

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2011/0274

FULL APPLICATION DESCRIPTION: THREE PROPOSED DETACHED DWELLINGS AND DETACHED GARAGES

NAME OF APPLICANT: MR M SHELDON

ADDRESS: THE BATTS, WEAR CHARE, BISHOP AUCKLAND, DL14 7QQ

ELECTORAL DIVISION:

CASE OFFICER: Adam Williamson
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DESCRIPTION OF THE SITE AND PROPOSALS

1. Planning permission is sought for the erection of 3 detached dwellings and garages on land at The Batts, Bishop Auckland.
2. Plots 1 and 2 would measure 12.7 metres in width, 9 metres in length, 5.4 metres to the eaves and 8.7 metres to the highest point.
3. Plot 3 would measure 15.3 metres in width, 9 metres in length, 5.2 metres to the eaves and 8.7 metres to the highest point.
4. The proposed garage to serve plots 1 and 2 would measure 11 metres in width, 6 metres in length, and 5.5 metres to the highest point.
5. The proposed garage to serve plot 3 would measure 5.5 metres in length, 6 metres in width, and 5.5 metres to the highest point.
6. The dwellings would be set back from the edge of the highway by 4 metres, with vehicular access gained from between the dwellings leading to detached garages located to the rear of the dwellings. The submitted details show that the dwellings would be constructed from brick and render for the walls and slate for the roofs. Living accommodation to all dwellings would be spread over 3 floors.
7. The application site is located outside the settlement limit for Bishop Auckland but is

within the Bishop Auckland Conservation Area and is known as the Batts. It lies to the south of the River Wear between 1 Wear Chare and 10 Wear Terrace and is an area of open grassland, which rises towards to southern end of the site where there are a number of mature trees. The site is classed as a greenfield site. The dwellings that make up The Batts are a mix of types, ranging from terraced dwellings to detached dwellings.

8. This application has been called to the Committee by Neil Harrison, County Councilor for Bishop Auckland.

PLANNING HISTORY

9. The following decisions are relevant to the site;

3/1995/0473 Erection of 12 dwellings. Refused
TCA/2007/0013 Felling of 33 trees. Approved

An application was also withdrawn earlier in 2011 in order to address issues of design and ecology.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing (PPS3) Underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5): Sets out the Government's planning policies on the conservation of the historic environment.

Planning Policy Statement 7 Sustainable Development in Rural Areas (PPS7) 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.

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).

Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) Sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Transport (PPG13) 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.

Planning Policy Statement 22 Renewable Energy (PPS22) 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.

LOCAL PLAN POLICY:

Policy GD1 (General Development Criteria):

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.

Policy ENV1 (Protection of the Countryside):

The District Council will seek to protect and enhance the countryside of Wear Valley.

Policy BE5 (Conservation Areas):

The character of each Conservation Area will be protected from inappropriate development.

Policy BE6 (New Development and Alterations in Conservation Areas): The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:

- i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
- ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
- iii) the proposal satisfies the General Development criteria set out in Policy GD1.

Policy BE8 (Setting of a Conservation Area):

Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

Policy BE17 (Areas of Archaeological Interest):

When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.

Policy H3 (Distribution of Development):

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.

Policy H24 (Residential Design Criteria):

New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

10. Northumbrian Water raises no objection.

INTERNAL CONSULTEE RESPONSES:

