

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0140
FULL APPLICATION DESCRIPTION:	Erection of 39 houses and associated works
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Land between A688 & Durham Road including the Sportsman Inn, Canney Hill, Bishop Auckland
ELECTORAL DIVISION:	Coundon
CASE OFFICER:	Andrew Inch, Principal Planning Officer 03000 261155, Andrew.inch@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site which extends to some 1.18ha is situated at Canney Hill on the north eastern edge of Bishop Auckland and consists of the site of the former Sportsman Inn, which has recently been demolished, and an existing paddock to the east and south. The site is irregularly shaped and abuts the A688 to the east. A number of existing residential properties fronting Durham Road abut the western boundary. The northern boundary of the site abuts a mix of residential properties and a grassed paddock whilst the southern boundary abuts a public footpath which runs in an east – west direction. Part of the northern boundary and the eastern and southern boundaries of the site are bounded by existing hedgerows.
2. The application site lies beyond the settlement limits for Bishop Auckland and therefore for planning purposes within open countryside. Accordingly, the scheme represents a departure from the development plan.

The Proposals

3. Planning permission is sought for the erection of 39 dwellings together with a new site access. The proposed dwellings would be a mix of 2, 3 and 4 bedroom properties consisting of both 2 and 2.5 storey housing. The proposed houses include a mix of detached, semi-detached and two short rows of terraced properties. The scheme would also provide 6 affordable houses. The houses would be constructed with brickwork walls and concrete roof tiles with white upvc windows. A total of 74 car parking spaces are proposed within the layout.
4. The application is referred to Committee as the scheme comprises major development in excess of 10 dwellings.

PLANNING HISTORY

5. A number of planning applications have previously been submitted in relation to the former public house; however, none of these are relevant to this particular proposal.

PLANNING POLICY

NATIONAL POLICY

6. The National Planning Policy Framework (NPPF) is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process.
7. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
8. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
9. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:
 - be genuinely plan-led, empowering local people to shape their surroundings;
 - proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,

10. Paragraphs 15 and 49 re-iterate that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 47 recognises the desire to boost the supply of housing and Paragraph 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This recognises the need to identify the size, type, tenure and range of housing required in a particular location, reflecting local demand and including provision for affordable housing where required.
11. Paragraphs 69 and 73 recognise that the planning system can play an important role in creating healthy inclusive communities and that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LOCAL PLAN POLICY:

12. The following policies of the Wear Valley Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:
13. *Policy GD1 (General Development Criteria)* states that 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.
14. *Policy H3 (Distribution of Development)* states that 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.
15. *Policy H22 (Community Benefit)* states that 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.
16. *Policy H24 (Residential Design Criteria)* states that new residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
17. *Policy T1 (General Policy – Highways)* states that all developments which generate additional traffic will be required to fulfil Policy GD1 and: provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.
18. *Policy BE1 (Protection of Historic Heritage)* seeks to conserve the historic heritage of the District by the maintenance and protection of features or areas of particular historic, architectural or archaeological interest.
19. *Policy BE15 (Scheduled Ancient Monuments)* states that permission will not be granted for development which would have an adverse effect on scheduled and non-scheduled ancient monuments.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:
<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=8716>

20. The emerging County Durham Plan is nearing the next stage of consultation in October 2013 in Submission Draft form, ahead of Examination in Public in Spring 2014. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Preferred Options submission are considered relevant to the determination of the application:
21. *Policy 3 (Quantity of New Development)* sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 30,000 new homes of mixed types, size and tenure are required.
22. *Policy 4 (Distribution of Development)* sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 9680, of which 2685 are to be provided in Bishop Auckland.
23. *Policy 30 (Housing Land Allocations)* sets out a number of housing sites required to meet the housing requirement and distribution set out at Policies 3 and 4 of the plan, and in this case, allocates part of the application site together with land to the north for residential development, yielding around 61 dwellings in all.
24. *Policy 31 (Addressing Housing Need)* sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
25. *Policy 35 (Density of Residential Development)* sets out appropriate densities for residential development dependent upon location and proximity to facilities and access to public transport.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY / EXTERNAL RESPONSES:

26. *Highway Authority* has stated that the proposed access, internal road layout and car parking provision are acceptable. It was, however, pointed out that the area between the front of the former public house is part of the public highway and this area would need to be formally stopped up and the existing cellar in this area would need to be suitably re-instated.
27. *The Environment Agency* has raised no objection in relation to flood risk / surface water disposal.
28. *Northumbrian Water Limited* has raised no objection provided that the scheme is carried out in accordance with the submitted Flood Risk Assessment.

