

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | 3/2013/0232 |
| FULL APPLICATION DESCRIPTION: | Outline Application For Residential Development With Access To Be Considered |
| NAME OF APPLICANT: | WPDC LIMITED |
| ADDRESS: | Land West Of St Pauls Gardens, Witton Park, Bishop Auckland, DL14 0dl |
| ELECTORAL DIVISION: | West Auckland Ed Chris Baxter Senior Planning Officer |
| CASE OFFICER: | 03000 263944 Chris.Baxter@Durham.Gov.Uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is an agricultural field approximately 1.6 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. The modern residential estate of St. Pauls Gardens is located directly to the east of the site, however, most of the site to the south, west and north is surrounded by agricultural fields. Further to the north is the village green.

The Proposals

2. The application seeks outline planning permission for residential development with all matters other than access reserved for future consideration. The proposed access would be taken directly from the existing housing estate (St Pauls Gardens) to the east. An illustrative site layout plan has been provided showing a scheme of 35 detached houses. A draft Section 106 agreement has been submitted in respect of the provision of 15% affordable housing (approximately 4 units) and open space contribution of £1000 per dwelling, although the type of affordable housing is not specified.
3. The application is reported to the planning committee in accordance with the Scheme of Delegation because the site area is classed as a major application.

PLANNING HISTORY

4. The following planning applications are relevant to the application site and its surroundings:

5. Outline planning permission was refused in 1998 for residential development on this site.
6. Outline permission (ref: 3/2010/0548) was issued in January this year, after completion of a S106 Agreement, for 31 dwellings, a retail unit, open space and associated access on the land directly west of the application site.

PLANNING POLICY

NATIONAL POLICY

1. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. 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.

The NPPF can be accessed at:

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

LOCAL PLAN POLICY:

7. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

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.

Policy H3 Distribution of Development – Identifies the settlement limits of the towns and villages within which new development should be directed.

Policy H22 Community Benefit – A financial contribution towards community recreational facilities is required for all sites of 10 or more dwellings.

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.

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.

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.

8. The County Durham Plan (CDP) is a new statutory plan which is currently being prepared for County Durham to guide development and change in the county up to

2030. The plan will identify the quantity and location of new development across the city, towns and villages of the county.

9. The CDP is currently within its pre-submission draft consultation stage which started on 14th October 2013 and will run through to 6th December 2013. This is the final formal stage of consultation before the Plan is submitted to the Secretary of State for examination by a planning inspector. Given the advanced stage of the CDP and that it is unlikely that the main aims of the Plan are to be significantly changed, it is felt that some weight can be offered to the direction and allocations in the CDP, however the Wear Valley Local Plan is the current development plan in force and the starting point for consideration remains its relevant policies where they accord with the aims of the NPPF.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

10. *Northumbrian Water* has no objections to the scheme providing a condition is imposed in relation to the management of foul water.
11. *Environment Agency* has no objections subject to a condition relating to surface water run-off.
12. *Durham County Highways Authority* has indicated that there are no highway objections to the proposal.
13. *The Coal Authority* has no objections to the scheme providing a condition is imposed for further site investigation works to be undertaken prior to any development beginning on site.

INTERNAL CONSULTEE RESPONSES:

14. *Sustainability Team* considers that the site does not meet the definition of sustainable development, in terms of location.
15. *Ecology Team* have not raised any objections however advice has been offered in terms of building close to existing mature trees.
16. *Spatial Planning Policy* objects to the application for the following reasons:
- development conflicts with the existing Wear Valley Local Plan;
 - development conflicts with the emerging County Durham Plan on account it is not earmarked as a housing allocation;
 - the site is an attractive area and development would have significant adverse landscape and visual impact and would not consolidate the settlement form;
 - there are no deficiencies in the 5 year supply of housing; and
 - there are sufficient housing sites available within Witton Park. These are commensurate with its scale and function. The release of further land would undermine their deliverability.

