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Robert Hope      Acting Chief Executive

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4<sup>th</sup> March 2009

Dear Councillor,

I hereby give you Notice that a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 12<sup>th</sup> MARCH 2009** at **6.00 P.M.**

### AGENDA

Page No.

1. Apologies for absence
2. To consider development control application 3/2009/0021 – 1 - 11  
Proposed barn conversion to holiday cottage at Wear Villa Barn, Wearhead for Mr. Milner.
3. To consider development control application 3/2009/0024 – 12 - 18  
Detached eco bungalow at land adjacent to Alexandra House, Witton Road, Fir Tree for Mr. Alderson.
4. To consider development control application 3/2008/0505 – 19 - 26  
Demolition of existing garage and erection of new two storey extension containing bedroom utility and sunroom with integral garage at The Willows, 41A Milburn Street, Crook for Mr. Swatton.
5. To consider development control application 3/2005/0959 – Chalet 27 - 40  
park at The Batts, Wolsingham for a Chalet Park, Robsons of Wolsingham.
6. To consider development control application 3/2008/0672 – 41 - 51  
Conversion of modern agricultural building to an outdoor pursuits and visitors centre in addition to change of use of approximately 0.3 hectares (0.75 acres) enclosed field to a tent site at Coves House Farm, Wolsingham for Mr. Parker.
7. To consider development control application 3/2008/0287 – 52 - 70  
Erection of 1 no. three storey and 2 no. four storey apartment blocks, comprising 50 dwellings. Proposed extension, conversion and refurbishment of gazebo/observatory to form office space (use class B1) at land at High Bondgate, Bishop Auckland for

Strathmore Homes Limited.

8. To consider development control application 3/2008/0522 – 71 - 76  
Change of use from redundant agricultural building to live/work unit at High Sunny Side, Huntshildford, St. Johns Chapel for Mr. Raine.
9. To consider development control application 3/2008/0783 – 77 – 88  
Residential development at land at Church Street, Coundon for Coundon Property Limited.
10. To consider development control application 3/2009/0001 – 89 - 94  
Proposal to erect a 4 metres high (ball stop) fence around two sides of football field at land west of (Yuill Dev) Manor Road, Willington for Wear Valley District Council.
11. To consider such other items of business which, by reason of special circumstances so specified the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

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

DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2009/0021 - PROPOSED BARN CONVERSION TO HOLIDAY COTTAGE AT WEAR VILLA BARN, WEARHEAD FOR MR. MILNER – 16.01.2009**

**description of site and proposals**

1. This application is reported to Committee as it has attracted more than 3 unresolved objections.
2. Planning permission is sought for the conversion of an existing barn to a holiday cottage. The barn measures 7.7 metres in width and has a depth of 8.8 metres. It has a height to the eaves of 4.8 metres and a height to the ridge of 7 metres. The barn was built in two stages with the main two storey element fronting onto Bent Lane being constructed approximately 120 years ago. The single storey lean-to element on the north side was added in the interim. No extension to the barn is proposed as part of this development. No new openings would be formed in the building. All of the existing openings in the barn would be refurbished and utilised as part of the development. The roof covering is Welsh slate and stone slabs. The building is in a sound structural state. Major reconstruction will not be required to renovate the building to an acceptable standard. The holiday cottage would accommodate a kitchen, lounge and dining room at ground floor and two bedrooms and a bathroom at first floor.
3. The application site is located within the North Pennines Area of Outstanding Natural Beauty (AONB) and Wearhead Conservation Area. The building is located on Bent Lane approximately a quarter of a mile to the west of Wearhead. It sits adjacent to Nos. 1 and 2 Wear Villa and a similar small barn, the whole forming a tight knit group with Bent Lane sub-dividing the group. To the east of the barn is open countryside and Bent Lane. To the south of the site is number 1 and number 2 Wear Villa, both of these properties are converted barns utilised as residential dwellings. To the west of the application site is open countryside.

**planning history**

4. None.

## **planning policies**

5. 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:

- GD1 General Development Criteria
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE8 Setting of a Conservation Area
- ENV2 The North Pennines Area of Outstanding Natural Beauty
- TM1 Criteria for tourist proposals
- TM2 Tourism within the Area of Outstanding Natural Beauty
- BE20 Conversion of Buildings in the Countryside
- T1 Highways – General Policy

Also relevant: Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) and The Good Practice Guide on Planning for Tourism.

## **consultations**

6. Durham Bat Group: Provided that the mitigation proposed in the report is followed, this project will have a small positive effect on bats in upper Weardale.
7. Northumbrian Water: No objections.
8. DCC Ecologist: The bat report is considered to be appropriate. If planning permission is granted a condition should be included requiring the applicant to comply with the mitigation and method statement in the bat report.
9. DCC Highways Section: No objection.
10. Environment Agency: No objection to the development.
11. DCC Design and Conservation: The proposed scheme, even with the less than ideal drawings, does demonstrate the appropriate retention of the essential simplistic character of this historic building within the Conservation Area. Conditions are suggested to ensure:
- a) The deep recessing of windows and doors (100mm minimum).
  - b) Painted timber windows and doors – unless otherwise agreed in writing.
  - c) No chimneys at all and position and details of any flues to be agreed.
  - d) Removal of permitted development rights.
12. Stanhope Parish Council: No comments.
13. DCC Public Rights of Way: No comments.

## **officer analysis**

14. The key issues for consideration are:

- Principle of the Development
- Suitability for Conversion
- Design and Appearance
- Impact on Neighbouring Properties
- Impact on the North Pennines AONB
- Impact on the Conservation Area
- Impact on Protected Species
- Access and Parking

principle of the development

15. The site is located outside of the settlement limits to development for Wearhead as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The principle of the development must therefore be assessed under local plan policy BE20 – Conversion of buildings in the countryside.
16. The conversion of buildings in the countryside for holiday accommodation is acceptable under policy BE20; subject to certain criteria. The existing building must be structurally sound; the proposal should not create unacceptable disturbance to the surrounding area; the conversion must be appropriate in terms of design to the host building and the surrounding area; and it must not create unacceptable levels of traffic. A structural survey has been submitted as part of the planning application. The structural survey concludes that the building would not require major structural reconstruction as the barn has been well maintained. The scale of the proposed development is considered to be acceptable within the North Pennines AONB and within the Wearhead Conservation Area. Due to the scale of the development it is considered that the peace and quiet of the area would not be unduly disturbed and the traffic generation would be minimal. The highways authority have not raised any objection to the proposal. It is therefore considered that the development meets all of the relevant criteria for conversion of buildings in the countryside to holiday lets stipulated by policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
17. In terms of national planning policy PPS7 supports the re-use and conversion of existing non-residential buildings for development as self catering holiday accommodation. Conversion of suitable rural buildings for holiday accommodation is also supported by The Good Practice Guide on Planning for Tourism as a means of retaining redundant rural buildings without compromising national or local policies on development of the countryside or introducing a level of activity that would occur with permanent households.

18. The principle of the development is considered to be acceptable and in accordance with policies BE20 and GD1 of the Wear Valley District Council as amended by the Saved and Expired Policies September 2007, PPS7 and The Good Practice Guide on Planning for Tourism.

suitability for conversion

19. The proposed conversion would not require a significant level of extension or alteration and the building is structurally sound. The structural survey included with the planning application concludes the building can be readily repaired and major reconstruction is not necessary. There would be no additional openings inserted into the building. All of the existing openings in the barn would be refurbished and utilised as part of the development. As such it is considered that the proposal accords with policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

design and appearance

20. The building would retain its scale and form as a result of the development. The existing stone built walls to the barn would be retained and renovated as necessary. The existing roof materials would be retained and repaired or replaced with like for like as necessary. No new openings would be inserted into the building. New windows would be timber framed and new doors would be constructed of timber. To the north elevation of the building a glazed door surrounded by glazed panels would be inserted into the existing opening. It would be a contemporary feature which adds interest to the overall design of the building while complementing the proposed traditional fenestration. It is proposed to construct a parking area adjacent to the building with a gravel surface. The design and appearance of the proposed conversion is considered to be in accordance with policies GD1 and BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on neighbouring properties

21. The scale and form of the building would not be significantly altered as a result of the development. The building would not be extended. No additional openings would be formed in the building. The windows in the barn would not look directly onto habitable room windows in neighbouring properties. It is considered that the level of alteration to the building would not impact upon the privacy or amenity of neighbouring properties nor would it cause overshadowing or overbearing impacts to neighbouring properties. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on the North Pennines AONB

22. Tourism development within the North Pennines AONB must fulfill the criteria set out in policy TM2 'Tourism within the Area of Outstanding Natural Beauty (AONB)' of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

23. The proposed conversion would improve the appearance of the building without greatly altering the form and character of the barn. The limited external building work and the use of traditional timber fenestration in the conversion of the barn would contribute to the enhancement of the landscape qualities of the AONB. The scale of the proposed development would not generate large volumes of traffic. The proposed conversion would not lead to an over intensification of use of the site. The tranquility of the building's rural setting would not be significantly interrupted. The proposal is in accordance with policies TM1, TM2, ENV2 and GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### impact on protected species

24. A bat and barn owl survey has been included with the application. Durham County Council's ecologist has been consulted regarding the application and has raised no objections to the proposal in relation to the impact on protected species. There is a risk of use of the barn as a hibernaculum but the risk to hibernating bats can be avoided by the timing and methodology of the programme of work and the provision of crevice roosts in the external walls. The mitigation in the form of a bat loft and the timing outlined in the report submitted with the application would ensure that any risks to bats are not significant. Durham County Council's ecologist has suggested a condition be attached to any planning permission requiring the applicant to comply with the mitigation and method statement in the bat report.
25. It is considered that the proposal would not adversely affect, directly or indirectly, species protected by law or their habitat. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### access and parking

26. The development would be accessed from a public lane off the main road. The proposed development would provide two formal parking spaces to the west of the property. Durham County Council highways section have been consulted on the application and raise no objection to the proposal on the grounds of access or parking provision. In accordance with policies GD1 and T1 of the Wear Valley District Council Local Plan as amended by the Saved and Expired Policies September 2007.

#### **objections/observations**

27. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. Seven letters of objection have been received making the following comments:
- a. Impact on privacy, will be overlooked.
  - b. Security will be comprised, with strangers visiting the cottage.
  - c. Wear and tear on the lane.
  - d. Access to parking area is restricted as it is in the narrowest part of the lane.
  - e. A bat survey should be carried out.

- f. Extra traffic along the lane will be a danger to school children.
- g. The planning application says that the building has not been used for agricultural purposes since 2000; there have been sheep in the barn every year.
- h. If it were turned into a holiday cottage, what is to say if it did not work out as a holiday let, that it would be used to house people from social security?
- i. Peace and quiet will be broken.
- j. Was originally built as a byre, hay loft and barn. My opinion is that it should stay as a byre/barn so peace and quiet can prevail.
- k. The water pressure could be affected.
- l. The two doors on the south elevation of the building face onto the lane, someone could be injured by a vehicle.
- m. Tourists do not bring anything to the village, would rather see young people settling permanently.
- n. The building is home to bats.
- o. The proposed soakaway could drain onto the nearby public access lane.
- p. If planning permission is granted the owner will apply for a tourism grant and I object to this use of public money.
- q. The building would be better employed as a permanent affordable home.
- r. The building is an ideal location for unseen access to the primary school and in this day and age of paedophiles and gun/knife crime it is paramount that children are not put at risk.
- s. Access for emergency vehicles is difficult, building work and holiday accommodation would increase the risk of accidents and fires.
- t. Any pruning to the tree near to the barn would affect the landscape.
- u. The proposed hardstanding parking area may affect natural drainage and increase the amount of water that already runs onto and floods Bents Lane.
- v. Holiday makers do not understand the countryside code.
- w. Will the septic tank be effective?
- x. Noise pollution.
- y. Would parking become a problem?

### **response to objections**

28. The following comments are made in response to the issues raised:
- a. The development would not look directly onto any habitable windows.
  - b. This is not a planning matter.
  - c. There has been no highways objection raised to the proposed development.
  - d. There has been no highways objection raised to the proposed development.
  - e. A satisfactory bat survey has been carried out.
  - f. There has been no highways objection raised to the proposed development.
  - g. This is not a planning matter.
  - h. A condition would be attached to the planning permission restricting the use of the barn to holiday accommodation only.
  - i. The scale of the proposed development does not suggest that peace and quiet would be unduly disturbed.



- j. Planning policy allows for the conversion to holiday let of suitable rural buildings.
- k. Northumbrian Water has not raised any objections to the proposed development.
- l. There has been no highways objection raised to the proposed development.
- m. The proposed development must be assessed as part of this application. The local planning authority cannot take into account a development that has not been applied for.
- n. A satisfactory bat survey has been carried out and a condition will be attached to the planning permission that the applicant comply with the mitigation and method statement in the bat report.
- o. The Environment Agency have raised no objections to the proposed development.
- p. This is not a planning matter.
- q. The proposed development must be assessed as part of this application. The local planning authority cannot take into account a development that has not been applied for.
- r. This is not a planning matter.
- s. There has been no highways objection raised to the proposed development.
- t. As the tree is located within the conservation area any works to the tree would require prior notification to the Council.
- u. The Environment Agency have raised no objections to the proposed development.
- v. This is not a planning matter.
- w. The Environment Agency have raised no objections to the proposed development.
- x. The scale of the proposed development does not suggest that noise pollution will become an issue at the property.
- y. There has been no highways objection raised to the proposed development.

### **conclusion and reasons for approval**

1. The principle of the development is acceptable as the proposal meets the criteria for conversion of dwellings in the countryside as set out in policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. It is considered that the proposal to bring a redundant building back into use within the North Pennines AONB would result in the improvement of the appearance of the building and the surrounding area. The proposed development would not detract from the special scenic qualities of the North Pennines AONB. The proposal accords with policies GD1, ENV2, TM1 and TM2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. The proposed development would not have an adverse impact on the historic character or appearance of Wearhead conservation area. The proposal accords with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

4. The proposed conversion would not have an adverse impact on the residential amenities of the occupiers of neighbouring properties. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. The proposed conversion would not have a detrimental impact upon the safety of highway users. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **RECOMMENDED**

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

### **conditions**

1. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
  - a) all windows shall have timber frames, details of the colour and finish of the said frames shall be submitted and approved in writing by the local planning authority before the development is commenced and the works shall be carried out in accordance with the approved details;
  - b) all external doors shall be natural timber doors;
  - c) the roof covering shall be stone slates and Welsh slates to match the existing roof covering; samples shall be submitted to and approved in writing by the local planning authority before the development is commenced and the works shall be carried out in accordance with the approved samples;
  - d) all rainwater goods shall be black;
  - e) the development shall not have any chimneys;
  - f) the position and details of any flues shall be submitted to and approved in writing by the local planning authority before the development is commenced and the works shall be carried out in accordance with the approved details;
  - g) all windows and doors shall be recessed 100mm from the face of the building;
  - h) exposed stone lintels shall be used above external door openings;
  - i) exposed stone cills and lintels shall be used below and above all window openings.
2. Prior to the commencement of the development details of the height, siting and 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 conversion hereby approved is first occupied.
3. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.

4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D E, F, G, H of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq 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. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Bat and Barn Owl Survey of Barn at Wear Villa, County Durham 12th January 2008,' including but not restricted to timing and spatial restrictions and insertion of the proposed bat loft. All contractors shall be given the working method statement within the bat and barn owl survey before commencing work on site.
6. The development hereby approved shall be carried out in accordance with the structural survey and methodology received 16<sup>th</sup> January 2009.
7. The holiday cottage hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operator shall maintain an up-to-date register of the names of all occupiers and of their main home addresses and telephone numbers, and shall make this information available at all reasonable times to the local planning authority.

#### **reasons**

1. For the avoidance of doubt and to maintain the character of the building. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To enable the local planning authority to control future development in the interests of safeguarding residential and visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. To conserve protected species and their habitat. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. For the avoidance of doubt and to maintain the character of the building. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7. In view of the location of the barn in the open countryside, planning permission is given in this instance for holiday use only. In accordance with policies GD1 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **background information**

Application file, WVDLP as amended by the Saved and Expired Policies September 2007, PPS7, The Good Practice Guide on Planning for Tourism.

