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Robert Hope Acting Chief Executive

26th January 2009

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 **TUESDAY 3rd FEBRUARY 2009** at **6.00 P.M.**

AGENDA

Page No.

1. Apologies for absence
2. To consider development control application 3/2008/0473 – 1 - 30
Proposed construction of 3 no. dwellings at land rear of 33 and 41
Uppertown, Wolsingham for Mr. and Mrs. Cassidy.

Yours faithfully

Acting 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, Murphy, Perkins, Taylor, Des Wilson and Zair.

Chair: Councillor Grogan

Deputy Chair: Councillor Mrs Jopling

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

SPECIAL DEVELOPMENT CONTROL COMMITTEE

3RD FEBRUARY 2009

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0473 - PROPOSED CONSTRUCTION OF 3 NO. DWELLINGS AT LAND REAR OF 33 AND 41 UPPERTOWN, WOLSINGHAM FOR MR. AND MRS. CASSIDY – 15.07.2008 - AMENDED 11.09.2008

description of site and proposals

1. Planning permission is sought for the erection of 3 No. detached dwellings on land to the rear of No. 33 and 41 Uppertown in Wolsingham.
2. The proposed property on plot 1 would be a two storey building incorporating four bedrooms. The main foot print of the proposed building would be approximately 14 metres by 12 metres. In addition to the main foot print of the proposed building there would be a sun room to the rear of the property and a garage with games room above attached to the front of the property. The proposed building on plot 1 would have a mix of different eaves and ridge levels. It would be constructed from natural stone rubble to the external walls and a mix of natural blue slate and stone slates to the roofs. Plot 1 would incorporate a rear garden area measuring 441 square metres.
3. The property on plot 2, which is the central plot of the three, would comprise of five bedrooms at first floor level with a lounge, kitchen, study and dining room at ground level. The property would incorporate an integral double garage. The foot print of the proposed property would reach a maximum span of approximately 18 metres by 13.5 metres. Similarly with the property on plot 1, the proposed property on plot 2 would have a mix of different eaves and ridge levels, and there would be a dormer window proposed in the front and rear elevations of the building. Natural stone coursed is proposed for the external walls and natural blue slate for the roof coverings. Plot 2 would incorporate a rear garden area measuring 600 square metres.
4. Plot 3 is the northern most plot. The proposed property on plot 3 would be a two storey building. The foot print of the main body of the building would measure approximately 15 metres by 12.5 metres. There would be a garage with office above linked to the main property. The garage would have a foot print of 8 metres in length by 5.8 metres in width. As with the properties on plots 1 and 2, there would be a mix of different eaves and ridge levels. The external walls of the building would be constructed from natural stone coursed with a mix of natural stone slate and natural blue slate for the roof coverings. Plot 3 would incorporate a rear garden area measuring 480 square metres.

5. Plots 1 and 2 would be accessed via the existing road which runs between Nos. 31 and 33 Uppertown. The property on plot 3 would be accessed by the existing lane which lies between Nos. 37 and 39 Uppertown.
6. The application site is located to the west of Nos. 33 and 41 Uppertown. The bungalow of No. 31 Uppertown is to the east of plot 1. The bungalow of No. 33 and the pair of semi-detached properties Nos. 35 and 37 are directly to the east of plot 2. Properties Nos. 39, 41 and 43 Uppertown are to the east of plot 3. The main highway, the B6296, which runs in a north to south direction, is located to the east of the application site beyond the existing properties. The application site is situated at a higher level than the level of the highway. The boundaries of the site are clearly defined on the north, south and west by a mixture of walls, hedging and trees. There are a number of trees situated within the site. Whilst these trees are within the conservation area, none of the trees are protected by Tree Preservation Orders. There are open fields to the west and south of the site. There is a public right of way which runs along the south and west boundaries of the application site. It appears that garden areas of neighbouring properties are located to the north of the application site.
7. The application site has been described by the agent for the application as a site which used to be worked as a builders yard. The boundary line of Wolsingham's settlement limits to development runs approximately half way through the application site. The whole of the site is within the Wolsingham Conservation Area. Half of the site is also located within an Area of Landscape Value. Archaeological remains of a building which has been described as 'Chapel Walls' is situated underground and is located towards the west boundary of the site.

planning history

8. The following planning history is considered relevant to this planning application:

• 3/1975/0698	Shop and Store to Rear	Approved 16.12.1975
• 3/1976/0481	Workshop Stores Etc.	Approved 05.11.1976
• 3/2002/0691	Retention of Existing Polytunnel	Withdrawn 29.02.2008
• 3/2005/0996	5 No. Dwellings	Withdrawn 02.12.2005
• 3/2007/0760	3 No. Dwellings	Withdrawn 14/07/2008

planning policies

9. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas
 - BE1 Protection of Historic Environment
 - BE15 Scheduled Ancient Monuments
 - BE16 Education and Archaeology

- GD1 General Development Criteria
- H24 Residential Design Criteria
- H26 Backland Development
- H3 Distribution of Development
- T1 Highways - General Policy
- ENV3 Area of Landscape Value

Also of relevance: Regional Spatial Strategy (RSS), Planning Policy Guidance 16: Archaeology and Planning (PPG16), Planning Policy Statement 1: Delivering Sustainable Development (PPS1), the PPS1 Climate Change Supplement, Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9), Planning Policy Statement 22: Renewable Energy (PPS22), Tree Preservation Orders: A Guide to the Law and Good Practice.

consultations

10. WVDC (Conservation and Environment Manager): A copy of the full detailed analysis is available on file. A summary of this consultation response is provided below:
11. The current application, on balance, is considered acceptable development in this part of the Wolsingham Conservation Area. There are several critical differences in this application compared to the previous scheme, which was not supported, which when looked at independently and objectively this time around have resulted in this proposal being considered an appropriate form of development.
12. There is no doubt also that the application has been better presented and more visual evidence provided as to the overall quality and therefore impact of the development including landscaping and levels. Together with significant alterations of siting, design and reduction of ridge heights these features have made the difference and produced a development which can be supported.
13. An additional consultation response has been received which deals with the impact of trees on conservation areas. These comments are detailed in the officer analysis.
14. Durham County Council (Highways Authority): Full response on file, comments summarised below:
15. The proposed site plan shows provision for turning for 35 and 37 Uppertown and shows access to the rear of 33 Uppertown. Both accesses to the site are included within the red line site plan. From information submitted by both the applicants' agent and some of the objectors, it appears that the land to the rear and the two accesses are all in one ownership, and that the adjacent properties (31, 33, 35 and 37 Uppertown) all have rights of vehicular access over this third party land.
16. The submitted scheme would result in four dwellings (31 and 33 Uppertown and plots 1 and 2) taking access from the southern access. In addition, there is a milk business operating from 33 Uppertown. It is understood that this business use is not independent, but is tied to 33 Uppertown. The access to the land to the rear is straight and visibility at the junction with the B6296 is

good. The private drive varies in width from less than 3.5m at the stone gate posts to over 7.0m at the approach to plot 1.

