

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03523/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application, including means of access for residential development (resubmission of refused application 3/2013/0232)
NAME OF APPLICANT:	WPDC Limited
ADDRESS:	Land to the West of St Pauls Garden, Witton Park
ELECTORAL DIVISION:	West Auckland
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to an agricultural field measuring approximately 1.6 hectares in area and is considered greenfield land for planning purposes. The site is also located outside the development limits of Witton Park and is therefore in the open countryside. The modern residential estate of St. Pauls Gardens is located directly to the east of the site, however, most of the site to the south, west and north is surrounded by agricultural fields. Further to the north is the village green.
2. The application is an unchanged resubmission of application 3/2013/0232, which was previously refused by the SW Area Planning Committee on 21st November 2013. The application therefore once again seeks outline planning permission for up to 35 dwellings and access from the existing housing estate (St Paul's Gardens), with all other matters reserved for future consideration. A draft Section 106 agreement has been submitted in respect of the provision of 10% affordable housing (4 units) and an open space contribution of £1000 per dwelling.
3. The application is reported to the planning committee in accordance with the Scheme of Delegation because the site area is classed as a major application.

PLANNING HISTORY

4. As already referred to above, on 21st November 2013 Members of the SW Planning Committee refused outline application 3/2013/0232 for up to 35 dwellings with access from St Paul's Gardens on this same site for the following reasons:

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

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
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. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
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, minimising impacts on biodiversity and providing net gains where possible; 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.

LOCAL PLAN POLICY:

14. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *Policy ENV1 Protection of the Countryside* – Sets out that development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
21. *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:

22. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that 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. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. The Council is currently considering the options available and in light of this it is considered that no weight should be afforded to the CDP at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Highway Authority* – Have indicated that there are no highway objections to the proposal.
24. *Environment Agency* – Raise no objections subject to a condition relating to surface water run-off.
25. *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.
26. *The Coal Authority* - Offer no objections to the scheme providing a condition is imposed for further site investigation works to be undertaken prior to any development beginning on site.

INTERNAL CONSULTEE RESPONSES:

27. *Spatial Policy Section* – Raise objections to the scheme highlighting that the development conflicts with the existing Wear Valley Local Plan. The site is an attractive area and development would have significant adverse landscape and visual impact and would not consolidate the settlement form. It is also identified that there are sufficient housing sites with unimplemented permissions within Witton Park. These are commensurate with its scale and function, while the release of further land would undermine their deliverability.
28. *Ecology Section* – Raise no objections however advice has been offered in terms of building close to existing mature trees.
29. *Landscape Section* – Advise that the extent of the visual impact would be significantly adverse in the context of the relatively exposed and open nature of the landform. The landscape character would be reduced with the loss of a continuous undisturbed and attractive rural quality currently valued to within the heart of the settlement.
30. *Arboricultural Officer* – Offers no objections.

31. *Environmental Health* – Offer no objections to the scheme but make recommendations to control the working hours on site and incorporated measures to suppress noise and dust during construction.
32. *Contaminated Land Section* – Advise that there is no requirement for land contamination survey work.

PUBLIC RESPONSES:

33. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 6 letters of objection have been received from neighbouring residents and Witton Park Community Association in relation to the issues below:-
 - There is no need for another housing site in the village due to other sites already with approval.
 - The site is located outside of the Settlement Limits of Witton Park and is a greenfield agricultural site.
 - There are not sufficient amenities or infrastructure to accommodate a significant increase in housing.
 - Concerns are raised about increased traffic congestion, particularly on days when football takes place on the playing fields opposite which results in significant on street car parking along Main Street considerably narrowing the width of the road.
 - The houses would have a negative impact on the residential amenity of surrounding residents including loss of sunlight and privacy
 - Potential impact on a culvert crossing the site
 - Visual impact of developing on a green field site in the centre of the village
 - Concerns are raised regarding the ecological impact of the proposals

APPLICANTS STATEMENT:

