

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/14/02040/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 61 dwellings with associated infrastructure works and access.
<b>NAME OF APPLICANT:</b>	Mr Chris Dodds, Gleeson Homes
<b>ADDRESS:</b>	Dovecot Hill, South Church, Durham, DL14 6TA
<b>ELECTORAL DIVISION:</b>	Sildon and Dene
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site measures 1.57ha in area. It was previously used as allotments, but has now returned to agriculture. Site levels are relatively flat, however beyond the northern boundary the land level falls steeply to the River Gaunless. The site sits adjacent to the Longfield Road industrial estate with separation on the western boundary provided by a Public Right of Way with a line of hedge/trees predominantly down the eastern side of the path; and to the south by a tree line and the public highway Dovecot Hill. To the east are terraced dwellings along Bigland Terrace, West View and Rosemount Court.
2. Full detailed planning permission is sought for the erection of 61 dwellings, including a new access and associated infrastructure works. The dwellings would be a mix of two storey brick built detached, semi-detached properties and terraced properties providing 2, 3 and 4 beds. The new vehicular access is proposed to be created from Dovecot Hill with the existing access being stopped up.
3. This application is being reported to Planning Committee in accordance with the Scheme of Delegation as it falls within the definition of a major development.

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## PLANNING HISTORY

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4. The site was previously used for private allotments, however this use ceased in approximately 2013 and the site has reverted to an agricultural use.

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## PLANNING POLICY

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## NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by

establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

#### **LOCAL PLAN POLICY:**

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
16. *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.
17. *Policy BE1 - Protection of Historic Heritage* - Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
18. *Policy BE14 - Open Spaces* - Sets out that open spaces which contribute to the character and amenity of the area within the defined development limits will be protected from development.
19. *Policy BE17 - Areas of Archaeological Interest* - Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
20. *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 in Policy GD1 and conforms to the other policies of the plan.
21. *Policy H15 - Affordable Housing* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
22. *Policy H22 - Community Benefit* - 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.
23. *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.

24. *Policy T1 – Highways* - Sets out 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.

#### **EMERGING PLAN:**

25. The emerging County Durham Plan was submitted in April 2014 and is currently undergoing an Examination in Public. 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Version are considered relevant to the determination of the application:
26. *Policy 1 – Sustainable Development* – Outlines that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. The policy also outlines that where there are no relevant policies to the application the council will grant permission for sustainable development.
27. *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 31,400 new homes of mixed types, size and tenure are required.
28. *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 10,420.
29. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
30. *Policy 15 – Development on Unallocated Sites in Built up Areas* – Sets out all development on sites in built up areas that are not allocated in the County Durham Plan will be permitted providing that the development is appropriate in scale, design and location to the character and function of the settlement, does not result in the settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses.
31. *Policy 18 – Local Amenity* – Permission will not be granted for sensitive land uses where they would be put at risk from sources of nuisance or intrusion which could adversely affect amenity and which cannot be mitigated acceptably.
32. *Policy 20 – Green Infrastructure* – Sets out that developments will be expected to conserve and where required improve and extend the county's green infrastructure

network. Development proposals that would result in the loss of existing green infrastructure will be refused unless the affected site or feature does not have a significant recreational or ecological function, the site can be demonstrated surplus to requirements or a compensatory amount of green infrastructure can be provided in the local area.

33. *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.
34. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.
35. *Policy 39 – Landscape Character*. Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh the impacts.
36. *Policy 41 – Biodiversity and Geodiversity* – Proposals for new development will not be permitted if significant harm to biodiversity and geodiversity cannot be avoided, adequately mitigated or as a last resort compensated for.
37. *Policy 44 – Historic Environment* – Sets out that development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets. Development that will lead to substantial harm or loss of a heritage asset will not be permitted unless in exceptional circumstances.
38. *Policy 46 – Water Management* – Requires that all development proposals will be required to consider the affect of the proposed development on flood risk, both on and off site. A Flood risk assessment will be required where appropriate.
39. *Policy 47 - Contaminated and unstable land* – Development will not be permitted unless the developer can demonstrate that any contamination or unstable land issues will be addressed by appropriate mitigation to ensure the site is suitable for the proposed use.
40. *Policy 48 – Delivering Sustainable Transport* – New developments should accommodate sustainable modes of transport and provide appropriate, well design, permeable and direct routes for all modes of transport and that traffic generated by the development can be safely accommodated on the strategic highway network without causing additional congestion.