PUBLIC RESPONSES:

17. The application has been advertised in the press, a site notice was posted and letters were sent to neighbouring properties. Nine letters of objections have been

received, as well as a response from the Witton Park Community Association (WPCA).

18. Concerns have been raised with regards to traffic issues including an inadequate access arrangement and congestion problems which could be increased by the proposed development. The proposal is considered to be contrary to national and local planning policies as it would involve development of greenfield land which is outside the settlement limits of the village. There are very few facilities in Witton Park and therefore the site cannot be considered sustainable. It is also considered that there is no demand for additional housing in Witton Park and that the settlement cannot actually support additional development given the lack of services. One resident has stated that educational facilities in the area are full with no school places available at the local primary schools. Objections have also been raised in respect of adverse impact on the landscape; loss of rural environment; impact on residential amenity; impact on ecology and wildlife.
19. The WPCA have specifically raised safety concerns over the proposed right of way easement across the Village Hall car park. In addition, while they feel that if village infrastructure was increased the proposal could in principle be viewed favourably, they nevertheless note that existing permissions already equate to a 30% increase in the village housing stock, and therefore there is no justification for further development, which is outside the Wear Valley local Plan limits and not included in the CDP allocations.

APPLICANTS STATEMENT:

20. Witton Park is a shining example of how a village, condemned to die under the now notorious Category D Policy of Durham County Council in the 1960's, refused to succumb, and which, over the past 20 years, has rejuvenated by virtue of environmental improvements and a limited level of new development. It is now an attractive village with potential to further reinforce itself with facilities to add to those which have remained. It is, however, a fragmented and somewhat skeletal village, though with the potential for a structure focussed around the recently designated village green at the core.
21. The application proposal recognises an opportunity to build on the decision of the Council in 2012, which was to support new residential development east of Park Road, by a development adjoining the Park Road site which will add cohesion and connectivity to the fragmented structure of the village. Fundamentally, it will physically link Park Road in the west and Main Street in the east, allowing an east-west connection in the village, and reinforcing the emphasis of the village green being at the core of the village.
22. The proposal will also introduce the opportunity of an additional choice and range of dwellings in the village including a number of affordable homes, as well as a substantial financial contribution to the provision or maintenance of recreation space and facilities and the scheme is seen as complementary to the site already having outline planning permission at Park Road.
23. The applicant recognises that the application does not conform with current policy thinking, but equally he believes that the opportunity to create a more structured village with good pedestrian and cycle linkages; and a range of housing types including affordable dwellings, has not been previously considered by the planning authority. The exciting opportunity this proposal creates and the benefits derived from it are considered to outweigh conventional policy thinking, and members of the

Committee are urged to support the chance to create a more cohesive, structured and regenerated village.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. 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 effect on the creation of sustainable patterns of development; the effect on the character of the area; highway safety; and other issues.

The effect on the creation of sustainable patterns of development and principle of development

25. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Furthermore, the NPPF does not change the statutory status of the development plan as a starting point for decision making, and paragraph 12 makes it clear that proposed development that conflicts with an up to date Local Plan should be refused unless material conditions indicate otherwise. Paragraph 211 of the NPPF states that local plan policies should not be considered out of date simply because they pre-date this new national planning policy. Where local plan policies accord with the aims of the NPPF they should still be given full weight.

26. The application site is an agricultural field located outside the development limits of Witton Park as defined in policy H3 of the local plan. Accordingly, housing development on this site would be in direct conflict with local plan policy H3, which seeks to direct new development within the defined development limits. While the emerging County Durham Plan (CDP) can only be given limited weight, it is of some relevance that when adopted, it is unlikely to prescribe development limits to existing towns and villages, placing more emphasis on sustainability and settlement form as the judgements for new housing proposals on the edge of settlements. This site extends significantly west from the existing linear form of development along Main Street conjoining with the development site on Park Road. This would significantly alter the form of the village and create further pressure on development of adjoining fields. This effect would in all likelihood render the site unsuitable even under the emerging policy framework without development limits and particularly when taking account of sustainability.