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**Officer responsible for the report**

Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

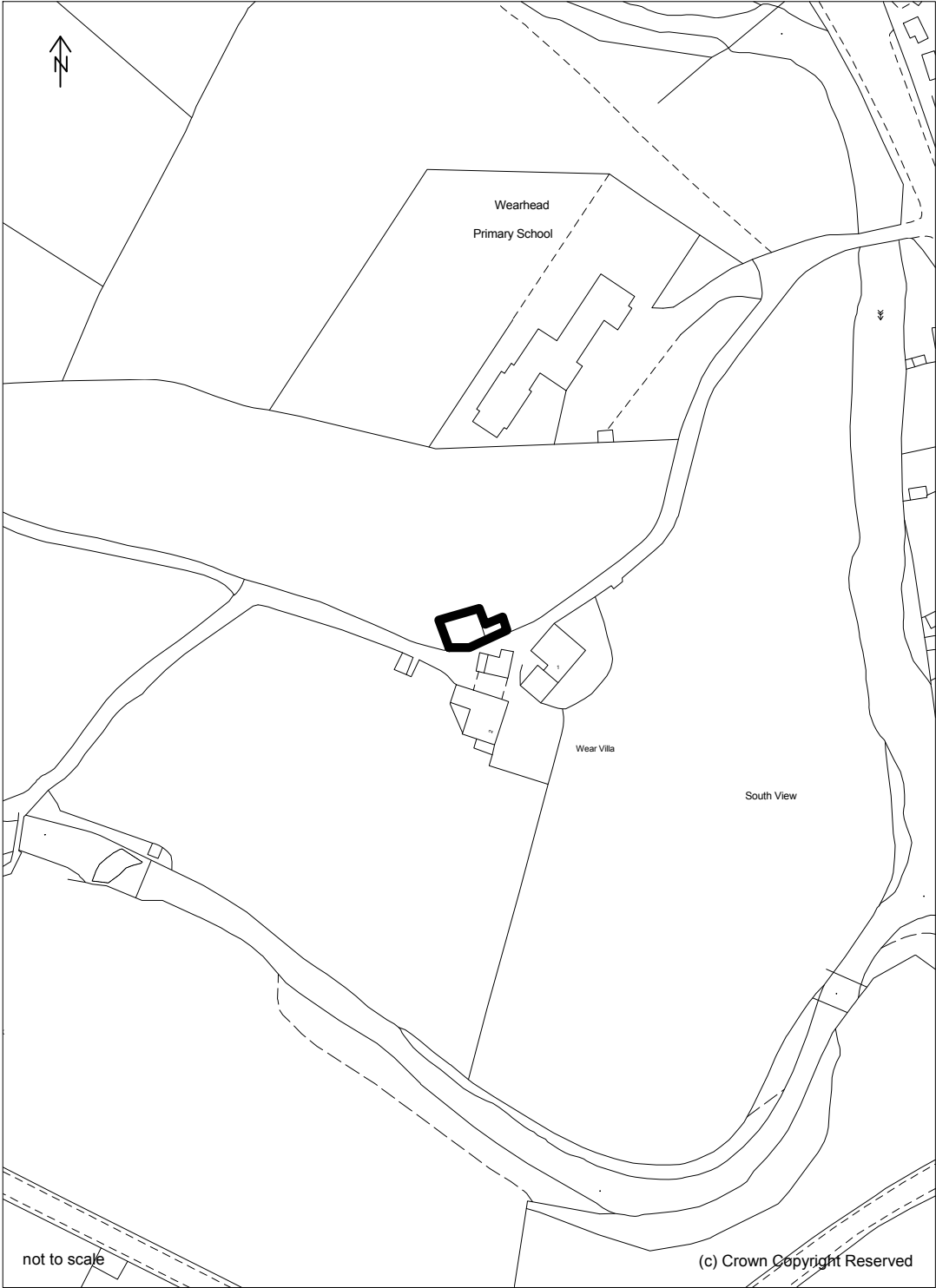
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**Author of the report**

Sinead Folan  
Planning Officer  
Ext. 272

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**3/2009/0021 - PROPOSED BARN CONVERSION TO HOLIDAY COTTAGE AT  
WEAR VILLA BARN, WEARHEAD FOR MR. MILNER – 16.01.2009**



DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2009/0024 - DETACHED ECO BUNGALOW AT LAND ADJACENT TO ALEXANDRA HOUSE, WITTON ROAD, FIR TREE FOR MR. ALDERSON - 17.01.2009**

**description of site and proposals**

1. This application has been called to Committee by the Ward Councillor.
2. Outline planning permission is sought for the erection of a dwelling on land adjacent to Alexandra House, Fir Tree. All matters have been reserved for future consideration.
3. The application site consists of the garden land of a recently constructed dwelling that was allowed on appeal in October 2005. Although the site is close to the centre of Fir Tree, the dwellings on 'this' side of the road lie outside the limits to development for Fir Tree, and as such the site is within the open countryside. The site is a brownfield site due to the erection of the dwelling allowed on appeal, and is allocated as an Area of Landscape Value under policy ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The site has a long road frontage to the A68 through Fir Tree. There are a number of trees on the site that are protected under a Tree Preservation Order (confirmed 16.05.72). The whole site is enclosed: on the road side by a stone wall with leylandii hedge planting behind it; on the other side it is divided from the agricultural fields behind by a mixed hedge; and at each end is timber fencing which divides the site from adjacent dwellings. To the west of the site is The Garth, which is a detached bungalow, with Pinewood Cottage to the south which is a detached Victorian dwelling. Adjacent the site is a mix of detached and semi-detached properties.
4. The character of the site has been suburbanized to a degree, though the protected trees remain. It occupies a prominent position on the west side of the A68.

**planning history**

5. The following history is relevant to the consideration of this application.
  - 3/1999/0349 Wood Turning Workshop Approved 12.08.1999

- 3/2003/0326 Variation of Application 3/1999/0349 to Convert Loft Space to Temporary Residential Accommodation Approved 11.08.2003
- 3/2004/0232 Two Storey Dwelling and Garage Appeal Allowed 14.10.2005
- 3/2004/0306 Temporary Domestic Accommodation Refused 07.06.2004
- 3/2004/0657 Two Storey Dwelling and Garage Withdrawn 29.02.2008
- 3/2005/0970 Continuation of Temporary Domestic Accommodation Granted by 3/2003/0306 Approved 15.12.2005
- 3/2006/0253 Revised Garage Proposal Approved 23.06.2006
- 3/2007/0675 Erection of Detached Dwelling Amendments to Approval 3/2004/0232 Approved 20.11.2007

### **planning policies**

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

- GD1 General Development Criteria
- ENV1 Protection of the Countryside
- ENV3 Area of Landscape Value
- H3 Distribution of Development
- H24 Residential Design Criteria

Also relevant are: PPS3: Housing, PPS7: Sustainable Rural Development, Tree Preservation Orders: A Guide to the Law and Good Practice, North East Regional Spatial Strategy.

### **consultations**

7. CDE&TS (highways): No objection.
8. County Arboricultural Officer: A tree survey and tree constraints plan are required to be submitted in accordance with BS5837 Trees in relation to construction recommendations.
9. Northumbrian Water: No objection.

### **officer analysis**

10. The main issues for consideration are:

- Principle of Development
- Impact upon Protected Trees

principle of development

11. The application site is located outside of the development limits of a town or village identified within policy H3 of the Wear Valley District Local Plan, and as such is classed as being in the open countryside.
12. The appeal decision for the recently completed dwelling to the north of the site, allowed in 2005, stated that *"In terms of policy H4.... The proposed residential development would appear as a natural extension of the small group of existing dwellings set in mature tree lined gardens at one end; and infill between them and the adjacent former institute at the other. It would therefore fit the existing development pattern."*
13. Since this appeal decision, policy H4 'Criteria for infill development' has not been saved as part of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and as such, PPS7 should be referred to. Whilst the proposal would indeed be grouped with existing dwellings, it still represents a new dwelling in the countryside.
14. Annex A (of PPS7) outlines that one of the few circumstances under which residential development in the countryside may be justified is to *"enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work."* where the nature and demands of the work concerned make it essential for one or more people to live at, or close to the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of the individuals involved. Annex A further goes on to give guidance in respect of occupational dwellings:
  - a. there is a clearly established existing functional need,
  - b. the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement,
  - c. the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have clear prospects of remaining so
  - d. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area, and
  - e. other planning requirements are satisfied.
15. Therefore, both a "functional" and a "financial" need must be demonstrated for an application for a new dwelling in the countryside to be considered acceptable under PPS7 Annex A.
16. No supporting statement has been submitted in respect of fulfilling the requirements set out in Annex A of PPS7. As such no evidence has been submitted to show either a 'functional' or 'financial' need for a new dwelling on the site. As such the proposal is contrary to guidance contained within PPS7: Sustainable Development in Rural Areas.



17. Fir Tree is not one of the defined urban areas identified by the Council under the local application of policy 4 of the RSS, nor could it be reasonably considered to be an 'urban area' as it is not named by the RSS nor does it perform a secondary role and offer significant opportunity in terms of previously developed land. Therefore under the points stated above the proposal is classified as low priority. There are sequentially preferable brownfield sites within the urban areas of Wear Valley district. As such it is considered that the release of this land would prejudice the development of those other sequentially preferable sites and cannot be justified at this stage. The proposal does not accord with policy 4 of the adopted North East RSS.
18. Policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 states that development in the open countryside will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. The proposed dwelling would not relate to a use set out under policy ENV1, and would represent a new residential use within the open countryside not related to agricultural or recreation use. The proposal is contrary to policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.  
  
impact upon protected trees
19. There are a number of protected trees within the application site. The applicant has submitted a survey and tree constraints plan which has been forwarded to the County Council Arboricultural Officer for comment. Any comments received shall be reported to the Committee.

#### **objections/observations**

20. Occupiers of neighbouring properties have been notified in writing and a site notice has also been posted. The application has also been advertised in the press.
21. 4 letters of objection/ observation have been received, the details of which are set out below;
  - a) The drains are not capable of taking any more sewerage.
  - b) I dispute that the site is brownfield.
  - c) The plans show 5 trees on the site with the proviso that none would be felled to complete the building. This is not accurate as there are more than 5 trees in the area and it would be virtually impossible to construct the dwelling without the loss of any trees.
  - d) The plans state that the bungalow would be screened on all sides, this is not true as it would be fully visible on the eastern side.
  - e) The bungalow would be too close to our property.
  - f) Location of vehicular access has not been made clear.

## **response to objections**

22. Below is a response to the points raised:

- a) This is not a material planning consideration. This would be assessed at the Building Regulations stage.
- b) The site is classified as brownfield land as it forms a domestic curtilage of a property in accordance with the definition set out in PPS: 3 Housing.
- c) The applicant has submitted a survey and tree constraints plan which has been forwarded to the County Council Arboricultural Officer for comment. Any comments received shall be reported to the Committee.
- d) The siting of the bungalow is a reserved matter. The siting of the bungalow does not form part of this application. The submitted layout is indicative only.
- e) The siting of the bungalow is a reserved matter. The siting of the bungalow does not form part of this application. The submitted layout is indicative only.
- f) Details relating to the access into the site have been reserved for future consideration.

## **conclusion**

1. The application site lies outside the settlement limits for Fir Tree as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. As such the proposal would represent a new dwelling in the countryside. No supporting statement has been submitted in respect of fulfilling the requirements set out in Annex A of PPS7. No evidence has been submitted to show both a 'functional' and a 'financial' need for a new dwelling on the site. As such the proposal is contrary to guidance contained within PPS7: Sustainable Development in Rural Areas, and the principle of development cannot be supported.
2. Policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 states that in the countryside, development will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. The proposed dwelling would not relate to a use set out under policy ENV1, and would represent a new residential use within the open countryside not related to agricultural or recreation use. The proposal is contrary to policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
3. Fir Tree is not one of the defined urban areas identified by the Council under the local application of policy 4 of the RSS, nor could it be reasonably considered to be an 'urban area' as it is not named by the RSS nor does it perform a secondary role and offer significant opportunity in terms of previously developed land. Therefore under the points stated above the proposal is classified as low priority. There are sequentially preferable brownfield sites within the urban areas of Wear Valley district. As such it is considered that the release of this land would prejudice the development of those other sequentially preferable sites and cannot be justified at this stage. The proposal does not accord with policy 4 of the adopted North East RSS.

## RECOMMENDED

That planning permission be **REFUSED** for the following reasons;

1. The exceptional need for a dwelling in this countryside location cannot be supported, as no supporting statement has been submitted in respect of fulfilling the requirements set out in Annex A of PPS7. No evidence has been submitted to show both a 'functional' and a 'financial' need for a new dwelling on the site. As such the proposal is contrary to guidance contained within PPS7: Sustainable Rural Development.
2. The proposed dwelling would not be used for the purposes of agriculture, farm diversification, forestry or outdoor recreation, and would represent a new residential use within the open countryside not related to agricultural or recreation use. The proposal is contrary to policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
3. Fir Tree is not one of the defined urban areas identified by the Council under the local application of policy 4 of the RSS, nor could it be reasonably considered to be an 'urban area' as it is not named by the RSS nor does it perform a secondary role and offer significant opportunity in terms of previously developed land. Therefore under the points stated above the proposal is classified as low priority. There are sequentially preferable brownfield sites within the urban areas of Wear Valley district. The proposal is contrary to policy 4 of the Regional Spatial Strategy.

### background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, Tree Preservation Orders: A Guide to Law and Good Practice, Appeal decision dated 14<sup>th</sup> October 2005.

PS code	13		
number of days to Committee	55	target achieved	✓
explanation			

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#### Officer responsible for the report

Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

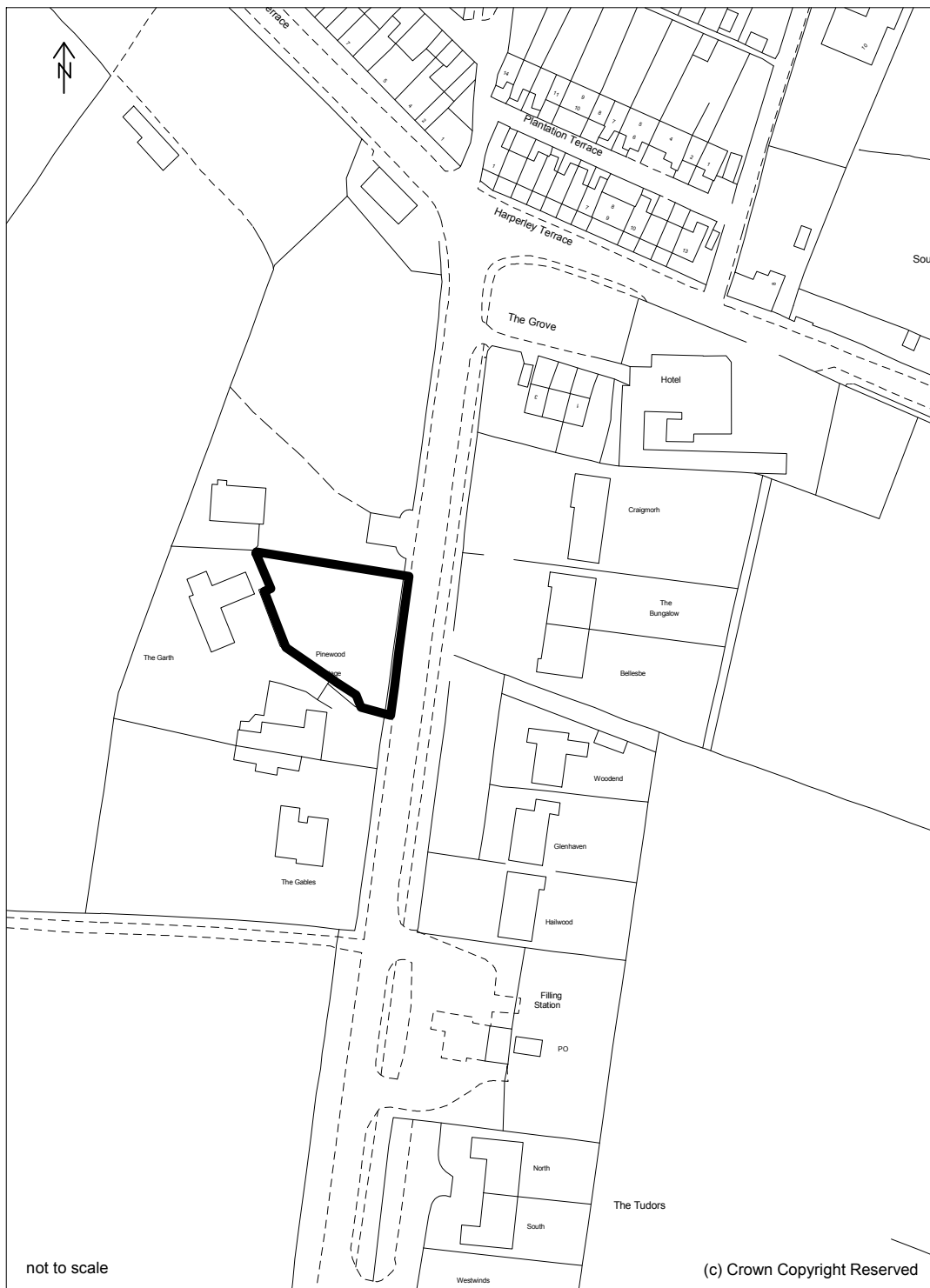
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#### Author of the report

Adam Williamson  
Planning Officer  
Ext 495

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**3/2009/0024 - DETACHED ECO BUNGALOW AT LAND ADJACENT TO  
ALEXANDRA HOUSE, WITTON ROAD, FIR TREE FOR MR. ALDERSON -  
17.01.2009**





## AGENDA ITEM 4

### DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

#### **PART 1 – APPLICATION FOR DECISION**

#### **3/2008/0505 - DEMOLITION OF EXISTING GARAGE AND ERECTION OF NEW TWO STOREY EXTENSION CONTAINING BEDROOM UTILITY AND SUNROOM WITH INTEGRAL GARAGE AT THE WILLOWS, 41A MILBURN STREET, CROOK FOR MR. SWATTON – 12.09.2008 - AMENDED 17.02.2009**

1. This application is reported to Committee as it has received five letters of objection.
2. Planning permission is requested for the erection of a two storey extension at 41A Milburn Street, Crook.
3. The proposed extension would measure 9.1 metres in width, 12.5 metres in length, 4 metres to the eaves, and 6.7 metres to the ridgeline. The submitted plans indicate that the proposed extension would be constructed from brick to match the existing bungalow, with a concrete tile roof. The window openings would have artstone heads and cills. There would be 2 dormer windows to the first floor of the eastern elevation, and 2 rooflights to the western elevation.
4. The application site consists of a modern detached bungalow located within Crook. To the north of the application site are dwellings located on Royal Grove. The dwellings located on Royal Grove are set approximately 1 metre higher than the application site, with a 1.8 metre high timber fence marking the boundary. To the east of the site is Candle Villa which is a detached property. To the west of the site are detached gardens, which serve the dwellings on Milburn Street. The western boundary of the application site is marked by a 1.8 metre high timber fence. There is a mix of housing types and ages surrounding the application site, with the dwellings on Royal Grove dating from the 1980's and the terraced dwellings on Milburn Street dating from the early 1900's. There is also a wide mixture of building materials and colours to neighbouring properties.