17. The Durham County Council Guide to the Layout & Construction of Estate Roads, which is now over 13 years old, recommends that no more than 3 properties be served from a private drive. National guidance (DB32) recommended that private drives serve no more than five dwellings. This guidance has been superseded by The Manual for Streets, issued in March 2007. Manual for Streets states:
18. *Highway authorities have also tended to only adopt streets that serve more than a particular number of individual dwellings or more than one commercial premise. Five dwellings are often set as the lower limit, but some authorities have set figures above or below this.*
19. Durham County Council is currently revising the Design Guide, the number of properties from a private shared drive is yet to be agreed. However, at least two recent planning applications were refused because the private drive would serve five dwellings. Neither of these refusals were upheld at an appeal. Given these decisions, width of this access, and the fact that this proposal will result in the access being shared between four dwellings (one of which has an associated milk business) the Highways Officer considers that a highway objection to plots 1 and 2 could not be sustained.
20. Plot 3 is shown to be served via the northern access. This access track is less than 4.0m wide. It is understood that two properties, 35 and 37 Uppertown have a right of access over this track to the rear of their properties. There are currently no parking facilities to the rear of these properties, although it would be possible for each of these properties to provide a parking space on the land currently within their ownership. The proposed plans provide a small area to allow cars accessing the rear of the two existing properties to turn. No. 39 Uppertown has neither pedestrian nor vehicular access to the rear of the property. While the northern access is not wide enough to allow two cars to pass, it will serve as sole means of access to only one dwelling (plot 3) and as a secondary access to the rear of 35 and 37 Uppertown. This access is within the red line site boundary and within the control of the applicant.
21. The lack of parking for the adjacent properties is, unfortunately, not something that can be taken into account. Those properties with little or no off street parking could provide parking within the curtilage of their property. For this reason the Highways Officer considers that a highway objection to the proposed dwelling could not be sustained.
22. Durham County Council (Landscape): Additional information required. Further information has been forwarded to DCC Landscape. No response has been received.
23. Durham County Council Arboricultural Officer: The Arboricultural Officer has submitted three separate consultation responses (These letters are available on file). These letters are discussed in detail in the officer analysis. The following recommendations are made by the Arboricultural Officer:
 - Install a Tree Preservation Order to protect all trees within the site - Groups 1 and 2 - except those recommended for removal.

- All arboricultural work to be carried out in accordance with BS3998 recommendations.
 - NHBC National House Building Council recommendations should be adhered to with regard to foundation, depth and design.
 - BS5937 Trees in relation to construction to be adhered to at all times.
 - A bat survey is required to be carried out on this site.
 - Hedges to be incorporated into boundaries to the south and west of the site not cohesive boundaries.
 - Consider reducing the site to two properties rather than three.
24. Durham County Council (Public Rights of Way): No comments received.
- Durham County Council (Ecologist): No objections raised to the Protected Species Risk Assessment and Ecology Evaluation that has been submitted.
25. Durham County Council (Archaeologist): A copy of the full detailed analysis is available on file. A summary of this consultation response is provided below:
26. In cases where archaeological remains are known or suspected the relevant Government planning policy guidance (PPG 16: DoE 1990) states that planning authorities should bear in mind that "archaeological remains are a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage" (para 6). PPG16 further states that the "...desirability of preserving an ancient monument and its setting..." should be a material consideration in the planning process and that there should be "...a presumption in favour of their physical preservation" (ibid para. 8).
27. It must be noted however, that PPG16 also states that " ... the case for preservation ... must ... be assessed on the individual merits of each case, taking into account [the various Local Plans and policies and other material considerations] including the intrinsic importance of the remains ..." (ibid para. 27). These must all be weighed against the need for the proposed development.
28. The site is considered to be that of a medieval manor house/hunting lodge belonging to the Durham Prince Bishops (the site is first recorded in Bishop Hatfield's survey in 1345-81). Because of the potential existence of important archaeological remains on at least part of the proposed development area the Archaeology Section recommended that an archaeological evaluation should be undertaken prior to determination so that a decision could be made on an informed basis. The applicants commissioned the evaluation (monitored by the Archaeology Section) and a report setting out the results (dated December 2007) was submitted in support of the application. After some revisions, the report is now acceptable to the planning authority.
29. The evaluation demonstrated that there are undoubtedly the remains of a large stone building on the site lying at a very shallow depth beneath the modern ground surface and putatively dated to the medieval period. As such, the building remains are of historic value and importance to both the local

community and to the region as they provide archaeological information on the power and presence of the Prince Bishops across County Durham in addition to the available historical records.

30. However, the remains have been severely damaged and truncated both by previous development and by previous archaeological excavation in the 1970s for which no detailed record exists. In greater detail, while the lower courses of the external and internal stone walls survive, the occupation deposits (those that usually produce the environmental and artefactual data which allows archaeologists to interpret and analyse the site) have been removed. Thus the data which allows the site to be placed in its historical and social context no longer exists. This, in turn, means that the level of importance which can be attached to the site is vastly diminished. The north-west portion of the site could contain well preserved archaeological deposits as this area does not appear to have been affected by either the previous builder's yard or the unrecorded excavation in the 1970's. This same area was not evaluated in 2007 as it was not possible to place trenches due to the current tree cover.
31. Initial appraisal of the proposed development suggested that refusal might be appropriate given that it would be detrimental to the preservation of an important archaeological resource. However, the results of the evaluation works - showing varying levels of preservation across the area - have caused this view to be modified. This does not mean that the site can be allowed to be destroyed by future development; rather preservation in situ of the building and any potential accompanying deposits can be achieved by careful design and siting of the proposed development.
32. As a consequence of further detailed discussions, the applicants and their architects have modified their original proposals so that in situ preservation of the archaeological remains can be achieved. This will be safeguarded by conditions on any planning permission as well as legal agreements constraining future activity on the site.
33. Subject to these provisions being imposed, there are no reasonable grounds for objecting to the proposed development on archaeological considerations.
34. Wolsingham Parish Council: The Parish Council unanimously object to plans for any building on the historically interesting site known as Chapel Walls. The site is a valuable archaeological resource which has the potential to become a major tourist attraction in Wolsingham, and for the whole district. The Parish Council's intention, if the application is refused, is to investigate and bring forward proposals for the development of the site as an appropriately and sensitively designed visitor site.
35. Ancient Monuments Society: No comments received.
36. Society Protection Ancient Buildings: No comments received.
37. English Heritage: No comments received.
38. Historic Monuments of England: No comments received.