INTERNAL CONSULTEE RESPONSES:

29. *The Design and Historic Environment Section* has no objection, and has confirmed that the proposal would not adversely affect the setting of Bishop Auckland Conservation Area. The importance of existing screening the eastern and southern boundaries is noted and that it is necessary to secure its long term retention. The layout of the development is considered acceptable and the improvements to the design of the houses fronting Durham Road are welcomed.

30. *The Landscape Section* has made a number of detailed comments in relation to the proposed tree planting works. Additional clarification was also sought regarding the relationship between the proposed fencing of the rear gardens and the existing hedge rows along the southern and eastern boundaries.
31. *The Tree Officer* has stated that the southern hedgerow currently forms an important role screening the site when viewed from the A688. Concern was raised that the hedgerow would, unless suitably protected, be removed following occupation of the proposed housing. It was also stated that the positioning of boundary fencing would need careful consideration so as to avoid the hedgerow being included within the rear gardens of the properties concerned,
32. *The Ecology Section* has no objection subject to a condition relating to the mitigation measures in the ecology report.
33. *The Contaminated Land Section* has considered the submitted desk study and gas monitoring work undertaken, and raises no objection but notes that the proposal would introduce a more sensitive receptor than the current use, a condition is recommended in relation unexpected contamination.
34. *The Environmental Health and Consumer Protection Section* has stated that this scale of development is unlikely to give rise to increased traffic volumes that would potentially have an adverse impact on air quality. Planning conditions are recommended however, requiring the works to be carried out in accordance with mitigation measures outlined within the noise assessment. Dust and working hours controls are also covered.
35. *The Archaeology Section* has advised that there does not appear to be any archaeological anomalies of potential significance within the site. However, two planning conditions are proposed relating to a written scheme of investigation and the subsequent reporting of the results.
36. *The Sustainability Section* has no objections subject to a scheme to minimise energy consumption on the development.

PUBLIC RESPONSES:

37. The application has been publicised by way of press and site notices, and individual neighbour notification letters. As a result a total of 19 letters of objection have been received. A summary of the material planning issues raised are provided below:
- New housing building should first be located on brownfield sites rather than green field sites such as this. The scale of the proposed development was disproportionately large given the limited number of existing houses at the hamlet of Canney Hill and given the lack of any facilities within the immediate area.
 - The proposed development of the site for housing is inappropriate and unnecessary given that 600-800 houses have already been granted planning permission within ½ mile radius of Canney Hill. The development of the site at this time, before the adoption of the County Durham Plan, was premature.
 - The increase in traffic generated by the development would lead to a highway safety hazard. One respondent suggested that further highway improvements would need to be incorporated to widen the road so that a right turn facility is provided into the site, to reduce the existing speed limit from 40mph to 30mph. It

was also suggested that double white lines be laid out at the blind bend opposite Crossways, and that the existing paving approaching the new access serving the site be upgraded with tactile paving.

- Whilst the removal of the vacant public house was welcomed, concern was raised that the development of the paddock would detrimentally affect the visual amenity of this gateway site into Bishop Auckland.
- The proposed development of the site with 2 and 2.5 storey housing would lead to a loss of privacy and have an overbearing impact on neighbouring residents.
- The proposed development would lead to flooding of adjacent properties.
- The paddock area should be retained in its undeveloped state to act as a buffer between the existing housing and the A688 by pass and the development of the site would result in high levels of noise and pollution for future occupants. Concern was also raised that the development of the site would give rise to noise and pollution problems whilst the housing is being constructed.
- The development would result in existing trees being felled and this would detrimentally affect the ecological value of the site.

APPLICANTS STATEMENT:

38. That the proposed development would consolidate the built up area of Bishop Auckland and this proposal represents a sustainable urban extension to the existing settlement.

39. In September 2012 Durham County Council published their Local Plan Preferred Options. Under Policy 30 of the emerging plan the proposed development site was allocated for 61 dwellings in the medium term as part of a larger site which extends northwards.