*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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

41. *Highway Authority* – Consider that the proposed access to the site would be better served being offset from the adjacent industrial access, however overall the submitted scheme is considered acceptable. In terms of parking provision the

scheme would meet residential parking standards while the surrounding access is capable of accommodating the increase traffic flows.

42. *Environment Agency* – Offer standing advice in relation to the scheme.
43. *Northumbrian Water Limited* – Request a condition requiring the submission of a detailed scheme for the disposal of surface and foul water from the scheme before development commences.
44. *Dene Valley Parish Council* – Raise objections due to the loss of the public open space, traffic generation, access restrictions and lack of play facilities.

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

45. *Spatial Policy Section* – Advise that the site is contained within the settlement of Bishop Auckland which is a main town identified for growth in the County Durham Plan. This site is well related to the town with good access by public transport to the town centre. Although the development of the site would conflict with saved policy BE14 of the Wear Valley Local Plan, the allotment use of the site which warranted the BE14 designation has now ceased. Then the principle of developing the site for housing would accord with other the policies of the WVLP and the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within the town.
46. *Design and Historic Environment Section* – Offer no objection to the scheme advising that the development would have a neutral impact on the setting of a Grade I Listed church to the north of the site.
47. *Landscape Section* – Offer advice on improvements to the perimeter treatment of the site including the northern and eastern boundaries. It is also recommended that to the Public Right of Way to the west of the site the proposed boundary fence should be set back off the existing hedge line and appropriate maintenance and planting work be carried out.
48. *Arboricultural Officer* – Raises concerns regarding the proximity of the fence to existing trees on the western boundary and the need to ensure that an adequate green buffer is retained between the industrial units and the development. Suggestions are also made on the type of tree species proposed in the planting schedule.
49. *Archaeology Section* - Offers no objections, subject to the development being carried out in accordance with the submitted scheme of Archaeological Investigation, recording and evaluation.
50. *Access and Rights of Way Section* – Offer no objection but connections from the development into surrounding Public Rights of Way network are encouraged.
51. *Sustainable Travel Section* – Advise that connections to surrounding Public Rights of Way should be encouraged wil consideration should also be given to improvement to these paths
52. *Ecology Section* – Follow the submission of additional information no objections are raised, subject to the proposed mitigation measures detailed in the submitted ecological survey.

53. *Environmental Health Unit* – Advise that after considering the submitted noise reports, the methodologies are considered sound and the proposed mitigation measures are considered acceptable. Therefore no objections to the scheme are raised subject to conditions requiring the installation of the mitigation measures detailed in the submitted acoustic assessments. It is also recommended to control the working hours on site and incorporated measures to suppress noise and dust during construction.
54. *Contaminated Land Section* -Recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
55. *School Organisation Manager* – Advises that there is sufficient capacity in existing schools to accommodate the likely number of pupils generated by the development.
56. *Sustainability Officer* – Advises that the site should reduce surface water run off, improve pedestrian connectivity while. The Carbon reduction initiatives proposed would be required to be embedded within the development, and controlled by condition should permission be granted. An offsite contribution for offsite sport and recreation should also be secured.
57. *NHS Trust* – No response received
58. *Housing Officer* - States that an affordable requirement of 10% would be expected on this site.
59. *Drainage and Coastal Protection Team* - Advise that a surface water drainage scheme should be developed prior to the commencement of development which utilises soakaways where appropriate, limiting discharge from the development to greenfield run off rates.

#### **PUBLIC RESPONSES:**

60. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 21 letters of objection have been received from neighbouring residents and surrounding businesses in relation to the issues below:-
  - The proposal represents development on a green field site which is protected from development in policies within the Wear Valley Local Plan. The site is currently used as open space and forms part of the Green Belt and should be protected. The need for the development within South Church is questioned, the County Durham Plan does not propose an housing in the area. No affordable housing is proposed within the development.
  - There are no facilities within the immediate area for future occupants to use while a strain will be placed on existing services by an increase in the population.
  - There is no play provision on the site for future residents to use while existing play areas are only accessed across busy roads.
  - Concerns are raised regarding a loss of residential amenity through a loss of outlook due to the separation distances to the properties and proposed

boundary treatments. The development of the open space will impact on the view experienced by properties bordering the site while disruption will be caused through the construction of the dwellings and once they are occupied.