39. Northumbrian Water: No comments received.
40. Environment Agency: Initially concerns were raised with regards to contamination of the site. Information with regards to the contamination of the site has been submitted to the Environment Agency and they have subsequently withdrawn their concerns and recommended conditions should Members agree to approve the application.

officer analysis

41. The key issues for consideration are:

- Principle of Development
- Residential Amenity
- Design and Impact upon Conservation Area
- Highway Issues
- Archaeological issues
- Legal Agreement
- Impact on Trees
- Protected Species
- Energy Efficiency

principle of development

42. The boundary of the limits to development for Wolsingham runs through the application site. The proposed buildings would be situated within the limits of development and it would only be the rear garden areas of the proposed properties which would be located beyond the settlement boundary. The application site has clear established boundaries to the north, south and west which are defined by a combination of walls, trees and shrubbery. Given the site is clearly defined, in the event that the settlement boundaries of Wolsingham were ever reassessed, it would be probable that the whole of the site would be incorporated within the limits of development.
43. Members may recall the planning application for a dwelling at the rear of 72 Lydgate Lane in Wolsingham (Ref: 3/2007/0690) which was approved by the Development Control Committee on 22nd November 2007. The boundary of the limits to development ran through this site and the garden area and a section of the proposed house were located beyond the boundary. The principle of development was considered acceptable in this instance as the boundaries of the site were clearly defined.

44. Whilst it is accepted that the rear garden areas of the properties would be beyond the settlement limits of development, given the previous decision made by Members on the site at Lydgate Lane and that the site is clearly defined with established boundaries, it is considered that the proposed development is acceptable in principle.
45. The application site is considered to be a brownfield site. The agent has described the site as being formerly used as a builders yard. Photographic evidence and aerial photographs certainly prove that the site was used at the very least for an area of storage, particularly for the storage of wooden pallets. The site is considered to be a sequentially preferable site as it is the development of brownfield land within Wolsingham which is defined as an urban area within the district.
46. The proposed development does not compromise the aims of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the proposal accords with Policy 4 of the adopted Regional Spatial Strategy (RSS).

residential amenity

47. The proposed development is for the construction of three properties. Each property would incorporate over 441 square metres of rear garden area which is sufficient for use as private amenity space. There are no primary windows proposed in the side elevations of the proposed properties. There would be no overlooking issues between the proposed properties therefore the relationships between the proposed properties are considered acceptable.
48. In order to make a clear assessment of the impact of the proposed development on the residential amenities of the existing properties, it is necessary to break the analysis into three components. The first assessment is with regards to the impact the property on plot 1 would have upon neighbouring property No. 31 Uppertown situated to the east. The main bulk of the property on plot 1 would be situated 20 metres away from No. 31. The garage, which would also incorporate a games room, would be set at a lower height to the main building and would be situated approximately 10 metres from No. 31. It is considered given the height of the proposed property on plot 1 and the distance it is set away from the bungalow at No. 31, there would be no adverse impacts created upon No. 31 in terms of overbearing or overshadowing effects. It is noted that there is a window proposed into the games room above the garage on plot 1. The residents of No. 31 are concerned with overlooking issues. Therefore to ensure there would be no loss of privacy to the residents of No. 31, a condition is recommended for obscure glazing to be fitted to the window of the games room. The proposed house on plot 1 would not compromise the residential amenities of existing neighbouring properties.

49. The second assessment relates to the impact the property on plot 2 would have upon the properties to the east. These properties include Nos. 33, 35 and 37 Uppertown. The proposed building on plot 2 is set 20 metres away from neighbouring No. 33. This distance is acceptable and would not result in the loss of privacy to the occupiers of No. 33, nor would it result in overbearing or overshadowing impacts upon No. 33. In terms of the relationship between the property on plot 2 and neighbouring properties Nos. 35 and 37, a gable elevation would be situated 15 metres away from the first floor windows of Nos. 35 and 37. This gable elevation which would look onto properties Nos. 35 and 37 would be a blank elevation with the exception of a decorative window in the roof space. Although this window would be into the roof space, a condition is recommended for this window to be obscurely glazed to ensure no loss of privacy to neighbouring properties, in the event that the roof space should ever become a habitable room. The 15 metres distance from the first floor windows of Nos. 35 and 37 to the proposed property on plot 2 is acceptable. The proposed property on plot 2 would be located 11 metres away from the sun lounges of properties Nos. 35 and 37. Whilst policy H24 recommends that a 15 metres separation distance should be achieved, it must be remembered that this 15 metres separation distance is only stated as being a guideline for development. The main assessment which has to be considered is whether the neighbouring properties would lose any privacy from the proposed property and whether the proposed property would adversely affect the sunlight and daylight currently experienced by the occupiers of properties at No. 35 and 37. Given there would be no windows to habitable rooms in the gable elevation of the proposed property on plot 2, there would be no loss of privacy to the neighbouring occupiers.
50. Full consideration has been given to the potential for loss of light and overshadowing to the properties of Nos. 35 and 37 by considering the position of the property on plot 2 in relation to aspect and by applying the Building Research Establishment Guidelines (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, which is the accepted method for assessing overshadowing in planning applications.
51. The BRE guidelines identify two components of natural daylight: skylight, which is light diffused all around (even on cloudy days); and sunlight, which is the light directly from the sun on clear days. Tests for skylight and sunlight obstruction have been applied to the proposed property on plot 2 in relation to the neighbouring properties of Nos. 35 and 37, in the form of the BRE 25 degree line and 45 degree line tests, which are the appropriate tests in this case:
- 25 degree line – if a new building or extension significantly breaches a 25 degree line taken from a point 2m above ground level at, or just below the top of a neighbouring window, then overshadowing may occur (not applicable to north facing windows).*
- 45 degree line – If a 45 degree line taken from the top of a new building or extension and drawn down towards the nearest neighbouring window crosses the centre point of that window then some overshadowing may occur.*