40. The above Policy details that planning applications for housing submitted on these housing allocations, and are in accordance with the phasing indicated, will be approved if the proposed scheme is in accordance with other relevant policies of the Plan. An application for an allocation in advance of its phasing, as this application is, will only be approved if;

- The allocation's early release does not prejudice the delivery of other allocated sites phased in an earlier time period within the locality
- The release of the site is required now to maintain a five year land supply; and
- The infrastructure requirements of the development can be satisfactorily addressed.
- The present scenario meets all of the above criteria.

41. It is felt that this proposal accords with the principles of good design outlined within the NPPF. This development has been specifically designed to take into account the character of the existing area and the layout at the site frontage is based on a positive outward facing frontage along Durham Road which seeks to provide an attractive interface with the existing development. The proposal consists of a mix of 2 and 2.5 storey dwellings and these are reflective of the scale of the existing residential properties in this area.

42. Internally the layout has been designed so that this fronts onto central Public Open Space providing natural surveillance and enabling a sense of communal ownership.
43. This application proposes the construction of 39 dwellings. The overall density of the development is 33 dwellings per hectare and the proposed scheme includes the provision of 6 affordable 2 bed dwellings to satisfy the 15% affordable provision.

PLANNING CONSIDERATIONS AND ASSESSMENT

44. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 the 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, design and layout, highway issues, impact on residential amenity, highway safety and access, affordable housing provision, effect on heritage assets, open space provision, flooding and drainage, noise, contamination and ecology.

Principle of development

45. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications. In particular, Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, providing it is not of high environmental value.
46. The site is located just outside of the settlement limits for Bishop Auckland, as defined by Policy H3 of the Wear Valley Local Plan. The northern part of the site was, until recently, occupied by the redundant public house with the remainder of the site comprising greenfield land in the form of a paddock.
47. Whilst the proposed development would take place on land which is outside of the existing settlement boundary, and therefore departing from the development plan, it is considered that its development for housing would represent a sustainable urban extension to Bishop Auckland. Housing would occupy part previously-developed land and this proposal would consolidate Bishop Auckland to the west.
48. It is considered that the proposal represents an opportunity to redevelop this site and improve the visual appearance of the Durham Road frontage. Whilst it is acknowledged that Canney Hill itself does not have any facilities, the site is well located in terms of its accessibility to Bishop Auckland and additional housing would help to sustain existing shops, services and facilities within the town. Whilst there remain some unresolved issues around the overall levels of future housing requirement in the County, and to specific sites, which at this time diminishes the weight that can be apportioned to relevant policies of the emerging County Durham Plan, Policy 30 nonetheless allocates the site for residential development. The scheme is therefore consistent with the thrust of the emerging plan in this respect it can be afforded some weight in determining the application.

49. Therefore, whilst this proposal is not in accordance with Local Plan Policy H3, the site is considered to be a sustainable location for the scale of development proposed and would form a natural extension to the existing settlement of Bishop Auckland. It is considered that the NPPF's presumption in favour of sustainable development, together with the sites allocation for residential development in the emerging County Durham Plan are material considerations, which, in this case, would outweigh the conflict with Local Pan Policy H3, adopted in 1997.

Design and Layout

50. By virtue of the irregular shape of the plot the most prominent part of the site is that where the public house and car parking area was located which fronts directly onto Durham Road. Although the former public house building appeared generally sound the general condition of the vacant building was deteriorating. It is, therefore, considered that the sensitive redevelopment of the site would help improve the visual appearance of this site which is located adjacent to one of the primary routes into Bishop Auckland.

51. The proposed layout incorporates the construction of a row of four houses on this Durham Road frontage. The two storey design of these properties is comparable with the scale of the existing housing along the Durham Road frontage, and improvements to these properties have been sought such that they now include art stone lintels and cills, sash style windows and heritage style doors.