- The development would result in the loss of value of existing properties while restricting access for maintenance.
- Concerns are raised regarding the loss of the character of the village and the impact on surrounding historic buildings and potential archaeological interests. The design of the buildings does not relate to existing housing stock.
- The existing road network cannot accommodate additional traffic while there would be conflict with industrial uses. The poor condition of existing roads in the vicinity of the site is highlighted.
- The development would have a negative impact the ecological interest of this greenfield site.
- Objections are raised regarding the potential conflict between existing operations on the adjacent industrial site and future residents due to the nature of the operations and the noise and smells generated on a 24hr basis. The proposed noise mitigation is questioned and concerns are raised that residents would make complaints to the Council regarding the noise which would impact on business operations and the ability to expand. The industrial site is designated in the local plan and its status should be protected.

#### **APPLICANTS STATEMENT:**

61. Gleeson Homes and Regeneration are part of the MJ Gleeson Group and specialise in the regeneration of brownfield sites for the development of quality new homes. Accordingly, the application hereby submitted proposes the erection of 61 new dwellings comprising a mix of 2, 3 and 4 bedroom terraced, semi-detached and detached housetypes.
62. At present, as the site is not in active use and is vacant it attracts fly tipping and the area suffers from antisocial behaviour. It arguably does not contribute to the local community other than offering a potential location for youths to gather and cause problems. The location of the site in a residential area and the provision of bus services in close proximity along with amenities and services, mean that the site meets the Councils targets and policies. It also meets the aims and objectives of the National Planning Policy Framework in seeking to promote the use of previously developed sites and the provision of residential development in sustainable locations. The Council has accepted that no affordable housing will be required on this site, as to do so would threaten the viability of the scheme as a whole. We have submitted viability assessment evidence to clarify this, however off-site contributions towards open space provision are proposed. Gleeson will also strive to employ local people and we understand the importance of involving the local community during construction of our developments as well as leaving a legacy once works are complete.
63. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in

their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable.

64. All criteria required to be complied with in Saved Policies requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location.

*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:*  
<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N8QUJ8GDHBR00>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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65. 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 principal planning issues raised relate to the principle of development, the viability of the scheme, visual amenity of surrounding area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

### The Principle of Development

66. The application site is located within the settlement limits of Bishop Auckland, as defined by the Wear Valley Local Plan Proposals Map. Within these settlement limits, Policy H3 of the Local Plan identifies that windfall housing development will be considered acceptable in principle. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF, the greater the consistency, the greater the weight. It is considered that the general approach of policy H3 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development. It is however recognised that the NPPF promotes a more flexible approach to settlement growth and does not preclude development on sustainably located greenfield sites.
67. The NPPF also seeks to boost significantly the supply of housing, and planning applications are expected to be considered in the context of the presumption in favour of sustainable development. The NPPF sets out that Authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Bishop Auckland is recognised as a main town within the emerging County Durham Plan (CDP) in recognition that it is a subregional centre in terms of its retail offer, and has a good range of employment opportunities and services. For these reasons the settlement is a focus for growth in the CDP (2,350 houses, 7ha of employment land).
68. Policy 15 of the CDP makes provision for development on unallocated sites within built up areas. The CDP provides a definition of a built up area as being land contained within the main body of existing built development of a settlement identified in the Settlement Study or where the land is physically well contained by existing built development and its development would not result in coalescence with neighbouring settlements or encroachment into the countryside. In the context of the NPPF and CDP, this site constitutes a relatively sustainable location given the close

proximity to the town centre and on account it is wholly contained within the settlement.