52. In this case the two tests show that there would be no loss of general daylight or sunlight to the windows of Nos. 35 and 37 Uppertown as a result of the proposed property on plot 2. It is therefore considered that the proposed development of a property on plot 2 would not compromise the residential amenities currently experienced by the occupiers of Nos. 33, 35 and 37 Uppertown.
53. The third assessment is the impact the proposed property on plot 3 would have in relation to the neighbouring properties Nos. 39, 41 and 43 (located to the east of plot 3). Similarly with the property on plot 1, the main bulk of the property on plot 3 would be located 20 metres away from the neighbouring dwellings to the east. The garage which would have an office room situated above, would be located approximately 12 metres from the neighbouring properties Nos. 39, 41 and 43. There are windows proposed which would look onto the neighbouring properties, therefore to ensure adequate levels of privacy are maintained a condition is recommended for obscure glazing to be fitted to these windows. In terms of overbearing or overshadowing impacts, the proposed property on plot 3 would be a sufficient distance away to ensure the occupiers of Nos. 39, 41 and 43 would not be adversely affected. The proposed property on plot 3 would not compromise the residential amenities of existing neighbouring properties Nos. 39, 41 and 43 Uppertown.
54. Given the above, it is considered that the proposed development would not adversely affect the residential amenities of existing and future occupiers of neighbouring properties and the proposed properties. The proposals do not compromise the aims of policies GD1, H24 and H26 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
55. It is noted that there is an existing milk delivery business which currently operates from the premises of No. 33 Uppertown. It appears that this business currently operates without any disturbance to the existing surrounding residents. There is a sign on the building which clearly indicates that a business is in operation, therefore any potential buyers of the proposed properties in this application who view the site would be aware that a business is in operation. Given that the milk delivery business currently operates without any disturbance to existing occupiers, there is no reason why the occupiers of the proposed properties would be disturbed by the existing business.

design and impact upon conservation area

56. The Conservation and Environment Manager, has submitted a detailed consultation response with regards to the design of the buildings and the impact these buildings would have upon the Conservation Area of Wolsingham. She has compared the proposals with a previously withdrawn scheme and has raised the following issues as key points to be evaluated and commented in detail on each issue:
 - I. Layout and relative position
 - II. Relative scale and mass/heights
 - III. Architectural detail
- I. Layout and relative position

The proposal is still for three large properties but the critical difference is that the central building, arguably the most difficult to site and design because it could serve to 'join together' the other two proposed dwellings, has been significantly altered and improved. The central section has been broadened and the distance between it and the northern building widened. This allows for views through the building blocks. The building has been rotated slightly too.

In her opinion, these subtle changes have removed the overwhelming argument that a wall of new stone and slate would obliterate the details and variety of the rears of the frontage development.

The site is reasonably well screened in summer with dense branch cover in the winter. This level of screening can now be effective given the accumulated changes now offered by the whole scheme.

II. Relative scale and mass/heights

The evidence submitted and site inspections confirm that the 3 proposed dwellings viewed as a group, have been lowered in relative terms to the existing dwellings to the front; on average by one metre. The Conservation and Environment Manager considers that this is significant. The ridge heights of the main house blocks have been lowered, resulting in greater variation when viewed en mass thereby removing her previous objections concerning the 'wall like' block of the previous three buildings which obliterated the variety of the building forms of the mixed group of existing properties. This amendment therefore retains that characteristic of the conservation area in this location.

III. Architectural detail

Importantly, the Conservation and Environment Manager points to clever variations to the architectural detailing which in her opinion have further strengthened the positive impact that these dwellings should now have on this edge development in the built form of Wolsingham.

In general the clutter of over elaborate detailing that was a negative feature of the previous application has been ordered and rationalised. This means that the most high status features have been retained on the front elevations of the main houses but removed and simplified on the side elevations and garage blocks. This may not seem unduly significant in isolation but en mass together with the other alterations the Conservation and Environment Manager considers that it has a real impact on the softening of the impact of this proposal and therefore its suitability. It means that the development relates well to where it is in this rear and edge location.

Elaborate stone architraves, drip mouldings and water tabling have been removed from where it did not complement various secondary parts of the houses such as the sides and garage blocks. This introduces hierarchy to the scheme as befits the scale of the development in a traditional setting. Add this to the introduction of a mixture of roof materials over the scheme and the effect is significant.

57. As a result of the detailed assessment undertaken by the Conservation and Environment Manager, it is considered that the proposed development would not detract from the special scenic qualities of the Wolsingham Conservation Area and would not have an adverse impact on the visual appearance of the immediate street scene or wider surrounding area. As requested by the Conservation and Environment Manager, conditions are recommended with regards to landscaping and the submission of stone samples and samples of roofing materials.
58. The proposed development satisfies the aims of policies GD1, ENV3, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highway issues

59. Durham County Council Highways Authority has been consulted on this application. The comments of the Highways Officer summarised in the consultation response section clearly explains the highways issues of the proposed scheme. The highway issues involve parking arrangements and means of access to the proposed properties and existing buildings. Although land ownership is not a material consideration when determining a planning application, the ownership of land has also been looked into by the Highways Officer.
60. The Highways Officer has confirmed that a highway objection cannot be sustained against the proposed development. The proposed development would provide sufficient amounts of off street parking for the proposed properties. It is noted that the existing neighbouring properties currently only have a right of access over the proposed accesses to the proposed properties. The parking arrangements and accesses for the existing neighbouring properties would remain unchanged. It is accepted that there would be an increase in the number of vehicles using the accesses however it is considered this increase would be minimal and would not be to the detriment of highway safety.
61. Given the detailed response provided by the Highways Officer and the conclusion that he cannot sustain an objection in highway terms, the proposed development is considered acceptable. The proposal would not compromise highway safety and is in accordance with policies GD1, H26 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

archaeological issues

62. Durham County Council Archaeology Section has been consulted on this application. The Archaeological Officer has submitted a detailed consultation response which has been summarised in the consultations section of the report. The Archaeological Officer has fully assessed the impact of the proposed development upon the archaeological remains situated beneath the ground. It has been concluded that there are no reasonable grounds for objecting to the proposed development on archaeological grounds.
63. In addition to the comments provided by the Archaeological Officer, it is noted that the archaeological remains are not visible and are located underneath the ground. It is considered that the proposed development of three properties is an acceptable option to offer a level of protection to the archaeological remains. There would be no buildings located above the remains as the remains would be in the rear garden areas of the properties. In response to a request from the Archaeology Officer, the applicants have indicated that the level of the ground above the archaeological remains would be increased by an additional 300 mm. This increase in ground level would further add to the level of protection to the archaeological remains. The applicants have agreed to a number of planning conditions which would increase the level of protection to the archaeological remains. The applicants are also willing to sign a legal agreement which would commit them to certain conditions. The details of the legal agreement are discussed in the section below. The proposed planning conditions which would provide the archaeological remains with a level of protection have been agreed by the Archaeological Officer. The planning conditions recommended for the protection of the archaeological remains include:
- An archaeological mitigation strategy to be submitted prior to the commencement of development,
 - Protective fencing to be erected around the remains during the construction of the buildings,
 - The removal of all permitted development rights from each property,
 - The submission of a landscaping scheme prior to development which shall include details of the removal of trees.
64. Given the detailed consultation response from Durham County Council Archaeology Section and the number of planning conditions which are recommended, it is considered that the proposed development would not compromise the archaeological remains which are situated beneath the ground. As the site used to be utilised as a builders yard for storage of materials, it is actually considered that residential development is a more appropriate use for the site as it would have minimal impact upon the archaeological remains.
65. The proposed development would offer a level of protection to the archaeological remains and it is therefore considered that the proposed development is in accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and does not compromise the aims of PPG16.

