

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/15/03564/FPA
FULL APPLICATION DESCRIPTION: Erection of 9 No. detached dwellings
NAME OF APPLICANTS: S.Taylor, J Meighan S.Hunter , J.Hunter

ADDRESS: Land To The West Of
The Paddock
Sunniside
Bishop Auckland
County Durham
DL13 4LW

ELECTORAL DIVISION: Tow Law

CASE OFFICER: Tim Burnham Senior Planning Officer 03000 263963
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a parcel of greenfield land, which sits on the western edge of Sunniside, immediately to the west of The Paddocks residential estate. The application site is sandwiched by two roads, the B6299 Front Street to the south and the unclassified road to the north which serves Gladstone Terrace. The application site sits on the exposed western fringes of Sunniside and is bounded by a well-established hedgerow to the north and south.
2. The application proposes the erection of 9no. four bedroom detached dwellings, with highways access to be taken from Front Street to the south.
3. The application is being reported to the committee at the request of Cllr Hart.

PLANNING HISTORY

4. Outline consent for residential development at the site was granted in 2002 and again in 2012.

PLANNING POLICY

NATIONAL POLICY

5. On March 27th 2012 the Government published 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.

6. 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.
7. *NPPF Part 4 – Promoting sustainable Transport* This part of the NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
8. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
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 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
11. *NPPF 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, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

LOCAL PLAN POLICY:

12. The following policies of the Wear Valley Local Plan are relevant to the application; however, 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:

13. *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.
14. *Policy ENV1 Protection of the Countryside* The District Council will seek to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.
15. *Policy H3 Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
16. *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.
17. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

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/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>

EMERGING PLAN:

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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Northumbrian Water:* No objections provided development carried out in accordance with drainage plan which shows foul water connecting to public sewerage system and surface water discharging to a soakaway.
19. *Coal Authority:* No objection, subject to the inclusion of a condition which requires site investigation and provision of any necessary remedial/mitigation works.
20. *Highways Authority:* No objection. The garage doors of plots 6 and 9 shall be a roller shutter type door only. This is conditioned. The existing vehicular access

must be stopped up and the estate road must be constructed to meet current highways design standards.

INTERNAL CONSULTEE RESPONSES:

21. *Trees and Landscape*: It should be possible to construct the properties without having a significant impact upon hedgerow to south. Impact on hedgerows to north could be limited through reconfiguration of patio areas. Fences to be driven through hedgerows separating gardens would have some impact on hedgerow to north.
22. *Environmental Health*: No objections.
23. *Ecology*: No objection. Due to the previous use of the site, together with a lack of suitable features, the likely presence and hence impact on protected and priority species and habitats is deemed to be low. It is however recommended that the existing hedgerows be retained in order to retain their likely use by foraging and commuting bats, breeding birds etc.
24. *Contaminated Land*: No objections but a contaminated land assessment will be required by condition.
25. *Planning Policy*: No objection.
26. *Drainage and Coastal protection*: No objection.

PUBLIC RESPONSES:

27. The application has been publicised by way of site notice, and individual notification letters to neighbouring residents. Letters of objection/concern have been received from three addresses. Concern is expressed in relation to overlooking towards windows in the west facing elevation of 2 The Paddock and concerns are also expressed about overlooking to the rear garden area. It is suggested that this situation is exacerbated by the open boarded fences that are required to counter windy conditions in this location. Similar concerns are also expressed by the occupiers of 3 The Paddock, in addition to concerns about loss of property value, loss of views, disturbance during construction, insufficient on-site parking provision, and the suitability of the ground for soakaway drainage.
28. The Local Councilor John Hart has also written to express that while he is broadly supportive of the application, it is felt that the scheme could be reduced by one house and notes the concern of residents living at The Paddocks in relation to the proposed dwellings at plots 8 and 9, as well as other concerns in relation to parking, flood risk and retention of the hedge. Concern is also expressed about work that has been undertaken at the site without the benefit of full planning approval.

APPLICANTS STATEMENT:

29. In support of the application we would highlight that the site had outline planning permission for 9no. dwellings. The approval lapsed in December 2015. The current proposal is virtually identical, other than we are making a full planning application. The proposal satisfies all planning criteria and highway engineering requirements. The proposal retains and protects the original hedging which the

developer sees as an important feature of the site. The development will further enhance the housing offer for Sunnyside /Tow Law area, much as the adjacent Paddock development has done and represents an opportunity for sustainable development without impacting on the open countryside.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file

PLANNING CONSIDERATIONS AND ASSESSMENT

30. 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 principle of development, layout, design and amenity, highways impacts and other issues.