52. The remainder of the development, which is a mix of 2 and 2.5 storey development, is largely screened from the west by the existing housing fronting Durham Road. The proposed housing is in generally in accordance with the scale of the existing housing in the area, with the housing at Potters Close also being 2.5 storeys high. The existing hedgerow and tree planting along the southern and eastern boundaries of the site also provides important screening of the paddock area. The importance of this screening has been recognised by the Design and Historic Environment and Landscape Sections, who have highlighted the need to ensure that this planting is retained in perpetuity after the housing has been constructed. Whilst the trees and hedgerow along the eastern boundary of the site are outwith the application site some hedgerow removal was planned within the site along the southern boundary. In recognition of the importance of safeguarding the southern hedgerow the applicant has agreed to enter into a legal agreement requiring additional planting alongside the retained hedgerow, which is outside the application site, together with its future maintenance and retention.

Residential Amenity

53. As an infill site, the site is bounded to the north and west by existing residential development which fronts onto Durham Road and the recently constructed row of three properties at Potters Close. Whilst any development of a site on the edge of an existing residential area is likely to have some affect on privacy, the siting and design of the proposed dwellings plays an important role in ensuring satisfactory levels of privacy are maintained between existing and proposed housing.

54. Those properties along the western boundary of the site have been designed so that only two of the new houses directly overlook the rear of the existing housing fronting onto Durham Road. Where this does occur, a 21m separation distance is provided between habitable room windows of both new and existing housing. The short terrace of 4 houses at the front of the site have been designed so that the main aspect faces west and east, and to secure privacy with houses in Potters Close, a distance in excess of 25m has been retained.

55. In order to safeguard privacy with the property to the north, the new dwellings have been designed so that no habitable room windows are located on the northern gable end of the terrace. Some reduction in privacy would occur to the front and rear of the houses at Potters Close as a result of the proposed housing to the south. However, given the orientation of the properties and the separation distances of approximately 13m between the rear of the proposed housing and the gable of the existing housing, this arrangement is considered to not be so significantly adverse, so as to justify refusal of the application.
56. Similarly, the development of previously undeveloped sites can result in some degree of overshadowing, however, it is considered that the potential for overshadowing has been minimised because of the sensitive positioning of the dwellings, which are generally offset from the boundaries of adjacent housing.
57. Although the majority of the site was used as a paddock, the front section of the site fronting onto Durham Road was utilised as a public house and its associated car parking area. Whilst this building has now been demolished, the redevelopment of the site would potentially lead to a reduction in activity, noise and traffic in this part of the site compared to that previously experienced when the public house was operational.
58. Concern has been expressed that the proposed construction works associated with the development of the site would give rise to noise, dust and pollution. Whilst it is acknowledged that construction works would give rise to some increase in noise and dust suitable measures can be introduced via the imposition of suitably worded planning conditions to control construction activities so that these detrimental effects are minimised.
59. It is therefore considered that the relationship between the proposed dwellings and the existing neighbouring properties would be acceptable and in accordance with Local Plan policies GD1 and H24.

Highway Safety and Access

60. The proposal includes the formation of a new vehicular access from Durham Road and on-site provision of 74 car parking spaces for prospective residents and visitors.
61. Notwithstanding the concerns of local residents the Highway Authority has reviewed the submitted details and is satisfied that the proposed access arrangements would not detrimentally affect highway safety in this area. The proposed car parking levels are acceptable and the proposed internal road layout is also compatible with the County adoption standards. The proposed development would not compromise highway safety and would be in accordance with Local Plan Policies GD1 and T1.

Affordable Housing

62. The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, and a key part of this, is the delivery of affordable housing, where a need is identified. In this case, the identified need for affordable housing is set out in the Strategic Housing Market Assessment (SHMA), which has in turn formed the evidence base for Policy 31 of the County Durham Plan that requires 15% affordable housing provision on schemes of 15 or dwellings. This scheme would include for the provision of 6 affordable housing units, which would equate to 15% and is therefore in line with the requirements set out at Policy 31 of the emerging plan.

63. Subject to the completion of a section 106 agreement to secure the delivery and future control of the affordable housing, the proposal would be in accordance with the NPPF and Policy 31 of the emerging County Durham Plan.

Heritage Assets

64. The Design and Historic Environment Section has advised that the scheme would not affect the setting of Bishop Auckland Conservation Area. The site is located near to a historic turnpike road and has been used historically as a pottery, dating back to the mid 1840's. The Archaeological Section sought the submission of geophysical surveying to determine the extent, or otherwise of highly significant archaeological remains. The survey results have shown that there does not appear to be any highly significant archaeological remains, although some anomalies, which may be archaeological in nature, are present on the northern part of the site. As these anomalies are unlikely to relate to highly significant archaeological remains, their loss through development can be mitigated by recording. The imposition of planning conditions to require such recording through a written scheme of investigation, together with the subsequent publication of the findings is recommended. As such, scheme would accord with the Policies BE1 and BE15 and the NPPF in this regard.