27. In terms of sustainability, paragraph 55 of the NPPF states that to promote sustainable development, housing in rural areas should not be located in places distant from local services. Witton Park is a tier 6 settlement in the Council's Settlement Study, meaning it has very poor sustainability credentials because it has limited shops, services and facilities, and is devoid of any significant employment opportunities. Existing 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 like Bishop Auckland. The proposed development would therefore be relatively isolated from the infrastructure needed to meet everyday requirements, which is contrary to the aims of the NPPF to create sustainable patterns of development.

28. In addition, whilst it is acknowledged that the NPPF seeks to boost significantly the supply of housing to create sustainable, inclusive and mixed communities, this requirement will be achieved in the County through the sites which have been identified in sustainable locations within the emerging CDP. This site is not one of those identified, nor is it in a sustainable location. The site is therefore not needed to meet the Council's 5 year housing supply. There are also already 2 other large housing sites in Witton Park where the principle of residential development has been accepted for up to 56 dwellings. In this respect, there is no compelling need to release any additional sites in advance of the CDP as there are no deficiencies in the local supply of housing. Allowing the release of this site for another 35 dwellings may even compromise the deliverability of those other housing sites, particularly when the lack of progress on those sites suggests that the area is considered a weak housing market by house builders with no need for an additional site.
29. The offer of additional affordable housing and financial contribution towards maintenance of open space are recognised benefits of this proposal, however those benefits are already offered in the agreed schemes elsewhere in the village, and will also be secured through the allocated sites in the CDP. In respect of affordable housing, there is no local needs-based evidence to suggest further affordable housing is required in Witton Park. In any event the affordable housing would only be around 4 units, which is not a significant number, and it is also not clear how those affordable units would be accommodated in the scheme given the layout shows 35 detached dwellings on large plots. Accordingly, the offer of a small number of affordable housing should not carry any significant weight to justify a departure from Local Plan Policy H3 or the sustainability aims of the NPPF.

The effect on the character of the area

30. The settlement of Witton Park is characterised by a quadrangle highway network with housing stretched in a linear pattern along the west, north and east sections of highway. Up until the 1970s the majority of housing was located in terraces to the north on what is now village green. South of the village green, the central area between the road network is primarily agricultural fields. The application site itself was historically the old school playing field. This central area of Witton Park has always been free of built development and contributes to the rural character of the village. The County Durham Landscape Strategy identifies that the site is within a Landscape Conservation Priority Area. The rural character is properly appreciated in views from Park Road looking east and particularly from the road to the south looking northwards, which offer vistas of attractive countryside merging into the hills beyond.
31. Permission has been granted for housing to the west of the application site however, that housing site has a roadside frontage along Park Road and does not extend out as far into the central fields as the current application site. The proposed development is in effect a backland site that would be seen as a linear extension of the existing modern dwellings in St Paul's Gardens and conjoining with the development site to the west to create an unbroken line of housing development across the fields. The resultant pattern of development would not respect the existing settlement form of Witton Park and the conjoining effect with the site to the west would have a significantly harmful impact on the landscape character of the area. The development would appear particularly intrusive in the landscape views from Park Road and the road to the south. The development would also be likely to lead to inevitable pressure for further development on what would become an enclosed field to the north, leading to potential further loss of countryside, which is not justified by any demonstrated housing need.

32. Overall, the proposed development is an inappropriate scale of development for Witton Park and would have a significant adverse impact on landscape and visual amenity. This is contrary to the key aims of the NPPF to conserve and enhance the natural environment, and is in conflict with Local Plan policies GD1(xi) and ENV1.