34. Despite the impacts of the Category D policy of the 1960's Witton Park is now a thriving and attractive village with the potential to appropriately develop further in a controlled and limited way.
35. The Committee may recall that a similar application to this was considered in November 2013 when it was suggested that the development of the application land would, in association with the new housing proposed for the Park Road site, create a more cohesive and connected village structure as opposed to the somewhat fragmented arrangement which exists. The village now has a focal point which is the village green, and the opportunity now exists for enlightened village planning to take place to improve the structure of the village; to introduce new housing which is needed both nationally and locally; and generally to provide the basis for the village to become a yet more sustainable location in which to live. Already there is planning permission for the provision of a new village shop on the site adjacent. Such facilities retain their viability and secure their futures through footfall and demand and this planning application is part of that process.
36. When the application was submitted previously, the Committee was concerned that there already existed a new housing site on which no commitment was being shown. That has now changed with permission being sought for the detailed design which is the forerunner of development taking place. Whilst it is acknowledged that the land concerned conflicts with the settlement boundaries indicated in the aged Local Plan,

the Committee is asked to consider that good, progressive planning should not necessarily be held back by policies which were devised almost 20 years previously.

37. Witton Park has moved on immeasurably from the wounds inflicted by Category D, and there now exists an opportunity to allow the village to take another step forward by the granting of this outline planning permission.

*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=NFA59RGD0A000>*

PLANNING CONSIDERATIONS AND ASSESSMENT

38. 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, visual amenity of surrounding area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

The Principle of Development

39. The application site is located outside of the residential framework of Witton Park, where saved policy H3 of the Wear Valley District Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives including saved Policy ENV1, to which there is a presumption against development for housing other than in exceptional circumstances. The development of this site for housing would therefore conflict with saved policies of the Wear Valley District Local Plan in this respect.
40. 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 policies H3 and ENV1 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 patterns of development.
41. In regards to the sustainability of the site, Witton Park is identified as a Tier 6 (lowest tier) Hamlet in the County Durham Settlement Study (2012), because it has very few services, amenities and employment opportunities. There is a local bus service to provide some access to facilities further afield, but the vast majority of residents of the settlement are likely to be reliant upon private car trips to access those facilities in higher order neighbouring settlements such as in Bishop Auckland, Crook and further afield in Spennymoor and Durham.
42. While new development can help sustain or attract new services and facilities there are already housing sites with planning permission for residential developments which have yet to be implemented. One of them lies immediately to the west on Park Road and is the subject of a revised scheme, which is also an item on this Committee Agenda. Those sites were considered to be more suitably located in respect of the village form and landscape impact and represent a scale of development commensurate with the role and function of the village. The lack of commencement on those sites to date does not point to the need for another housing site at this time, which at 35 dwellings, would represent a significant addition to a village currently consisting of 223 houses and with so few services and facilities.

Furthermore, this proposal may even compromise further the deliverability of those existing housing sites, particularly the adjacent Park Road site which includes a village shop.

43. The proposal meets the expected policy requirements for affordable housing and open space contributions, however those benefits are already offered in the approved schemes. In any event the affordable housing would only be around 4 units and is therefore not a matter which carries significant weight sufficient to override all other material considerations and justify a departure from Wear Valley Local Plan Policies or the sustainability aims of the NPPF.
44. There has not been a material change in circumstances since the previous refusal, just 17 months ago, and therefore the proposal remains in conflict with Wear Valley Local Plan Policies ENV1 and H3.

