



Area Planning Committee (Central and East Durham)

Date Tuesday 11 September 2012
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Meeting held on 10 July 2012 (Pages 1 - 8)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/12/00281/FPA - 81-88 Whinney Hill, Durham. DH1 3BQ
(Pages 9 - 28)

Change of use of No. 81 from existing B1 office and Nos. 82-88 from C3 dwellinghouses to D1 non-residential institution to provide drug and alcohol treatment centre together with associated erection of entrance canopy and fire escape canopy on front elevation and landscaping works.
 - b) PL/5/2012/0266 - Tweddle Farm, Fillpoke Lane, Blackhall. TS27 4BT (Pages 29 - 42)

New vehicular access, new entrance wall, new replacement visitor centre, car parking and change to existing outbuilding, replacement admissions facility and gift shop.
 - c) 4/12/00149/FPA - 107A High Street, Carville, Durham. DH1 1BQ
(Pages 43 - 52)

Proposed timber storage shed and flue associated with extraction system and retention of solar panels, fridge, freezer, storage container and hard standing to rear (description amended 13th March 2012, amended plans received 3rd May 2012 and additional documentation received 29th May 2012)

- d) PL/5/2012/0221 - Murton West Moor Farm Cottage, South Hetton, DH6 2UW (Pages 53 - 68)

Conversion of redundant agricultural buildings into 4 no. dwellings with associated alterations, parking and demolition of agricultural building.

- e) 4/12/00451/CAC and 4/12/00450/FPA - Bracken Cottage, Bank Foot, Shincliffe, Durham (Pages 69 - 82)

Demolition of existing hotel and dwelling and erection of two detached dwellinghouses.

- f) PL/5/2012/0161 - 15 West Lane, Hawthorn. SR7 8SB (Pages 83 - 90)

Loft conversion involving increased roof height, dormer windows and two storey rear extension (resubmission)

4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

3 September 2012

To: **The Members of the Area Planning Committee (Central and East Durham)**

Councillor C Walker (Chair)
Councillor P Taylor (Vice-Chair)

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown,
P Charlton, D Freeman, S Iveson, A Laing, R Liddle, J Moran,
J Robinson, K Thompson and B Wilson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 10 July 2012 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors P Taylor (Vice-Chair), J Blakey, G Bleasdale, P Charlton, D Freeman, R Liddle, A Naylor (substitute for Councillor A Laing) and J Robinson

Apologies:

Apologies for absence were received from Councillors J Bailey, A Bell, J Brown, A Laing and J Moran

Also Present:

Councillors G Holland, E Huntington, R Todd, J Wilkinson and A M Williams

1 Minutes

The Minutes of the meeting held on 12 June 2012 were agreed as a correct record and signed by the Chair.

2 Declarations of Interest

Councillor Blakey declared an interest in Item No. 3(e) as a member of Cassop-cum-Quarrington Parish Council and of the Bowburn and Parkhill Community Partnership. However, she had not been involved in any of the discussions about the application and had not expressed any view on it.

Mr N Carter, Planning and Development Solicitor advised Councillor Blakey that this was a personal interest only and that she could take part in the debate and vote on this item.

3 Applications to be determined by the Area Planning Committee (Central & East Durham)

3a PL/5/2011/0221 - Land on west side, Salters Lane, Shotton Colliery

The Committee considered a report of the Principal Planning Officer regarding the change of use of land to a private gypsy and traveller caravan site (resubmission) at West Side, Salters Lane, Shotton (for copy see file of Minutes).

Mr Alan Dobie, Principal Planning Officer, provided the Committee with a detailed presentation, which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting.

Councillor Charlton asked whether the applicant, Mr Lee would be living on the site should the report be approved, and also where Mr Lee was currently living. The Principal Planning Officer replied that he was not sure where Mr Lee was currently living, but added that he had been moved on from a site in the west of the County and would be living on the site. The application was for only one family to live on the site.

Councillor Todd, local Member, informed the Committee that there had been a proliferation of traveller's sites along Salters Lane which was causing great concern among the residents of Shotton and which could result in an adverse effect on the ability of Shotton to attract new businesses and housing development.

Councillor Huntington, local Member, informed the Committee that the proposed site was part of the gateway to Shotton and much work had been carried out to remove derelict buildings to improve this. Small, random developments like the application being considered did nothing to improve this gateway. She stressed that she held no negative views about the travelling community, and indeed had supported their rights in the past, but added that the application to be considered was on planning issues. Approval of the application would detract from the character of the village of Shotton and would be a loss of countryside.

Councillor Blakey expressed concern around highways issues regarding the point of egress from the site. Salters Lane was an unrestricted 60 m.p.h. road and although there were conditions attached to the planning permission regarding improvements to the visibility splay, she had concerns even if these were carried out.

It was moved by Councillor Blakey, seconded by Councillor Bleasedale that the application be refused.

Resolved:

That the application be refused for the following reasons: highways safety issues – the exit from the site is onto an unrestricted 60 m.p.h. road, the negative effect on the visual amenity of the area and the lack of sustainability of the site.

3b PL/5/2011/0384 - Lake Lane, Rear of Moore Terrace, Shotton Colliery, DH6 2QY

The Committee considered a report of the Principal Planning Officer regarding a caravan site for the stationing of three residential caravans for occupation by a single traveller family.

Mr Alan Dobie, Principal Planning Officer, provided the Committee with a detailed presentation, which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting.

