



Civic Centre,
Crook,
County Durham.
DL15 9ES
Tel: 01388 765555 Fax: 01388 766660
Minicom: 01388 761515 e-mail: m.laing@wearvalley.gov.uk

Michael Laing Chief Executive

21st December 2007

Dear Councillor,

I hereby give you Notice that a Special Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **10TH JANUARY 2008** at **4.00 P.M.**

AGENDA

	Page No.
1. To consider development control application 3/2007/0850 – New Fencing to boundary at BMX track and amenity open space, Wolsingham Road, Tow Law for Wear Valley District Council.	1 - 4
2. To consider development control application 3/2007/0812 – Variation of condition 6 of planning application 3/2007/0206 24 no. traditional built holiday homes – to allow extra seasonal occupation at Castle Golf Ltd. Flatts Farm, Toronto, Bishop Auckland for Castle Golf Limited.	5 - 11
3. To receive for information appeal decision – 3/2006/1040 – Erection of dwelling at 2 Western Hill, Frosterley for Mr and Mrs Richardson.	12 - 14

Yours faithfully

Chief Executive

Members of this Committee: Councillors Anderson, Bowser, Buckham, Mrs Burn, Mrs Douthwaite, Gale, Grogan, Mrs Jopling, Kay, Kingston, Laurie, Mrs Lee, Lethbridge, Mairs, Mowbray, Mews, Murphy*, Perkins, Seabury*, Taylor, Des Wilson and Zair.

*ex-officio, non-voting capacity.

Chair: Councillor Grogan

Deputy Chair: Councillor Mews

TO: All other Members of the Council for information
Management Team



SPECIAL DEVELOPMENT CONTROL COMMITTEE

10TH JANUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0850 - NEW FENCING TO BOUNDARY AT BMX TRACK AND AMENITY OPEN SPACE, WOLSINGHAM ROAD, TOW LAW FOR WEAR VALLEY DISTRICT COUNCIL – 22.11.2007

description of site and proposals

1. This application has been reported to Committee as Wear Valley District Council is the applicant.
2. Planning permission is requested for the erection of fencing to the southern boundary at the BMX track, Wolsingham Road, Tow Law.
3. At present there is no boundary treatment to the boundary of the site with the highway.
4. The proposed improvements would consist of a 1.2 metre high steel railing, with a 'kissing' gate to be positioned adjacent the junction with Thornley Road. In total the proposed fence would measure 130 metres in length, and would be powder coated black.

planning history

5. The following planning applications have been received in respect of this site.
 - 3/1985/0678 Extension to BMX Track Approved 17.02.1986
 - 3/1984/0353 BMX Track Approved 09.07.1984

planning policies

6. The following policy of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 is relevant in the consideration of this application:
 - GD1 General Development Criteria

consultations

7. CDE&TS (Highways): No objection.

officer analysis

8. The key issue for consideration is:

- Impact on the Character and Appearance of the Surrounding Area

impact on the character and appearance of the surrounding area

9. The proposed works would improve the appearance and formalise the boundary of the BMX track and the footpath on Wolsingham Road. The proposed kissing gate would restrict vehicular access to the site. The proposal would enhance the character and appearance of the area and therefore accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

objections/observations

10. Occupiers of surrounding properties have been notified in writing and a site notice was also posted.

11. No observations have been received.

reasons for approval

1. The proposal is acceptable in relation to policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 as it:

- 1. Would improve the character and appearance of the surrounding area.

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application files, WVDLP as amended by Saved and Expired Policies 2007.