legal agreement

66. In order to secure the protection of the archaeological remains beneath the site, the applicants have agreed to sign a legal agreement in the form of a unilateral undertaking. The draft heads of terms for the unilateral undertaking which was submitted with the application include the following:
- The removal of permitted development rights to all the properties.
 - The provision afforded to the local planning authority/County Archaeologist to carry out annual visits for the purposes of ensuring archaeological remains are not being prejudiced.
 - The provision at the expense of the applicants of an interpretation board, the location of which and the contents of which, to be advised on by the County Archaeologist.
 - The applicants to provide evidence in the form of a draft wording of a covenant to be incorporated within the contracts for sale of the individual plots in respect of preventing structures or buildings being erected, or engineering works being undertaken, within the garden areas of the house plots, unless the prior written consent of the local planning authority has been obtained.
67. The details of this unilateral undertaking would further strengthen the level of protection towards the archaeological remains under the site, and would ensure the historic heritage of the site is not adversely affected.

impact on trees

68. Prior to the submission of the application a tree survey of the site had been undertaken and a report was submitted with the application. The tree survey proposes the removal of 73 trees in total. The survey indicates that the majority of the trees proposed to be removed are poor specimens, some of which are fruit trees of limited value. The survey further indicates that the removal of the trees indicated will bring the site back into a higher level of arboricultural management. It is proposed to plant 4 semi mature trees on the west boundary of the site.
69. Three letters of correspondence have been received from the County Council Arboricultural Officer in respect to the trees located within the application site. Amongst the correspondence the Officer has assessed the tree report submitted with the application and he has concluded that 45 of the 73 trees recommended to be removed should be retained. The Arboricultural Officer has advised that the trees on the site (with the exception of the 45 trees recommended to be removed) should be grouped as Tree Preservation Orders (TPO).
70. The Arboricultural Officer has also made the following comments with regards to the trees on the site:
- The group of Scots Pine are not of high quality, however they are of value as a group. The trees should be retained, pruned and protected as a group within a Tree Preservation Order.
 - Unnecessary tree removal of this area will open up the group and they will be more susceptible to high winds.

- Group 1 trees (group to the west of the site) are of value to the amenity and site aesthetics.
- Group 2 trees (group to the north west of the site) are of high amenity aesthetic and environmental value, the inner canopies of some trees are one-sided, however the outer canopies increase the overall aesthetics. This group of trees taking up the north west corner of the site enhance and contribute to the village setting.
- During the summer months you have the outstanding contrast of the different shades of foliage enhanced by the foliage of the Common Beech No. 83 (tree within the centre of the site) with the end of season compliment of outstanding autumn colours.

71. The Conservation and Environment Manager has provided the following comments in respect to the impact the trees have on the Wolsingham Conservation Area:

- The contribution the existing trees make to the character and appearance of the conservation area is a valid consideration which has to be taken fully into account when assessing the proposed development.
- There is no presumption that every tree within a conservation area will be protected at all costs to change.
- Gap or previously developed sites are not meant to stagnate rather to change in a sympathetic and sensitive manner, respecting the 'special interest' of each area.
- Trees generally do have positive qualities which can sometimes provide 'special interest' to the character and appearance of an area, however, it is essential that a balance and site specific weighting is placed on all trees in and around a development site.
- If planning permission is to be refused for otherwise acceptable development because of loss of trees within a site there must be a defensible argument that the trees are, in their own right, of such merit as to prevent the development.
- The trees on the application site have largely been unmanaged for a considerable period of time and there are a vast number of relatively poor examples.
- The most significant issue is not the number of trees to be removed but the loss of two internally sited Beech trees, both previously pollarded, a small group of mature scarred fruit trees and a line of unattractive overgrown mature conifers.
- Other trees that it is proposed to be managed by removal will in effect allow the attractive group of internally sited and more indigenous Scots Pine trees to be more appreciated from outside the site.
- None of the proposed removal of trees will impact upon the excellent screening and amenity contribution to the overall enjoyment of the Wolsingham Conservation Area which will continue to be made by the fine boundary sited mature Beech trees along the western boundary, which are to remain.
- If the Committee approve this application and place clear and precise conditions relating to the careful removal of trees and replanting based upon the proposed Tree Management Plan submitted by the applicants, then a full and balanced consideration of the actual

contribution made by the individual critical trees to be removed will have been given and a rational and informed decision will have been made.

72. The following national guidance, Tree Preservation Orders: A Guide to the Law and Good Practice, states the criteria required for making a TPO. This guidance states that if trees cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances. It is noted that many of the trees on the site are not wholly visible from the public domain.
73. Whilst it is accepted that the trees enhance the appearance of the application site and are important in the immediate surrounding area, a distinction needs to be made between the trees on the west and south boundaries which are visible to the public who use the nearby public footpath, and the other trees which cannot be seen by the general public and are not prominent in views of this part of the conservation area.
74. Based on the comments raised in the tree report submitted with the application and the comments received from the County Council Arboricultural Officer, there does not appear to be a tree within the site which is individually of a high quality. It is accepted that the trees as part of a group provide high quality amenity value to the conservation area. However, it is not considered necessary to retain the large number of trees suggested by the County Council's Arboricultural Officer. The applicants have undertaken to carry out works to those trees they intend to keep which will prolong the lives of the trees and enhance the appearance of the trees, and they have provided further information in the form of a tree management scheme which indicates that 4 semi mature trees would be planted.
75. It is apparent that there is a conflict in advice between the County Council Arboricultural Officer and the Conservation and Environment Manager. In assessing the issues surrounding the trees, the advice from both the Arboricultural Officer and the Conservation and Environment Manager have been taken into consideration along with the guidance contained within 'Tree Preservation Orders: A Guide to the Law and Good Practice'. The majority of the 73 trees the applicants propose to remove would not be worthy of being protected individually and many of them are not visible from a public view point (which is one of the criteria for making a TPO). The proposed tree management scheme (which includes the planting 4 semi mature trees on the west boundary) submitted with the application would provide a significant amount of tree coverage on the boundaries of the application site, which are visible to the general public.

