

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01610/FPA
FULL APPLICATION DESCRIPTION:	Erection of 2no. detached dwellings
NAME OF APPLICANT:	Mr Brian Hauxwell
ADDRESS:	Greenfield Street, Byers Green, Spennymoor, Co Durham
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to a vacant and overgrown area of land to the south of no.10 Greenfield Street, west of High Street, Byers Green. The site is bordered to the north, east and west by neighbouring residential property with allotment gardens to the south. Access to the site is gained from a narrow lane between no's 71 and 75 High Street which serves other properties in Greenfield Street.
2. Planning permission is sought to construct 2no. detached dwellings on the plot. Each dwelling would be of 3 storey height containing 4no. bedrooms with additional living space in the roof area. Both dwellings would contain integral garages and a private drive area. Access to these dwellings would be achieved from Greenfield Street to the east via the existing access junction between numbers 71 and 75 High Street, that would be resurfaced and brought up to an adoptable standard.
3. The application is being reported to the Planning Committee in accordance with the scheme of delegation having been called in by local members (Cllrs K. Thompson and I. Geldard). Given the planning history of this site and the current condition of the land it is requested that this matter be determined at Committee rather than through delegated powers.

PLANNING HISTORY

4. The application site has been subject to a number of planning applications for residential development. Outline Consent was approved for 4no. dwellings on this site in October 2004 with all matters reserved including the requirement for additional control over the creation of a new access onto High Street. A subsequent reserved matters approval was withdrawn with the outline consent left to expire.
5. More recently outline permission was refused in May 2008 for the erection of 4no. dwellings on this site and in September 2008 for the erection of 2no. dwellings. Both applications were refused on highway safety grounds in light of more recent highways legislation, with the highway authority objecting to the substandard vehicular access which would be created onto High Street, that failed to provide adequate visibility splays

at its junction with High Street. The latest of these refusals was appealed by the applicant and dismissed by the Planning Inspectorate in June 2009 on highway safety grounds.

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), 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 dependent.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilizing twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
8. *NPPF Part 4 – Promoting Sustainable Transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
9. *NPPF 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.
10. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

LOCAL PLAN POLICY:

11. 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. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. *Policy H8 (Residential frameworks for larger villages)* identifies the settlements where housing development will normally be approved provided there is no conflict with the provisions of the development plans environmental, open space or design policies.
13. *Policy H17 (Backland and infill housing development)* states that housing development on backland and infill sites achieve acceptable means of access and parking provision, satisfactory amenity and privacy space for existing and proposed dwellings, and are of an scale/form.

14. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.
15. *Policy D3 (Design for Access)* seeks to ensure that new developments achieve a satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development.
16. *Policy D5 (Layout of new housing development)* seeks to ensure that new housing developments make provision for adequate amenity and privacy.
17. *Supplementary Planning Guidance Note 3 (Layout of new housing)* sets minimum separation distances between new and existing residential development.

RELEVANT EMERGING POLICY:

The County Durham Plan

18. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
19. 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Spennymoor Town Council* - has not commented on the application.

21. *Highway Authority* - objects to the application on highway safety grounds. The proposed vehicular access to the site is substandard in that it fails to provide an adequate visibility splay to the south of its junction with High Street. The proposal would therefore result in turning manoeuvres which would be detrimental to highway safety and public safety in conflict with Part 4 of the NPPF and saved policies D1, D3 and H17 of the Sedgefield Borough Local Plan.

INTERNAL CONSULTEE RESPONSES:

22. *Ecology Section* - raise no objections as the perceived impact on bat roosts is deemed negligible.

23. *Environmental Health (Noise Action Team)* - raise no objections, subject to sensitive site working practices.

24. *Public Rights of Way Section* - notes that registered footpath Spennymoor 1 runs along the southern boundary of the site. The access statement mentions that the access road will be constructed to adoptable standards and whilst this is welcomed, it is likely that some disruption to the path will occur. The applicants should consider their options in relation to protection of the path if approved.

PUBLIC RESPONSES:

25. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. 3no. letters of objection have been received from local residents raising the following concerns.