PS code	<input type="text" value="10"/>		
number of days to Committee	<input type="text" value="49"/>	target achieved	<input type="text" value="√"/>
explanation			

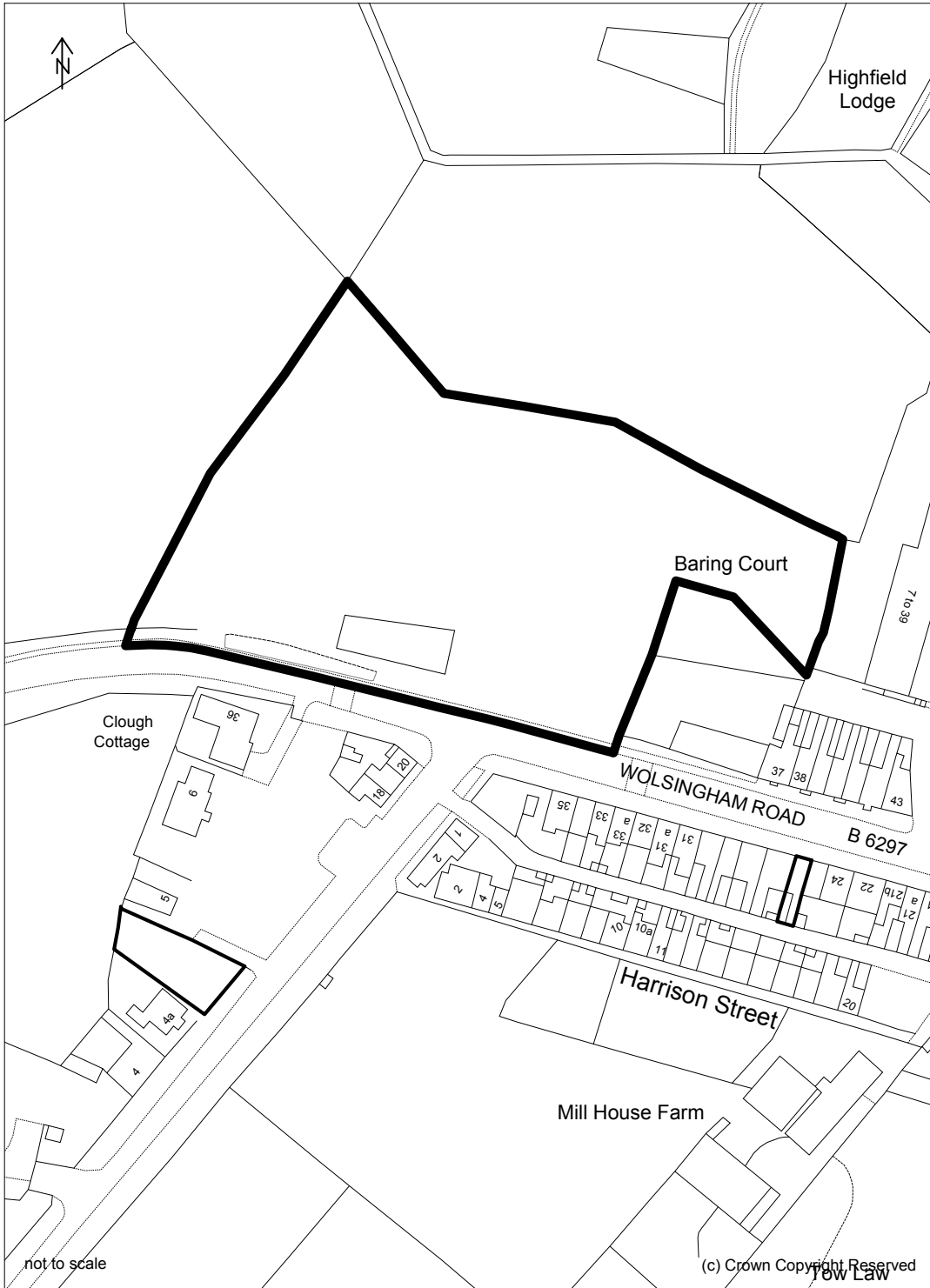
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

3/2007/0850 - NEW FENCING TO BOUNDARY AT BMX TRACK AND AMENITY OPEN SPACE, WOLSINGHAM ROAD, TOW LAW FOR WEAR VALLEY DISTRICT COUNCIL – 22.11.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