69. This site has previously been assessed as part of the development of the CDP and has a suitable (green) classification within the Strategic Housing Land Availability Assessment (SHLAA). It was not however carried through as a housing allocation within the emerging CDP as it was felt that South Church was a weak market area, unlikely to be attractive to house builders, and because it was still in use as allotment gardens. At that time no evidence had been provided to demonstrate there were no unresolved legal issues associated with the allotments tenancies, and under a precautionary approach to allocations the site was not selected as there was uncertainty over availability and deliverability. Given that this application has been submitted by a national house builder, the concerns regarding market attractiveness would appear to be unfounded and the private allotment tenancies have now ceased.
70. On advice of the Councils Spatial Planning Policy Team the development of this site would not undermine the emerging CDP, or more specifically the suite of housing allocations identified within it. The scheme is for 61 units which relates to only 0.19% of the total housing requirement for County Durham and only 2.6% of the housing distribution for Bishop Auckland. In addition to this, there are existing housing commitments which are not coming forward for development as originally envisaged. Schemes such as this, which are backed by a housing developer can make a contribution to delivery of housing over the plan period.
71. Part of the site is subject to Saved Policy BE14 of the Local Plan, which seeks to protect areas of open space within built up areas. The policy states that development of these areas is only permissible in instances where the land does not contribute positively to the character or amenity of the area. Consideration is given to this matter in detail below, however providing there is an acceptable visual impact the site is considered a suitable and sustainable location for new residential development.
72. It is also noted that the Councils Open Space Need Assessment (OSNA) highlights that within this area of Bishop Auckland there is a significant over provision of Amenity Open Space and therefore there is no need to retain the Policy BE14 protection.
73. It is therefore considered that notwithstanding the proposal being a departure to Wear Valley Local Plan Policy BE14, it is in accordance with Policy H3 of that Plan, as well as with the core principles of NPPF Part 6 and emerging policies 3, 4 and 15 of the County Durham Plan. Therefore, subject to a detailed analysis of the impacts of the development the site is considered acceptable in principle for housing purposes.

#### Viability and Contributions

74. Local Plan Policy H15 sets out that where a relevant local need has been established the inclusion of an appropriate element of affordable housing will be required within a housing development. Such a requirement is replicated in the NPPF. As part of the emerging plan a significant amount of work has been directed towards assessing and evidencing the need for affordable housing throughout the County and the likely delivery of this through development proposals, while ensuring developments remain viable. Policy 31 of the CDP sets a target figure for the provision of 10% of proposed dwellings to be provided as affordable housing within the South Durham area, including Bishop Auckland.

75. No affordable housing contributions are proposed as part of the scheme, and the applicant has stated that should this be a requirement the development proposed would be economically unviable. Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. This is recognised in policy 31 of the CDP which states that in applying affordable housing requirements the cost of developing the site and the impact of this on the viability of any proposed scheme will be taken into account. In circumstances where the viability of the scheme is in question, the developer will be required to demonstrate to the Council's satisfaction that this is the case.
76. Advice has been sought on this matter from the Council's Assets and Spatial Policy Sections, which have considered in detail the submitted development appraisal for the site, including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions once the amount paid for the site and development costs are taken from expected sale values only around a 9% developers profit could actually be achieved, excluding any affordable housing provision.
77. Having regard to the advice within the NPPF, it is accepted that the development could not deliver affordable housing provision without being unviable. Nevertheless, the developer remains keen to bring the development and the scheme does propose a mix of dwellings, including 2 bed semi-detached dwelling which would be expected to be priced at the lower end of the market.
78. Notwithstanding the above, the development would fully comply with the requirements of Wear Valley Local Plan Policy H22 and Policy 20 of the emerging County Durham Plan in respect of offering a financial contribution of £61,000 towards the provision or maintenance of open space and recreation facilities in the local area. This also accords with NPPF section 8.
79. The applicant has also made a commitment to providing local employment opportunities during the construction phase and is willing to enter into a training, recruitment and management employability plan, which would accord with the aims of policy 1(a) of the emerging County Durham Plan. This can be secured in the S106 legal agreement.

#### Visual Impact and impact on Heritage Assets

80. The application site was previously used as private allotments, however this has ceased and the site has reverted to an agricultural use with an undeveloped appearance.
81. The site is currently subject to a protected open space designation in the Wear Valley Local Plan (BE14), which seeks to protect areas of open space within built up areas where the land contributes positively to the character or amenity of the area. However, that designation was applied to the site when it was in allotment use and it is not subject to any special designation in the emerging CDP. However, policy 39 (Landscape Character) sets out that developments will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape. Local Plan Policies GD1 and H24 also require that developments should be designed and built to a high standard which contributes to the quality of the built environment and has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good

design is indivisible from good planning while also seeking to protect local landscapes.