- There is concern over the suitability of the site access junction with High Street in terms of the substandard visibility splays to result and the parking of vehicles on the approach road to Greenfield Street which could obstruct resident traffic and emergency vehicles accessing this area and jeopardise pedestrian safety.
- Questions are raised over the private ownership of the access road which the applicant intends to make adoptable and how can this lane be made adoptable without resident's permission?
- The removal of tree roots from the site which could result in land subsidence to neighbouring property.

APPLICANTS STATEMENT:

26. The applicant has provided the following statement in support of their application.

27. The Government are encouraging more self builds, we would ask the committee to be flexible and supportive in our application as the consequences are that small villages like ours will never get developed and that people will move away to more sustainable areas. We would use a high quality design, which will compliment current properties in the village. The land is currently overgrown and prone to fly tipping, by developing it we would prevent this.

28. If the planning application was passed we would improve the poor access to Greenfield Street and Hill View. We would be implanting a new road, drainage and footpaths, which would save DCC money and be more user friendly for existing residents. We would also use local workmen, thus helping the local economy. By relocating the BT post, it would

enable the refuse wagons to gain access more easily and give emergency service vehicles a greater access point with more room for manoeuvring. In conclusion, without our application it is likely that this access road will remain a dirt track, which seems absurd for this day and age.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

29. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, scale/design of the proposed development, impact on neighbouring privacy/amenity, highway safety and ecological impact.

The principle of the development:

30. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. The application site is located centrally within the Byers Green settlement where saved policy H8 of the Sedgefield Borough local Plan provides support in principle for new residential development where there is no conflict with the provisions of the Local Plans environmental, open space or design policies. Saved policy H17 also supports infill residential development in such locations subject to achieving a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where the proposed development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

31. The application site is considered to represent a sustainable and accessible location where infill residential development could be approved in accordance with the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

Scale/Design:

32. Part 7 of the NPPF and saved policies H17(C) and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.

33. This undeveloped site is surrounded to the north, east and west by a mixture of semi-detached and terraced properties of traditional appearance. The 2no. proposed dwellings would be detached in form and would maintain the strong building line of the terraced row of properties forming no's 6-10 Byers Green to the immediate north. Dwellings would be 3 storey with additional living space to be created in the roof void in an attempt to ensure a roof ridgeline sympathetic to surrounding development. Such design would be sympathetic to the traditional 2 storey terraced dwellings in the immediate surroundings.

34. The dwellings would be finished in red brickwork with an artificial slate roof and upvc fenestration and guttering and would be in keeping with the surrounding street scene.

The proposed dwellings would therefore be of a scale and design sympathetic to their immediate settings taking into account the character of surrounding dwellings in accordance with Part 7 of the NPPF and saved policies H17(C) and D1 of the Sedgefield Borough Local Plan.

Privacy/Amenity:

35. Saved policies H17 (B), D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for satisfactory amenity and privacy for new and existing adjacent dwellings, showing regard to adjacent land uses and activities. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m separation between opposing windows of primary elevations and 14m between primary and gable elevations of opposing property.
36. The proposed dwellings would be infill in nature, located at the end of an existing terraced row. A separation of approximately 20m would be achieved from the west of the proposed dwellings facing the front elevations of no's 1- 5 Greenfield Street. To the east, a separation of approximately 14m would be achieved from the main elevations and the rear elevations of no's 69-71 High Street. Given the dense terraced form of this part of the Byers Green settlement and distances between existing developments in the area, no objections are raised. Control over any means of enclosure could further negate any potential privacy issues resulting from overlooking ground floor windows.
37. Both proposed dwellings are considered to benefit from sufficient private amenity space to the front and rear to meet the residential needs of occupiers.