10th JANUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0812- VARIATION OF CONDITION 6 OF PLANNING APPLICATION 3/2007/0206 24 NO. TRADITIONAL BUILT HOLIDAY HOMES - TO ALLOW EXTRA SEASONAL OCCUPATION AT CASTLE GOLF LTD FLATTS FARM, TORONTO, BISHOP AUCKLAND FOR CASTLE GOLF LIMITED – 03.11.2007

description of site and proposals

1. Planning permission for the construction of an 18 hole golf course, club house and associated facilities and log cabins, at Flatts Farm, Toronto, Bishop Auckland was granted on 12th October 2006. Subsequently, a further amended scheme was approved on 2nd July 2007 for 24 conventional terraced houses, in four blocks around a central green, closer to the main golfing complex of the club house and pro shop and sharing car parking facilities. This will have the effect of grouping the buildings on the site with the remaining farm buildings.

2. Members may recall that Condition 6 of permission 3/2007/0206 states that:

The accommodation hereby approved shall not be used until 9 holes out of the eighteen have been constructed. The accommodation shall not be used for permanent residential accommodation and no unit of accommodation shall be occupied by the same person for more than 6 weeks in any calendar year. To ensure that the accommodation is used solely as short stay residences the golf course operator shall keep a register of the names, addresses and telephone numbers of the primary residences of all owners or hirers. Such register shall be maintained up to date by the golf course operator and shall be maintained up to date by the golf course operator and shall be made available for inspection by the local planning authority at all reasonable times.

3. This application seeks planning permission to vary Condition 6 to the following:

Notwithstanding Classes C2 and C3 of Schedule to the Town and Country Planning (Use Classes) Order 1987 the holiday units to be erected as part of the development shall be occupied for holiday accommodation only and for the avoidance of doubt shall not be occupied as permanent residential accommodation or as principal or primary places of residence.

The holiday units to be erected as part of the development will not be occupied from the 6th January until the 5th February inclusive in each year.

If at any time hereafter any holiday unit is let out by the developer or sub let by a leaseholder the lease or sub lease shall contain a covenant on the part of the leaseholder to comply with the conditions 1 and 2 above the wording of such covenant to have been previously submitted to and approved in writing by the Council's Solicitor such approval not to unreasonably withheld.

planning history

4. The following planning history is relevant in the consideration of this application:

- 3/2002/0048 Golf Driving Range Approved 08.08.02
- 3/2004/0982 18 Hole Golf Course, Club House and Facilities Approved 31.03.07
- 3/2007/0206 Amendment to Previous Approval. Log Cabins to Traditional Buildings Approved 02.09.07

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Polices September 2007 are relevant in the consideration of this application:

- ENV3 Areas of County Landscape Value
- GD1 General Development Criteria

Also relevant are: Planning Policy Statement 7: Sustainable Development in Rural Areas, Tourism Good Practice Guide, Planning Policy Statement 21: Tourism.

consultations

6. Northumbrian Water: No objections.
7. Durham County Council Highways: No objections.
8. Environment Agency: No objection.

officer analysis

9. The key issues for consideration are:
 - Principle of Development
 - Suitability of the Proposed Variation of Condition

principle of development

10. Planning permission was granted for the amendment to the previous planning approval from log cabins to traditional buildings 3/2007//0206 in July 2007. Since the granting of this planning permission there has not been a significant change in local or national planning policy and it is therefore considered that the principle of development has already been established. This previous application explored fully the functional need of accommodation on the site and it is therefore not appropriate to re visit the principle of development.