## **planning history**

5. The following applications are considered relevant to the determination of this application:

- |               |                              |                     |
|---------------|------------------------------|---------------------|
| • 3/1995/0693 | Bungalow                     | Approved 21.02.1996 |
| • 3/2002/0218 | Detached Bungalow and Garage | Approved 22.07.2002 |
| • 3/2003/0765 | Garage                       | Approved 20.11.2003 |

## **planning policies**

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

- |        |                                     |
|--------|-------------------------------------|
| • GD1  | General Development Criteria        |
| • H24  | Residential Design Criteria         |
| • H25  | Residential Extensions              |
| • FPG5 | Alteration and Extension Guidelines |

## **consultations**

7. CDE&TS (highways): No response received.
8. Public Rights of Way: No response received.

## **officer analysis**

9. The key issues for consideration are:

- Principle of Development
- Design
- Residential Amenity

principle of development

10. The application seeks an extension to a residential property located within the settlement limits for Crook. As such the principle of development is acceptable, and accords with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

design

11. Whilst the erection of a two storey extension to a bungalow is unusual, the design of the proposal has been amended so that the external appearance of the extension would appear more integral to the existing bungalow through the introduction of a canopy above the garage door. Due to the introduction of the canopy to the front, the eaves line of the existing bungalow would run along and continue through the proposed extension, with the eastern soffit of the proposed extension level with the existing ridgeline of the bungalow. Due to the position of the proposed extension to the western side of the dwelling, it is clear which part of the building is the original bungalow and what would be the later addition. Although, a two storey extension to a bungalow cannot be in the conventional sense considered subordinate, it is considered that the amendments achieve a much more cohesive design. It is considered that the proposed extension would not be detrimental to the character of the area, nor be detrimental to the street scene. The design of the proposed extension is of a high quality and accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

12. To the north of the application site are nos 19 and 20 Royal Grove, which would be approximately 8 metres from the proposed extension. These properties are set approximately 1 metre higher than the application site, with a 1.8 metre timber fence marking the boundary with the application site. As the proposed extension would measure 6.7 metres to the ridgeline, 3.5 metres of the proposed extension would be visible above the boundary fence.
13. Number 20 Royal Grove has a sunroom to the rear elevation, with windows to the eastern elevation. The proposed extension would be positioned to the south east of the application site. Full consideration has been given to the potential for loss of light and overshadowing to number 20 Royal Grove by the proposed extension 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.
14. 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 extension in relation to the neighbouring property 20 Royal Grove, in the form of the BRE 25 degree line and 45 degree line tests, which are the appropriate tests in this case:

15. *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).*
16. *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.*
17. In this case the two tests show that there would be no loss of general daylight or sunlight to the windows of 20 Royal Grove as a result of the proposed extension. It is therefore considered that the proposed development would not compromise the residential amenities currently experienced by the occupiers of 20 Royal Grove.
18. To the west of the application site is a detached garden for 44 Milburn Street. The proposed extension would be positioned 1.2 metres from the western boundary of the site. Given the orientation of the site and the distance from the boundary, the proposed extension would lead to a loss of light to this detached garden (44 Milburn Street) until mid- morning during the winter/ autumn months, this is unfortunate, however, it would not be to such an extent to warrant a refusal of the application.
19. The proposed extension would have 2 windows inserted to the western elevation. Given the 1.8 metre high boundary treatment, no overlooking would occur to the detached garden as the fence would protect the privacy of users of the extension and the garden. In order for this privacy to be retained, a condition is recommended so that the existing boundary treatment shall be retained and maintained in its current state.
20. There would be approximately 112.5 square metres of useable amenity space retained at the property, which is considered sufficient to serve the dwelling.
21. Given the above, it is considered that the proposal accords with policies GD1, H24 and H25 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **objections/ observations**

22. The occupiers of surrounding properties have been notified in writing and a site notice has also been posted. Five letters of objection/observation have been received, the details of which are set out below;
  - a) The proposed extension would be 8 metres from our sunroom. I believe that this distance should be a minimum of 14 metres.



- b) The overbearing impact of a two storey extension would be unacceptable.
- c) We submitted a planning application for a third party property and we were advised that our application contravened planning guidance, in that pedestrian access around modern properties should enable waste bins, garden waste and the like to be taken from the rear to the front without passing through the property. The plans show the proposed extension touching the northern boundary and the eastern boundary without any consideration for pedestrian access.
- d) It would be impossible to build the extension so close to our boundary without it being necessary to accommodate the construction company while construction took place.
- e) The extension will totally invade privacy in our garden.
- f) The extension will take away the only view we have.
- g) The eaves of the extension will overhang my boundary.

### **response to objections**

23. Below is a response to the points raised;

- a) Policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 recommends a distance of 15 metres between windowed elevations and gable walls. However, this is a direct distance, and this is a guideline only. The proposed extension would lie to the south east of 20 Royal Grove, therefore no direct window to gable situation would occur.
- b) A full daylight and sunlight test has been undertaken. In this case the two tests show that there would be no loss of general daylight or sunlight to the windows of 20 Royal Grove as a result of the proposed extension. It is therefore considered that the proposed development would not compromise the residential amenities currently experienced by the occupiers of 20 Royal Grove.
- c) The local planning authority is not aware of any policy guidance on this issue.
- d) This would be a civil matter.
- e) The extension would have ground floor windows to the western elevation which would be screened to the garden to the west by the existing boundary treatment, and would have no openings to the northern elevation. As such the proposal would not cause any loss of privacy to neighbouring dwellings.
- f) Loss of view is not a material planning consideration.
- g) This would be a civil matter.

## **conclusion and reasons for approval**

1. The application seeks the erection of a residential extension within a domestic curtilage within the settlement limits for Crook. The principle of the proposal therefore accords with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The extension represents a high quality design which would not be detrimental to the street scene or the character of the surrounding area. The extension would be constructed from materials that would match the host dwelling, and continues the design themes of the existing bungalow. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. The proposed extension would not create any overbearing or overshadowing impacts to neighbouring properties. Given the existing boundary treatments to the site and the position of the proposed windows in the extension, the proposal would not cause a loss of privacy to the occupiers of neighbouring properties. The proposal accords with policies GD1, H24, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **RECOMMENDED**

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

### **conditions**

1. The external surfaces of the extension hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extension will form part.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be formed in the northern or western elevations of the extension hereby approved.
3. The existing boundary fence/wall shaded green on the approved plan, shall be maintained and retained in its current form. It shall not be altered or removed without the prior written approval of the local planning authority.

## 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, H24 and H25 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. In order to protect the privacy of the occupiers of adjacent residential properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

## background information

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

**PS code**

21

**number of days to Committee**

182

**target achieved**

No

**explanation** In discussions with the agent about the design of the proposed extension.

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### Officer responsible for the report

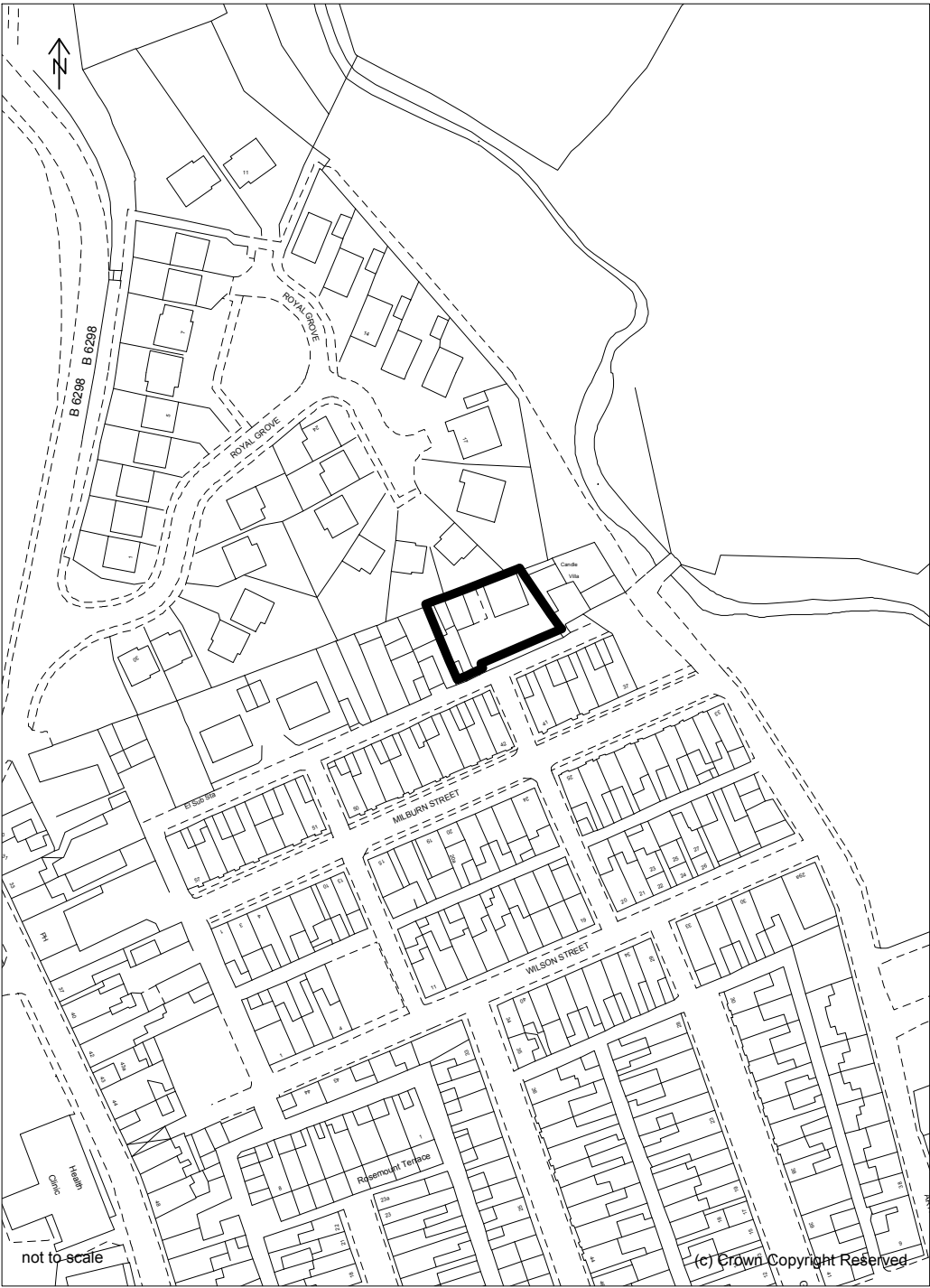
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

### Author of the report

Adam Williamson  
Planning Officer  
Ext 495

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**3/2008/0505 - DEMOLITION OF EXISTING GARAGE AND ERECTION OF NEW TWO STOREY EXTENSION CONTAINING BEDROOM UTILITY AND SUNROOM WITH INTEGRAL GARAGE AT THE WILLOWS, 41A MILBURN STREET, CROOK FOR MR. SWATTON – 12.09.2008 - AMENDED 17.02.2009**



DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2005/0959 - CHALET PARK AT THE BATTS, WOLSINGHAM FOR A CHALET PARK, ROBSONS OF WOLSINGHAM – 11.01.2007 - AMENDED 03.12.2008**

**description of site and proposals**

1. This application seeks planning permission for a chalet park development and associated ancillary works. The application is in outline with all matters reserved for future consideration.
2. The site takes in the existing foundry site and caravan park to the west and land adjoining the railway to the south. To the north and east of the site, the land is paddock. There is substantial peripheral planting around the site and along the existing field boundaries.
3. The indicative layout identifies that the site could accommodate in the region of 48 permanent chalets with additional provision for approximately 16-20 touring caravans and camping pitches. The existing caravan park would remain as is and provision would be made for parking to serve the railway as well as a shop and tea room.
4. The proposed development is concentrated in the southern and eastern parts of the site, outside of the flood zone 2 and away from the river. It is proposed that the existing kilns are left in-situ.

**planning history**

5. The following history is relevant to the consider of this application:
  - 3/1995/407      Vary Opening Hours of      Refused 23.08.1995  
                         Wolsingham Station  
                         Goods Yard

- 3/1995/216 Vary Opening Hours of Wolsingham Station Goods Yard Refused 22.05.1995
- 3/1995/0646 New silos at Batts Works Approved 31.01.1996
- 3/1989/0275 Factory Unit at Batts Works Approved 25.05.1990
- 3/1976/0161 Base for Storage Tank at Batts Works Approved 08.04.1976
- 3/2004/0414 Car Park Facility at Wolsingham Station Approved 13.07.2004

## **planning policies**

6. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:

- ENV3 Areas of County Landscape Value
- GD1 General Development Criteria
- TM1 Criteria for Tourist Proposals
- T1 Highways - General Policy

Also of relevance: Regional Spatial Strategy (RSS), Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), Tourism Good Practice Guide, PPS 25: Development and Flood Risk, PPS 23: Planning and Pollution Control, PPS 9: Biodiversity and Geological Conservation, PPG 16: Archeology and Planning.

## **consultations**

7. Environment Agency: Originally objected but objection withdrawn following the submission of amended plans, subject to conditions.
8. ONE Northeast: No objections.
9. Natural England: No comments, suggested the Council seek advice from DCC Ecology.
10. Wolsingham Parish Council: Generally supports tourism based development however concerns that proposal is out of scale with the vicinity and beyond settlement limits. Also concerns regarding traffic, landscape impact and information contained in submitted reports.
11. North East Assembly: No comments.
12. WVDC Economic Development: Proposals would have a positive effect on the economy of the dale and wider district.
13. DCC Archeology: Recommends condition.
14. DCC Landscape: comments on landscape assessment.
15. DCC Ecology: No objection subject to conditions.

16. DCC Highways: No objection.

**officer analysis**

17. The main issues for consideration are:

- Principle of Development
- Flood Risk
- Impact on Protected Species
- Landscape Impact
- Highways
- Contamination

principle of development

18. The site is located outside of, but immediately adjacent to, the settlement limits for Wolsingham as defined in the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. Much of the site that comprises the development area can be considered previously developed land. The site is accessible by means other than private car and its location lends itself to promoting travel by rail if this service is improved in future. The site is within walking distance of the amenities and services that exist within Wolsingham.
19. PPS 7 generally supports the provision of new tourist accommodation subject to ensuring that new and expanded sites are not prominent in the landscape and that any visual intrusion is minimised. The Tourism Good Practice Guide recognises the importance of new tourist accommodation and identifies that wherever possible this should be located within or near existing service centres to maximize the possibilities for sustainable development.
20. Policy TM1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that the Council will encourage schemes where these are compatible with their surroundings, can be absorbed by the landscape, can be safely accessed and do not adversely affect the amenities of local residents.
21. RSS Policy 16 promotes tourism but in a sustainable manner that will not adversely impact on the environment.
22. In view of the above it is considered that the principle of development is acceptable having regard to the analysis which follows and that the proposal is in accordance with Policies GD1 and TM1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 as well as the RSS and national guidance.

flood risk

23. The application has been amended following detailed consultation with the Environment Agency. The proposed development area is out with the Floodzone 2 and the Environment Agency do not raise objection to the proposals subject to the inclusion of conditions to ensure adequate surface water drainage and means of escape from the site in times of high flow.
24. In view of the above the proposal is considered to be in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS25.

impact on protected species

25. The application has been accompanied by a protected species report which concludes that the proposed development would not have an undue impact on protected species. Furthermore opportunities for protected species enhancement are identified.
26. The Durham County Council Ecologist has considered the submission and raised no objection subject to conditions excluding work from the riverbank and kilns without further survey work.
27. The proposal is considered to be in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and guidance contained within PPS9.

landscape impact

28. Following the original submission, the application has been amended to indicate that the built development would be restricted to the southern part of the site. This ensures that advantage can be taken of the existing landscaping to screen the proposals. In addition there are a number of opportunities within the site for enhancement of the existing landscaping to further assimilate the proposals into the landscape.
29. The applicants have undertaken a landscape assessment (based on the proposals prior to amendment) and the Durham County Landscape Section have been consulted on the proposals. The Landscape Officer considers the proposals to be much improved.
30. On balance, it is considered that, subject to appropriate design, the proposals would not appear prominent in the landscape and with the introduction of some additional screening, the development would have an acceptable landscape impact. The proposal is therefore considered to be in accordance with Policies GD1, ENV3 and TM1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS7.



## highways

31. In submitting the application, the applicant has undertaken a Transport Statement which concludes that the proposed development would have an insignificant impact in terms of impact on the local road network, and furthermore, would remove existing HGV trips resulting from the foundry business.
32. The Durham County Council Highways Officer has assessed the proposal and does not raise objections to the proposal.
33. The application is therefore considered to be in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## contamination

34. The Geo Environmental Study submitted with the application suggests that there may be a moderate risk arising from the existing and former uses of part of the site. It is considered that these issues can be dealt with by condition and that appropriate mitigation would ensure the acceptability of the future development. Subject to a condition the proposal is therefore considered to be in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## objections/observations

35. Occupiers of the surrounding properties have been notified in writing, a site notice has been displayed and the application has been advertised in the local press.
36. 12 letters of objection were received in relation to the original consultation exercise with a further 14 received as a result of the consultation on the amended plans. The relevant points are summarised below:
  - a) Increase in traffic along the Causeway.
  - b) Quality of access road.
  - c) Disturbance from arrivals and departures.
  - d) Access is a right of way for residents.
  - e) The site is outside of the village envelope.
  - f) Impact on local services.
  - g) Little 'need' for this type of development.
  - h) Raising of land may result in flooding.
  - i) Sewage treatment plant would generate smells.
  - j) Change of use will result in loss of jobs.
  - k) Will boundary walls remain.
  - l) Will contamination be removed from the site?
  - m) Loss of privacy to dwellings.

## **response to objections**

37. The following points are made in response to the issues raised by the objectors:
- a) See officer analysis.
  - b) The application seeks outline permission only. Any required upgrade to the access road within the site would subsequently be dealt with as part of the reserved matters.
  - c) Whilst it is noted that there are residential properties close to the site, these are located approximately 30m from the area proposed for tourers, separated by the railway line. In view of the separation and scale of the tourer pitches, it is not considered that this would result in undue disturbance.
  - d) The planning permission would not remove any civil rights that exist over the land.
  - e) See officer analysis.
  - f) Wolsingham is identified as one of the settlements within the district to which new development will be directed.
  - g) Need does not have to be demonstrated.
  - h) No raising of the land is proposed.
  - i) The location or details of the sewage treatment plant is not for consideration under the outline permission.
  - j) No objection is raised to the proposal from Economic Development and the proposal would result in the creation of some employment.
  - k) This application is outline only. The boundary treatments would be the subject of further submissions.
  - l) Further investigation and mitigation would be required by way of a condition.
  - m) In view of the indicative layout it is not considered that there would be a resulting privacy issue, however this would need to be addressed as part of a reserved matters submission.

## **conclusion and reasons for approval**

1. The proposal is considered to be acceptable and in accordance with policies GD1, ENV3, TM1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, RSS, PPS7, Tourism Good Practice Guide, PPS25, PPS23, PPS9 and PPG16 as it:
- 1. Would be located adjacent to a sustainable settlement and be accessible by means of transport other than private car.
  - 2. Would not be prejudicial to highway safety.
  - 3. Would not contribute to the risk of flooding.
  - 4. Would not adversely impact on the amenities of nearby occupiers of residential properties.
  - 5. Would not have a detrimental impact on any protected species or their habitats.
  - 6. Would not cause unacceptable harm to the character and appearance of the surrounding area or be unduly prominent in the landscape.