11. **Archaeology** has no objection to the application subject to a conditional planning consent being granted.
12. The site is in close proximity to the historic town of Bishop Auckland and the Roman fort at Binchester. It is probable, but not proven, that the route of the Roman road of Dere Street which ran south from Binchester through to Bishop Auckland and beyond may pass through this area. Previous archaeological monitoring works (H15880) carried out within the proposed area in 2007 found a Post Medieval wall - likely a continuation of the Medieval burghage plot boundary running down Wear Chare.
13. Given that few archaeological resources were noted in the 2007 monitoring, I think it would be unjustified to request the applicant to provide any further information pre-determination. However, as the remains of a Post Medieval wall were recorded in 2007, which appears to extend along the line of the earlier burghage plot boundary, it would be reasonable to place a condition requiring the applicant to ensure that archaeological monitoring of all groundworks is undertaken. An agreed method statement (Written Scheme of Investigation) must be agreed with the Archaeology Section via the planning authority as a pre-commencement condition.
14. **Design and Conservation:** This scheme has been subject to previous planning applications and pre-applications discussions in order to secure an acceptable layout and design. The current proposal is broadly in line with recent pre-applications discussions. The proposed layout makes good use of the space available within the infill plot, relating acceptably in terms of scale and appearance to adjacent buildings and in terms of character and appearance to the Bishop Auckland conservation area. I therefore have no objections to the principle of the proposal, subject to conditions being attached requiring the approval of samples of external materials and submission of a landscaping scheme including details of hard and soft landscaping and boundary treatments.
15. **Ecology** Have viewed the *Bat and Badger Risk Assessment* and are satisfied that the risks of impact on bats and badgers have been addressed. It is recommended that tree protection measures detailed in the arboricultural report for this site should be conditioned to protect trees, bat boxes in the trees and the badger sett from encroachment during the development stage.

16. **Highways** Have some concerns regarding new residential development leading off Wear Chare given that, irrespective of the physical proximity to the town centre, pedestrian footway links on the steep uphill section of Wear Chare (the shortest route to the town) are either non-existent or substandard in places, effectively terminating completely on the approach to the Market Place. Neither is there land available with which to widen them to the rear of the footway/service margins. Therefore the prospect of additional dwellings at the application site, creating additional pedestrian movements along a section of highway where pedestrians must walk on the trafficked carriageway over already reduced width sections, gives concern, hence encouragement at the pre-application stage that any residential development is reduced to the lowest possible no. of units even if this site is regarded as 'infill'.
17. It is understood that the current proposal for three dwellings is the lowest no. of units proposed to date, as compared to these earlier applications. The substandard width and gradient of the Wear Chare footways leading to the town centre may nevertheless be considered acceptable in light of the number of dwelling units proposed, the existence of a small number of other dwellings in the immediate vicinity, and the relatively low traffic flows on Wear Chare. Accordingly, there is no objection to the proposal but it is necessary to require conditioning the installation of an adoptable standard 1.5m wide linking footway from 1 Wear Chare, to the vehicular access position of plot 3, in order that visitors and occupants to the new dwellings have a metalled surface segregated from the trafficked carriageway across which to walk.
18. The applicant and agent should be aware that the first 1.5m laterally from the trafficked carriageway, along the whole northern site boundary is part of the public highway and no planting or structure must take place here. This must be made clear to future occupants of the dwellings. There are two existing highway sign posts (shown in the topographical survey but about which the application makes no comment) to the front of the proposed position of plots 1 and 3. Suffice to say there is no permission implied or inferred to move these signs in any way. Any queries related to them must be directed to the Council's Highways Department on 0191 370 6000 or via hal@durham.gov.uk.
19. It will be necessary for the applicant to enter into an agreement under section 278 of the Highways Act 1980 to allow the required footway works within the existing public highway to be carried out. I would be grateful if you would inform the applicant of this requirement. The appropriate Council contact in this regard is Mr John Collins, Adoptions Engineer, tel 0191 383 4091, e-mail; John.Collins@durham.gov.uk.
20. The vehicular crossings of the highway will be required to be constructed in accordance with S.184(3) of the Highways Act 1980, and the applicant must contact Mr Ian Harrison of Durham County Council Highway Design, Neighbourhood Services, St Johns Road, Meadowfield, (telephone 0191 3725952), in order to receive the necessary (separate) permission prior to undertaking any works within the public highway. I would be grateful if you would inform the applicant of this information.

PUBLIC RESPONSES:

21. Occupiers of neighbouring properties have been notified in writing and a site notice has also been posted. The application has also been advertised in the press. 4 letters of objection and 1 petition containing 19 names has been submitted.