suitability of the proposed variation of condition

11. The current planning permission gave consent for the erection of twenty four conventional terraced houses on the site. The consent stated that the accommodation should not be used until nine holes have been constructed. There are now more than nine holes constructed. Also the approval stated the holiday accommodation shall not be occupied by the same person for more than 6 weeks. It is considered that as the accommodation is essential to the operation of the golf course this condition is over restrictive. The proposed condition would still prevent the use of the properties as a main residence however it would be more flexible and would be beneficial to the business.
12. The proposed variation of condition would not result in a material change to the original planning consent and it would not have a detrimental impact on the surrounding area. The function of the approved tourist accommodation would remain the same, that of short term visitor accommodation.
13. The proposed variation of condition would adhere to 'Tourism Good Practice Guide' as it would contribute to tourism within the locality and would benefit the local economy and compliment the area's tourism function. The original condition sought to ensure that the premises would only be used by visitors and would not become part of the local housing stock. It is considered that the proposed variation of condition would still adhere to these objectives. 'Tourism Good Practice Guide Annex B' states the spread of demand improves the use that is made of accommodation and so is advantageous to the businesses which provide it and to those host communities which are supported by the spending it generates. It can help to reduce the disadvantages of seasonal employment, including the difficulties of retaining trained and experienced staff.'
14. It is considered that a planning condition which insists on documentary evidence of occupiers maintaining a primary residency elsewhere should be provided to ensure the properties are not used for unauthorised permanent residential occupation.
15. The proposed variation of condition includes an element which states:

If at anytime hereafter any holiday unit is let out by the developer or sub let by a leaseholder the least or sub lease shall contain a covenant on the part of the leaseholder to comply with the conditions 1 and 2 above the wording of

such covenant to have been previously submitted to and approved in writing by the Council's solicitor such approval not to unreasonably withheld.'

16. Although the Council cannot enforce covenants, it is considered necessary to include this requirement for the wording of any covenant to be agreed in writing by the local planning authority.
17. It is proposed to retain the condition requiring the golf course owner to keep a register of the names, addresses and telephone numbers of the primary residences of all owners, hirers or leaseholders in accordance with advice contained in the Tourism Good Practice Guide and guidance in PPS7 and PPS21.

objections/observations

18. The application has been advertised on site and in the local press. The occupiers of properties in the area have been notified in writing. No letters of objection have been received.

conclusion and reasons for approval

1. It is considered that the principle of development has already been established. This previous application explored fully the functional need of accommodation on the site and it is therefore not appropriate to re visit the principle of development. The proposal accords with policies GD1 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The proposed variation of condition would not result in a material change to the original planning consent it would not have a detrimental impact on the surrounding area. The function of the tourist accommodation would remain the same that of short term visitor accommodation in accordance with the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 , PPS21, PPS7 and Tourism Good Practice Guide.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Before further commencement of development shall takes place until samples of the materials to be used in the construction of the outer surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Before the development hereby approved is commenced a scheme of landscaping and peripheral treatment of the development shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be implemented during the first planting season.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
4. Before the development hereby approved is commenced a lighting scheme which minimises extraneous light and light pollution from the scheme, shall be submitted to and approved in writing by the local planning authority, and the lighting scheme shall be implemented in accordance with the approved details before the tourist accommodation is occupied.
5. Before further commencement of development takes place details of the proposed surface materials and drainage to the accommodation have been submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details before the tourist accommodation is occupied.
6.
 - a) Notwithstanding Classes C2 and C3 of Schedule to the Town and Country Planning (Use Classes) Order 1987 the holiday units to be erected as part of the development shall be occupied for holiday accommodation only and for the avoidance of doubt shall not be occupied as permanent residential accommodation or as principal or primary places of residence.
 - b) The holiday units to be erected as part of the development shall not be occupied from the 6th January until 5th of February inclusive in each year.
 - c) If at any time hereafter any holiday unit is let out by the developer or sub let by a leaseholder the lease or sub lease shall contain a covenant on the part of the leaseholder to comply with the conditions 6a) and 6b) above, the wording of such covenant to have been previously submitted to and approved in writing by the Council's Assistant Director for Legal and Administrative Services, such approval not to be unreasonably withheld.
7. The golf course operator shall keep a register of the names, addresses and telephone numbers of the primary residences of all owners, hirers or leaseholders. Such register shall be maintained up to date by the golf course operator and shall be made available for inspection by the local planning authority at all reasonable times.

reasons

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

2. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure the satisfactory appearance of the completed development and protection of the countryside. In accordance with policies GD1 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To ensure the satisfactory appearance of the completed development and satisfactory drainage. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To prevent the holiday accommodation being used for permanent residential use. In accordance with the Tourism Good Practice Guide, PPS7 and PPS21.
7. To ensure the holiday accommodation is used solely as short stay residences in accordance with the Tourism Good Practice Guide, PPS7 and PPS21.