Highway safety:

38. Saved policies H17 (A) and D3 of the SBLP together seek to ensure that new developments provide for a satisfactory means of access and parking provision showing regard to the number and type of vehicles using the development. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
39. The proposed site access would be provided from High Street to the east via the existing highway junction between Greenfield Street and High Street. This junction would be newly laid and brought up to an adoptable standard. An existing telegraph pole and street signage would be relocated. Both dwellings would benefit from integral garage space with a private driveway serving each dwelling.
40. The highway authority has objected to the application on highway safety grounds. It is noted that the current proposals are similar to those assessed under planning ref. 7/2008/0368/DM for 2no. dwellings on this site which was refused planning permission in September 2008 on highway safety grounds. A subsequent appeal against this decision was dismissed by the Planning Inspector in June 2009.
41. The highway authority raised initial concern about the accuracy of submitted plans and the ability to achieve the necessary visibility splays. The applicant submitted revised plans to address the potential concerns, showing the necessary junction site visibility splays to now be achievable. However, strong highway objections still remain as irrespective of where an access between no's 71 and 75 High Street is created, the necessary 2.4 x 40 metres junction sight visibility splays in both directions cannot be achieved. On this basis, and with regards to the 2009 Appeal Decision, the Highway Authority remain unconvinced as to how the applicant can claim to be able to achieve 2.4 x 43 metres junction sight visibility splays in both directions. This has been further

demonstrated by the highway authority who have provided test splays showing the relocation of the access to other positions between no's 71 and 75 High Street, none of which satisfy the minimum highway safety requirements.

42. The proposed vehicular access to the site remains substandard in that it fails to provide an adequate visibility splay to the south of its junction with High Street, Byers Green. The proposal would therefore result in turning manoeuvres which would be detrimental to highway safety and public safety in conflict with Part 4 of the NPPF and saved policies D1, D3 and H17 of the Sedgefield Borough Local Plan.

Ecology:

43. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The Ecology section raised initial concerns that the development of housing in this location could indirectly impact on any bat roosts in adjacent properties. There are a number of bat roost records from Byers Green properties which have good linkages into the surrounding countryside. A Bat Risk Assessment has since been undertaken and the submitted findings conclude that there would be negligible impact on possible bat roosts. No further objections are therefore raised.

Other matters:

44. This application has been called to the Planning Committee at the request of a local member who has expressed concern over the current, unmanaged condition of the site which represents an eyesore in the middle of the village. Although the current state of this land is acknowledged, the condition of the site cannot in itself be used as justification for its development. Such an approach was supported within the Planning Inspectors previous appeal decision for this site where it was concluded that development of 2no. dwellings was not the only way of improving site appearance and should not justify the development to go ahead with such a substandard access.

CONCLUSION

45. The proposal seeks to redevelop an infill site within Byers Green that has been the subject of previous planning consideration for residential purposes. No objections are raised over the principle of development which would be located in a sustainable and accessible location within the settlement. Moreover, it is considered that dwellings of the proposed scale and design and the relationship to neighbouring properties can be accommodated. However concerns remain over the suitability of the proposed vehicular access from this site to High Street to the east, in highway safety terms. Such objection is consistent with recent refusals and an appeal decision which was dismissed.
46. It is accepted that the proposal would make a small contribution to housing supply in the local area and involve the development of an overgrown parcel of land. However this would provide insufficient justification to overturn the strong highway safety concerns which have been raised. Such a view has been supported within a previous appeal decision for this site in 2009.
47. This application is therefore considered to conflict with Part 4 of the NPPF and saved policies H8, H17, D1 and D3 of the Sedgefield Borough Local Plan and is recommended for planning refusal.

RECOMMENDATION

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

The Local Planning Authority considers that Greenfield Street from which the application site is to be accessed is not suitable to serve the development proposed, given its substandard access onto High Street to the east. The proposal, if permitted, would be likely to give rise to conditions prejudicial to highway safety and other road user amenity contrary to Part 4 of the NPPF and saved policies D1, D3 and H17 of the Sedgefield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns were relayed to the applicant at an early stage and an invite issued to withdraw the application in light of the objections raised. (Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