The objections can be summarised as follows:

- a) The proposed houses would be hazardous to traffic;

- b) The land was sold by the then Wear Valley District Council and a stipulation of the sale was that the being fenced, no buildings allowed to be erected, and shall be retained as garden land. This is a covenant on the land.
- c) The application does not include conservation area consent.
- d) The site is subject to flooding.
- e) The scheme is overdevelopment of the area.
- f) The houses would be out of keeping.
- g) The development would have a detrimental impact on Auckland Park.

APPLICANTS STATEMENT

- 22. The planning application is a resubmission made in response to officer's advice and comment, as well as that of public consultees, to an earlier application in March 2011 for two dwellings. Detailed discussions with planning and design and conservation officers has led to the current proposal, which has been fully supported by necessary documentation in respect of ecology, archaeology and flood risk.
- 23. Whilst the detailed design of the scheme has been carefully considered in light of its potential contribution to the Conservation Area, the scheme is necessarily assessed in respect of its policy context, and in this regard, the scheme meets the requirements of current planning policy guidance. The Wear Valley District Local Plan continues to be of primary importance with the demise of the Regional Spatial Strategy and with the growing relevance of the National Planning Policy Framework, at the heart of which is a presumption in favour of sustainable development which will be considered in the light of existing Local Plan policies where no other more up to date plan is available. The proposed development accords with the relevant Local Plan policies H4 and ENV3 and thus should be considered in a positive policy context.
- 24. The site is sustainable, lying within 200m of Bishop Auckland town centre, with all the facilities and linkages which the town centre affords.
- 25. In brief, the planning application should be considered in a positive light, for the following reasons:-
 - It accords with current planning policy guidance and the relevant policies of the Wear Valley District Local Plan.
 - The design and layout of the proposed housing is considered to enhance the Conservation Area
 - All necessary studies and reports conclude that development can satisfactorily take place.
 - The site lies in what can be regarded as a sustainable location and it is one which will provide quality housing close to the centre of Bishop Auckland.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Crook Area Office.

PLANNING CONSIDERATIONS AND ASSESSMENT

In assessing the proposals against the requirements of the relevant guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to:

- Principle of development
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- Impact on Character and appearance of the Conservation Area
- Residential amenity
- Highway safety
- Ecology
- Archaeology
- Other issues

Principle of development

26. National Policy in the form of PPS1, PPS3, PPS7 and PPG13 highlights the need to ensure that development proposals are based on sustainable development principles. Development in the countryside away from existing settlements or outside areas allocated for development in the development plan should be strictly controlled. The government's aim is to protect the countryside for the sake of its own intrinsic character.
27. PPS3 specifically sets out the national planning policy framework for delivering the Government's housing objectives. PPS3 states: *'that the planning system should deliver:*
- *High quality housing that is well designed and built to a high standard.*
 - *A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.*
 - *A sufficient quantity of housing taking into account need and demand and seeking to improve choice.*
 - *Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.*
 - *A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.'*
28. Inset Map 1/1A of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 shows the application site to lie immediately adjacent the settlement limits for Bishop Auckland, with the limits to development bounding the southern boundary of the application site. The development is therefore in immediate conflict with planning policies seeking to prevent inappropriate development in the countryside. It is noted though that each application has to be determined on its own merits. In this case it is accepted that the proposed development is contrary to policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, however, the location of the application site immediately adjacent to the limits to development and its visual relationship, is a material consideration. In physical terms the site does not appear to lie within the open countryside, as it is bounded on two sides by residential development and use. Visually the site appears as a plot of land within the built up area with no current use.
29. This scheme would deliver high quality housing in the form of three detached dwellings that would be comfortably accommodated on the site. This would improve the mix of housing in the immediate area and overall would lead to improved choice within Bishop Auckland.
30. Whilst it is a greenfield site, it does not have significant amenity value and the loss of the site for the erection of just three dwellings would not prejudice the wider regeneration of the County through the delivery of new housing development on predominantly brownfield sites.