## RECOMMENDED

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

### conditions

1. Before the development is commenced approval of the details of the following reserved matters shall be obtained from the local planning authority:
  - a. layout
  - b. scale
  - c. appearance
  - d. access
  - e. landscaping
2. Application for approval of the reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission.
3. The development hereby approved must be begun not later than whichever is the later of the following dates:-
  - a) the expiration of 5 years from the date of this permission; or
  - b) the expiration of 2 years from the final approval of the reserved matters (or of any additional reserved matters) or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. 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.
5. The kilns as identified on the approved plan shall not be demolished or altered in any way without a methodology and protected species survey having first been submitted to and approved in writing by the local planning authority. The demolition or alteration of the kiln shall be implemented in accordance with the approved details.
6. The chalets hereby approved shall only be located in the area identified edged green on the approved plan.
7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run off limitation has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be completed in accordance with the approved programme and details.

8. There shall be no storage of any materials, including soil, out with the area edged green on the approved plan.
9. There shall be no raising of existing ground levels on the land out with the area edged green on the approved plan.
10. The reserved matters details shall include a new access to be provided to the site at a location within the area edged green on the approved plan. This access shall be provided prior to the first occupation of the chalets and thereafter retained in a manner usable by motor vehicles.
11. Prior to the commencement of development an evacuation plan for residents/occupiers of both the touring pitches and chalets shall be submitted to and approved in writing by the local planning authority. Any necessary measures shall thereafter be implemented in accordance with the plan and retained in perpetuity. The evacuation plan shall be made available to all visitors to/occupiers of the site.
12. No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include evaluation, building recording and where appropriate, mitigation, in accordance with a written scheme of investigation. This shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works on the site.
13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order), no fence, wall, or means of enclosure shall be constructed around the chalets/caravans hereby approved without the prior written approval of the local planning authority.
14. 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.
15. Before the development hereby approved is commenced details of all external lighting, including the type, dimensions and locations of fittings, cable routes and associated electrical equipment shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details before the chalets are first occupied.
16. Unless otherwise agreed in writing by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until criteria 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until criterion 4 has been complied with in relation to that contamination.

## **1. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

## **2. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **3. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

### **4. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 3.

### **5. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

17. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F and G of Part 1 and Class A 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.
18.
  - a) Notwithstanding Classes C2 and C3 of Schedule to the Town and Country Planning (Use Classes) Order 1987 the development hereby approved shall be occupied for holiday accommodation only and for the avoidance of doubt shall not be occupied as permanent residential accommodation or as the 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 18a) and 18b) 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.
19. The site 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 operator and shall be made available for inspection by the local planning authority at all reasonable times.

#### **reasons**

1. To enable the local planning authority to retain control over the reserved matters specified, to secure a satisfactory standard of development. In accordance with policies ENV3, GD1 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure that the development is carried out within a reasonable time.
3. To ensure that the development is carried out within a reasonable time.
4. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies ENV 3, GD1 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To ensure that potential habitat is not disturbed. In accordance with PPS9 and Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

6. To ensure that the chalets are located only in Floodzone 1 and to avoid flood risk. In accordance with PPS25 and Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
7. To prevent increased risk of flooding. In accordance with PPS25 and Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
8. To ensure that there will be no increased risk of flooding to other properties due to impedance of flood flows and/or reduction of flood storage capacity. In accordance with PPS25 and Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
9. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. In accordance with PPS25 and Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. To ensure safe exit from the site in times of high flow. In accordance with PPS25 and Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
11. To ensure safe exit from the site in times of high flow. In accordance with PPS25 and Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. The site is in an area of high archaeological potential. In accordance with PPG16 and Policy BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
13. The site is of archaeological interest. In accordance with policies PPG16 and Policy BE17 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. To maintain the open character of the area. In accordance with policies ENV3, GD1 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. To achieve a satisfactory form of development. In accordance with policies GD1 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. To ensure a satisfactory standard of development. In accordance with policies GD1 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.



17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
18. To prevent the holiday accommodation being used for permanent residential use. In accordance with the Tourism Good Practice Guide, PPS7 and PPS21.
19. To ensure the holiday accommodation is used solely as short stay residences in accordance with the Tourism Good Practice Guide, PPS7 and PPS21.

### **background information**

Application files, WVDLP as amended by Saved and Expired Policies September 2007, RSS, PPS7, PPS25, PPS23, PPS9, PPG16, Tourism Good Practice Guide.

**PS code**

7

**number of days to Committee**

833

**target achieved**

No

**explanation** Additional information required and further consultations undertaken.

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#### **Officer responsible for the report**

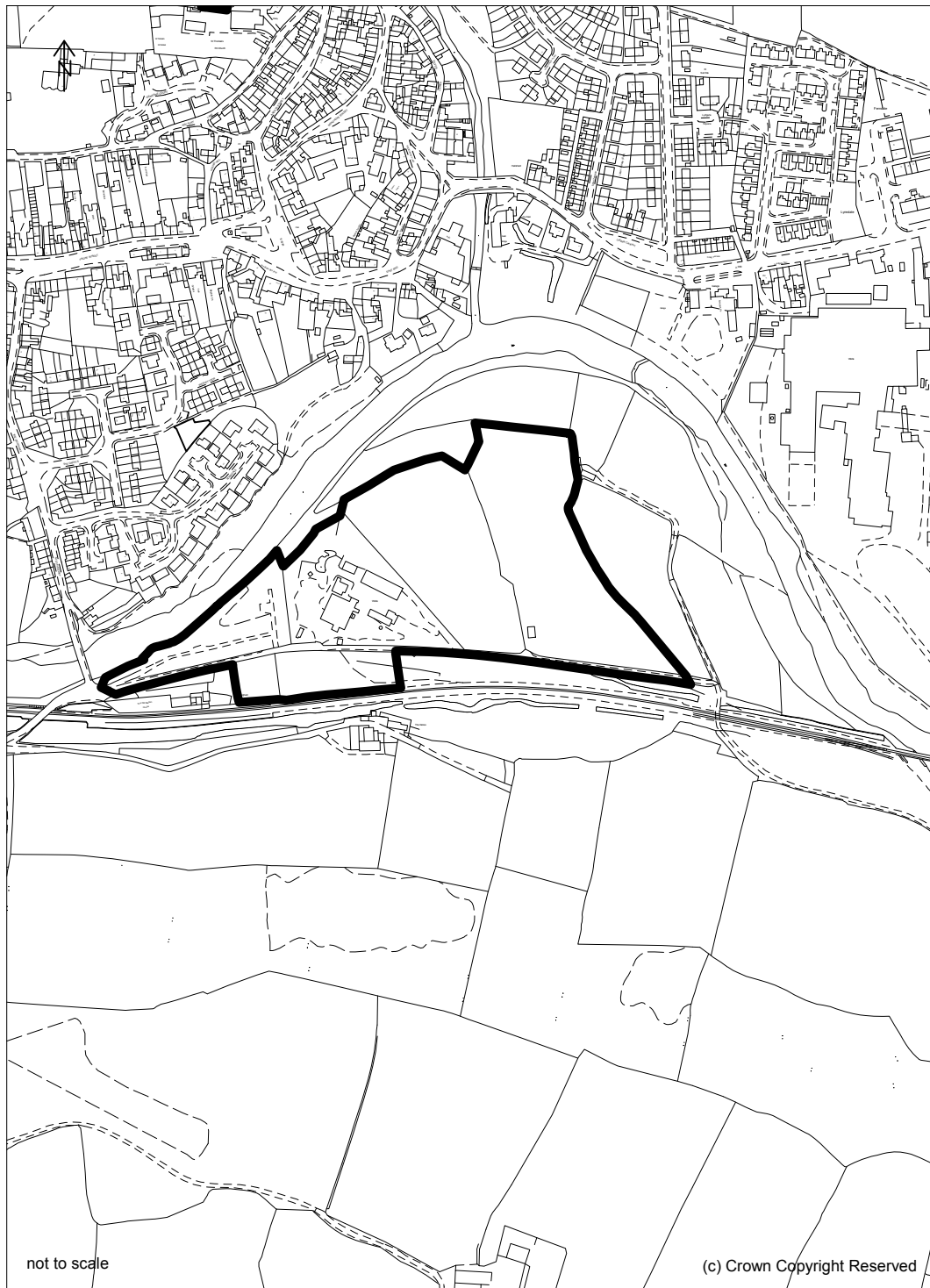
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

#### **Author of the report**

Sarah Eldridge  
Development Control  
Manager  
Ext 267

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**3/2005/0959 - CHALET PARK AT THE BATTS, WOLSINGHAM FOR A CHALET  
PARK, ROBSONS OF WOLSINGHAM – 11.01.2007 - AMENDED 03.12.2008**



DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0672 - CONVERSION OF MODERN AGRICULTURAL BUILDING TO AN OUTDOOR PURSUITS AND VISITORS CENTRE IN ADDITION TO CHANGE OF USE OF APPROXIMATELY 0.3 HECTARES (0.75 ACRES) ENCLOSED FIELD TO A TENT SITE AT COVES HOUSE FARM, WOLSINGHAM FOR MR. PARKER, SIBLING LIMITED – 22.10.2008**

**description of site and proposals**

1. This application would normally be determined by delegated authority however it falls out of the scheme of delegation as 10 objections have been received and is therefore brought to Committee.
2. The application seeks planning permission for the conversion of a modern agricultural building to an outdoor pursuits and visitor centre and change of use of approximately 0.3 hectares (0.75 acres) enclosed field to a tent site at Coves House Farm, Wolsingham.
3. The existing blockwork walls of the modern agricultural building would be finished with render whilst the shiplap cladding would be retained. The open sections of the building would be blocked up to match the existing. Windows would be inserted into the north east, north west and south east elevations. The existing asbestos based roof would remain, with rooflights installed in the roofslope in addition to solar panels in the south east elevation. The building would provide two lecture rooms, changing and shower facilities, a reception area, a central eating and gathering area, and an IT room and a kitchen. The existing adjoining tin clad hay shed would be demolished. An outdoor seating and garden area would be provided adjacent to the south east elevation of the remaining building following the demolition. A parking area is proposed immediately to the north of the converted agricultural building
4. The applicant is proposing to use the converted agricultural building as a base to operate the Weardale Outdoor Centre with the aim of becoming a base for tourism in environmental quality in the north east. The centre would provide corporate activity days for adults, Duke of Edinburgh training and study days for schools. The corporate activity days would involve rifle shooting, air rifle and air pistol shooting, teambuilding activities, command tasks, treasure hunts, archery, cross bow firing and mobile climbing walls. The school study days would include orienteering, field studies, camp craft, river studies, map and compass, hiking, and command tasks.

5. The applicant is proposing to use a small field to the north west of the buildings for camping in association with the use as a location for school activity days and Duke of Edinburgh training. Access to the tent site would be provided from the main farm via a track to the north of the existing buildings. The tent site would be in use for 150 days of the year, through the summer, by schools and Duke of Edinburgh Award participants using the centre.
6. Coves House Farm is a 160 hectares estate located to the south west of Wolsingham. The site is accessed from the A689 via a single track road with a bridge over the River Wear close to the entrance to the Kingfisher Caravan Park. Further south the road becomes a twin tyre track serving several neighbouring properties including Holebeck House and Holebeck Cottages. The farm buildings are located to the north of the Grade II\* listed Coves House Farmhouse. The buildings consist of a modern timber boarded agricultural building, with a metal sheeted roof adjoining the building to the south. A container which is painted in a 'military camouflage' style is sited to the north of the existing hay barn. Access to the field proposed for a tent site would be via an existing twin tyre track which runs through the field.

### **planning history**

7. The following applications are considered relevant to the consideration of this application:
  - 3/2004/0798      Use of Site as Occasional Quad Bike Centre      Refused 06.12.2004
  - 3/2008/0303/LB      Application for Replacement of 13 Exterior Windows      Application not determined at time of writing this report
  - 3/2009/0016      Erection of 9m High Wind Turbine      Application still pending. Application not determined at time of writing this report.

### **planning policies**

8. 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:
  - BE4      Setting of a Listed Building
  - BE20      Conversion of Buildings in the Countryside
  - ENV1      Protection of Countryside
  - ENV2      The North Pennines Area of Outstanding Natural Beauty
  - ENV3      Areas of County Landscape Value
  - GD1      General Development Criteria
9. Also relevant: Planning Policy Guidance 17 – Planning for Open Space, Sport and Recreation (Paragraphs 26 – 29), Planning Policy Statement 7 – Sustainable Development in Rural Areas

## **consultations**

10. Parish Council: No response received.
11. Highway Authority: No objections.
12. English Heritage: Request that the application be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.
13. Design and Conservation: Given the current appearance of the agricultural building and the limited nature of the alterations proposed the physical alterations will not compromise the setting of the grade II\* listed building, nor will the use have any listed building implications. The use of the land for camping purposes has few, if any implications for the building. No objection to the current proposal on design or conservation grounds.
14. Open Space Society: No response received.
15. Public Rights of Way: No response received.
16. Northumbrian Water: No objections.
17. Environment Agency: No objections.
18. Durham Bat Group: Object to the wind turbine which is the subject of a separate planning application.

## **officer analysis**

19. The key issues for consideration are:
  - Principle of the Development
  - Impact on the Special Scenic Quality and Character of AONB and Area of Landscape Value
  - Noise and Disturbance
  - Impact on Setting of Listed Building
  - Highway Issues and Access

principle of the development

20. The application site is an isolated farmstead outside of any settlement limits and within the open countryside. The site lies on the boundary of the Area of County Landscape Value and the AONB. Planning Policy Guidance 17 states that 'the designation of an area as an AONB should not preclude the use of land for sporting and recreational activities, however, noisy or other intrusive activities should be restricted to locations where they will have minimal or no impact on residents or other recreational users'. Furthermore PPG 17 advises that in Areas of Outstanding Natural Beauty local planning authorities 'should look to meet the demands for sporting and recreational activities where the proposals are consistent with the primary objective of conservation

of the natural beauty of the landscape, and the needs of agriculture, forestry and other uses.'

21. Policy BE20 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 states that the conversion of agricultural buildings within the countryside will be permitted for recreational uses subject to the criteria set out in section (c) of the policy. It is therefore considered that the development would be acceptable in principle subject to the issues listed above.

impact on the special scenic quality and character of the AONB and Area of Landscape Value

22. The proposal would involve the conversion of the existing agricultural building within an existing building group which would help to minimise the impact of the development on the surrounding countryside. It is not considered that the changes to the exterior of the building would lead to an increase in its prominence within the AONB. The container sited to the north of the hay barn is proposed to be used on a temporary basis whilst the conversion works are ongoing, after which it would be resited. This is not the type of development that should be encouraged within the AONB and the container is painted in bright colours making it highly prominent. However it is recognised that the business would require temporary accommodation on site, therefore it is recommended that a condition be imposed on the planning approval requiring removal of the container upon first occupation of the converted agricultural building.
23. The tent site would be sited to the north of the farm on a predominantly south facing slope. This site would not be open to the public and would only be used by school parties and Duke of Edinburgh Award participants. This relatively small scale use is unlikely to lead to a significant proliferation of tents on the hillside, furthermore the visitors to the site are unlikely to stay for longer than two or three days and as such the site would not have the visual impact of a permanent public campsite. Furthermore, due to the topography of the site, a south facing slope, it is not considered that the tents would appear prominent within the AONB and Area of Great Landscape Value.
24. The proposed tent site currently has a mobile toilet building sited in the south western corner. This building is a temporary structure and the applicant is intending to use this building to provide toilet facilities for the users of the tent site when the converted agricultural building is closed out of hours. However it is not considered that this building would be suitable as a permanent structure within the AONB and therefore it is recommended that a condition be imposed requiring the removal of the structure from the site upon completion of the works.
25. PPG 17 allows for recreation uses within the AONB subject to there being no harm to the special scenic quality or landscape character. It is considered that the use itself, which would involve outdoor recreation activities and no permanent structures within the estate, would not harm the scenic quality or landscape character of the Area of County Landscape Value or the AONB. The proposal therefore complies with policies ENV1, ENV2 and ENV3 of the

noise and disturbance

26. The proposed activities would inevitably generate some noise as games are carried out however it is considered that the activities would be of a scale that could be carried out without adverse harm to residents, tourists or other recreational users. It is recognised that the occupiers of nearby residential properties, tourists and visitors to the Kingfisher Caravan Park, have reservations with regard to the possible disturbance, particularly as this occurred at the site previously, under a different ownership, through the operation of a quad bike and 4x4 centre without planning permission. This application does not include 4x4 use and the applicant has confirmed that he does not intend to operate a quad bike centre. The only activities proposed would be of a small scale with a particular focus on school visits. The applicant has confirmed that the site would not be open to the public, with the exception of possible marketing days which are likely to take place 3-4 days a year. It is therefore considered that the proposal would not be detrimental to the general amenity of the area and as such would satisfy the guidance provided in PPG 17 and complies with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on the setting of the listed building

27. The building proposed for conversion is sited approximately 60m to the north east of the Grade II\* listed farmhouse. As the building is proposed to be converted with minimal external alterations, it is not considered that the conversion would be detrimental to the special architectural character or appearance of the listed building. The proposed use and tent site would have no impact on the listed building and as such the proposal would not harm the special architectural character or appearance of the Grade II\* listed building. No objections have been received from the Design and Conservation Officer. The proposal therefore complies with policy BE4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highway issues and access

28. The application proposes to use the existing access to Coves House Farm to provide access to the Weardale Outdoor Centre from the A689. The access predominantly consists of a twin tyre track that crosses a railway line and a small stream. The applicant has agreed with the owners of the access that there would be no more than 10 vehicles visiting the Weardale Outdoor Centre per day and the Centre would not be open to the public. The Highway Authority have no objections to the proposal and are satisfied that there is sufficient visibility at the junction with the A689. To the north of the railway crossing the access is predominantly hardsurfaced and is significantly wider close to the entrance with the Kingfisher Caravan Park. As such, given the low levels of traffic anticipated at the Weardale Outdoor Centre, it is not considered that the proposed use would be detrimental to the safety of existing highway users. The proposal therefore complies with policy GD1 of

### **objections/observations**

29. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. The application has also been advertised in the press. Ten letters of observation have been received, the details of which are set out below;
- a) Inappropriate activities for the AONB due to noise, visual impact, and environmental impact. There are already shooting boxes and a tarmac road at the site.
  - b) Tent site – Adverse visual impact. There are already plenty of campsites within Weardale including the neighbouring caravan site. Inadequate toilet and washing facilities provided on site.
  - c) Access – The access is a single track road with few passing places. Some concern that the road cannot accommodate additional traffic and could become hazardous for existing users as well as increasing disturbance to Holebeck Farm and visitors to the Kingfisher Holiday Park.
  - d) Harm to existing tourism activities such as walking, horseriding and picnicking as a result of the disturbance from the new use.
  - e) Concern that the use of quad bikes and 4x4s that have operated at the site previously under the 28 day rule will continue. Planning permission for the permanent use of the site for such activities was refused in 2004.
  - f) Concern that the tent site would be operated by a separate company.