76. Taking into consideration the consultation responses from the Arboricultural Officer and the Conservation and Environment Manager, and assessing the proposed tree management scheme submitted with the application against the relevant national guidance, it is considered that the proposed removal of 73 trees, the works proposed for the retained trees and the planting of 4 semi mature trees would improve the amenity value of the site to the Wolsingham Conservation Area. The proposed tree works on the site do not conflict with the aims of policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Should Members be minded to grant planning permission, a Tree Preservation Order will be made to protect the trees proposed to be retained.

protected species

77. Concerns have also been raised with regards to the possibility of bats and other protected species being present on the site and within the trees. A protected species risk assessment and ecology evaluation has been undertaken of the site and the report has been submitted to the County Council Ecologist. The report has concluded that the site has low ecological value and is unlikely to support any protected species. The County Ecologist has not raised any concerns to the protected species risk assessment and ecology evaluation that has been submitted. It is therefore considered that the proposed development would not have an adverse impact on protected species and their habitats. The development of the site would not be contrary to paragraphs 15 and 16 of PPS9.

energy efficiency

78. Since 1st May 2008 the Code for Sustainable Homes is mandatory for all new housing developments. This highlights the importance of sustainable design in the current policy climate. The trust of planning policy in PPS1 and the Climate Change Supplement, PPS3, and PPS22; as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, all require new development to be energy efficient. To ensure the new development is designed and constructed to be energy efficient it is appropriate to condition further details to demonstrate how the proposed dwellings would be energy efficient.
79. Ideally, at present, new dwellings should be achieving code level 3 (2010 target). In terms of energy performance this would represent a 25% improvement in the Dwelling Emission Rate (DER) compared to the standard building regulations Target Emission Rate (TER). As a minimum, the proposed dwellings should demonstrate at least a 10% DER improvement beyond the minimum Building Regulations, which would be the equivalent of code level 1. This would at least enable the dwellings to achieve a Code for Sustainable Homes rating certificate, although applicants should be encouraged to aim for higher level given the target for 2010. These details should be conditioned for approval.

objections/observations

80. Occupiers of neighbouring properties have been notified in writing and a site notice was posted close to the site. A notice was also placed in the local press. 120 objection letters have been received up to when this report was written. Two of these objection letters have been withdrawn. The contents of the objection letters are summarised below:
- a) The B6296 main highway is a busy road and is close to the school.
 - b) Size of the properties are not in keeping with the village.
 - c) Inadequate and dangerous access for vehicles.
 - d) Overlooking issues.
 - e) Loss of privacy.
 - f) Loss of trees would impact upon wildlife.
 - g) Development beyond settlement limits for Wolsingham.
 - h) Loss of countryside.
 - i) The site is a medieval settlement, with archaeological remains and is a historic site which should not be developed on.
 - j) The houses are executive houses. No need for this type of development and it will result in houses being left empty.
 - k) Affordable housing required.
 - l) There would be nowhere for existing property owners to park their vehicles.
 - m) The proposed properties would be overbearing.
 - n) Loss of natural daylight to neighbouring properties.
 - o) The development would adversely affect the public footpath which runs approximately 20 metres from the site.
 - p) Proposed trees will overshadow neighbouring properties.
 - q) Reduce the valuation of neighbouring properties.
 - r) The site is an important archaeological site.
 - s) The proposed development would contravene PPG16.
 - t) The proposed development is out of character with the surrounding buildings and area.
 - u) The development is backland development which requires separate and satisfactory vehicular access.
 - v) Wolsingham has a 'Parish Plan' which was produced with the support of Wear Valley District Council and Durham County Council. The Plan states that future housing development should not exceed 50 new dwellings. This limit has already been exceeded.
 - w) The site is in a conservation area.
 - x) The houses would intrude into an area of high landscape value.
 - y) The application has been resubmitted when local government reorganisation is underway.
 - z) The archaeological remains should be a tourist attraction.
 - aa) Not all the site was a former builders yard.
 - bb) The development would overlook a scheduled monument.
 - cc) Will the foundations of the proposed properties and the removal of trees not disturb the archaeological remains?
 - dd) How will future development be stopped in the rear gardens of the proposed properties?
 - ee) Is this to be Hollywood phase 2?
 - ff) The ancient monument should be protected in line with policies BE1 and BE15 of the Local Plan.

- gg) The proposal is contrary to policies BE5 (FPG3) and BE6 part i) of the Local Plan.
- hh) The Parish Plan advocates the resistance of executive style houses, which these are.
- ii) The development would increase the amount of cars parked on the main road.
- jj) The proposed development will affect the neighbours' quality of life as the buildings will be within 15 metres.
- kk) The proposed development will affect the milk delivery business.
- ll) This development will create a precedent for further housing.
- mm) Why is this application being considered yet again, when it is an expense to the taxpayer?
- nn) Surely the schools and doctors are going to be affected by more buildings.
- oo) There is a fear that the proposed properties will be constructed from the stone of the Chapels foundations.
- pp) There have been artifacts found with the archaeological remains which are now in Durham Cathedral.
- qq) Although there used to be a builders yard nearby, the site is not brownfield land.
- rr) What restrictions can be put in place to safeguard an established business?
- ss) The proposed development would disrupt the access to the milk delivery business.
- tt) Overdevelopment of the site.
- uu) Has Alan Hodgson from Durham County Council been consulted?
- vv) Red squirrels have been seen on the site.
- ww) It is the understanding that English Heritage does not recommend building on or near this type of site.
- xx) There has been no consultation with the public on this development.
- yy) Has the District Council identified a need for any additional housing stock in the village?
- zz) The main structures of Wolsingham are linear houses looking onto roads.
- aaa) Concerns that a letter from the agents of the application indicates that meetings have taken place with Planners, County Archaeologist, Conservation Officers and Highway Officers.
- bbb) The proposal does not accord with policy H26 of the Local Plan.
- ccc) Concerns that the proposal and the removal of trees would result in flooding problems.
- ddd) The loss of trees on the site would contribute to climate change.
- eee) The proposal does not accord with policy H14 of the Local Plan.
- fff) The proposal is contrary to policies GD1 and H24 of the Local Plan.
- ggg) The proposal is contrary to PPS1, PPS3, PPG15 and PPG16.
- hhh) The proposal is not in accordance with 'Manual for Streets'.
- iii) Concerns that the proposal would affect drainage.
- jjj) Policies GD1, H24, H26, BE6 and FPG1 have been disregarded.
- kkk) The Water Authority have not been consulted.
- lll) The revised Archaeological Report was not available on the internet.
- mmm) There was an article in the local newspaper on 16th August 2008 confirming that the application was to be recommended for approval.