82. Consideration has been given to this matter by the Council's Landscape officer who raises no objection to the development of this site in a wider landscape context, while offering advice in terms of landscaping and boundary treatments. Although the site is visible from surrounding existing developments, it is not specifically viewed as an integral part of the wider open amenity space which principally extends up the Gaunless River Valley. This is due to a significant level change to the north of the site dropping down to the River Gaunless and the setting of the site between built development to the west, south and east. It is therefore considered that development of this site would not be viewed as an incursion into the landscape. The proposed tree planting along the northern boundary, although not substantial and confined within proposed gardens, would help to soften the appearance of the development when viewed from outside of site. The Council's Landscape and Tree Sections would prefer this planting to be outside the gardens, but the land to the north is in private ownership so it is accepted that this would lead to maintenance difficulties.
83. There is a hedge and tree line along the western site boundary which provides the current boundary treatment to the adjacent Public Right of Way. It is currently overgrown and in poor condition with a significant number of gaps, while a number of the hedge line trees are also in poor condition and individually offer no significant value. This vegetation does however provide an appropriate setting to the Public Right of Way and has the potential to help screen the proposed boundary treatments of a 0.7m high bund and a 1.8m high acoustic fence offset from the centre line of the hedge. The Council's Landscape and Tree Sections would prefer a greater gap to the new fence, but the applicant has instead indicated willingness to improve this hedge line through re stocking the hedge and removing deadwood and discarded building materials that have been dumped along the hedge line. This is a reasonable compromise that can be secured by a condition requiring a scheme of landscaping to be submitted and approved following the installation of the boundary fence. The Landscape Section has also suggested improving the boundary treatment to the north and east with external hedge planting and substitution of a section of fencing with continuation of an existing wall. These suggestions would undoubtedly improve the boundary treatment of the development, but would again create problems for maintenance of external planting with access required over private land and in the case of the suggestion for a wall, there is already a fence in place. Therefore while these suggestions are desirable, we could not insist that they be incorporated into the scheme.
84. In appraising the scale, layout and design of the proposed development, it is recognised that the site is already contained by existing adjacent developments in an area with no special, strong character or vernacular. The presence of the industrial estate to the west and south do not encourage integration and an inward focused development as proposed is a natural result. The scheme layout and design represents a practical use of the development site with an adequately workable layout for the context and active frontages achieved in appropriate locations. Observations received have commented on the simple quality and detailing of the proposed house types, but in the context of the adjacent industrial site and little by way of strong, distinctive local character in the immediate surrounding area to draw from, the scheme is not unacceptable in this respect. The lack of permeability to the Public Footpath and Gaunless Valley are a missed opportunity in good design terms, but ultimately not sufficient reason for refusal.
85. The proposed development would be visible from the Grade I Listed Building of St Andrews Church, located approximately 320m to the north. The development could

therefore be considered as falling within the setting of the heritage asset. However, in having appraised the development in this respect, the Design and Conservation Officer advises that there would be a neutral impact on the church due to the degree of separation, level changes, proposed planting on the northern boundary and general built up character of the wider area within which the site sits. Accordingly, having regard to section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would have a neutral impact on the setting of the Listed Church and thereby preserve its setting and any historic significance it possesses.

86. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey and has prepared a written scheme of archaeological investigation. In reviewing these documents the Council's Archaeology Officer advises that subject to the investigation works being carried out before ground works commence the development should have a low risk of impacting on anything of archaeological interest.
87. Overall, it is therefore considered that on balance the development of the site would relate appropriately to the character of the surrounding area and would not appear intrusive in landscape terms. The integrity and amenity value of the River Gaunless corridor would not be adversely affected by the proposal, and neither would the setting of the Grade I Listed St Andres Church. The proposal therefore accords with Wear Valley Local Plan Policies GD1, H24, BE1 and BE17; policies 15, 39 and 44 of the emerging County Durham Plan; and NPPF sections 6, 11 and 12.