Open space provision

65. The NPPF places emphasis on the planning system playing an important role in facilitating healthy and inclusive communities. The provision of high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well being of communities and new housing places a demand on existing facilities. Local Plan Policy H22 requires that on sites of 10 or more dwellings the local planning authority will seek to negotiate contributions towards the provision or maintenance of recreational facilities.

66. The layout of the proposed scheme has been designed with a central island of open space which presents a focal point for the development. In addition, this would be further supplemented by the developer agreeing to enter into a section 106 agreement to provide a contribution of £19,500 for the provision and maintenance of related recreational / leisure facilities within the nearby locality. This is in accordance with Local Plan Policy H22 and the aims of the NPPF.

Flooding and drainage

67. In terms of flood risk, the application site is not located within a flood zone, and thus prospective residents are not at risk from flooding. In terms of increased flood risk to others as a result of the development, the application is accompanied by a Flood Risk Assessment, which details that surface water from the development would be discharged through soakaways in the first instance, or by way of public sewer connection at a restricted rate. Both the Environment Agency and Northumbrian Water Limited are satisfied with the means by which surface water would be controlled, and have no objection to the scheme, subject to a condition requiring the implementation of the scheme in accordance with the Flood Risk Assessment.

68. Foul drainage flows arising from the development would be discharged by way of a connection to the existing public sewer. Northumbrian Water Limited is satisfied that sufficient capacity exists to cater for the additional flows. The proposals are therefore considered acceptable in terms of the disposal of surface and foul water and the scheme therefore accords with the NPPF in this regard.

Noise

69. As a result of the nature of the development and the site's location adjacent to the A688 and Durham Road the application has been submitted with a noise risk assessment. This assessment found that the four terraced houses fronting Durham Road would be exposed to high levels of noise and enhanced sound insulation measures would need to be incorporated within the fabric of the building. It also found that those units alongside the eastern and south eastern boundary would be the subject of significant noise exposure. As such, it has been recommended that sound insulation measures be included in the building envelopes of the affected units so as to provide satisfactory levels of noise reduction within the dwellings with the installation of acoustic fencing along both the eastern boundary and part of the south eastern boundary. The Environment, Health and Consumer Protection Section are satisfied that appropriate levels of noise attenuation can be secured via the imposition of a suitably worded planning condition.

Contamination

70. The application was accompanied by a desk study to identify the likelihood of the site being contaminated. The Contamination Section were satisfied with the submitted desk study, but recommended that gas monitoring was undertaken prior to determination, in order to assess the extent of risks from the former industrial use of a small scale pottery and clay pit. Following the submission of the results of the monitoring, the Contamination Section are satisfied that there would be no significant risks to end users. However, a condition is proposed in relation to dealing with any unexpected contamination which may be identified during the course of development. On this basis, future residents are considered to not be at significant risk from contamination and the scheme accords with the NPPF in this regard.

Ecological Impact

71. An ecology report was submitted with the application. The Ecology Section has raised no objections, but recommends that mitigation methods described in the ecology report are undertaken. This can be secured by a condition. It is considered that the proposed development would not impact on protected species or their habitats in accordance with the NPPF.

Other issues

72. The Local Planning Authority do not control legal covenants and any legal restrictions which may apply restricting the use of the land to recreational use only would need discharged independently of this planning application. In addition, loss of view and devaluation of property and are not material planning considerations.

CONCLUSION

73. In conclusion it is considered that although this site is located just outside the residential framework of Bishop Auckland, and therefore in conflict with Policy H3 of the Local Plan, the development would accord with the NPPF in that this would constitute a sustainable extension to the existing settlement.

74. The new access is acceptable and would not compromise highway safety, and adequate levels of parking would be provided within the site. The development would therefore be in accordance with Local Plan Policies GD1 and T1.