31. The application site is within 200 metres of Bishop Auckland town centre, and the site is also well served by public transport, linking the site to Durham, Spennymoor and Darlington offering reasonable access to jobs and additional services.
32. It is therefore considered that the application site is a sustainable location for the small scale of development proposed and in that respect the proposal is in accordance with guidance contained within PPS1, PPS3 and PPG13.
33. So whilst it is acknowledged that the application site lies outside the settlement limits for Bishop Auckland, it is considered that the release of this land for residential use would not result in damaging encroachment into the open countryside to the detriment of the landscape character of the area. The scheme would not undermine the objectives of policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and would not prejudice the delivery of sustainable patterns of development in the local area in accordance with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, and PPG13: Transport.
34. The proposal can therefore be considered as an acceptable departure in principle from Local Plan Policies ENV1 and H3.

Impact on Character and appearance of the Conservation Area

35. The land to which the application relates occupies a prominent position by the River Wear. The site is currently open green space adjacent to the existing built form within Bishop Auckland and the development would extend the housing further to the west. This area of Bishop Auckland follows traditional ribbon pattern along the River Wear. This proposal will continue this building line and it is considered that the housing would become a natural extension to this area of the town. This area of land is privately owned and as such cannot currently be used for public recreation. It is considered that the loss of this area of land would not be detrimental to the setting of the open countryside, nor would it be detrimental to the setting of Auckland Castle Park, which is to the south of the site but is not readily visible from the application site. The proposed dwellings would not be detrimental to the setting and appearance of the Conservation Area. Therefore in this instance on balance the loss of green land in the open countryside can be justified in this instance, and it is considered that the proposal would not undermine sustainable patterns of development and regeneration in the area.
36. In terms of design and external appearance, the submitted application is a result of detailed discussions between the applicant and the Design and Conservation Officer following a previously withdrawn application.
37. There is currently a variety of property types in the immediate area around the application site including traditional terraces, larger detached properties and bungalows. All of these properties have a mix of roof heights, materials and garden sizes. In general, two storey properties characterise this part of Bishop Auckland and the predominant materials are brickwork, render, and slate.
38. The properties would be finished externally with a mixture of painted render and brickwork. The roofs would either be natural grey/blue slate. The windows would be constructed in timber with a painted finish. These materials are considered to be suitable for this location and would reflect some of these used within the conservation area.

39. The proposed dwellings would retain the building line between Dial Stob Hill Bungalow and 1 Wear Chare, providing the application site with a strong roadside frontage. Parking and garages are to be provided to the rear of the site so as not to provide clutter to the roadside. On the basis of the plans, the design of the proposed dwellings reflects the scale, form and proportions of those in the vicinity of the site and therefore there is potential for the development to preserve the character of the conservation area
40. It is therefore considered that the proposal accords with policies GD1, H24, and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

Residential amenity

41. Number 1 Wear Chare has a blank gable overlooking the application site, but has a recently completed single storey extension to the rear with a window to the eastern elevation. The site of the proposed dwelling on plot 1 would not obstruct this window. Dial Stobs bungalow does not have any windows overlooking the application site to plot 3. Given the positioning of the proposed dwellings, there would be no loss of residential amenity or any overbearing or overshadowing effects created by the proposed scheme to the occupiers of neighbouring properties.
42. The proposed dwellings would have substantial rear gardens, in excess of the minimum 10 metre requirement set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. Given the size of the rear gardens it is considered prudent to remove the permitted development rights for garden structures from the dwellings as large garden buildings/ structures could be constructed without planning consent to the detriment of the conservation area.
43. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

Highway safety

44. The site would be accessed via Wear Chare, with parking provided to the rear of the dwellings. It is considered that the provision of three dwellings would not exceed the capacity of the local road network. The Highways Engineer has not objected to the proposal but does consider it necessary to require conditioning the installation of an adoptable standard 1.5m wide linking footway from 1 Wear Chare, to the vehicular access position of plot 3, in order that visitors and occupants to the new dwellings have a metalled surface segregated from the trafficked carriageway across which to walk. Subject to this condition, the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

Ecology

45. The site contains a badger set (a species protected by law) and a number of mature trees.
46. The presence of protected species such as badgers is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 and now the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations, which involved the setting up of licensing regime administered by Natural England. Under the requirements of the Regulations it is criminal offence to kill, injure or

disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.

47. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2010, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:
 - The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
 - There must be no satisfactory alternative and;
 - Favourable conservation status of the species must be obtained.
48. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 9(5) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 9(5) of the 2010 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
49. Badgers are a protected species and the survey has identified a Badger set within the application site. To recommend approval, the LPA must therefore be satisfied that the development meets the public interest test; that there is no satisfactory alternative; and that the action will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.
50. The proposed dwellings would be sited well away from the badger set to ensure there is no disturbance caused by the development. The Ecology section have no objection to the proposed development subject to the tree protection measures detailed in the arboricultural report to protect trees, bat boxes in the trees and the badger sett from encroachment during the development stage. A license is unlikely to be required because development would not affect the sett. It is considered that the proposed scheme would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range as defined in Regulation 44 of the Habitat Regulations. Given this and that it is in the public interest that the permission can be implemented, the LPA can discharge its duty under Reg 9(5).
51. The proposal accords with policies GD1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.
52. The proposal also accords with guidance contained within PPS9 Biodiversity and Geological Conservation.

Archaeology

53. The site is in close proximity to the historic town of Bishop Auckland and the Roman fort at Binchester. The Council's archaeologist advises that it is probable, but not proven, that the route of the Roman road of Dere Street which ran south from Binchester through to Bishop Auckland and beyond may pass through this area. Previous archaeological monitoring works (H15880) carried out within the proposed area in 2007 found a Post Medieval wall - likely a continuation of the Medieval burghage plot boundary running down Wear Chare.

54. The remains of a Post Medieval wall were recorded in 2007, which appears to extend along the line of the earlier burghage plot boundary. Given the potential for archaeology within the site, a risk assessment has been requested and submitted.
55. The Archaeology section has been consulted and raises no objection to the proposed development subject to recommended conditions. As such it is considered that the proposal would not have a detrimental impact upon archaeology in accordance with guidance contained within PPS5: Planning for the Historic Environment.

Other issues/ response to objections

56. One of the issues raised in the objections received was that when the land was sold by the then Wear Valley District Council a covenant was attached stating that “the piece or parcel of land hereby transferred or any part thereof to be use for any purpose other than garden/ allotment use.” This is not a material planning consideration and does not prevent planning permission from being granted. The Council’s solicitor has provided comment on this matter for clarity:
57. *“There may be many restrictions on a property being developed as per the Planning Permission; it is up to the developer to overcome these obstacles. This rule also applies even if the County Council has imposed a covenant which is contrary to the proposed development. It is up to the developer to seek the release of the covenant and the determination of the planning application should not be held up whilst this is happening. There may be cases where the planning permission can not be implemented because a restriction on the property can not be lifted. This possibility is not a matter which should influence your determination”.*
58. In respect of the concern raised over the site flooding, the site is not within an identified flood zone as identified on the Environment Agency’s flood zone maps. As such in this instance there is no obligation for a flood risk assessment to be provided with the application. Drainage will largely be regulated by Building Control and the utility providers, however a condition is recommended requiring details of hard surfacing with measures to limit surface water runoff.
59. It is noted that the site is within the Bishop Auckland Conservation Area, however, Conservation Area Consent is not required for the construction or alterations of properties within conservation areas. Conservation Area consent is only needed for:
 - Demolition of a building with a volume greater than 115 cubic metres.
 - Demolition of more than 1 metre of wall fronting a highway, waterway or open space.
 - Demolition of more than 2 metres of wall in any other case.
 - Demolition of agricultural buildings constructed before 1914.
60. A separate application for Conservation Area consent is therefore not required.