Access and highway safety issues

33. The outline application is asking for access to be considered. Access is proposed through the existing housing estate of St. Pauls Gardens to the east of the site.
34. A number of objections received raise concerns that the proposed vehicular access is not acceptable and the additional traffic resulting from the new houses would create congestion problems. However, the Highways Authority have no objection in principle to this point of access, noting it is an adopted highway designed to serve more dwellings than it currently does, including the number of dwellings proposed. The numbers of dwellings proposed are also unlikely to exceed local highway capacity. It is therefore considered that the scale of development and proposed use of the vehicular access through St Pauls Gardens would not have an adverse impact on highway safety. This accords with Local Plan policies GD1 and T1.
35. Parking would be addressed at detailed application stage and the development would be expected to meet current Highway Authority standards. There are no parking concerns at this stage because the indicative layout shows each dwelling with garaging and driveway parking, which would meet the required standards.
36. The proposed scheme indicates it would deliver a pedestrian link between Main Street and Park Road, but that is a detailed matter not for consideration at outline stage and is also a matter outside of the applicant's control because it is reliant on connecting to third party land to the west (and a yet to be designed/built development), as well as over the village hall car park, which has not been agreed with the Witton Park Community Association who have their own safety concerns about the route crossing their car park. It is therefore a factor that should be given no weight. In addition there have been no local representations indicating a desire for this link and it is not something that necessarily needs housing development to facilitate it.

Other issues

37. Northumbrian Water and the Environment Agency have not raised any objections to the proposed scheme providing conditions are imposed relating to foul water management and surface water run off.
38. A site (coal) investigation report was submitted with the application to determine the stability of the land. The Coal Authority have raised no objections providing further conditions are imposed requiring investigation works to be undertaken prior to works commencing on site.
39. Some objections received have raised concerns with regards to loss of residential amenity from the proposed development. The application is only in outline therefore the final position of the properties would be subject to consideration at detailed application stage. Nevertheless, the illustrative layout plan shows that adequate separation distance can be achieved between new and existing houses. It is considered that an adequate residential scheme could be provided which would not compromise the residential amenities of neighbouring residents.

40. An ecology survey has been submitted with the application. The County Ecologist has viewed the survey and has not raised any objections, and it is therefore considered that the proposed development would not compromise protected species or their habitats. A detailed scheme would however have to take existing trees and hedges into account to ensure the development would not have an adverse impact on those landscape features.

CONCLUSION

41. There are already 2 housing sites in the village that could deliver up to 56 new dwellings, including affordable housing. Lack of take up on those sites suggests a weak housing market area and no demand for another site. In addition, the site is not an allocation in the pre submission draft of the CDP and therefore is not needed to meet the County 5 year housing supply.
42. Witton Park is also a tier 6 settlement with poor sustainability credentials. The proposed development of up to 35 dwellings, particularly in conjunction with the other 2 sites in the village, represents an inappropriate and unsustainable scale of development in a village with limited facilities and employment opportunities.
43. In addition, the lack of need for the development would lead to unnecessary loss of countryside that contributes to the rural character of the village, including putting development pressure on adjacent fields. In particular, the development would lead to a conjoining of development between Park Road and Main Street, in an area where there has never been development, and where it would appear intrusive in landscape views from the west and south.
44. The proposal is therefore considered to be in conflict with the key aims of the NPPF to promote sustainable patterns of development and to conserve the natural environment, as well as contrary to Wear Valley Local Plan saved policies GD1, ENV1 and H3. There are no benefits from the scheme that would outweigh the conflict with these local and national planning policies.