Principle of development

31. Outline permission for residential development has been granted on the site previously, the latest being in 2012, however the permission has now expired and therefore the proposal requires reassessment under the current planning policy framework.

32. The NPPF is an important material planning consideration. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside.

33. The Wear Valley District Local Plan remains the relevant development plan for the area, however, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.

34. The application site is located just outside of the established settlement boundary identified in the Wear Valley Local Plan. The Development is therefore contrary to Wear Valley Local Plan Policy H3, which seeks to direct development within settlement boundaries.

35. However, policy H3 is a housing policy, which is significantly out of date and there are no other up to date housing policies. Policy H3 cannot therefore be afforded any weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

36. The County Durham Settlement study identifies Sunnyside as a Tier 4 settlement. However it also acknowledges that it does form part of a cluster of settlements (Sunnyside, Billy Row, Crook and Stanley Crook) that are inter-reliant on services and facilities. The NPPF recognises that where there are groups of smaller settlements; development in one village may support services in a village nearby. Development of the site would meet these aims while also making a contribution to family housing within the context of an absence of 5 year housing supply.

37. The site is also physically well-contained with adopted highways bounding the north and south, and residential housing directly abutting the east and west

boundaries. Although in local plan policy terms the settlement boundary does not encompass this site, it can be argued that in physical terms the western village boundary does not finish until you reach houses 70 & 71 Front Street. The site would be well contained within this physical framework and read as a part of the settlement rather than an intrusion into open countryside. It would not lead to any precedent for future residential expansion of the village into countryside.

38. Taking all the above into account it is considered that the proposal does not represent isolated housing in the countryside and accords in principle with the housing aims of the NPPF.

Layout, design and amenity

39. The dwellings proposed are of an acceptable form of design that would be in keeping with the form, mass and scale of the adjacent dwellings at the Paddocks. Materials can be agreed via condition and it would be more appropriate to build the properties with stonework, which is the prevailing building material and character in Sunnyside. It is considered that a suitable palette of materials can be achieved in the development.
40. It is acknowledged that the density and spacing of properties on this site seeks to maximise the site, resulting in garden depths less than the 10m guidelines in Wear Valley Local Plan Policy H24. The density however would not be out of keeping with adjacent residential development and the size of the plots would still provide sufficient amenity space overall. Residents would also benefit from open countryside views.
41. The site is bounded by a mixed hawthorn, privet, blackthorn and elder hedge to the northern and southern boundaries. This hedge forms an important landscape feature, serving to define the physical boundary of Sunnyside which sits in an elevated position surrounded by open and wide ranging countryside to the west. The hedge is also a valuable biodiversity feature. The hedge must therefore be retained and protected.
42. The applicant has undertaken an arboricultural survey which concludes that subject to appropriate protection of the hedge during the construction of the dwellings, the hedgerows can be maintained at the site. A 1.8mtr close boarded fence that was originally proposed to be on the outside of the hedge to the northern boundary has been removed from the scheme. Conditions are necessary to ensure that the final boundary treatments at the site are appropriate to the site and safeguard the future of the hedge. In this respect conditions are included specifying the protection of the hedge during construction and its retention into the future. Further, permitted development rights are removed for boundary treatment across the development, with the aim of offering further protection to the hedge, while permitted development rights for extensions and hardstanding which could threaten the hedge are removed from plots 2 to 6. The Council's Landscape Section retains some reservations about the impact on the hedge, however it is considered that the suggested conditions would offer sufficient control and protection of the hedge.
43. Concern has been raised regarding issues of amenity by occupiers of 2 and 3 The Paddocks. Both properties are orientated so that their main habitable windows face north and south away from the application site, although both properties have secondary habitable windows at ground floor level within their west facing elevations which face in the direction of the application site.