#### Highway Safety and accessibility

88. Local Plan Policy T1 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received in this respect regarding the proposed access from the development and the potential impacts on highway and conflict between different users of the road network.
89. It is proposed that the existing access to the site would be stopped up and a new access formed approximately 15m to the east. This would be the only pedestrian and vehicular access into the site. The Highway Authority still favours the location of the existing access, which is off-set from that of an adjacent industrial complex opposite, but has advised that there are not sufficient highways safety grounds to object to the proposal as submitted.
90. In respect of the impact of the development on the local highway capacity, the Highway Authority considers that the surrounding road network is capable of accommodating the additional vehicular flows associated with the development and would not lead to unacceptable conflict with industrial and commercial traffic, particularly considering there are already surrounding residential uses already sharing the road network.
91. The proposed dwellings would provide at least 2 vehicle parking spaces, either through double driveways or through the provision of a garage and driveway. A number of visitor parking bays are also proposed. This would comply with the recently revised County residential car parking standards. There is however mention in the application that not all garages may necessarily be built, which is a concern for the Highway Authority. Accordingly, to ensure compliance with the County parking

standards, a condition is necessary to require hard standings for parking where garages are not built on individual plots.

92. Overall, it is considered that the development would not lead to a severe cumulative highway impact and therefore accords with Wear Valley Local Plan policies GD1 and T1; policy 48 of the emerging County Durham Plan; as well as NPPF section 4.

#### Impact on amenity of adjacent residents and future occupants

93. Wear Valley Local Plan Policies GD1 and H24 require that new developments should protect the amenities of neighbouring uses. At present the site is open and the properties of Bigland Terrace, West View and Rosemount Court have a ready view across the site. The development will therefore reduce this open aspect and the current outlook experienced. However in considering this matter, the site layout would achieve the minimum separation distances of 21m between habitable room windows and 15m between gables and windowed elevations, which are considered acceptable relationships by policy H24 of the Local Plan. Although the relationship between 1 Bigland Terrace and plot no.10 would fall below this recommended distance (13m front to gable) the dwellings are staggered and therefore any impact is considered to be minimal. Therefore it is considered that although there would be a change to views experienced by neighbouring residents, this would not be to the extent that would cause harm to their amenity in respect of overbearing or loss of privacy. Concerns expressed about loss of view and impact on property values are not planning considerations which can be given any significant weight in the consideration of the application.
94. The Council's Environmental Health Section has recommended conditions to restrict the working hours associated with the construction phase of the development and requiring a scheme of dust suppression to protect neighbours' amenity. The application does include a site construction management plan outlining the abatement of noise and dust suppression techniques, but ultimately these construction related effects are matters which the planning system cannot reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance, which would be more appropriate controls than planning conditions.
95. In accordance with section 11 of the NPPF, particularly paragraph 123, and policy 18 of the emerging County Durham Plan, consideration also has to be given to whether the amenity of the occupants of new development would be at risk from adjoining land uses and whether that would result in unreasonable restrictions on the operations of those land uses. It is noted that in this respect, the proposal would introduce a noise sensitive use adjacent to industrial premises. This has been a source of concern expressed in the correspondence from the adjacent businesses.
96. A noise assessment was therefore requested and subsequently received. The submitted assessment concludes that subject to mitigation measures the garden and internal noise levels within the new properties would be acceptable. The suggested mitigation measures include a 2.5m high acoustic barrier and improvements to the glazing and the ventilation of the windows of the properties. The acoustic barrier would comprise of a 0.7m high mound with 1.8m high acoustic fence above for approximately 125m along the western site boundary. The Council's Environmental Health Section have advised that the methodologies and recommendations of the noise report are sound and that the proposed mitigation measures would reduce the noise levels experienced from industrial uses to a level that would not be likely to generate significant levels of disturbance, both in the garden areas and within the new properties. It is therefore considered that the presence of the industrial units would not lead to an unacceptable loss of residential amenity for

future occupants and would not prejudice the future presence or operation of the industrial estate. It would be necessary to secure the implementation of the mitigation measures by condition and subject to this the proposal would comply with NPPF paragraph 123 and policy 18 of the emerging County Durham Plan.

## Ecology

97. Paragraph 11 of the NPPF and policies 20 and 41 of the CDP requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species and biodiversity. This report concludes that there is a low risk of any protected species being located on site. Although the river corridor lies to the north, there is little species rich habitat on or immediately around the site and the development would not impact on the river corridor to the north.
98. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report which are to avoid ground clearance during the bird breeding season. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

## Flooding and Drainage

99. The NPPF and policy 46 of the CDP requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
100. In terms of the disposal of foul water, Northumbrian Water raise no objections to the scheme subject to a condition detailing the drainage system for approval. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to greenfield runoff rates. Having considered this flood risk assessment the Environment Agency and Council's Drainage Officer have no objections to the scheme subject to agreeing the full drainage details and layout, which can be secured by condition.