The effect on the character and visual amenity of the area

45. The settlement of Witton Park is characterised by a quadrangle highway network with housing stretched in a linear pattern along the west, north and east sections of highway. Up until the 1970s the majority of housing was located in terraces to the north on what is now village green. South of the village green, the central area between the road network is primarily agricultural fields. The application site itself was historically the old school playing field. This central area of Witton Park has always been free of built development and contributes to the rural character of the village. The rural character is properly appreciated in views from Park Road looking east and particularly from the road to the south looking northwards, which offer vistas of attractive countryside merging into the hills beyond.
46. The site is not subject to any formal landscape designation but the Council's Landscape Strategy for the West Durham Coalfield seeks to improve the urban fringe environment; maintain and strengthen the rural character of the landscape between towns and villages; maintain the stock of hedgerow and veteran trees; and ensure new development is in keeping with the character of its surroundings and contributes positively to the landscape strategy for the area.
47. The approved Park Road site to the west has a roadside frontage and does not extend out as far into the central fields as the current application site. The proposed development is in effect a backland site that would be seen as a linear extension of the existing modern dwellings in St Paul's Gardens and would conjoin with the Park Road site to create an unbroken line of housing development across the fields. The resultant pattern of development would not respect the existing settlement form of Witton Park and the conjoining effect with the site to the west would appear particularly intrusive in the landscape views from Park Road and the road to the south. The Council's Landscape Section considers the extent of the visual impact would be significantly adverse in the context of the relatively exposed and open nature of the landform. The development would also be likely to lead to inevitable pressure for further development on what would become an enclosed field to the north, which would further erode the rural setting and character of the village.
48. Overall, the proposed development would have a significant adverse impact on landscape and visual amenity, affecting the rural character of the village and conflicting with the aims of the Landscape Strategy for the area. This is contrary to one of the key aims of the NPPF to conserve and enhance the natural environment, and is contrary to Wear Valley Local Plan policies GD1 and ENV1. Again, there has not been a material change in circumstances since the previous refusal on these same grounds.

Access and highway safety issues

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

Other issues

54. Northumbrian Water and the Environment Agency have not raised any objections to the proposed scheme, providing conditions are imposed relating to foul water management and surface water run off.
55. A site (coal) investigation report was submitted with the application to determine the stability of the land. The Coal Authority have raised no objections providing further conditions are imposed requiring investigation works to be undertaken prior to works commencing on site.
56. Objections received have raised concerns with regards to loss of residential amenity from the proposed development. The application is only in outline therefore the final position of the properties would be subject to consideration at detailed application stage. Nevertheless, the illustrative layout plan shows that adequate separation distance can be achieved between new and existing houses. It is considered that an adequate residential scheme could be provided which would not compromise the residential amenities of neighbouring residents.
57. An ecology survey has been submitted with the application. The County Ecologist has viewed the survey and has not raised any objections, and it is therefore considered that the proposed development would not compromise protected species or their habitats. A detailed scheme would however have to take existing trees and hedges into account to ensure the development would not have an adverse impact on those landscape features.

CONCLUSION

58. This is a resubmission of a proposal that was refused just 17 months ago. Neither the proposal, nor any material planning considerations have changed in that time.
59. For the reasons set out in this report, the proposal therefore remains in conflict with the key aims of the NPPF to promote sustainable patterns of development and to conserve the natural environment, as well as being contrary to Wear Valley Local Plan saved policies GD1, ENV1 and H3 in respect of development outside the defined development limits and the adverse impact on the character and appearance of the area. There are no benefits from the scheme that would outweigh the conflict with these local and national planning policies.

RECOMMENDATION

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

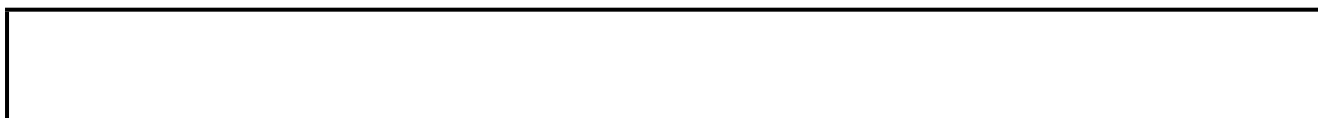
1. The proposed development would lie beyond the development limits of Witton Park, on land which has not previously been developed and where it would have a significant adverse impact on landscape and visual amenity. This, in addition to the limited education, shopping, leisure and social and community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