44. The rear elevations of Plots 8 and 9 would be set approximately 14mtrs from the side elevation of 2 The Paddocks, while the rear elevation of plot 7 would be placed between 14 and 18mtrs from the side elevation of 3 The Paddocks.
45. While acknowledging this would result in opposing habitable windows below the 21m guideline in Wear Valley Local Plan Policy H24, it is noted that the west facing windows at the Paddocks are secondary windows to the principal windows facing north and south and are at ground floor level where the boundary treatment would help to protect privacy. It is therefore considered that 2 and 3 The Paddock would not suffer a significant detrimental impact in terms of loss of privacy or outlook. The justification for policy H24 states that there is scope for relaxation in the guidelines where the amenities of an area are not considered to be compromised, as is the case here.
46. The proposal is therefore considered to be acceptable in design, layout and amenity terms, subject to conditions controlling materials, enclosures and retention of the boundary hedgerow. There is no significant conflict with the aims of Wear Valley Local Plan Policies H24 and GD1. The proposal also complies with the design considerations of NPPF part 7.

Highways Impacts

47. Policy GD1 relates to highways issues and it requires that safe access to the site and adequate parking should be provided. It also requires that development does not create unacceptable levels of traffic which would exceed the capacity of the local road network.
48. Policy T1 relates to transport and generally echoes the requirements of Policy GD1 but also adds that development should be capable of access by public transport networks.
49. The Highway Authority has no objection. They are satisfied that the local road network is capable of hosting any traffic that could be generated. An appropriate amount of off street parking provision is provided within the scheme. Although public concern surrounding this issue is noted, 8 of the 9 properties include a garage and it would be possible to park at least two cars off street at all properties. A condition requiring that the existing field gates accesses be closed is included. Permitted development rights are removed via condition for porches in the interests of maintaining the intended level of off street parking on the development.
50. On this basis and given the acceptance of the scheme by the highways authority, it is considered that the proposed development would not be prejudicial to highway safety. The proposal does not therefore conflict with Wear Valley Local Plan Policies GD1 and T1, as well as NPPF Part 4.

Other issues

51. Northumbrian Water have offered no objections provided development is carried out in accordance with the submitted drainage plan, which shows foul water connecting to public sewerage system and surface water discharging to a soakaway. The Drainage and Coastal Protection team have considered calculations relating to the proposed soakaway at the site and are satisfied that this is an appropriate method for the disposal of surface water at the site. The proposal therefore accords with Wear Valley Local Plan Policy GD1.

52. The site falls within the Coal Authority high risk area, having been subject to past mining activity. A coal mining risk assessment has been submitted alongside the application. This identifies that intrusive investigation works are required and that if necessary mitigation be provided to negate risk to the development site from former mining activity. These matters are conditioned.

53. Although the site does not appear to have been developed to any significant level in the past, due to a change to a more sensitive receptor in housing, and past coal mining activity in the vicinity of the site, a contaminated land investigation is recommended and is included as a condition.

CONCLUSION

54. Although the proposal lies outside the current development limits of Sunnyside it does not represent isolated housing in the countryside and is considered to be acceptable in design, layout, amenity, highways and other terms.

55. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the relevant policies of the Wear Valley Local Plan.

RECOMMENDATION

That the application be **approved** subject to the following conditions –

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 and documents.

Highway and Drainage Details received 17th November 2015
Highway Sections”
Proposed House Types 15 75 02”
Proposed Drainage Plan 15 75 04”
Proposed Site Plan 15 75 03 REV D received 28th June 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF parts 4, 6, 7, 10, 11 and local development plan policies GD1, ENV1, H3, H24 and T1 of the Wear Valley Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of each dwelling to which it relates and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy 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.

7. No development shall commence until intrusive investigation works relating to coal mining risk have been undertaken at the site and the results of the investigative work and any necessary scheme of remedial/mitigation works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved remedial/mitigation scheme and timings.

Reason: To ensure that the site is safe and stable to accommodate the proposed development in accordance with NPPF paragraphs 120-121. The details are required before commencement as they relate to fundamental issues regarding the stability of the site which need addressing at an early stage.

8. Prior to the first habitation of any dwelling the existing field accesses onto the B6299 shall be closed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of Highways Safety and to comply with Policy GD1 of the Wear Valley Local Plan.

9. The garage doors of plots 6 and 9 shall be a roller shutter type door only and shall be retained as such for the lifetime of the development.

Reason: In the interests of Highways Safety and to comply with Policy GD1 of the Teesdale District Local Plan

10. Prior to their installation, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley Local Plan.

11. The boundary hedge that surrounds the site shall be retained for the lifetime of development.

Reason: In the interests of the visual amenity of the area and in accordance with Policy GD1 of the Wear Valley Local Plan.

12. No development shall commence until protection for the boundary hedge that surrounds the site has been erected no less than 1.5m from the centre line of the hedge in accordance with details within the Revised Arboricultural Report 2016. The hedge protection shall be retained throughout the construction period.