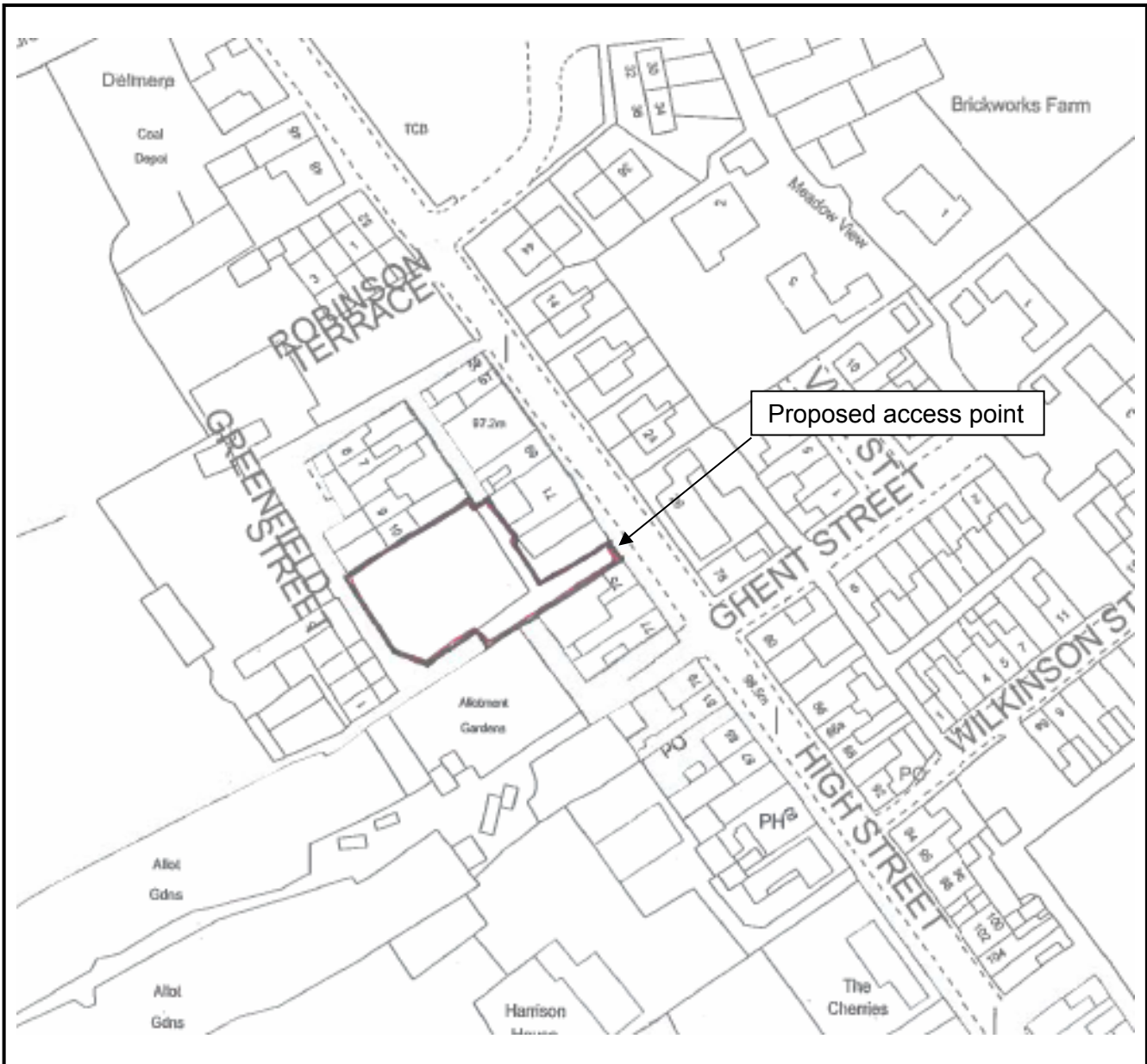
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Sedgefield Borough Local Plan 2007

Consultation response from the Highway Authority

Internal responses from the Environmental Health Section, Ecology Section, and Public Rights of Way Section



Proposed access point



Planning Services

2no. detached dwellings at Greenfield Street, Byers Green

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Comments

Date 23 July 2015

Scale