### **response to objections**

30. The following comments are made in response to the issues raised:
- a) See paragraphs 22-26 of Officer Analysis. The applicant has confirmed that he has no knowledge of the shooting boxes referred to in the objection letters. He has also stated that he has not laid any tarmac or constructed any new roads.
  - b) See paragraphs 23-24 of Officer Analysis.
  - c) See paragraph 28 of Officer Analysis.
  - d) See paragraph 26 of Officer Analysis.
  - e) See paragraph 26 of Officer Analysis.



- f) See paragraphs 23-24 of Officer Analysis. The tent site is proposed to be used by school parties and Duke of Edinburgh Award participants and would be managed by the Weardale Outdoor Centre.

### **conclusion and reasons for approval**

1. The proposal complies with policies GD1, ENV1, ENV2, ENV3, BE4 and BE20 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as well as the national planning guidance in PPS7 and PPG17 for the following reasons:
  1. The proposal would not harm the special scenic quality or nature conservation interest of the AONB.
  2. The proposal would have minimal impact on neighbouring properties and existing recreational users of the surrounding countryside.
  3. The proposal would not harm the setting of the Grade II\* Listed building.
  4. The proposal would not be detrimental to highway safety.

### **RECOMMENDED**

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

#### **conditions**

1. No development shall take place until details of the render to be applied to the agricultural building hereby approved for conversion to an outdoor pursuits and visitors centre have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
2. 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 and the proposed planting.
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 agricultural building 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 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 works hereby approved are commenced.
5. Prior to the occupation of the agricultural building as an outdoor pursuits and visitors centre, the container sited to the north of the building shall be removed from the site and the land returned to its former state.
6. The tent site hereby approved shall not be used for the pitching of tents between 1<sup>st</sup> November in any one year and 31<sup>st</sup> March in the succeeding year.
7. The tent site hereby approved shall only be used in connection with the use as an outdoor pursuits and visitors centre and shall not be open to the general public.
8. Prior to the first use of the agricultural building and an outdoor pursuits and visitors centre, the toilet sited on the tent site hereby approved shall be removed from the site and the land returned to its former state.
9. The outdoor pursuits and visitors centre shall be open between 0900 hours and 1700 hours Mondays to Sundays and shall not be open at any other time unless otherwise agreed in writing by the local planning authority.
10. The outdoor pursuits and visitors centre shall be used solely for this purpose and shall not be used for any other purposes, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to the Class in any statutory order revoking or re-enacting that Order.
11. Prior to the first use of the agricultural building as an outdoor pursuits and visitors centre, the mobile toilet building sited within the tent site hereby approved shall be removed from the site and the land returned to its former state.
12. 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. The works shall then be carried out in accordance with the approved details.
13. Before the first use of the agricultural building as an outdoor pursuits and visitors centre, a parking area shall be laid out in accordance with details which shall have been first submitted to and approved in writing by the local planning authority with the works then being implemented in accordance with the approved details. Thereafter the parking area shall not be used for any purpose than the parking of vehicles in connection with the use as an outdoor pursuits and visitors centre.
14. No development shall take place until details of the proposed windows to be installed in the agricultural building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

## **reasons**

1. To enable the local planning authority to control details of the development in the interests of the visual amenity of the AONB and Area of Landscape Value. In accordance with policies GD1, ENV1, ENV2 and ENV3 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 policies GD1, ENV1, ENV2 and ENV3 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, ENV1, ENV2 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To achieve a satisfactory form of development. In the interests of visual amenity. In accordance with policies GD1, ENV1, ENV2 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interests of the appearance of the site and the special scenic quality and character of the AONB and Area of Landscape Value. In accordance with policies GD1, ENV1, ENV2 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of scenic quality of the AONB and the Area of Landscape Value and the protection of other users of the countryside. In accordance with policies GD1, ENV2 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. The site is not considered suitable as a permanent tent site. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. In the interests of protecting the special scenic quality of the AONB and Area of Landscape Value. In accordance with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. In the interests of the recreational users of the AONB and the residential amenity of the neighbouring properties. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. To enable the local planning authority to exercise control over future use of the site. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

11. In the interests of the appearance of the site. In accordance with policies GD1, ENV2 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
12. To achieve a satisfactory standard of development. In accordance with policies GD1, ENV2 and ENV3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. To ensure that adequate provision is made within the site for vehicles likely to visit and maintained. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. To enable the local planning authority to control details of the development in the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, PPG17, PPS7.

<b>PS code</b>	18				
<b>number of days to Committee</b>	79	<b>target achieved</b>	No		
<b>explanation</b>					
Christmas break and officer workload					

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#### Officer responsible for the report

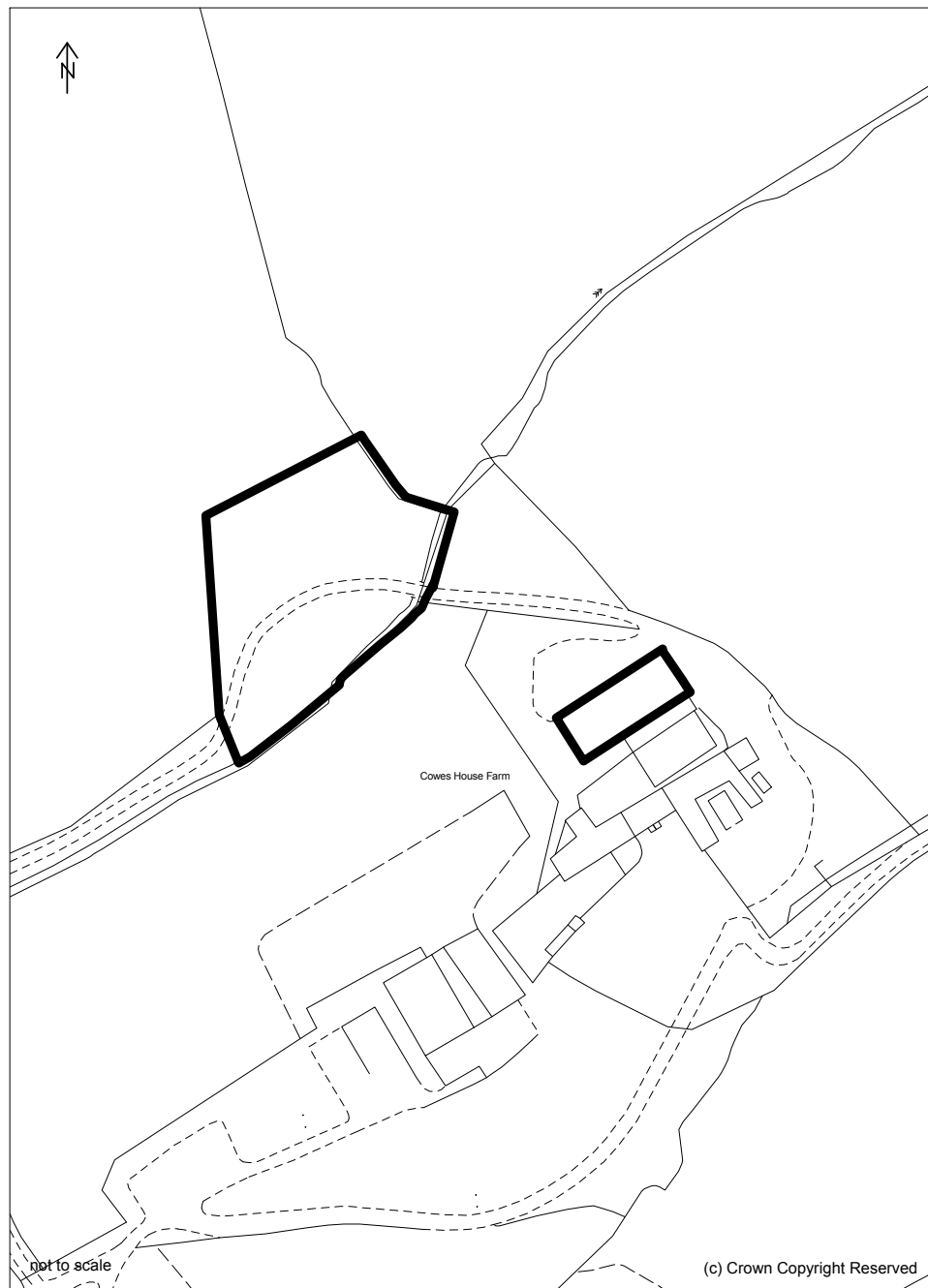
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

#### Author of the report

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**3/2008/0672 - CONVERSION OF MODERN AGRICULTURAL BUILDING TO AN OUTDOOR PURSUITS AND VISITORS CENTRE IN ADDITION TO CHANGE OF USE OF APPROXIMATELY 0.3 HECTARES (0.75 ACRES) ENCLOSED FIELD TO A TENT SITE AT COVES HOUSE FARM, WOLSINGHAM FOR MR. PARKER, SIBLING LIMITED – 22.10.2008**



DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0287- ERECTION OF 1 NO. THREE STOREY AND 2 NO. FOUR STOREY APARTMENT BLOCKS, COMPRISING 50 DWELLINGS. PROPOSED EXTENSION, CONVERSION AND REFURBISHMENT OF GAZEBO/OBSERVATORY TO FORM OFFICE SPACE (USE CLASS B1) AT LAND AT HIGH BONDGATE, BISHOP AUCKLAND FOR STRATHMORE HOMES LIMITED – 28.06.2008 - AMENDED 17.02.2009**

**description of site and proposals**

1. Full planning permission is sought for the development of 3 No. blocks comprising a total of 50 No. apartments, and for the conversion and extension of a Grade II listed observatory within the site to form office space (Use Class B1). This is a revised scheme to planning permissions 3/2004/0615 and 3/2000/0204, under which residential development has already been granted in both cases. Permission 3/2004/0615 (41 apartments) is also still capable of being implemented. This application has been amended since submission. Blocks B and C have undergone significant amendment to the roofs and elevations. Block A has had some minor changes to the front elevation. A companion Listed Building application for the works to the listed observatory (ref: 3/2008/0409) has already been approved.
2. The application site is approximately 0.35ha in area. It falls wholly within the settlement limits and conservation area of Bishop Auckland. The site was formerly in use as a builder's yard and is therefore considered to be brownfield land. It is no longer allocated for any particular purpose on the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, having previously been identified as a site for Renewal of Housing Permissions under expired policy H8. It is, however, now identified in the Bishop Auckland Urban Renaissance Master Plan (Wear Valley District Council, June 2006) as an important site for high quality housing development.

3. The site is currently in a cleared state, apart from the Grade II listed observatory, which is located centrally at the northern edge of the site. The north of the site forms part of the northern edge of Bishop Auckland and falls down steeply towards the River Wear valley. The site is bounded to the west by two and three storey residential properties on High Bondgate, some of which are Grade II listed; to the east by the dwelling Mayfield (for which an application for residential redevelopment is under consideration ref: 3/2007/0121) and the public car park (which now has permission for retail and residential development ref: 3/2007/0911); and there are a mixture of residential and commercial properties opposite the site on the southern side of North Bondgate.

### **planning history**

4. The following planning history is relevant:

• 3/2008/0409	Listed Building Consent for Conversion and Extension of Observatory	Approved 19.01.2009
• 3/2004/0615	Erection of Dwellings and Conversion of Observatory to Form Communal Amenity Facility	Approved 29.10.2004
• 3/2000/0204	Erection of 27 Dwellings and Conversion of Building to Form 3 Dwellings	Approved 26.07.2000
• 3/1990/0210	Retirement Homes	Approved 25.05.1990

### **planning policies**

5. 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:

- BE1 Protection of Historic Heritage
- BE17 Areas of Archaeological Interest
- BE4 Setting of a Listed Building
- BE6 New Development and Alterations in Conservation Areas
- GD1 General Development Criteria
- H22 Community Benefit
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways – General Policy

Also relevant is national planning guidance in PPS1: Sustainable Development and Climate Change, PPS3: Housing, PPS9: Biodiversity, PPG13: Transport, PPG15: Historic Environment, PPG16: Archaeology, PPS22: Renewable Energy, PPS25: Flood Risk; as well as policies 2, 3, 4, 5, 6, 7, 24, 28, 32, 35, 38 and 54 of the North East Regional Spatial Strategy (RSS) 2008.

6. The Durham County Council Parking Guidelines are also applicable.

## consultations

7. Environment Agency: No objections. Surface water run off must be controlled through a sustainable drainage approach to surface water management (SUDS) and a surface water drainage scheme must be approved. The development should provide renewable energy measures within the scheme and the highest standards of sustainable design and construction should be pursued.
8. Northumbrian Water: No objections. A scheme for the disposal of surface water must comply with the Hierarchy of Preference (SUDS) and must be approved.
9. English Heritage: (These comments were received prior to receipt of the amended plans. English Heritage were notified of potential changes but no interest was shown in seeing or being involved in the amendments).
10. The reuse of the Gazebo is welcomed, but recommend refusal of the proposal as a whole, as the regeneration benefits are considered to be outweighed by the harm to the character and appearance of the Conservation Area, predominantly as:
  - The height, scale and bulk of blocks B & C would be out of character with surrounding built development and would overwhelm the listed Gazebo and adjoining *Mayfield*;
  - The architectural detailing is mundane and features such as the mansard-type roof are alien and incongruous to the context. Elevations are bland and unattractive;
  - Block A requires more refinement. It needs active edges and the design quality needs to be of a very high standard.
11. It is mentioned that the full and proper repair of the listed Gazebo should be secured through a condition or obligation attached to any consent.
12. Bishop Auckland Town Council: No objection.
13. Durham Constabulary Architect Liaison: General crime prevention advice given.
14. Natural England: The scheme is not within Natural England's remit for consultation.
15. Durham County Council Archaeology: The potential for archaeological findings has been identified by the applicant and therefore it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out. Without this information upfront an objection is lodged.



16. Durham County Highways Authority: The extent of adoption of the access road must be agreed with the County Council. Any adopted highway must then be the subject of a traffic regulation order and details of this must be submitted for written approval.
17. It will be necessary for the applicant to enter into an adoption agreement under Section 38 of the Highways Act 1980 and an agreement under Section 278 of the same Act to allow works within the highway to be carried out.
18. Durham County Council Ecology: The Ecological Report identifies a bat roost in the observatory, but provides mitigation. If minded to grant planning permission then a condition is required that states that no work begins on site until a licence from Natural England with regard to the bats is acquired and that the rest of the ecologist's proposals in the Ecological Report are complied with.

#### **officer analysis**

19. The key issues for consideration are:
  - The Effect on the Creation of Sustainable Patterns of Development in the Area
  - Housing Supply and Mix
  - Impact on the Character and Appearance of the Bishop Auckland Conservation Area and Setting of the Listed Building on the Site
  - Residential Amenity
  - Highways and Parking
  - Flood Risk and Drainage
  - Sustainability
  - Archaeology
  - Ecology

the effect on the creation of sustainable patterns of development in the area
20. The principle of residential development on the site has previously been accepted with the approval of applications 3/2004/0615 and 3/2000/0204. Application 3/2004/0615 is also still capable of being implemented. These permissions are material considerations; however, this proposal must still be assessed in relation to the current development plan and other relevant planning policy/guidance.
21. In this respect, the principles of sustainable development described in PPS1, PPS3 and PPG13, as well as the sequential approach to development set out in the RSS, all seek to direct new development towards settlements capable of accommodating that development in ways that reduce the need to travel by private car.

22. The application site is located within the development limits of Bishop Auckland and on the perimeter of the town centre. Bishop Auckland is identified as an “other regeneration area” in the RSS, where in accordance with Policy 5, development of an appropriate scale should be permitted, aiming to achieve a balance between housing, economic development, infrastructure and services. The site is considered to be previously developed land and therefore, in the context of RSS Policy 4, is classed as a suitable previously developed site in an urban area. Bishop Auckland is well connected to public transport networks and the site is within walking distance of access to those networks as well as to the many services within the town itself. The site is therefore suitable for both residential and commercial development.
23. The site is also identified in the Bishop Auckland Urban Renaissance Master Plan as an important site for high quality housing development. The Master Plan has been formally adopted by the Council and is supported by One NorthEast as a means to encourage and promote development that would support and enhance Bishop Auckland’s economic viability in order that Bishop Auckland continues to support the needs of the communities it serves.
24. Accepting the principle of residential and commercial development in this location would therefore be consistent with the sequential approach to development outlined in the RSS, as well as with the overall aims of supporting sustainable patterns of growth in the local area.

housing supply and mix

25. The application proposes a total of 50no. apartments to be constructed in three separate blocks. The residual provision of housing in Wear Valley already shows an oversupply of dwellings for the period 2004/21, however, the supporting text of RSS policy 28 emphasises that the gross and net dwelling figures are not a ceiling and the case for higher figures can be made in identified locations consistent with the sustainable locational strategy of RSS policies 4 and 6.
26. In this case Bishop Auckland is an identified “other regeneration area” with significant opportunities to accommodate new development on previously developed land. Bishop Auckland is also likely to play a major part in accommodating additional housing as part of one of the region’s *Growth Points*. The proposed apartments would cater mostly for smaller households at a high density thereby making efficient use of brownfield land. It is considered the scale of housing proposed in this location would not undermine the wider regional policy objectives for housing provision. The development of a large brownfield site would also aid the Council in achieving its target for delivery of 65% of housing on brownfield land.