Informative

It should be noted that Durham County Council Highway Authority have stated that they would oppose to these properties becoming permanent residential dwellings.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, PPS7, PPS21, Tourism Good Practice Guide.

PS code	1			
number of days to Committee	78	target achieved	√	
explanation				

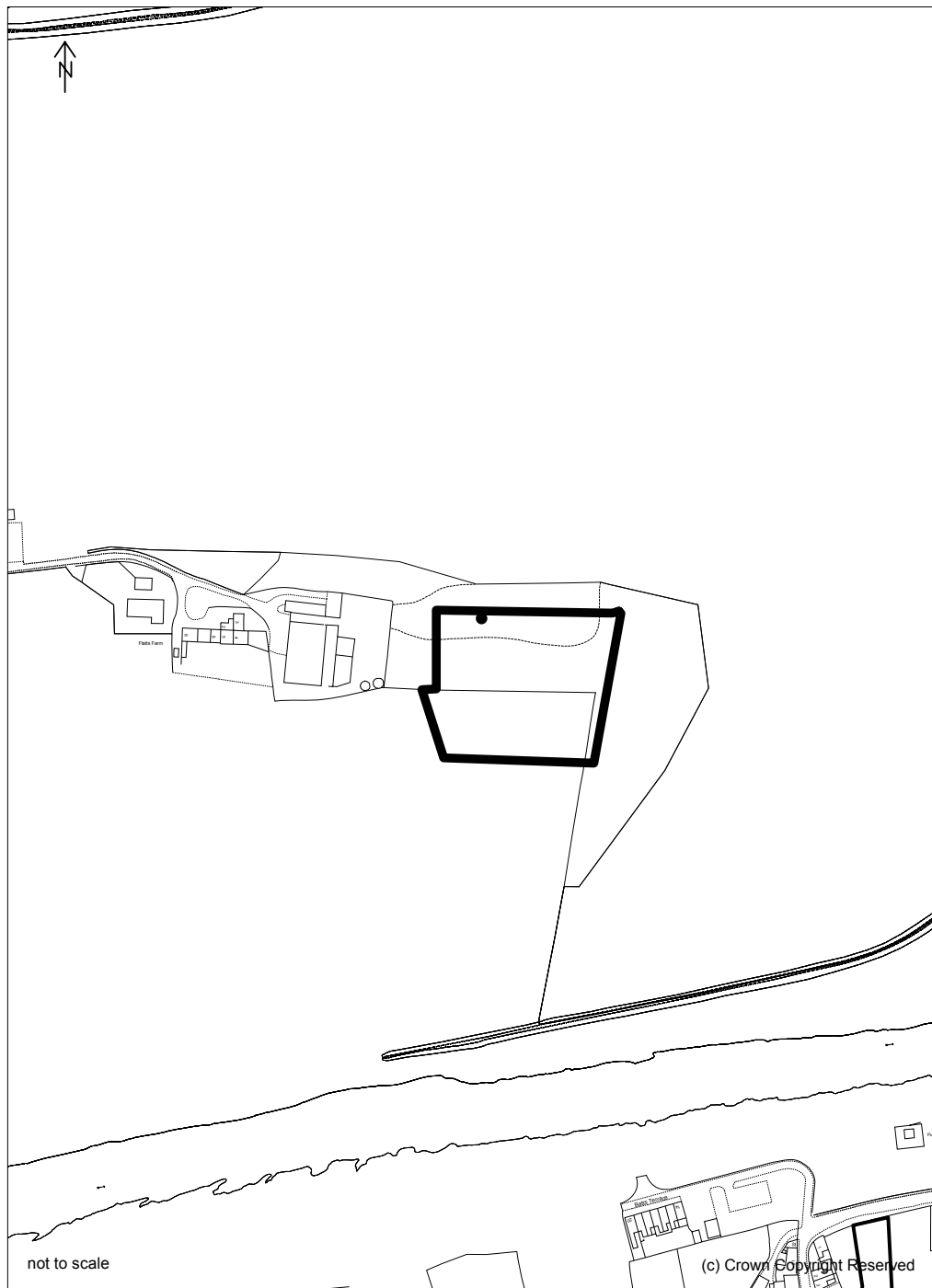
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Joy Whittington
Planning Officer
Ext 268