- nnn) Letters informing the public that the previous application had been withdrawn were sent out after the letters informing them of the new application, leading to confusion.
- ooo) There are bats present within the trees.
- ppp) Concerns over the amount of trees being removed.
- qqq) Concerns that the following responses have not been received from consultees: Ancient Monuments Society, Society Protection Ancient Buildings, English Heritage, Historic Monuments of England, Northumbrian Water and Environment Agency.

response to objections

81. The following points are made in response to the issues raised by the objectors:
- a) Durham County Council Highways Officer has not objected to the proposal. The Highways Officer's response is commented upon in the previous sections of this report.
 - b) The Conservation and Environment Manager considers the scale of the properties to be acceptable.
 - c) See point a).
 - d) Discussed in officer analysis.
 - e) Discussed in officer analysis.
 - f) Discussed in officer analysis. A risk assessment on protected species has been submitted which concludes the development would not have an adverse impact on protected species. Durham County Council Ecology Officer has not raised any objections.
 - g) Discussed in officer analysis.
 - h) Given the site has clearly defined boundaries, it is not considered that the site is part of the open countryside.
 - i) Refer to officer analysis and the Durham County Council's Archaeological Officer's response.
 - j) Not a material planning consideration.
 - k) Policy H15 of the Local Plan states that the Council will seek to negotiate an appropriate element of affordable housing, where there is a demonstrateable need for such housing, but only sites accommodating 20 or more dwellings.
 - l) The parking arrangements for the existing properties would not change.
 - m) Discussed in officer analysis.
 - n) Discussed in officer analysis.
 - o) The public footpath does not run through the application site therefore the proposed site would not affect the public right of way.
 - p) A condition is proposed for a landscaping scheme to be submitted and agreed prior to works commencing on site.
 - q) Not a material planning consideration.
 - r) Discussed in officer analysis.
 - s) Disagree. Discussed in officer analysis.
 - t) Discussed in officer analysis.
 - u) The development would be classed as backland development. The proposed accesses are considered acceptable to serve the proposed development.

- v) It is acknowledged that the Wolsingham Parish Plan has been publicised. It is noted that the Parish Plan is not a statutory plan. The Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, along with the Regional Spatial Strategy and the Planning Policy Guidance and Statements are the statutory documents from which planning decisions shall be based upon.
- w) Agreed.
- x) Agreed.
- y) Agreed, however the status of the local government reorganisation does not impact upon the recommendation.
- z) Comments noted.
- aa) Comments noted.
- bb) Comments noted.
- cc) The foundations of the buildings can be built without disturbing the archaeological remains. Conditions are recommended to ensure the trees are removed in a way which would not disturb the archaeological remains.
- dd) Conditions are recommended to prevent future development in the gardens. A legal agreement is also to be signed by the applicants to prevent future development in the gardens areas.
- ee) Given the distance between the application site and Holywood, the proposed scheme is not phase 2 of the Holywood estate. Each application is determined on its own merits.
- ff) Agreed. It is considered that the development accords with policies BE1 and BE15 of the Local Plan.
- gg) Discussed in officer analysis.
- hh) Please refer to point v).
- ii) Disagree. The proposed development provides sufficient off street parking for the future occupiers of the proposed properties.
- jj) Discussed in officer analysis.
- kk) Discussed in officer analysis.
- ll) Each planning application has to be determined on its own merits therefore this proposal would not create a precedent.
- mm) There is no limit on the number of applications that can be submitted for a certain site.
- nn) It is considered three new properties would not adversely impact on schools and doctors.
- oo) The archaeological remains would not be disturbed.
- pp) Comments noted.
- qq) Disagree.
- rr) There are no specific planning conditions which can be imposed in this instance to safeguard the existing business. As discussed in the officer analysis, there are no current problems with the running of the nearby business. Potential buyers of the proposed properties who visit the site would be aware that a business is being run from the adjacent site.
- ss) This issue is commented upon by the County Highways Officer.
- tt) The proposal is not considered to be overdevelopment of the site.
- uu) Yes.
- vv) See point f).
- ww) English Heritage have been consulted and have not commented on this application.
- xx) Comments noted.

- yy) Wolsingham has been identified as an urban area within the district where new housing should be directed towards.
- zz) Comments noted.
- aaa) Pre-application advice is common practice. The true test for the acceptability of a proposal can only be determined through the submission of a planning application.
- bbb) Discussed in officer analysis.
- ccc) The Environment Agency have been consulted on this issue.
- ddd) It is considered given the number of trees proposed to be felled it would not have a significant impact on the issue of climate change.
- eee) Policy H14 of the Local Plan has expired.
- fff) Discussed in officer analysis.
- ggg) The proposal would not be contrary to the aims of PPS1, PPS3, PPG15 and PPG16.
- hhh) Discussed in officer analysis.
- iii) The Environment Agency have been consulted on this issue and have raised no objections.
- jjj) Disagree. All the criteria within policies GD1, H24, H26 and BE6 of the Local Plan have been fully considered within the 'officer analysis' section of this report. FPG1 is guidance relating to highway design standards for new developments. This guidance has expired and has been replaced by Durham County Council publications.
- kkk) Disagree. Northumbrian Water have been consulted on this application and no response has been received.
- lll) Not a material planning consideration. The Archaeological Report was on the application file and available for the public to view.
- mmm) Comment noted.
- nnn) Comments noted however this is not a material planning consideration in determining this application.
- ooo) Discussed in officer analysis.
- ppp) Discussed in officer analysis.
- qqq) The Environment Agency have responded. Consultees choose whether or not to reply.