27. Provision of affordable housing has not previously been requested on this site and therefore it would not be consistent to do so now, particularly as there is a permission capable of being implemented on the site without affordable housing. In addition, the proposed apartments are not likely to be aimed at families and there would be other significant benefits in terms of the preservation of the listed building on the site. In a wider sense, the proposal would still contribute to the mix of housing types in the local area and is broadly consistent with the aims of building sustainable communities.

impact on the character and appearance of the Bishop Auckland Conservation Area and setting of listed buildings

28. The site is part of the elevated and highly prominent northern edge of the town. This geographic and townscape setting is of notable significance within the sub region and is a major characteristic of the town's heritage and identity. It lies within the conservation area, contains a listed building on the site and has other listed buildings nearby on High Bondgate. It is therefore essential that development on the site is of a high quality that preserves or enhances the character of the conservation area and is sensitive to the setting of listed buildings within and around the site.
29. The scale and layout of this scheme has largely been led by the previously approved development on the site, which remains a material consideration and is also a fallback position. The height of the buildings is also comparable to the development approved on the North Bondgate site (Helios). Approval 3/2004/0615 in particular established the principle of frontage development along High Bondgate and a courtyard style development within this site, with the listed observatory converted as an integral part of the development.
30. The character of this revised scheme is generally the same, the main differences though being: realignment of the frontage block on High Bondgate and proposing two apartment blocks as opposed to three within the site – the main difference being a larger single apartment block along the western site boundary. Greater attention, however, has now been paid to the use of the listed observatory.
31. The revised layout is considered to be a vast improvement over the previously approved scheme (3/2004/0615). Block A would be better aligned with the adjacent buildings on High Bondgate and the two blocks within the site would create a more intimate courtyard character. Blocks B and C would also be pulled further back from the listed observatory, thereby giving it greater prominence within the site and improving the vertical relationship so that the listed building would not be overwhelmed. The balance between developed and undeveloped land on the site would be comfortable and suitably appropriate to maintaining an attractive spatial environment within the conservation area and in the context of the setting of the listed building.

32. The front of the site historically has long been an important residential and commercial frontage location with densely built buildings. Block A to the front of the site has been designed to replicate the adjacent existing frontage development along High Bondgate and to frame the entrance to the site along with the approved development on the North Bondgate site (Helios). It is considered that this has been successfully achieved and would integrate well with the listed buildings along High Bondgate. The roof covering for the main roof would be natural slate and all windows would be timber sliding sash in keeping with the character of the adjacent buildings and conservation area.
33. Blocks B and C to the rear of the site have been amended since submission in order to replace the inappropriate mansard roofs originally proposed with pitched roofs, which are more in keeping with the existing vernacular of the area. Amendments to the elevations have been made accordingly to suit the changes to the overall character of these blocks. A key consideration in the negotiations has been to achieve consistency in building character with the style of development approved on the adjacent North Bondgate site (Helios) and with the existing building character generally. The amended design achieves this in a satisfactory manner, although perhaps there has been a missed opportunity to create something of greater ambition and vision on this part of the site. The general palette of materials has been agreed, however this still needs refining through the imposition of planning conditions, if planning permission is granted. Given the very important and critical siting of this development it is the final colours and tones of the distribution of external materials that could determine success of the scheme in the eyes of the general public.
34. In terms of the works to the listed building, this element of the proposal has been considered in conjunction with a companion listed building submission. Bringing the building into a viable private use carries significant weight in this proposal and is welcomed in order to secure the future of this valuable local feature. The extension and conversion of the building would be handled in a brave but sensitive way to create a comfortable and modern standard of office space, which is crucial to its commercial appeal and therefore success of the proposal. Minor changes to the proposed design of the windows and doors in the original building would be required, but that can be secured by planning condition if planning permission is granted. The proposed extension has been well considered and would retain the integrity and simple form of the original building. Some structural support would be required to ensure building stability and a detailed methodology should be agreed with the planning authority prior to works commencing. If planning permission is granted, particular care will be needed to ensure the building is not destabilised by any underground works required to provide the car park to serve the proposed dwellings.
35. In conclusion, the present untidy, uneven, generally unmanaged condition of the site currently makes a negative contribution to the character and appearance of the whole Bishop Auckland Conservation Area. The proposed development is welcomed as a positive opportunity to achieve a balanced and appropriate re-development of land within the town centre and to secure the future of a listed building. On balance it is now considered that the overall character and appearance of the amended development, with the appropriate

conditions attached, will deliver an appropriate form of urban streetscape and edge of town development for this site. This is in accordance with policies GD1, BE1, BE4, BE6 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as well with national planning guidance in PPS1, PPS3 and PPG15.

residential amenity

36. The proposed dwellings are to be delivered in a town centre urban location where the expectation for amenity space is not as great. In addition the majority of apartments would not be aimed at large family units. Nevertheless, there would still be amenity areas within the development exclusively available for recreational use by residents. In addition, the development would lie immediately adjacent to open countryside where there would be further recreational opportunities if desired. Given these factors and that there would be wider gain from preservation of a listed building on the site, it would not be appropriate to seek a financial contribution towards off-site play provision in this case. There was no requirement for a financial contribution when previous applications were approved.
37. The siting of the buildings in this scheme is no closer to adjacent properties than what has already been approved (3/2004/0615) and the relationship between Block A and no.4 High Bondgate would be considerably improved as it would no longer project in front of the rear elevation of no.4. While amendments to the roof form have resulted in slightly higher buildings than originally submitted, daylight assessments submitted with the application adequately demonstrate that the daylight and overshadowing effects on adjacent properties would not be so unacceptable to be reason for refusal.
38. In terms of privacy, the proposed siting of the individual blocks and innovative positioning and design of windows (some of which would be angled, or obscure glazed) has taken into account the requirement in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 to achieve adequate separation between habitable windows in order to avoid privacy conflicts. Block C would have angled oriel windows to prevent loss of privacy to the windows of neighbouring properties to the west and Block B would incorporate obscure glazing to prevent conflict with windows in Mayfield to the east. There would be around 21m from Block C to windows in the rear elevations of the dwellings in High Bondgate in accordance with policy H24 guidelines.
39. It would only be at the entrance to the development where the relationship between Block A and part of the approved development on the North Bondgate site would be less than 21m between windows. However, as these would be secondary windows in new developments, and that the angles would be oblique, the relationship is considered to be acceptable for new development in a high density urban environment.
40. With regards to the loss of views for the properties to the south of the site on High Bondgate, this is not a material planning consideration and there is already a long history of planning permissions for development of the site.

41. Finally, with regards to the compatibility of mixed uses, it is considered that because of the location of the observatory towards the northern edge of the site and its small scale, the new office accommodation as proposed would fit comfortably with an otherwise residential site and not result in potential amenity conflicts with residents. B1 uses are by definition those that are capable of being carried out in a residential area.
42. The proposal therefore accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 in this respect.

#### highways and parking

43. Vehicular access would be taken from High Bondgate, which itself leads into North Bondgate. This is a major thoroughfare for the northern part of the town centre and is capable of accommodating significant traffic movements. The area has always experienced significant transport movement from the existing public car park, former bus depot and general town centre traffic. A traffic assessment, which included the potential development on this site, was submitted in support of the North Bondgate application and concluded that new development in the area would not be significantly detrimental to the existing highway capacity. This is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Durham County Council, the Highways Authority, is satisfied with the proposed vehicular access arrangement subject to an adoption agreement and changes to traffic regulation orders.
44. A total of 50 residential car parking spaces is proposed, which is one per dwelling unit. The parking would comprise of 23 No. surface parking spaces and 27 No. undercroft parking spaces. This level of parking provision is in accordance with the Durham County Council Parking and Accessibility Guidelines, which specifies that parking provision should not exceed 1.5 spaces per dwelling unit.
45. Bishop Auckland is also well connected to public transport networks and the site is within walking and cycling distance of access to those networks, as well as to the many services within the town itself. No business spaces are therefore required for the proposed office space. The level of parking provision is considered to be appropriate and consistent with the aims of PPS1, PPS3 and PPG13, as well RSS policy 54, which all encourage promotion of more sustainable transport choices.

#### flood risk and drainage

46. RSS policy 35 and PPS25 require a sequential risk-based approach to development and flooding. In this case the site lies within Zone 1, which is the lowest probability of flooding. The size of the site, however, still requires consideration to be given to the effect of surface water runoff and the potential contribution to flooding outside the site.

47. Neither the Environment Agency nor Northumbrian Water have objected, subject to the development incorporating a sustainable drainage approach to surface water management (SUDS), details of which should be submitted to and approved in writing by the local planning authority before the development is commenced. A SUDS approach to surface water drainage would limit the amount of surface water leaving the site and reduce the strain on existing storm water drains around the site. This would be consistent with RSS policy 35.

sustainability

48. Climate change is high on the global agenda and the Government's recent Energy White Paper has given a statutory requirement to reduce carbon emissions by among other things: promoting sustainable patterns of development, making efficient use of land and securing renewable energy and energy efficiency measures in new development. Sustainability is therefore the overarching aim of all planning policy. In particular PPS1, including the Climate Change Supplement, PPS3, PPG13 and PPS22, all place an emphasis on achieving sustainable development. RSS policies 2, 3, 12, 24, 38, 39 and 40 reinforce this requirement and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 requires new development to be designed to conserve energy. The Code for Sustainable Homes rating system is also now mandatory for all new housing developments.
49. In this respect the development would be suitably located and would make efficient use of previously developed land. Although the development would not incorporate renewable energy systems, the applicant has committed to achieving a Code for Sustainable Homes rating of Level 4. A Code Level 4 rating requires the development to score excellently in all aspects of sustainability, including energy performance and water efficiency. Level 4 would still represent a 44% improvement in the dwelling emission rate (DER) over the standard Building Regulations (TER). Given that there would also be significant costs in renovating the listed observatory, building to Code Level 4 is considered to be an acceptable alternative to renewable energy provision in this particular case; however, this is further reason to ensure the observatory is renovated at the same time as the residential development in light of this compromise.

archaeology

50. The proposed development lies within the area covered by policy BE17 (Areas of Archaeological Interest) of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The site is within the heart of the historic town core and contains a listed building and historic boundary wall. As well as these physical features, the supporting archaeological report concludes that there is potential for archaeological remains to survive in the south eastern and northern parts of the site.

51. Where initial research indicates that archaeological remains are likely to be present, it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation and recording to be carried out, and the submitted report in fact recommends this. It is therefore proposed to secure this by condition if planning permission is granted. The developer would be required to agree with the Council a methodology for the survey and the mitigation to be undertaken if significant archaeology is found, before the survey is undertaken. This would be in accordance with policy BE17 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and national planning guidance in PPG16.

ecology

52. The supporting protected species survey of the site has identified that the observatory is used as a bat roost at times during the year and that trees and shrubs on the site have a moderate risk of supporting nesting birds.
53. The Durham County Council Ecologist considers that suitable mitigation has been proposed, which would include among other things, site clearance and buildings works being carried out outside roosting and nesting seasons, careful working practices, and provision of bat slates in the roof of the observatory. If planning permission is granted it would be appropriate to condition that the development is carried out in accordance with the mitigation in the report and that a final compliance statement is submitted to the local planning authority for approval. In addition, a Natural England Licence will be required because a bat roost has been identified.
54. Subject to following the suggested mitigation it is considered that the development would comply with planning guidance in PPS9.

### **objections/observations**

55. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. The application was also advertised in the local press.
56. Two objections have been received from properties in High Bondgate. The main points of objection are summarised as follows:
- a) Further housing is not needed in Bishop Auckland.
  - b) The flats are unsightly and uncreative and inappropriate for the historic core of the town and conservation area.
  - c) The development would block views over an aesthetically pleasing bit of land.
  - d) There would be loss of privacy from views into windows.
  - e) There will be an increase in traffic.
  - f) The pay and display car parks have resulted in cars parking on the site. Parking problems will not improve until pay and display is removed.



## **response to objections**

57. The following comments are made in response to the issues raised:

- a) The issue of housing supply is assessed in the officer analysis and it is concluded that the proposal would not undermine the wider regional policy objectives for housing provision.
- b) It is considered that the amendments have adequately created a form of development that would be appropriate for the site context.
- c) The loss of views over third party owned land cannot be taken into consideration as a material planning consideration.
- d) The impact on the privacy of neighbouring windows has been considered in the officer analysis and found to be acceptable.
- e) The capacity of the road network to accommodate the development has been assessed in the officer analysis, and by the Durham County Council Highways Authority, and has been found to be adequate.
- f) This is not material to consideration of the proposal, and development of the site will ultimately remove the cars from the site.

## **conclusions and reasons for approval**

1. Subject to conditions, the proposal is considered to be in accordance with the provisions of policies GD1, H3, H24, BE1, BE4, BE17, BE6 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; Policies 2, 3, 4, 5, 6, 7, 24, 28, 32, 35, 38 and 54 of the North East Regional Spatial Strategy (RSS) 2008; as well as national planning guidance in PPS1, PPS3, PPS9, PPG13, PPG15, PPG16 and PPS25 as it:
  - a) Would represent effective and efficient use of brownfield land and secure sustainable patterns of development.
  - b) Would not prejudice housing delivery in the district.
  - c) Would deliver an appropriate form of urban streetscape and edge of town development that would secure the future of a listed building and have a positive impact on the character and appearance of the Bishop Auckland Conservation Area.
  - d) Would offer suitable levels of amenity within the development, as well as preventing significant harm to the living conditions of neighbours outside the site.
  - e) Would be acceptable in terms of highway safety and parking provision.
  - f) (subject to condition) Would promote sustainability and reduce carbon emissions.
  - g) (subject to condition) Would not increase the risk of flooding to surrounding areas.

## RECOMMENDED

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

### conditions

1. The development hereby approved shall achieve a Code for Sustainable Homes rating of level 4. Evidence shall be provided to the local planning authority that:
  - (i) Prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 4; and
  - (ii) Prior to the occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 4 or alternative as agreed in writing by the Local Planning Authority.
2. Prior to the commencement of development an archaeological field evaluation shall be carried out on the site to determine the exact extent of the potential archaeological remains and deposits on the site. The evaluation shall be carried out in accordance with a programme and methodology to be first submitted to and agreed in writing by the local planning authority. The findings and recommendations of the archaeological field evaluation shall then be submitted to and approved in writing by the local planning authority before any ground works commence. Thereafter the development shall be implemented in accordance with the approved details and recommendations.
3. The development shall be carried out in accordance with all the mitigation strategy, timings, and measures identified in the approved Extended Phase 1 and Protected Species Survey by E3 Ecology Ltd received on 18/07/2008 (pages 24-26 particularly). Following completion of the development, the confirmation of the project ecologist that all elements of the mitigation proposals have been successfully implemented shall be submitted to and approved in writing by the local planning authority. No development shall take place until a Natural England licence has been obtained.
4. Before the occupation of any dwelling hereby approved the proposed access road, footways and turning spaces shown on the approved plans, shall be properly consolidated and surfaced.
5. Before the dwellings hereby approved are occupied the parking spaces shown on the approved plans shall be laid out and made available for the parking of vehicles. Thereafter the parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.

6. Before the commencement of the development hereby approved, plans showing the traffic regulation orders on the access road shall be submitted to and approved in writing by the local planning authority. Thereafter the works shall be implemented in accordance with the approved details and the regulation orders shall be implemented prior to the first occupation of any dwelling.
7. Before the dwellings hereby approved are occupied, the renovation of the listed Gazebo/Observatory as shown on the approved plans shall be implemented and completed, unless otherwise agreed in writing by the local planning authority.
8. Prior to the commencement of the development hereby approved, a detailed methodology for the conversion, including the timetable of works required to secure the safety and stability of the grade II listed Gazebo/Observatory building prior to and during the conversion and construction period, shall be submitted to and agreed in writing by the local planning authority. Such details must be based upon the terms of this consent and must, therefore, involve the in-situ repair and conversion of the building and not its dismantling and subsequent reconstruction. These details shall therefore include the timing of the works and measures to strengthen any wall or vertical surface and to support any floor, roof, or wall during the process of works. Thereafter the agreed schedule shall be strictly adhered to during the implementation of the development, unless otherwise agreed in writing by the local planning authority.
9. Before the development hereby approved is commenced, details to a scale of 1:20 of the boundary wall to be constructed on the northern boundary of 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.
10. No development shall take place until samples of the materials to be used in the bay window panels, bay window roofs, oriel window panels and dormer cheeks of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
11. Notwithstanding the details included on the approved plans:
  - a) All windows and doors in the listed Gazebo/Observatory shall be timber.
  - b) The windows in the original part of the listed Gazebo/Observatory shall be casement windows. Details of the windows shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the approved details.
  - c) All windows and doors in the original part of the listed Gazebo/Observatory shall be recessed at least 100 mm from the face of the building.

- d) Details of the door/s in the north elevation of the original part of the listed Gazebo/Observatory shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved. Thereafter the development shall be implemented in accordance with the approved details.
  - e) The roof covering of the listed Gazebo/Observatory shall be natural stone slate arranged in diminishing courses.
  - f) All rainwater goods on the original part of the listed Gazebo/Observatory shall be black cast iron.
  - g) No fascia or barge boards shall be affixed to the listed Gazebo/Observatory.
12. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the development of Block A:
- a) all windows shall be timber, double hung vertically sliding sash;
  - b) all windows shall be recessed at least 100 mm from the face of the building;
  - c) exposed stone cills and lintels shall be used below and above all window openings;
  - d) all external doors shall be natural timber doors;
  - e) the roof covering shall be natural slate (apart from the rear projection which shall be red clay pantile);
  - f) all rainwater goods shall be black;
  - g) the panels on the bay windows shall be timber.
13. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into blocks B and C of the proposed scheme:
- a) all windows shall be recessed from the face of the building; prior to the commencement of the development hereby approved a sample of the window type and colour 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) exposed stone cills and lintels shall be used below and above the window openings;
  - c) no development shall take place until samples of all materials to be used in the construction of the external walls of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details;

- d) no development shall take place until samples of all external materials to be used in the construction of the roofs of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details;
  - e) all rainwater goods shall be black; and
  - f) all rooflights shall be flush-fit lights finished in black.
14. Before the development hereby approved is commenced a scheme of landscaping, to include location of planting, species, planting height and timing, shall be submitted to and approved in writing by the local planning authority. 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 first 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.
  15. Before the development hereby approved is commenced, details for the disposal of surface water discharges from the site shall be submitted to and approved in writing by the local planning authority. These details shall show and include a report to explain how the drainage system incorporates a sustainable drainage approach to surface water management (SUDS) and indicate the rate of discharge of surface water run-off from the site. The arrangements shall be implemented in accordance with the approved details before the development hereby approved is occupied.
  16. Before the development hereby approved is commenced wheel washing equipment shall be provided at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.

#### **reasons**

1. In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS22 and policy 38 of the North East Regional Spatial Strategy.
2. The site is of potential archeological interest. In accordance with policy BE17 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To ensure the impact of the development on protected species and their habitats are adequately mitigated. In accordance with PPS9.