**3/2007/0812 - VARIATION OF CONDITION 6 OF PLANNING APPLICATION
3/2007/0206 24 NO. TRADITIONAL BUILT HOLIDAY HOMES - TO ALLOW
EXTRA SEASONAL OCCUPATION AT CASTLE GOLF LIMITED, FLATTS FARM,
TORONTO, BISHOP AUCKLAND FOR CASTLE GOLF LIMITED - 03.11.2007**



SPECIAL DEVELOPMENT CONTROL COMMITTEE

10th JANUARY 2008

Report of the Strategic Director for Environment and Regeneration

FOR INFORMATION

APPEAL DECISION

3/2006/1040 – ERECTION OF DWELLING AT 2 WESTERN HILL, FROSTERLEY FOR MR. AND MRS. RICHARDSON

1. Consent was sought for the erection of a two storey detached dwelling within the rear garden at 2 Western Hill, Frosterley. It would have had its own vehicular access off Glebe View.
2. The site itself is open, but is surrounded by existing residential development, which comprises small terraced houses and small bungalows. It falls within the Frosterley Conservation Area. There are a group of trees within the site along the boundary.
3. The application was refused on 26/02/2007 for the following reasons:
 1. The proposal by virtue of its size, scale and positioning is considered to be out of character and context with the surrounding residential area and consequently is contrary to policy GD1 of the Wear Valley District Local Plan.
 2. The proposal because of its design and location fails to safeguard the residential amenity of new and existing residential occupiers, and is contrary to policies GD1 and H26 of the Wear Valley District Local Plan.
 3. The proposal would result in the loss of a small group of mature trees, which contribute to the character of this part of the Frosterley Conservation Area, contrary to policy BE9 of the Wear Valley District Local Plan.
 4. The proposal would not relate well to its surroundings which comprise the backs of terraced properties and bungalows. The proposal would not preserve or enhance the character and appearance of the Conservation Area and is contrary to policy BE6 of the Wear Valley District Local Plan.

4. An appeal was submitted against this refusal. The Inspector has **DISMISSED** the appeal in line with the Council's decision noting the following:
- a) The dwelling would be disproportionately large in relation to the scale of development immediately surrounding it. As a result it would intrude into the open area that is an important part of the fabric and rural character of the conservation area.
 - b) In addition the building would be very close to existing trees that add interest to the open area. This would significantly harm the health of the trees and be likely to require their removal.
 - c) The development would therefore fail to preserve the character and appearance of the Frosterley Conservation Area, contrary to policy BE6 of the Wear Valley District Local Plan, and to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In being out of keeping with its surroundings, the proposal would also be contrary to policies GD1 and H26 in the local plan.
 - d) With respect to living conditions, the proposal is considered to be acceptable.
5. Consideration was not given to the policies of the North East of England Regional Spatial Strategy (RSS) because of insufficient information.

RECOMMENDATION

That the Inspector's decision in the above appeal be noted for future reference.

background information

Application and appeal files, WVDLP, and the Inspector's decision letter dated 11th December 2007.

Officer responsible for the report	Author of the report
Robert Hope	Adrian Caines
Strategic Director for Environment and Regeneration	Planning Officer
Ext 264	Ext 369

3/2006/1040 - SINGLE DWELLING AT LAND TO REAR OF 2 WESTERN HILL, FROSTERLEY FOR MR. AND MRS. RICHARDSON – 03.01.2007



not to scale

(c) Crown Copyright Reserved