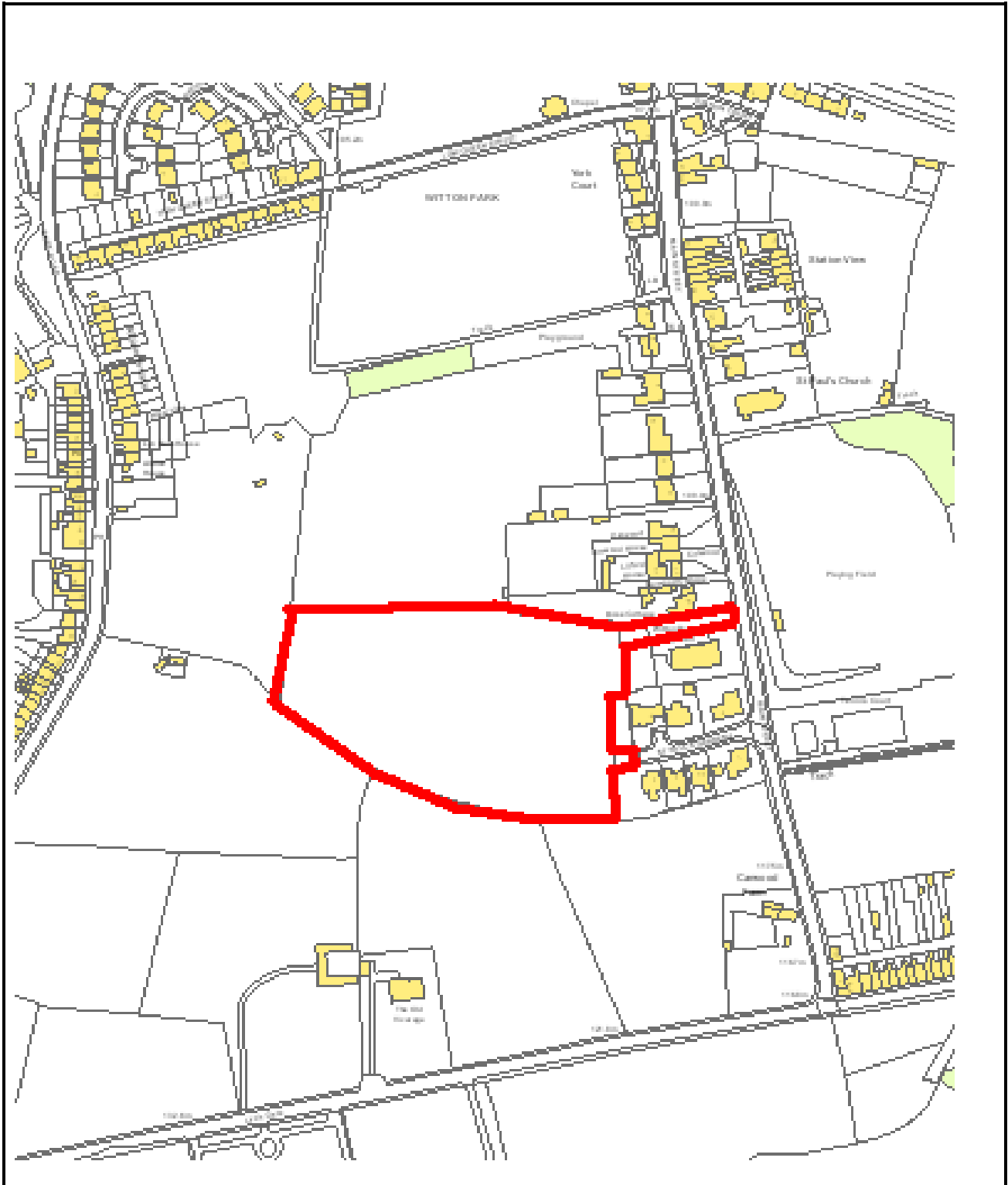
RECOMMENDATION

That the application be **REFUSED** for the following reasons.

1. The proposed development would lie beyond the development limits of Witton Park, on land which has not previously been developed and where it would have a significant adverse impact on landscape and visual amenity. This, in addition to the limited education, shopping, leisure and social and community facilities in the village, and lack of local need for additional housing, means the development would not represent a sustainable form of development. Accordingly, the proposal is considered to be contrary to saved Policies GD1(xi), H3 and ENV1 of the Wear Valley Local Plan, as well as in conflict with the aims of the NPPF to create sustainable patterns of development and to conserve the natural environment.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Consultation responses
County Durham Local Plan Pre Submission Draft



Planning Services

Outline application for residential development with access to be considered at land west of St Pauls Gardens, Witton Park, Bishop Auckland

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21 November 2013