conclusion and reasons for approval

1. The boundary of the limits of development for Wolsingham runs through the application site. The application site has established boundaries to the north, west and south. The proposed buildings would be located within the settlement boundaries of Wolsingham and it would only be the garden areas which would be situated over the boundary. It is acknowledged that a similar application was granted permission by the Development Control Committee which was for a house in Wolsingham which had its garden area located beyond the settlement boundary, in this instance part of the property was actually located over the settlement boundary. From the previous use of the site, the application site is classed as brownfield land. The proposed development is considered acceptable in principle and does not compromise the aims of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and is in accordance with Policy 4 of the Regional Spatial Strategy.
2. The proposed development ensures that each property would have sufficient amounts of private useable amenity space. The relationship between the

proposed properties would be acceptable and there would be adequate levels of privacy for future occupiers of the buildings. The existing residential properties to the east of the site would not be adversely affected by the proposed development. There would be no loss of privacy to the occupiers of neighbouring properties and the neighbouring buildings would not experience any adverse impacts in terms of overbearing or overshadowing effects. The existing milk delivery business which currently operates from a building connected with No. 33 Uppertown, would not disturb the future occupiers of the proposed development. The proposed development would not adversely affect the residential amenities of the occupiers of neighbouring properties. The occupiers of the proposed dwellings would have a satisfactory standard of residential amenity. The proposal does not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. The proposed development has been critically assessed in relation to the impact the properties would have on the immediate surrounding area and the wider conservation area. The layout and relative positions, the relative scale and mass/heights, and the architectural details of the proposed properties are all considered to be acceptable. The proposed development would not have an adverse impact on the visual appearance of the street scene and surrounding area. The proposal would not detract from the special scenic qualities of the Wolsingham Conservation Area. The proposed development is in accordance with policies GD1, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. Sufficient amounts of off street parking would be provided for each property proposed. Durham County Council Highways Officer has fully assessed the access arrangements and has taken into consideration the existing arrangements for neighbouring properties and the situation with regards to land ownership and rights of way over the accesses. The proposed accesses to plots 1 and 2, and to plot 3, are considered acceptable and would not compromise highway safety. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. The proposed buildings would not be built over the archaeological remains which are situated beneath the ground. The applicants have agreed to a number of conditions and are willing to sign up to a legal agreement which would offer a level of protection to the archaeological remains. Residential development is considered an appropriate use for the site as it would provide a high level of protection and have virtually no adverse impact on the archaeological remains. The proposed development would not have a detrimental impact upon the archaeological remains beneath the site. The proposal is in accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and does not compromise the aims of Planning Policy Guidance 16: Archaeology and Planning.
6. The tree report submitted with the application proposes the removal of 73 trees from the site. The County Arboricultural Officer recommends only 45 of these trees should be removed and the remaining trees should be protected by a group Tree Preservation Order. The Conservation and Environment Manager

has indicated that the applicants' proposals which include the planting of 4 semi mature trees, would not detract from the Wolsingham Conservation Area. National guidance contained within 'Tree Preservation Orders: a Guide to the Law and Good Practice' states that if trees cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances. Many of the trees on the site are not visible from the public domain, and only a few of the trees are worthy of TPO status individually. It is considered that the proposed removal of 73 trees, the works proposed for the retained trees, and the planting of 4 semi-mature trees would improve the amenity value to the Wolsingham Conservation Area. The proposals do not conflict with the aims of policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. A protected species risk assessment and ecology evaluation has been undertaken indicating that the site is of a low ecological value and is unlikely to support any protected species. The County Council Ecology Officer has raised no objections to this assessment. It is therefore considered that the proposed development would not have a detrimental effect on protected species or their habitat. The proposals do not conflict with the guidance contained in paragraphs 15 and 16 of Planning Policy Statement 9: Biodiversity and Geological Conservation.

RECOMMENDED

That, subject to the applicants completing a unilateral undertaking as described in this report, planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. No ground works shall take place until an archaeological mitigation strategy has been submitted to, and approved in writing, by the local planning authority. The programme must include a scheme of watching briefs on the site, to include full excavation if required. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.
2. Development (including groundworks) must not commence until agreed archaeological works on site are completed. However, the site may be released on an area-by-area basis once archaeological works are completed, subject to approval in writing from the County Archaeologist on behalf of the local planning authority. The full condition will not be discharged until any required publication has been agreed in writing by the developer with the planning authority.
3. Before the commencement of any part of the approved development, a plan indicating the position and specification of protective fencing to the archaeological remains shall be submitted to and approved in writing by the local planning authority. The approved protective fencing shall be erected prior to the commencement of the development and retained until the completion of

the development. Any land so enclosed shall be kept clear of all materials, machinery and temporary buildings at all times.

4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A, B, C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
5. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall include details of the method of removal of the trees proposed to be removed.
6. 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.
7. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the buildings hereby approved are first occupied.
8. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) The exact specifications for the windows shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - b) All external walls shall be formed using random, coursed natural stone with pointing to match existing; a sample panel of stonework shall be made up on site for inspection by and written approval shall be obtained from the local planning authority prior to construction works commencing;
 - c) The exact specifications for the doors shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - d) The exact specifications for the roof coverings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - e) all rainwater goods shall be black;

- f) all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar.
9. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
10. Notwithstanding any other details shown on the plans hereby approved, the window to be inserted in the east elevation of the play/games room of the property on plot 1, the window to be inserted in the east gable elevation at roof space height of the property on plot 2 and the windows to be inserted in the east elevation of the WC and kitchen of the property on plot 3 shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass of factor 3 or above. The windows shall thereafter be retained as such.
11. Before the dwellings hereby approved are occupied the garages and hardstandings/drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for purposes incidental to the enjoyment of the dwellinghouses.
12. The development hereby approved shall not commence until a scheme to deal with contamination, which shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings and the environment when the site is developed, has been implemented and a verification statement produced by a suitably qualified person has been submitted to and approved in writing by the local planning authority.
13. The development shall not commence until the details demonstrating how CO2 reduction and energy efficiency measures will be incorporated in the development hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. These details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 10% will be achieved; or the equivalent of Code Level 1 of the Code for Sustainable Homes.

reasons

1. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. The local planning authority wishes to control future development in order to ensure the residential amenities of adjacent properties are maintained and to safeguard the archaeological remains. In accordance with policies GD1, H24, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and to ensure the removal of trees does not adversely affect the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. For the avoidance of doubt and to ensure the satisfactory appearance of the finished development. In accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interests of the amenity of neighbouring properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. To ensure that adequate provision is made within the site for vehicles likely to visit it, and maintained to the satisfaction of the local planning authority. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

12. To protect the environment and to ensure the remediated site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1, the PPS1 Climate Change Supplement and PPS22.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), Planning Policy Guidance 16: Archaeology and Planning (PPG16), Planning Policy Statement 1: Delivering Sustainable Development (PPS1), the PPS1 Climate Change Supplement, Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9), Planning Policy Statement 22: Renewable Energy (PPS22), Tree Preservations Orders: A Guide to the Law and Good Practice,

PS code

13

number of days to Committee

74

target achieved

NO

explanation Given the complexity of the issues involved with this application it was not possible to determine the proposal within the target date.

Officer responsible for the report

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**3/2008/0473 - PROPOSED CONSTRUCTION OF 3 NO. DWELLINGS AT
LAND REAR OF 33 AND 41 UPPERTOWN, WOLSINGHAM FOR MR. AND
MRS. CASSIDY – 15.07.2008 - AMENDED 11.09.2008**