## Other Issues

101. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. This matter however could be controlled by condition to demonstrate how energy efficiency would be addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.
102. A land contamination survey has been undertaken on the site which identifies the low risk of contaminants being present. The Council's Land Contamination Officer

considers the findings of the report sound subject to conditions requiring appropriate site investigations.

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## CONCLUSION

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103. Although part of the site is safeguarded for open space purposes within the Wear Valley Local Plan, the designation is considered outdated because the previous allotment use that led to the designation has ceased and the land has reverted to agriculture. Moreover a recent open space needs assessment highlights that there is a significant over provision of open amenity space in the area and the designation is not being carried forward into the emerging County Durham Plan. The site is otherwise located within the defined development limits of Bishop Auckland and constitutes a sustainable, accessible location when assessed against the NPPF and emerging CDP. Development of the site would also boost housing land supply, without prejudicing the delivery of the emerging County Durham Plan and therefore a departure from the current Local Plan is justified in this instance.
104. The viability of the scheme has been tested and in this instance it is considered appropriate to waive affordable housing provision in line with guidance in the NPPF and emerging plan. The scheme does however propose a mix of dwelling types and sizes and in this particular location would have an inherent degree of affordability. The full level of developer contributions towards offsite play space would be provided and secured through a S106 legal agreement.
105. The density, layout and design of the development is realistic and adequate for the context, while having regard to section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 the setting of the Grade I Listed St Andrews Church would not be adversely affected.
106. The development would meet the appropriate separation distances to neighbouring properties and the proposed mitigation measures would suitably reduce noise impacts from the adjacent employment uses.
107. The position of the new vehicular access is not optimal, however there are not sufficient highway safety grounds to justify refusal on this basis. The development would otherwise achieve appropriate parking provision levels and would not adversely impact on the local road network.
108. The development would not impact on any ecological interest of the site and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

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## RECOMMENDATION

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That the application is **Approved** subject to the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £61,000 towards the provision/maintenance of open space and recreation facilities in the locality and entering into a training, recruitment and management employability plan; in addition to the following conditions and reasons:

1. The development hereby permitted shall be begun before 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:

Planning Layout, DRWG no. GH31:L:01 C, Received 4<sup>th</sup> February 2015  
Soft Landscaping, DRWG no. GH31:L:03 C, Received 4<sup>th</sup> February 2015  
Boundary Treatment Plan, DRWG No. GH31:L:04B, Received 6<sup>th</sup> February 2014  
Garage Threshold / Gravel Drive Details and specification, DRG no. SD, Received 15<sup>th</sup> July 2014  
Detached Garage Details Single, DRWG no. SD700, Received 15<sup>th</sup> July 2014  
Detached Garage Details Double, DRWG no. SD701, Received 15<sup>th</sup> July 2014  
Detached Garage Details Triple, DRWG no. SD703, Received 15<sup>th</sup> July 2014  
Construction Management Plan, Received 15<sup>th</sup> July 2014  
Site Waste Management Plan, Received 15<sup>th</sup> July 2014  
Dwelling Type 201, DWRG No. 201/1F, Received 15<sup>th</sup> July 2014  
Dwelling Type 202, DWRG No. 202/1F, Received 15<sup>th</sup> July 2014  
Dwelling Type 301, DWRG No. 301/1G, Received 15<sup>th</sup> July 2014  
Dwelling Type 302, DWRG No. 302/1G, Received 15<sup>th</sup> July 2014  
Dwelling Type 303, DWRG No. 303/1E, Received 15<sup>th</sup> July 2014  
Dwelling Type 304, DWRG No. 304/1E, Received 15<sup>th</sup> July 2014  
Dwelling Type 307, DWRG No. 307/1A, Received 15<sup>th</sup> July 2014  
Dwelling Type 309, DWRG No. 309/1D, Received 15<sup>th</sup> July 2014  
Dwelling Type 310, DWRG No. 310/1D, Received 15<sup>th</sup> July 2014  
Dwelling Type 311, DWRG No. 311/1A, Received 15<sup>th</sup> July 2014  
Dwelling Type 401, DWRG No. 401/1G, Received 15<sup>th</sup> July 2014  
Dwelling Type 403, DWRG No. 403/1H, Received 15<sup>th</sup> July 2014

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan.*

3. No development shall commence unless in accordance with the Arboricultural Method Statement set out in Section 4 of the Tree Survey prepared by Elliot Environmental Surveyors (ref EES14-164) received 2<sup>nd</sup> December 2014.