4. In the interests of highway safety and the amenities of the occupiers of the proposed residential development. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To ensure that adequate provision is made within the site for the parking of vehicles. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of highway safety and efficiency. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To secure the long term future of the listed building, enhance the character of the conservation area and in the interests of the visual amenity of the site and surroundings. In accordance with policies GD1, BE1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15.
8. To ensure the safety and stability of the listed building during construction and conversion. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15.
9. To achieve a satisfactory form of development. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15.
10. 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, BE6 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15 .
11. For the avoidance of doubt and to maintain the character of the listed building. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15.
12. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15.
13. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE6 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15.
14. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

15. To manage the rate of surface water runoff in order to reduce the risk of flooding to surrounding areas and to reduce water based pollution. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, policy 35 of the Regional Spatial Strategy and the provisions of PPS1 and PPS25.
16. In the interest of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **background information**

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), Durham County Council Parking Guidelines, PPS1, PPS3, PPS9, PPG13, PPG15, PPG16, PPS22 and PPS25.

<b>PS code</b>	<input type="text" value="1"/>	<b>number of days to Committee</b>	<input type="text" value="257"/>	<b>target achieved</b>	<input type="text" value="No"/>
<b>explanation</b> Amendments were sought.					

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**Officer responsible for the report**

Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

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**Author of the report**

Adrian Caines  
Senior Planning Officer  
Ext 369

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**3/2008/0287- ERECTION OF 1 NO. THREE STOREY AND 2 NO. FOUR STOREY APARTMENT BLOCKS, COMPRISING 50 DWELLINGS. PROPOSED EXTENSION, CONVERSION AND REFURBISHMENT OF GAZEBO/OBSERVATORY TO FORM OFFICE SPACE (USE CLASS B1) AT LAND AT HIGH BONDGATE, BISHOP AUCKLAND FOR STRATHMORE HOMES LIMITED – 28.06.2008 - AMENDED 17.02.2009**





DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0522 - CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO LIVE/WORK UNIT AT HIGH SUNNY SIDE HUNTSHIELDFORD, ST JOHNS CHAPEL FOR MR. RAINE – 14.11.2008**

1. At the previous Development Control Committee on the 19<sup>th</sup> February 2009, Members were minded to grant planning consent against officer recommendation for the change of use from a redundant agricultural building to a live work unit at High Sunny Side, Huntshieldford, St. Johns Chapel. I was asked to provide details of appropriate conditions to be attached to the planning permission.
2. Below is a list of recommended conditions and reasons.

**conditions**

1. All alterations to the external elevational appearance of the existing building shall be made good using materials to match those of the existing building.
2. Prior to the commencement of any works, detailed drawings of the new and/or replacement windows shall be submitted to and approved in writing by the local planning authority. Window details shall include sections showing the positions of the windows in relation to the face of the wall, the depth of the reveal together with cill details. Where applicable details shall include sections of glazing bars and frame mouldings. The development shall thereafter be implemented in accordance with the approved details.
3. Prior to the commencement of any building work a sample panel of masonry using the bond, mortar and jointing/ pointing proposed shall be provided on site for inspection and approval in writing by the local planning authority. Following the approval of the details in writing by the local planning authority the development shall be implemented in accordance with the approved details. The approved panel shall be retained on site during building works as a reference for the new masonry.
4. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:
  - a) all external doors shall be natural timber doors;
  - b) the roof covering shall be natural slate;

- c) all rainwater goods shall be black;
  - d) all rooflights shall be conservation flush fit rooflights finished in black with a central glazing bars;
  - e) all external walls shall be natural random stone; and
  - f) all external windows shall be timber.
5. Before the development hereby approved is commenced details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.
6. 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.
7. 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.
8. 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 building hereby approved is commenced.
9. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E and G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 et sq. none of the categories of development described therein shall be carried out on the site without an application for planning permission having first been made to and approved in writing by the local planning authority.
10. Development shall not commence until details demonstrating how energy efficiency is being addressed in the design and construction of the dwelling 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. The details shall include an assessment of the predicted energy performance of the approved dwelling against suitable baseline data.

11. The barn shall be surveyed in the May to August period immediately prior to the commencement of the development hereby approved by a licensed bat worker and the results shall be submitted to the local planning authority to determine the presence of any bats roosting within the bridge structure. If bats are present, a working design, method and timetable to mitigate any undue adverse effects on species involved shall be submitted to the local planning authority for approval in writing. The mitigation measures shall be implemented as approved.
12. The ground floor work space area of the live/ work unit as shown on the approved plan shall not be used for any purpose other than those specified in Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) without the prior written permission of the local planning authority.
13. The use of the ground floor work space area of the live/ work unit as shown on the approved plan number shall not be severed from the upper floors or let or sold as a separate planning unit without the permission of the Local Planning Authority.
14. The living accommodation hereby approved shall be occupied in conjunction with the use of the site as a Use Class B1 business use only and not as a separate independent unit of residential accommodation. Occupiers of the residential accommodation shall be limited to a person solely at the associated business use and his/her dependants or a widow or widower of such a person.
15. Before the occupation of the residential accommodation hereby approved the conversion works to form the business use shall be completed. The residential accommodation hereby approved shall be occupied no earlier than the date on which the business use is brought into use.
16. The development shall not commence until a plan showing the domestic curtilage (to include parking/manoeuvring areas and private amenity space) for the proposed live/work unit has been submitted to and approved in writing by the local planning authority. The curtilage approved shall be made available for the unit prior to first occupation of the live work unit and thereafter retained in perpetuity for the unit hereby approved.
17. Before the use hereby approved is commenced the existing field gate access shall be improved in accordance with the requirements of Section 184(3) of the Highways Act 1980. Details of the access and driveway to serve the live work unit hereby approved shall be submitted to and be approved in writing by the local planning authority before the development hereby approved is commenced and implemented before the live work unit is first occupied.

## **reasons**

1. In the interests of visual amenity and in accordance with policies GD1, ENV2 and BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

2. To retain the character of the building in accordance with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To retain the character of the building in accordance with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. For the avoidance of doubt and to retain the character of the building in accordance with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
7. 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 the Saved and Expired Policies September 2007.
8. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
9. The local planning authority wishes to control future development on the site in the interests of safeguarding the appearance of the building and the surrounding area. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. 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.
11. In the interests of nature conservation. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. In order to ensure retention of employment floorspace in the interest of the economic vitality of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
13. In order to retain a mixed use on the site in the interest of sustainability and in order to protect the amenity and security of other occupiers of the site. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

14. The local planning authority would not be prepared to permit the conversion of the barn into residential accommodation on this site unconnected with the use of the 'workspace' area as Class B1 use. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
15. The local planning authority would not be prepared to permit the conversion of the barn into residential accommodation on this site unconnected with the use of the 'workspace' area as Class B1 use. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
16. To provide an acceptable form of development. In accordance with policies GD1 and H24 to the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
17. To ensure a satisfactory access to the live work unit. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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**Officer responsible for the report**

Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

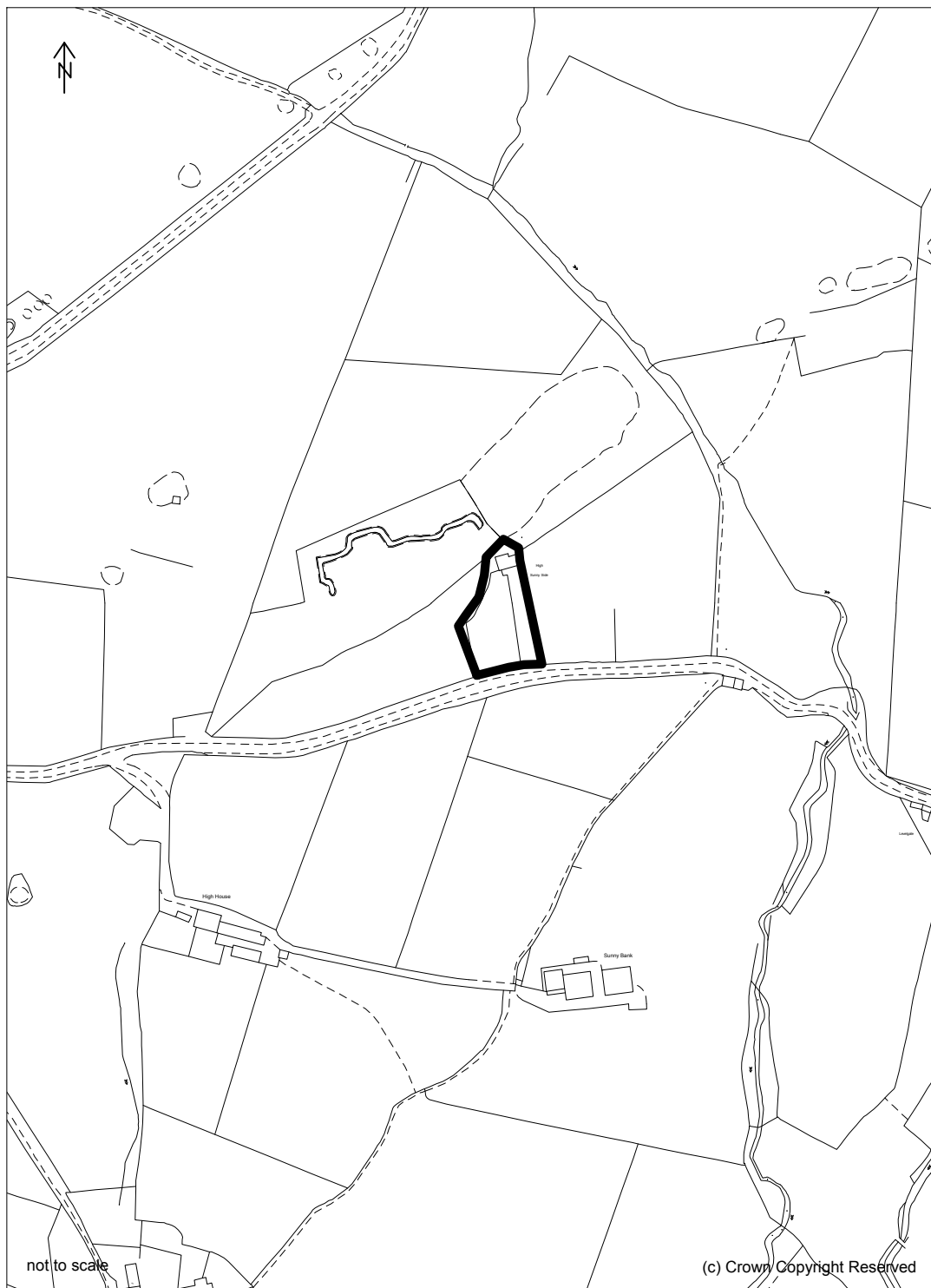
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**Author of the report**

Adam Williamson  
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Ext 495

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**3/2008/0522 - CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO LIVE/WORK UNIT AT HIGH SUNNY SIDE, HUNTSHIELDFORD, ST. JOHNS CHAPEL FOR MR. RAINE – 14.11.2008**



**DEVELOPMENT CONTROL COMMITTEE**

**12<sup>TH</sup> MARCH 2009**

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0783 - RESIDENTIAL DEVELOPMENT AT LAND AT CHURCH STREET,  
COUNDON FOR COUNDON PROPERTY LIMITED – 24.12.2008 – AMENDED  
03.03.2009**

**description of site and proposals**

1. Outline planning permission is sought for residential development on land at Church Street in Coundon. All matters are reserved for future consideration, therefore it is only the principle of development which is to be considered in this application.
2. The application site measures approximately 0.6 hectares and appears to be agricultural land and has horses grazing on it. There are residential properties to the north, east and west of the site with open fields to the south. The main highway which runs through Coundon is located directly to the north of the site. The site is at a higher level to the main highway. The application site is greenfield land and is located within the limits to development as defined by policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

**planning history**

3. The following planning history is relevant to the consideration of this application:

• 3/1998/0455	1 No. House	Refused 02.12.1998
• 3/2001/0085	3 No. Bungalows (Outline)	Refused 09/05/2002 (Appeal Dismissed)
• 3/2003/0923	3 No. Residential Units (Outline)	Approved 08.01.2004
• 3/2004/0390	2 No. Residential Units	Refused 09.11.2004 (Allowed on Appeal)
• 3/2004/0704	2 No. Residential Units	Refused 07.10.2004

**planning policies**

4. 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:

- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development

Also of relevance: Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 22: Renewable Energy (PPS22), Regional Spatial Strategy (RSS), Coundon Area Development Framework (Coundon ADF), Durham Growth Point Bid.

### **consultations**

5. Durham County Council (Highways Authority): Full response on file, comments summarised below:
6. It is noted that the application is in outline and all matters are reserved for future consideration. Since the publication of Manual for Streets, visibility requirements have been significantly reduced. Vehicle speeds in the vicinity of this site are approximately 30 mph. The Manual for Streets visibility requirements of 2.4m by 45m must be achieved in both directions. At both the western and eastern ends of the site these splays can be achieved. Visibility requirements would necessitate the removal of a length of the existing stone retaining wall.
7. At the western end of the site the existing garage associated with Ship Cottage makes access difficult. Any access road avoiding the garage would bring the access road closer to the bend and require significantly more earthworks.
8. At the eastern end of the site the access must be offset from the West Park junction opposite. This would push the junction to the western boundary of the site and would reduce the requirement for major earthworks.
9. It is noted that these comments assume that no additional land to the south will be developed.
10. Northumbrian Water: No objections.
11. Environment Agency: Originally objected to the proposal. Further information was provided and subsequently the objection has been withdrawn.

### **officer analysis**

12. The application is an outline application with all matters reserved for future consideration. Therefore only the principle of development can be assessed.
13. The key issues for consideration when determining the principle of development in this application are:



- Policy Considerations
- Sequential Test
- Sustainability
- Energy Efficiency

policy considerations

14. In the determination of this planning application, it is essential that the relevant local, regional and national policies are fully considered.
15. In terms of local policies, the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 sets out the policy framework for the Wear Valley district. The proposal in this application is located within the defined settlement limits of development for Coundon as identified under policy H3 of the WVDLP as amended by Saved and Expired Policies September 2007. The proposal is therefore considered to be acceptable in relation to policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. Policy 4 (The Sequential Approach to Development) of the RSS sets out the regional policy for delivering residential development. Policy 4 states:

*'a sequential approach should be adopted to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations... Locations should be selected in the following priority order:*

- a. Suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;*
- b. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;*
- c. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and*
- d. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.'*

17. Coundon is classified as an urban area within Wear Valley district. The application site is greenfield land and is not specifically identified as land to be protected for nature or heritage conservation or recreational purposes therefore, under the criteria set out above, the site would be a priority two site.
18. Planning Policy Statement 3: Housing (PPS3) sets out the national planning policy framework for delivering the Government's housing objectives. PPS3 states:

*'that the planning system should deliver:*

- *High quality housing that is well designed and built to a high standard.*
- *A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.*

- *A sufficient quantity of housing taking into account need and demand and seeking to improve choice.*
- *Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.*
- *A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.'*

19. In assessing the proposal in this application it is important that the above points are taken into consideration. The delivery of high quality housing would be reserved for future consideration given that this is an outline application. It has been indicated in the supporting documents with the application that the site would accommodate executive style houses. This would seek to provide a mix of housing and improve choice within Coundon. The suitability of the site's location in relation to community facilities and efficient and effective use of land is to be discussed under the headings below.

#### sequential test

20. It is accepted that the application site is greenfield land and that the proposal therefore falls under priority two of the sequential approach identified in Policy 4 of the RSS. In order to justify the release of greenfield land for residential development, the agents for the application have submitted a sequential test report. This report identifies 17 sites within the Coundon and Leeholme area. The report further states that these 17 sites have been discounted for not being available, suitable or achievable. These 17 sites and the reasoning for discounting the sites have been fully assessed. It is concluded that of the 17 sites in the sequential test, 15 of these sites would not be sequentially preferable to the application site and therefore the 15 sites are discounted as they are either sites which are outside the settlement limits, currently under construction, have extant permissions or are greenfield sites.
21. There are 2 sites within the sequential test which are brownfield land available within the settlement limits of Coundon. These sites are land at the 'The Crescent' and land at 'Pembroke Street/Sussex Street'. The agents for the application have discounted these sites for the reasons that executive style housing would be out of keeping with the surroundings and not be acceptable on these sites. It is noted that given these two sites are brownfield sites they should normally be sequentially preferable to the greenfield land of the application site. PPS3 states that the re-use of brownfield sites should be delivered where appropriate. Whilst it is agreed that executive style housing would be more appropriate on the application site as opposed to the sites at 'The Crescent' and 'Pembroke Street/Sussex Street', it is noted that the application is only for outline approval and there is no commitment for the application site to be developed with executive style housing.
22. Given the location of the sites at 'The Crescent' and 'Pembroke Street/Sussex Street' and the type of housing surrounding these sites, which are high density type housing, it is considered that the appropriate style of development for these brownfield sites would be high density housing schemes. The application site would be more appropriate for a low density

housing scheme which incorporates executive style housing, as this would appear more in keeping with the style of houses surrounding the application site. The housing stock in Coundon is heavily weighted towards smaller terraced stock. In the interests of creating housing stock which will attract/retain a mixed and sustainable community the Coundon Area Development Framework recommends that a proportion of larger family and executive homes be delivered. The application site would be considered an acceptable site from which to deliver family and executive homes.

23. The agent for the application has submitted a layout plan which identifies 8 plots on the application site. This plan provides evidence that a low density housing scheme would be proposed for the site.
24. The assessment of whether the application site is sequentially preferable is finely balanced. Although there are two other available brownfield sites within Coundon, there is an argument that the application site is sequentially preferable in terms of delivering larger family and executive homes, which is supported by the findings of the Coundon Area Development Framework.
25. It is considered that releasing the greenfield land at the application site for low density housing would not prejudice high density housing schemes coming forward on the brownfield sites at 'The Crescent' and 'Pembroke Street/Sussex Street'. The proposal would be in align with the recommendations of the Coundon Area Development Framework, would not contradict Policy 4 of the Regional Spatial Strategy and would not conflict with the guidance contained within Planning Policy Statement 3: Housing.

