
- 6.20 The size and shape of the site are still at odds with the narrow linear character of development along Park Road, however, subject to some minor changes to road geometry and parking provision, previous concerns in respect of the potential design quality of the development have been satisfied by the amendments. The maintenance costs of the open space would be secured by S106 Planning Obligation, a draft of which is under consideration.
- 6.21 Flood Risk and Drainage
- 6.22 The site does not fall within a floodplain; however, because of the scale of development proposed, it is appropriate for consideration to be given to managing surface water runoff to prevent flooding elsewhere. This is in accordance with PPS25: Development and Flood Risk. These policies require surface water drainage systems to conform to the Hierarchy of Preference contained within the building Regulations 2000, Part H. Following this hierarchy, first priority must be given to Sustainable Urban Drainage systems (SUDS) with disposal to sewer being a last resort.
- 6.23 A Flood Risk Assessment (FRA) has been submitted to address surface water management. The site slopes steeply down away from the road and is therefore unlikely to affect Park Road with surface water runoff, however, attenuation will be required through surface water management systems for the land to the north and east. It is essential that the details of a surface water drainage scheme are provided at the detailed planning stage and so a condition should be applied if the application is approved. The drainage scheme should be designed on the principles of SUDS and the provision of an area of open space within the site represents an opportunity for it to be incorporated into a SUDS drainage scheme.
-



- 6.24 Public concern has been raised over the capacity of the existing sewage infrastructure, although Northumbrian Water have been consulted and have no objection.
- 6.25 Highway Safety
- 6.26 The application is asking for access to be considered. DCLG Circular 01/2006 defines access as "accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network."
- 6.27 The Council's Highways officer has no objection to the point of vehicular access into the site, or to the effect on the existing highway network, subject to securing the six parking spaces shown on Park Terrace, however, the internal road as shown on the illustrative layout plan is not acceptable. There are concerns regarding both internal road geometry and the proposed residential parking arrangements. However, this issue could be adequately addressed by way of an appropriately worded condition.
- 6.28 Sustainability
- 6.29 In accordance with PPS1, PPS3 and PPS22, a scheme should demonstrate commitment to sustainability, and the onus is on the applicant to explain how this might be achieved.
- 6.30 The information submitted with the application suggests that typical features of insulation, air tightness, low energy materials, low water use and on site renewables could potentially be incorporated into the scheme, depending on viability (yet to be determined).
- 6.31 The applicant's aim is to meet level 3 of the Code for Sustainable Homes (CSH) for the private housing element of the scheme. It is currently mandatory for affordable dwellings to meet level 4.
- 6.32 This would meet the standards that the Council would expect for most major new housing development. This is however a greenfield site outside the development limits and therefore Officers would normally expect the applicant to put together a more exceptional case to provide special justification for departing from established locational planning policies by meeting a higher standard across the whole of the development.
- 6.33 Land Stability
- 6.34 The site lies within a coal mining referral area. A Coal Mining Risk Assessment has identified that the site has been subject to past coal mining activity. The recommendations of the Coal Mining Risk Assessment are that the coal mining legacy in the area potentially poses a risk to the proposed development and so intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining issues on the site.
- 6.35 The Coal Authority has suggested conditions for further site investigation works and potential remediation works to be carried out prior to development. This can be secured by conditions.

---

## **7.0 CONCLUSION**

---

- 7.1 The application presents competing considerations. On one hand there are welcome

---

benefits in terms of the shop and 9 affordable bungalows, which are in their own right considered to be an acceptable departure from local plan policies H3 and ENV1. However, these favourable elements are part of a much larger proposal which includes a further 22 private dwellings that would be located on greenfield land outside the development limits of Witton Park, contrary to local plan policies H3 and ENV1 and the fundamental principles of sustainability in national planning guidance within PPS1, PPS3, PP7 and PPG13. It is not possible to dissect the application by approving the parts which are acceptable in planning terms.

- 7.2 The Strategic Housing Land Availability Assessment (SHLAA), which has been endorsed by Cabinet, classes this site as unsuitable for housing development. The SHLAA will be used as the basis for reconsidering the development limits in the LDF and therefore it is very unlikely that the site would be included when the development limits are redrawn for the LDF.
- 7.3 There are 38 dwellings with planning permission in Witton Park that still have to be built and another 7 still to be completed. It therefore cannot be said that this application would address a shortage of new housing permissions in Witton Park. In addition the Council can demonstrate a continuous 5 year housing supply to ensure the required level of housing is delivered throughout the area.
- 7.4 Despite the acknowledged improvements in the illustrative layout, apart from some minor adjustments required to the internal road and parking arrangements, it is the amount of private housing proposed (22) on this open countryside site that still render this proposal unacceptable as that level of development in a village with limited facilities would lead to a significant increase in car journeys to access essential services and this would cause more conflict with development plan policies than the shop or affordable housing would address in terms of securing sustainable patterns of development.

---

## **8.0 RECOMMENDATION**

---

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

- 8.2 The proposal, by reason of its scale, as well as being located on greenfield land outside the development limits of Witton Park, would represent inappropriate development in the countryside and would prejudice the aims of achieving sustainable patterns of development in the local area. This would be contrary to policies GD1, H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; RSS policy 4 and national planning guidance in PPS1, PPS3, PPS4, PPS7 and PPG13.

---

## **8.3 BACKGROUND PAPERS**

---

- Submitted Application Forms, Plans and Documents
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS4, PPS7, PPG13
- Consultation Responses
- Public Consultation Responses
- RSS

**3/2010/0548 - OUTLINE APPLICATION FOR 31 DWELLINGS (INCLUDING 9 AFFORDABLE BUNGALOWS), A1 RETAIL UNIT, PARKING AND ASSOCIATED ACCESS AT LAND AT PARK ROAD, WITTON PARK, BISHOP AUCKLAND, DL14 0EL FOR MR. T. JACQUES**