75. The scale and design of the development is considered to be comparable with the characteristics of existing housing, and the layout has been designed so that adequate separation distances would be achieved to avoid an unacceptable loss of amenity to surrounding properties. The development would therefore be in accordance with Local Plan Policies GD1, BE1, BE4, BE15 and H24.

76. A section 106 legal agreement would secure the provision of 6 affordable house, a contribution of £19,500 towards the provision and maintenance of social, community and/or recreational facilities within the nearby locality, and the reinforcement and retention of the southern hedgerow.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the provision of affordable housing in perpetuity, the payment of a commuted sum in lieu of on site open space provision and to safeguard the retention of the hedgerow along the southern boundary of the site and to the conditions below;

1. The development shall not be begun later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Plan Ref No.	Description	Drwg. No.
	Location Plan	CH-000
	Propose layout	001/1 Rev. A
	Layout/Topoe Overlay	CH(BA)-OVERLAY Rev B
	Affordable Housing	CH-010
	Survey of Existing Trees	c-978-01
	Morden	MR0WD01
	Souter	SU-WD01
	Chedworth	DD-WD01
	Winster	WS-WD01
	Rufford	RF-WD01
	Roseberry	RS-WD01
	Garage	SGD-01 Rev. B

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

3. No development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with 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.

4. No development shall commence until details of means of enclosure are submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with 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. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

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.

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. No development shall take place until details and plans of protective fencing for retained trees and hedges has been submitted, inspected and approved by the Local Planning Authority. The location and design of protective fencing details shall follow the guidelines set out in BS 5837:2012 Trees in relation to construction, design and demolition. Works shall be carried out in accordance with the approved details thereafter.

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. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the Extended Phase 1 and Bat Survey for Canney Hill by E3 Ecology Ltd dated May 2013.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.

9. No development shall take place unless in accordance with the mitigation measures detailed within the Measurement and Assessment of Noise Levels in way of proposed residential development site at Canney Hill dated 8th April 2013 NVA Report 246.30/1'.

Reason: In the interests of the amenity of prospective residents in accordance with Paragraph 123 of the NPPF.

10. 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 order to minimise energy consumption and to comply with Paragraphs 95 and 97 of the NPPF.

11. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any) shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

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

12. The foul and surface water drainage shall be completed in accordance with the details outlined within the Flood Risk Assessment for Canney Hill prepared by Datum dated 10th April 2013.

Reason: To prevent flooding in accordance with Paragraph 103 of the NPPF.

13. If, during the course of development, any contamination is found which has not been identified in the previous site investigation, measures for the remediation of the contamination shall be submitted to and approved in writing by the local planning authority, and development shall take place thereafter in accordance with the agreed details. If any remediation measures are implemented at the site, a final validation statement shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Paragraph 120 of the NPPF.

14. No development shall commence until a scheme which specifies the provisions to be made for the control of dust and particulate matter emanating from the site during construction works has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.

Reason: In order to prevent an unacceptable risk of pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

15. No construction work shall be undertaken before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays, not at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In order to prevent an unacceptable risk of noise pollution for existing residents and to comply with Paragraphs 109 and 120 of the NPPF.

REASONS FOR THE RECOMMENDATION

1. Whilst the scheme would depart from the aims of Policy H3 of the Wear Valley Local Plan, the proposed development would be located in a suitable and sustainable location and as such would accord with the NPPFs presumption in favour of sustainable development.
2. The amount, layout, scale and appearance of the development is considered to be acceptable in terms of its impact on the character of the area and in terms of ensuring that the amenity and privacy of both existing and prospective occupiers would be safeguarded. In addition, there would be no detriment to highway safety.
3. In arriving at this recommendation, the public consultation responses received have been considered, however, on balance, the issues raised are not considered sufficient to warrant refusal, and matters can be considered further through the submission of reserved matters and through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority has determined the application in a timely manner and has had dialogue with the applicant throughout the determination to address issues about sustainability and to reach agreement on the open space contribution, affordable housing requirements and hedgerow retention.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Extended Phase 1 and Bat Survey