#### sustainability

26. Both PPS1 and PPS3 advocate delivering sustainable development. Planning should facilitate and promote sustainable and inclusive patterns of urban development by ensuring that proposed developments support existing communities and contribute to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.
27. The application site is located within the defined settlement limits of Coundon which is classified as an urban area of Wear Valley district. The application site is within walking distance to a range of services and community facilities in Coundon. The site also has good transport links to surrounding areas, including Bishop Auckland, which offers good access to jobs and additional services.
28. It is considered that there are more than adequate services and community facilities within close distance to the site and there are good transport links to neighbouring communities. The application site is therefore a sustainable location for development and in that respect the proposal is in accordance with guidance contained within PPS1 and PPS3.

energy efficiency

29. A Code for Sustainable Homes assessment is now mandatory for all new dwellings, although it is still open for a developer to get a nil rating if a certain code level requirement is not conditioned through planning. At present, new dwellings should be achieving code level 3. 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). A condition to this effect would be appropriate and in accordance with Regional Spatial Strategy (RSS) policies 38 & 39 and PPS1/PPS22.

### **objections/observations**

30. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. A press notice was also issued. 17 letters of objection have been received. The contents of these letters are summarised below:
- a. Increase in the risk of flooding.
  - b. Access to the site would be hazardous to road safety.
  - c. The site is a greenfield site and it is Central Government's policy to use brownfield sites instead of greenfield sites.
  - d. There are brownfield sites available in Coundon.
  - e. The site is currently neglected.
  - f. Houses on this site will not be able to be sold.
  - g. Other run down areas of Coundon should be developed before this site.
  - h. The site is not unused, it is being used for grazing horses.
  - i. There is no demand for executive style houses.
  - j. Why has the applicant not submitted his name and address on the application forms?
  - k. It is wrong that we are bombarded by large amounts of literature from the agents. Details of the unsuitability of other sites should be provided by the Council. It appears that the Council is supporting this before a final decision is made.
  - l. This application will form a precedent, and the land to the south of the application site will be developed next.
  - m. There is a letter from the Highways Officer suggesting the types of accesses to be used.
  - n. Green Belt land should not be built on.
  - o. Affordable housing should be built.
  - p. There is a natural spring on the site.
  - q. There are restrictive covenants on the land.
  - r. Planning permission has previously been refused for residential development on this land, and an appeal has been dismissed due to the greenfield status of the site.
  - s. PPS3 places priority on the development of previously developed land, advocating the need to consider sustainability issues in assessing the suitability of sites for housing and affording a priority to previously developed sites.
  - t. A need for new housing in the short term has not been identified, therefore there does not appear to be justification for the release of this greenfield site.

- u. The sequential test submitted is questionable as the area covered is relatively small and does not cover housing land in the wider Bishop Auckland sub area.
- v. In the sequential test, certain sites are discounted because of their unsuitability for executive housing. This is not a robust evidence base.
- w. RSS states that there will be no need for locational exceptions for executive housing and that the size and type of dwellings should be controlled through clear policies on density.
- x. The application is in outline therefore the Council would have difficulty at reserved matters stage resisting details which were not 'executive housing'.
- y. A brownfield site located 100m from the application site has been discounted in the sequential test, because the site is not large enough.
- z. Documents submitted with the application place emphasis on the new Durham Growth Point proposals. This document is in an embryonic form.
- aa. The proposal would have an adverse impact upon the outlook of neighbouring properties.

### **response to objections**

31. The following points are made in response to the issues raised above:

- a. The Environment Agency have not objected to the proposal.
- b. Although access to the site is reserved for future consideration and is not a material consideration in this application, the Highways Officer has indicated that a suitable access to the site could be achieved.
- c. Discussed in officer analysis. It is noted that the development of brownfield land is encouraged, where appropriate.
- d. Agreed. This issue is further discussed in officer analysis.
- e. It is acknowledged that the site appears to be currently used for the grazing of horses.
- f. Not a material planning consideration.
- g. Other sites in Coundon have been assessed and discussed in officer analysis.
- h. Agreed.
- i. Discussed in officer analysis. National planning guidance encourages a mix of housing types in communities. The Coundon Area Development Framework has recommended that a proportion of larger and executive homes are delivered.
- j. The company's name and address have been supplied on the application forms which are viewable by the general public.
- k. The inclusion of supported documents within a planning application is common practice. The submission of a sequential test which includes details of the unsuitability of other sites is again common practice, and it is for the local planning authority to determine whether this sequential test is acceptable or not.
- l. The site would not create a precedent. Each planning application must be determined on its own merits.
- m. Access to the site is a reserved matter and is not a consideration in the determination of this application. Pre-application advice offered by the Highways Officer is common practice.
- n. The site is not within a Green Belt.

- o. This site is considered more appropriate to deliver larger family and executive style housing.
- p. The Environment Agency have not objected to the proposal.
- q. Not a material planning consideration.
- r. An application was refused by the Council on this site in 2001 for highway reasons. An appeal was dismissed by the Inspector on the grounds of highway issues and the greenfield status of the site. Previous Inspector's decisions are taken into consideration however it is noted that each application has to be determined on its own merits. There has been material changes in the circumstances since the Inspector made her decision.
- s. Discussed in officer analysis.
- t. The justification for the release of the land is discussed in the officer analysis.
- u. The sequential test covers the area of Coundon and Leeholme which is considered acceptable.
- v. Discussed in officer analysis.
- w. Agreed.
- x. Discussed in officer analysis. A condition is recommended limiting the housing density on the site.
- y. The site of the former Youth Centre has an extant permission for residential development.
- z. Agreed.
- aa. Although the impact on adjoining properties would be specifically considered within a reserved matters application, it is considered that the site could accommodate residential properties without adversely impacting upon neighbouring buildings and their occupiers.

### **conclusion and reasons for approval**

1. The application site is located within the settlement limits of development Coundon as identified under policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The site is within a sustainable location close to existing services and community facilities and has good transport links to surrounding areas which offer job opportunities and additional services. The proposal is in accordance with guidance contained within Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.
3. The application site is a greenfield site located in Coundon which is classified as an urban area within the Wear Valley district. The proposal therefore falls under priority 2 of the sequential approach stated in Policy 4 of the Regional Spatial Strategy.
4. The release of the greenfield land of the application site for low density housing would not prejudice high density housing schemes coming forward on the brownfield sites at 'The Crescent' and 'Pembroke Street/Sussex Street'. The proposal would be in align with the recommendations of the Coundon Area Development Framework, would not contradict Policy 4 of the Regional Spatial Strategy and would not conflict with the guidance contained within Planning Policy Statement 3: Housing.

## RECOMMENDED

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

### conditions

1. Before the development is commenced approval of the details of the following reserved matters shall be obtained from the local planning authority:
  - a) Layout
  - b) Scale
  - c) Appearance
  - d) Access
  - e) Landscaping
2. Application for approval of the reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission.
3. The development hereby approved must be begun not later than whichever is the later of the following dates:-
  - a) the expiration of 5 years from the date of this permission; or
  - b) the expiration of 2 years from the final approval of the reserved matters (or of any additional reserved matters) or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development hereby approved shall achieve a Code for Sustainable Homes rating of level 3. Evidence shall be provided to the local planning authority that:
  - i) Prior to the commencement of development, the development has been registered for formal assessment by a licenced Code Assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and
  - ii) Prior to the occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3 or such alternative that has been agreed in writing by the local planning authority.
5. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. 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.

7. 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.
8. 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 commenced.
9. The reserved matters application shall reflect the density shown on the illustrative layout plan submitted with the application.

#### **reasons**

1. To enable the local planning authority to retain control over the reserved matters specified, to secure 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.
2. To ensure the development is carried out within a reasonable time.
3. To ensure the development is carried out within a reasonable time.
4. In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS22 and policy 38 of the Regional Spatial Strategy
5. 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.
6. 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.
7. 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.
8. 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.



9. To ensure the development will not prejudice the development of brownfield sites within Coundon. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

**background information**

Application files, WVDLP as amended by Saved and Expired Policies September 2007, PPS1, PPS3, PPS22, RSS, Coundon Area Development Framework, Durham Growth Point Bid.

**PS code**

7

**number of days to Committee**

85

**target achieved**

No

**explanation** The first available Committee.

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**Officer responsible for the report**

Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

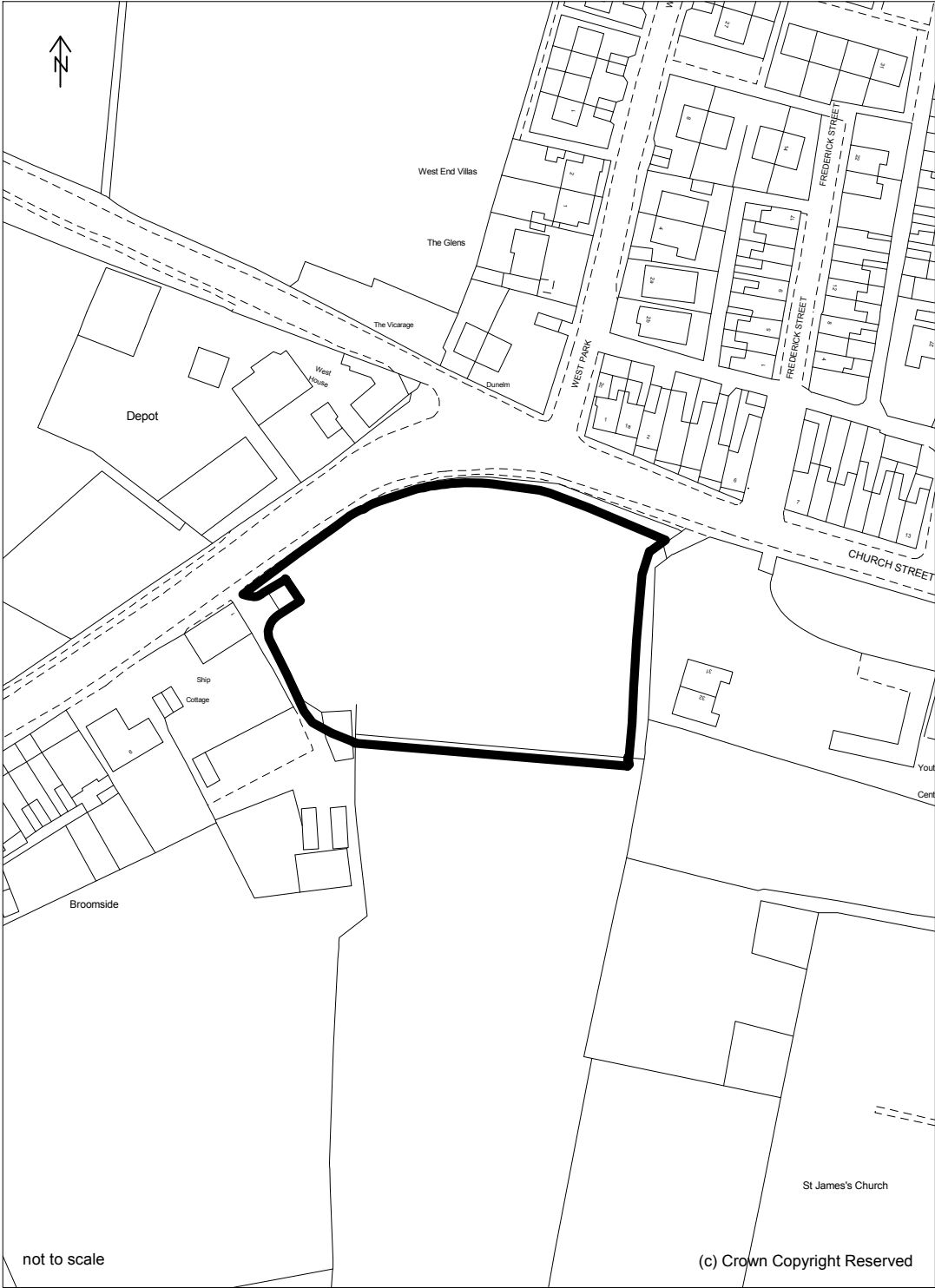
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**Author of the report**

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Ext 441

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3/2008/0783 - RESIDENTIAL DEVELOPMENT AT LAND AT CHURCH STREET,  
COUNDON FOR COUNDON PROPERTY LIMITED – 24.12.2008



DEVELOPMENT CONTROL COMMITTEE

12<sup>TH</sup> MARCH 2009

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2009/0001- PROPOSAL TO ERECT A 4 METRES HIGH (BALL STOP) FENCE AROUND TWO SIDES OF FOOTBALL FIELD AT LAND WEST OF (YUILL DEV) MANOR ROAD, WILLINGTON FOR WEAR VALLEY DISTRICT COUNCIL – 26.01.2009**

**description of site and proposals**

1. This application is reported to Committee as the application site has been submitted by Wear Valley District Council.
2. This application seeks planning permission for the installation of a ball-stop fence around the football field at land to the west of Manor Road, Willington. The metal ball stop mesh fence would measure 4m high and would be painted green. It would be sited on the south east and the south west of the football field adjacent to the edge of the football pitch. The fence would be sited approximately 16m from the rear boundaries of properties on Minster Court and approximately 20m from the rear boundaries of properties on Essex Place and Bedford Place.
3. The application site is a football field and recreation area to the west of Manor Road in Willington. The new housing estate of Minister Court is located adjacent to the south east of the site, whilst properties on Essex Place and Bedford Place also back onto the site. The Community Centre is located to the north west of the application site, whilst allotments adjoin the north eastern boundary. The properties numbered 1-6 Manor Road back onto the north east of the application site.
4. The applicant has undertaken a pre-application consultation exercise with the surrounding residential properties and has received two letters of support and three letters of objection.

**planning history**

5. The following applications are considered relevant to the consideration of this application:
  - 3/2005/0038 Erection of 12 Dwellinghouses Approved 25.07.2005

## **planning policies**

6. 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:

- GD1 General Development Criteria
- RL8 Improvement to Existing Open Spaces

## **consultations**

7. Parish Council: No response received.

## **officer analysis**

8. The key issues for consideration are:

- Residential Amenity
- Impact on Character and Appearance of Surrounding Area

### **residential amenity**

9. The application site is located within a residential area and is currently a football field managed by Wear Valley District Council. The application proposes the installation of a ball stop fence adjacent to the properties closest to the football field to try to prevent footballs from landing in the rear gardens of these properties. The fence, although relatively high, would not be prominent from the rear gardens of the neighbouring dwellings as the rear of these properties are defined by 1.8m high close boarded fences which would partially screen views of the fence. Furthermore the ball stop fence would be located approximately 16m from the rear boundaries of properties on Minster Court and 20m from properties at Bedford Place and Essex Place. The football field is located approximately 1m higher than the rear gardens of the adjacent dwellings. However it is not considered that this would lead to an overbearing impact on the occupiers of these properties.

10. The proposed fence would benefit the surrounding residential properties as it intends to decrease the disturbance in the form of stray footballs by preventing the balls reaching a height that would lead to them landing in the rear gardens. The proposal would therefore not be detrimental to the residential amenity and as such complies with policies GD1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **impact on character and appearance of the surrounding area**

11. The proposed fence would be screened from Manor Road by the high hedge that defines the north eastern boundary of the football field. The remaining main public views of the structure would be from within the recreation ground itself and from Essex Place. The ball stop fence is a structure that can be expected on the edge of a recreation or sports area and as such it would not

appear out of place. If the structure is sensitively coloured, it would blend in with the surrounding area without appearing overly prominent. The colour of the fence can be secured through a planning condition. The proposal would therefore not harm the character or appearance of the surrounding area and as such complies with policies GD1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **objections/observations**

12. Occupiers of the surrounding properties were notified in writing and a site notice was also posted. 4 letters of objection have been received the details of which are summarised below:
  - 1) Cost – The proposal would be an inefficient use of Council resources when the money could be spent elsewhere.
  - 2) Visual Amenity – The proposal would be visible from the neighbouring properties which would be detrimental to their amenity.
  - 3) Anti-Social Behaviour – The proposal may encourage anti-social behaviour as a challenge to climb.
  - 4) Dog Fouling – The proposal would lead to the area between the rear boundaries of the adjacent residential properties and the proposed fence becoming a dog fouling alley.
  - 5) Maintenance – There will be ongoing maintenance issues if the fence is installed.
  - 6) Lack of a Need – There have been few complaints directed to the Council relating to stray balls. Furthermore football matches only take place at weekends.
  - 7) Litter – The fence will become a barrier that will collect litter.
  - 8) Disturbance – The fence will lead to an increase in dog walkers in close proximity to the rear of the adjacent residential properties, disturbing the dogs in those rear gardens and causing them to bark.
  - 9) Safety – The fence will become a target to climb and young people could fall off.
  - 10) Devaluing of properties – The fence will lead to the devaluation of the adjacent residential properties.

### **response to objections**

13. The following comments are made in response to the issues raised:
  - 1) This is not a material planning consideration.
  - 2) See paragraphs 10-11 of the officer analysis.

- 3) This is not a material planning consideration. If there is a problem with anti-social behaviour then it is a matter for the local police or the Council's Street Wardens.
- 4) This is not a material planning consideration. Should dog fouling occur then this would be a matter for the Council's Environment Division and the Council Street Wardens.
- 5) This is not a material planning consideration.
- 6) There is no requirement to demonstrate a need for a planning proposal such as this. This is not a material planning consideration.
- 7) This is not a material planning consideration. The Council's Street Cleansing Division would deal with any matters relating to littering.
- 8) This is not a material planning consideration. If there are problems with dog barking then this is a matter for the Council's Environment Division.
- 9) This is not a material planning consideration.
- 10) The devaluing of property is not a material planning consideration.

### **conclusion and reasons for approval**

1. The proposal complies with policies GD1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 for the following reasons:
  - 1) The proposal would be detrimental to residential amenity.
  - 2) The proposal would not harm the character or appearance of the surrounding area.

### **RECOMMENDED**

That planning permission be **GRANTED** subject to the following condition and reason;

#### **condition**

1. Details of the colour of the fence hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

#### **reason**

1. To secure the satisfactory appearance of the development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

**background information**

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

**PS code****number of days to Committee****target achieved****explanation**

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

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**Author of the report**

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Planning Officer

Ext 365

**3/2009/0001- PROPOSAL TO ERECT A 4 METRES HIGH (BALL STOP) FENCE AROUND TWO SIDES OF FOOTBALL FIELD AT LAND WEST OF (YUILL DEV) MANOR ROAD, WILLINGTON FOR WEAR VALLEY DISTRICT COUNCIL – 26.01.2009**