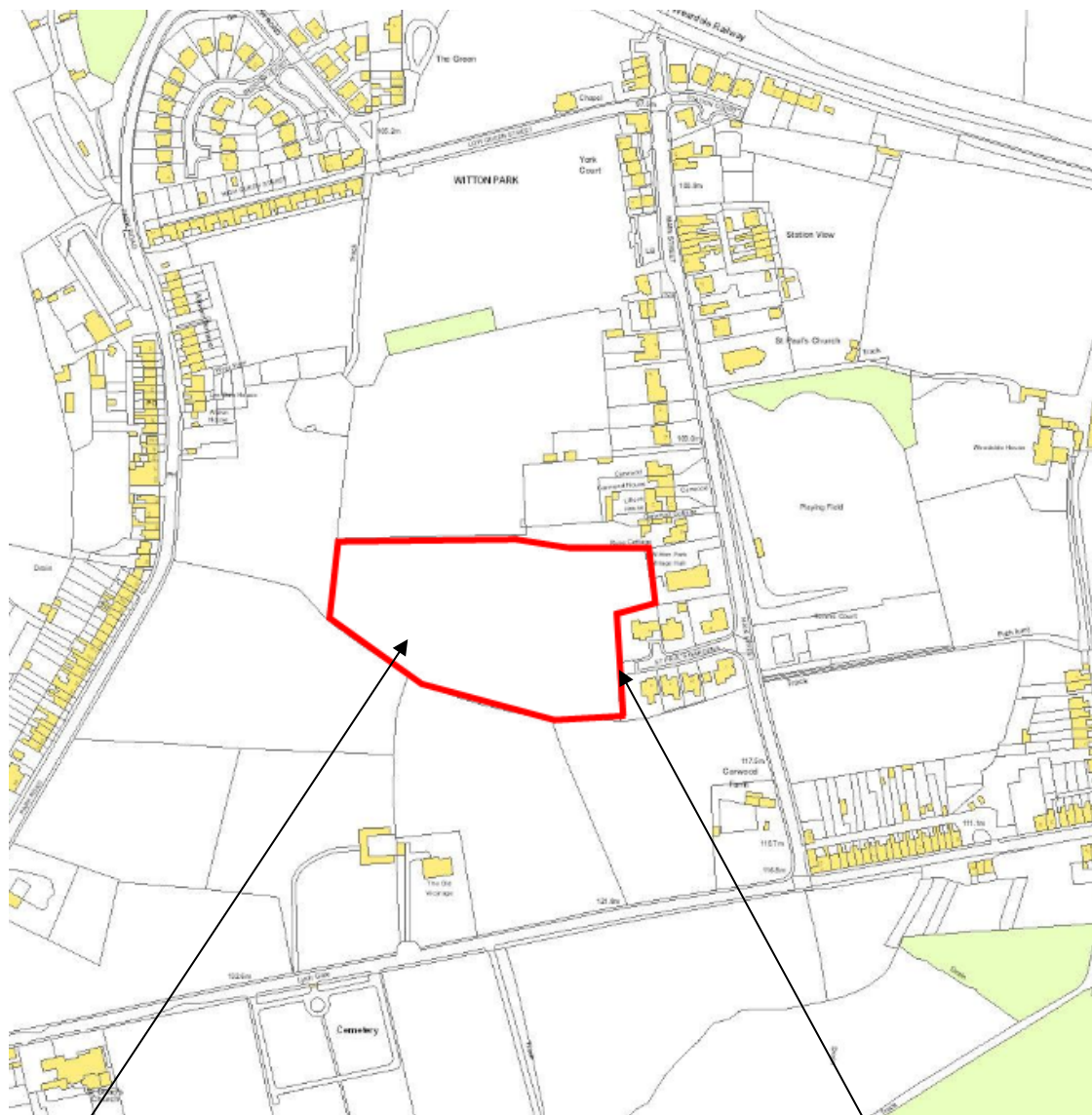
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in the balance of all considerations, the issues of concern could not result in a positive outcome being achieved. The applicant was advised of the recommendation prior to decision.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Consultation responses and representations
County Durham Local Plan Submission Version
County Durham Landscape Strategy
Application 3/2013/0232





Application Site

Proposed Access Location



Planning Services

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

Outline application for residential development

Comments

Date 5th March 2015

Scale 1:2500