Flood Risk Assessment

Archaeological Assessment

Geoenvironmental Appraisal

Noise Assessment

Statement of Community Involvement

Tree Survey

National Planning Policy Framework

Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

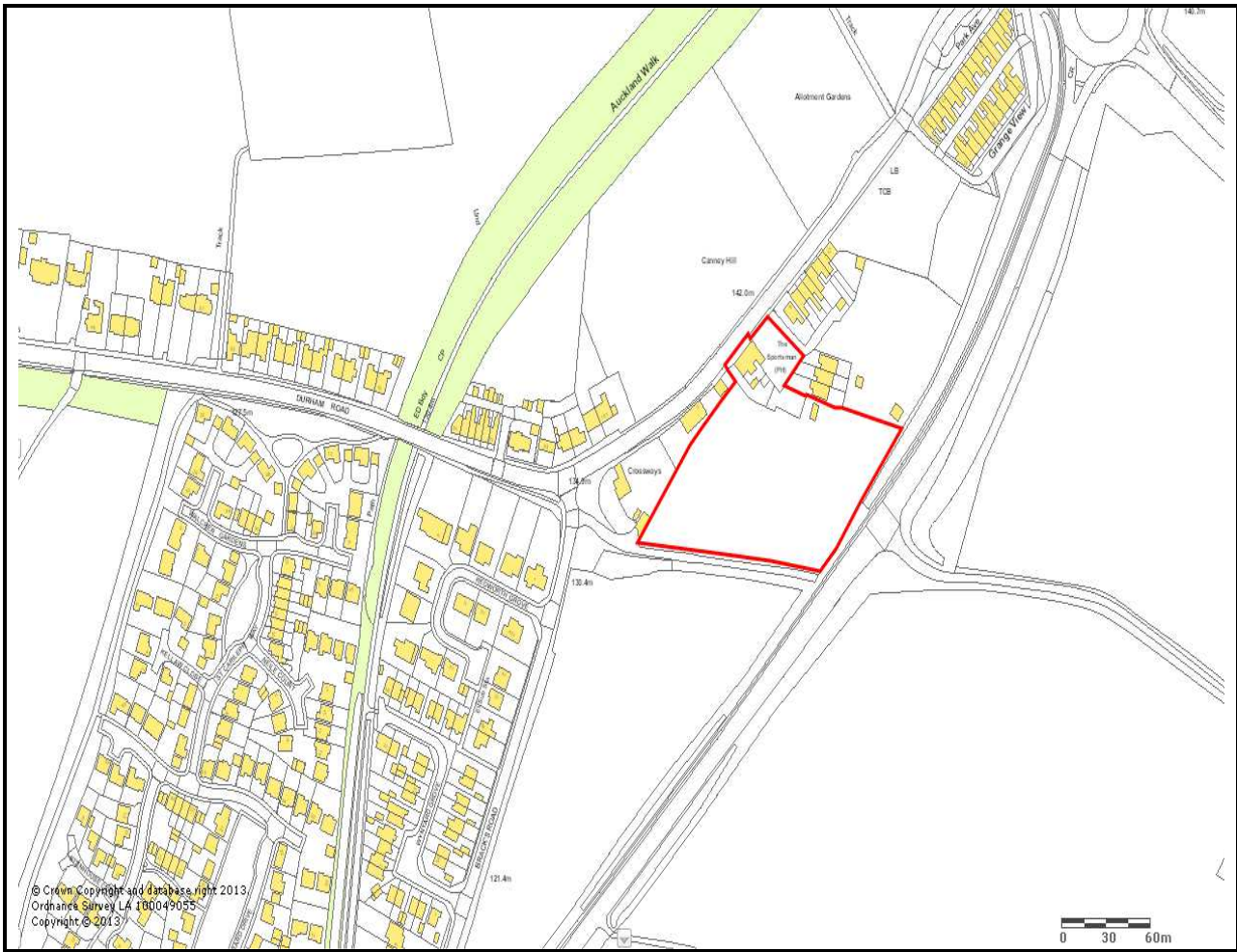
Responses from Highway Authority, Environment Agency and Northumbria Water

Internal responses from Design and Historic Environment Section, Landscape Section,

Tree Section, Ecology Section, Sustainability Section, Archaeology Section, Environmental

Health & Consumer Protection Section and Contaminated Land Section

Public Consultation Responses



Planning Services

Erection of 39 houses and associated works at land between A688 & Durham Road including the Sportsman Inn, Canney Hill, Bishop Auckland (3/2013/0140)

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date 19 September 2013

Scale 1:2500