CONCLUSION

61. In summary the proposals seek permission for the erection of 3 detached dwellings. Whilst it is acknowledged that the application site lies outside the settlement limits for Bishop Auckland, it is considered that the release of this land for residential use would not result in damaging encroachment into the open countryside to the detriment of the landscape character of the area and the character of the conservation area. The application site is a sustainable location for a limited scale of development and the proposed dwellings are considered to be of an acceptable scale and design for this site which is within the Bishop Auckland conservation area.
62. The proposed dwellings would not result in a loss of privacy or residential amenity to the occupiers of neighbouring dwellings and would not have a detrimental impact upon protected species, highway safety, flood risk or archaeology subject to recommended conditions.
63. The proposal is therefore an acceptable departure to local plan policy H3 and accords with the wider national policy aims of securing sustainable patterns of development.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

Conditions:

1. The development should not be begun later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
	Site Location Plan	07.07.2011
02 D	Proposed site plan	07.07.2011
03 B	Proposed plans and elevations plots 1 and 2	07.07.2011
04	Proposed plans and elevations plot 3	07.07.2011
05 A	Proposed street scene	07.07.2011

3. Notwithstanding any details of materials submitted with the application 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 the approved details.
4. Prior to the commencement of the development details of the surface treatment and construction of the driveway and all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority. The details should demonstrate how provision will be made to reduce surface water runoff onto the highway and neighbouring properties. The development shall be undertaken in accordance with the approved details.

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5. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (monitoring) and which has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
 - i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii., Post-fieldwork methodologies for assessment and analyses.
 - iv., Report content and arrangements for dissemination, and publication proposals.
 - v., Archive preparation and deposition with recognised repositories.
 - vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii., Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii., A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

6. Prior to the dwellings being occupied, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication.
7. Prior to occupation of any of the approved dwellings engineering drawings shall be submitted for approval depicting the layout and construction of a 1.5m wide adoptable standard footway at the site northern boundary. Thereafter, the footway must be installed in accordance with the approved details and available for use prior to the occupation of any of the approved dwellings.
8. No development shall take place unless in accordance with the mitigation and recommendation detailed within the protected species report *Bat and Badger Risk Assessment for proposed development at: land at The Batts*, by Dendra Ecology (July 2011),, including, but not restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods.
9. Notwithstanding the provisions of Article 3 and Class E of Part 1 of Schedule 2 and class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
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. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reasons:

1. 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. To define the consent and ensure that a satisfactory form of development is obtained.
3. In the interests of the appearance of the area and to comply with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. In the interests of the appearance of the area and to comply with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To comply with policy BE1 and BE15 of the Wear Valley District Local Plan as the site may potentially contain features of local archaeological importance.
6. To comply with policy HE12.2 - 12.3 of PPS5 to make the information as widely accessible to the public as possible.'
7. In the interests of highway safety in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. In the interests of nature conservation. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
9. The Local Planning Authority wishes to control future development at the site in order to safeguard the appearance of the site. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS3 and PPS22.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -

Policy GD1 (General Development Criteria)
Policy ENV1 (Protection of the Countryside)
Policy ENV3 (Area of Landscape Value)
Policy BE5 (Conservation Areas)
Policy BE6 (New Development and Alterations in Conservation Areas)
Policy BE8 (Setting of a Conservation Area)
Policy BE17 (Areas of Archaeological Interest)
Policy H3 (Distribution of Development)
Policy H24 (Residential Design Criteria)

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2. In particular the development was considered acceptable having regard to consideration of the principle, the impact on countryside, impact on residents, highway safety and flood risk.
 3. The nature of the objections received from the general public and the impact of the development on the area were not considered sufficient to outweigh the positive contributions this development will make in terms of the provision of affordable homes and the sustainability of the village.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS5, PPS7, PPS9, PPS13, PPS22
- Consultation Responses
- Public Consultation Responses



3/2011/0274 - THREE PROPOSED DETACHED DWELLINGS AND DETACHED GARAGES AT THE BATTS, WEAR CHARE FOR MR M SHELDON