Reason: In the interests of the visual amenity of the area and in accordance with Policy GD1 of the Wear Valley Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class D (Porches) of Schedule 2 Part 1 and Class A (The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) of Part 2 shall be carried out without the prior written permission of the Local planning authority on an application submitted to it.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and highway safety to comply with Policy GD1 of the Wear Valley Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A (enlargement, improvement or other alteration of a dwellinghouse) and F (hard surfaces incidental to the enjoyment of a dwellinghouse) of Schedule 2, Part 1 shall be carried out within the curtilage of the Plots 2-6 without the prior written permission of the Local planning authority on an application submitted to it.

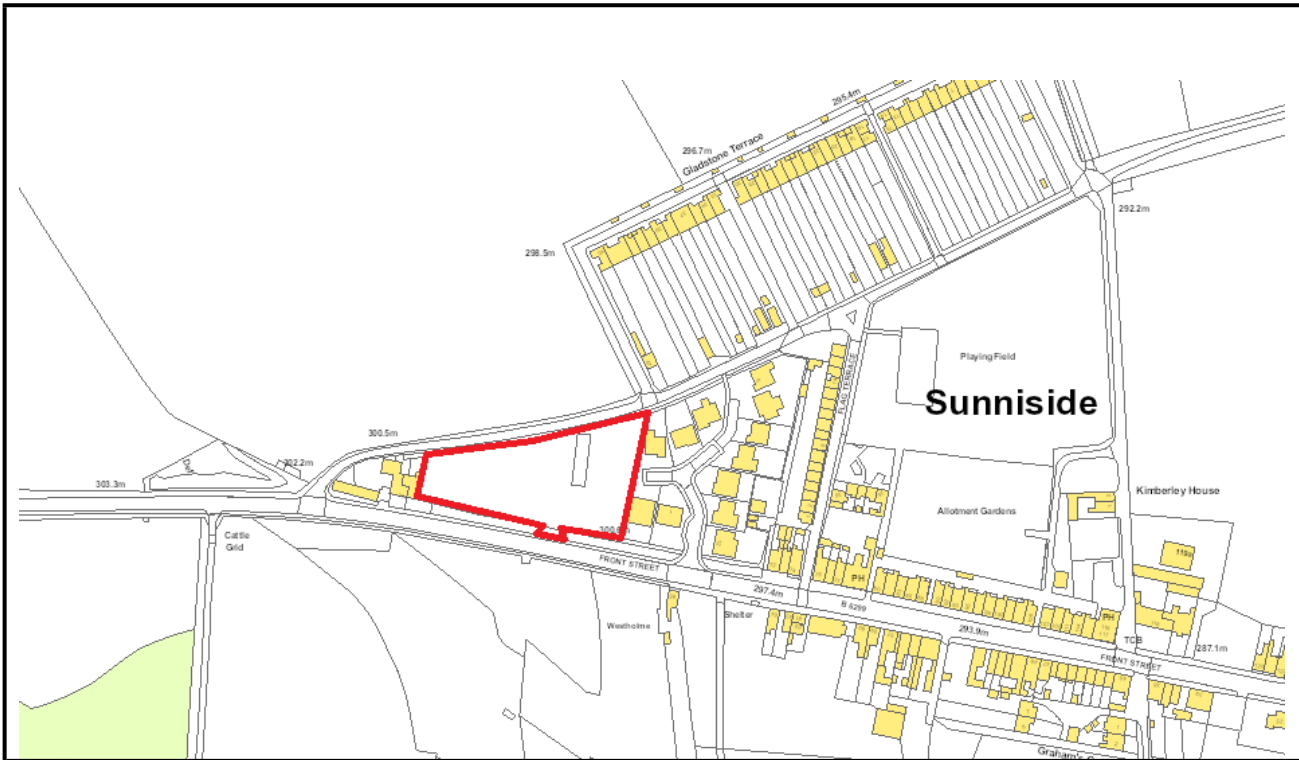
Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley Local Plan.

15. The Development hereby approved shall be drained using separate foul sewer and surface water drainage systems. Surface water shall be discharged to a sokaway only.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy GD1 of the Wear Valley Local Plan.

BACKGROUND PAPERS

Submitted application form, plans supporting documents provided by the applicant
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Wear Valley Local Plan
All consultation responses received



Planning Services

Erection of 9 No. detached dwellinghouses

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21st July 2016