*Reason: In the interests of the preservation of trees and visual amenity having regards to Policies GD1 and H24 of the Wear Valley Local Plan*

4. The Landscaping works detailed on the soft landscaping plan DRWG no. GH31:L:03 C, Received 4<sup>th</sup> February 2015 shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 years following planting.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.*

5. No development approved by this permission other than preliminary site excavation and remediation works shall commence until sections setting out existing and proposed site levels and the finished floor levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.*

6. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water in accordance with the submitted Flood Risk Assessment and Drainage Assessment (ref MD0871/rep/001 Rev B) received 15<sup>th</sup> July 2014, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter.

*Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley Local Plan.*

7. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been 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 efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

*Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley Local Plan and policy 1 of the County Durham Plan.*

8. No development shall be carried out unless in accordance with the mitigation detailed within the Ecological Appraisal Preliminary Ecological Appraisal compiled by Elliott Environmental Surveyors ref: EES14-112, received 15<sup>th</sup> July 2014 and addendum received 18<sup>th</sup> November 2014 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

*Reason: To ensure the preservation and enhancement of species protected by law in accordance with policy 41 of the County Durham Plan and part 11 of the National Planning Policy Framework.*

9. Notwithstanding the provisions of Schedule 2, Class A, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no fence or means of enclosure shall be erected forward of any wall of the dwellings hereby approved fronting onto a highway.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.*

10. No development shall take place unless in accordance with the Archaeological Mitigation Strategy prepared by AD Archaeology received 8<sup>th</sup> December 2014. Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

*Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.*

11. No development approved by this permission other than preliminary site excavation and remediation works shall commence until details of the means of access, including the layout, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority, and the dwellings hereby approved shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

*Reason: In the interests of highway safety in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan.*

12. Where a garage is not constructed on an individual plot as set out on the proposed layout DRWG no. GH31:L:01 C, Received 4<sup>th</sup> February 2015 a similar sized and positioned hardstanding shall be provided in replacement and thereafter kept available at all times for the parking of private motor vehicles.

Reason: to ensure satisfactory incurtilage parking in the interests of highway safety in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan.

13. No dwelling hereby approved shall be occupied until the acoustic mitigation measures detailed in the Noise Assessment complied by LA Environmental ref GD/DH/001 16<sup>th</sup> October 2014 and superseded by the Addendum Report Ref GD/DH/002 Received 6<sup>th</sup> January 2015 have been implemented. The mitigation measures shall thereafter be retained in perpetuity.

*Reason: To protect the residential amenity of future residents from the adjacent industrial use to comply with Policy GD1 of the Wear Valley Local Plan*

14. Within a period of 3 months from the date of the installation of the acoustic fencing required by condition 13, a detailed landscaping plan shall be submitted outlining the replanting, re stocking and enhancement of the vegetation along the western boundary of the site. The approved landscaping plan shall be implemented on site within the first planting season following its approval and shall thereafter be maintained for a minimum period of 5 years following planting. Any replanting shall be subject to the same minimum 5 year maintenance period.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.*

15. Upon completion of the remedial works as detailed in the Geo-environmental Appraisal dated January 2014, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

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 without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Wear Valley District Local Plan

County Durham Plan (Submission version)

Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited.

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.

Representations received from the public and other representative bodies.

Ecological and addendum report received 15<sup>th</sup> July 2014 and 18<sup>th</sup> November 2014

Heritage Statement Received 2<sup>nd</sup> December 2014

Archaeology Written Scheme of investigation received 8<sup>th</sup> December 2014

Noise impact Assessment and addendum report received 16<sup>th</sup> October 2014 and 6<sup>th</sup> January 2015



Proposed Access Location

Application Site



**Planning Services**

Erection 61 dwellings, means of access and infrastructure

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**Comments**

**Date** 6<sup>th</sup> February 2014

**Scale** 1:2500