Councillor Todd, local Member informed the Committee that there was general opposition from the community of Shotton towards this type of application, adding that in the recent past there had been substantial problems around the allotment area near to the application site and violent behaviour in the area. He queried how long the applicant had been living on the site without planning permission and asked why enforcement action had not been taken.

Councillor Huntington, local Member, informed the Committee that she knew the area around the site very well, and that this had been kept clean and tidy since the site had been occupied. However, she reported that previously a resident of Shotton had been refused planning permission to build on the site and this application was causing anger among residents of Shotton who wanted to see an even-handed, fair approach being taken.

Ms Collins, the applicant, addressed the Committee. Her family settled on the site due to an illness in the family, which necessitated the family member being near to hospital. The family had become part of the community of Shotton and had not been in any trouble nor involved with any of the problems referred to around the allotment area. The family had no place else to go as there were no other sites available.

Councillor Charlton asked why the previous planning application referred to by Councillor Huntington had been refused. The Principal Planning Officer replied that although he did not have this information, there may have been a presumption against development because the site was deemed to be in the countryside.

Councillor Naylor referred to the family being on the site since 2007 and asked whether there was any evidence of this. The Principal Planning Officer replied that there was no proof to dispute this.

Resolved:

That the application be approved, subject to the conditions detailed in the recommendations in the report.

3c CMA/5/33 - Land to the south of Greenacres, west of Salters Lane and north of Woodland View, Haswell

The Committee considered a report of the Principal Planning Officer regarding a proposed caravan site to accommodate three caravans, two dayrooms (to be accommodated within the existing haystore) and erection of a three bedroom chalet and stable block on land to the south of Greenacres, west of Salters Lane and north of Woodland View, Haswell (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor Todd, local Member, informed the Committee of the general perception in the Shotton area that there was a proliferation of this type of development along Salters Lane which were almost joining the villages of Shotton and Haswell and the proposal would not be of benefit to either village. He referred to the existing building on the site and asked whether this had the benefit of planning permission.

Councillor Huntington, local Member, endorsed the views of Councillor Todd, adding that the local community was unhappy at the number of developments engulfing the countryside.

Mr Stones, agent for the applicant, informed the Committee that there was currently only one approved gypsy site along Salters Lane and the building currently on the site did have the benefit of planning permission. The application was on behalf of 3 traveller families who had been moved from illegal sites in the past 3 to 4 months and who were now seeking a permanent dwelling site. The application met all the needs of planning policy.

The Principal Planning Officer informed the Committee planning permission had been granted for a haystore on the site, however, this had not been built to the submitted plans or specifications. Accordingly the current building did not have planning permission.

Councillor Charlton expressed concerns at the ribbon development which was along a country road and could lead to the two villages of Haswell and Shotton being joined.

Resolved:

That the application be refused for the following reasons: the development would have a detrimental impact on the countryside, it was not sustainable and would have a detrimental impact on the local visual amenity.

3d 4/12/00213/FPA - Land Adjacent To Crossways, Whitesmocks, Durham, DH1 4LL

The Committee considered a report of the Principal Planning Officer regarding the erection of a new two storey detached dwelling house adjacent to Crossways, Whitesmocks, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor Holland, local Member, expressed concerns that the development would lead to an over-massing of the site and a loss of privacy to nearby properties and also expressed concern at the possible effect the development might have on the water table in the area.

Mr Spirit, representing local resident Ms Hughes, spoke against the application. The application site was not a brownfield site and could be seen as 'garden

grabbing', and the development would impact on the defined and uniform building line of the area. It would be in close proximity to two existing properties, which again would be out of character for the area. The development would be in an elevated position to No. 26 Springwell Road which would result in less privacy for that property. This development would be shoehorning a large property into the space available and the conditions in the report were too weak to protect the household of 26 Springwell Avenue and others in the area. Mr Spirit also expressed concerns about drainage issues and the potential effect on the water table.

Mr Luckin, the applicant, addressed the Committee. The proposed development would be at least 28.5 metres from the nearest property on Springwell Road, which was well in excess of the minimum distance of 21 metres as set out in planning guidelines. Moreover, there was a natural hedgerow and tree line already in place between the proposed development and Springwell Road, which would be retained to provide greater screening. The proposed development was of a commensurate size to surrounding properties in the area and design aspects and features of the development had been influenced by the nearby Crossways property. Referring to drainage issues raised, Mr Luckin informed the Committee that building regulations were in place to address such issues.

The Principal Planning Officer responded to the points made. Although part of the development site was brownfield and part greenfield, a recent shift in Government policy had been towards developments being sustainable. The proposed development was on a one-off individual site and its impact on the building line should not necessarily be considered a negative factor. The proposed development was well in excess of 21 metres from the nearest property at 26 Springwell Road and would be slightly offset to maintain privacy.

Councillor Blakey referred to the concerns raised about drainage issues and asked that the development be closely monitored.

Resolved:

That the application be approved, subject to the conditions detailed in the recommendations in the report.

3e 4/12/00357/VOC - Land at Former Cape Site Durham Road Bowburn DH6 5AT

The Committee considered a report of the Principal Planning Officer regarding the removal of condition 12 of planning application 06/00631/OUT (outline application including details of means of access for employment use and residential development with associated play areas, landscaping, parking and access) relating to the provision of 30% affordable housing (for copy see file of Minutes). The Principal Planning Officer gave a detailed presentation on the application.

Councillor Williams, local Member, spoke against the application. He informed the Committee that both the Planning Inspector and Secretary of State had accepted the 30% affordable housing condition when the original planning application had

been subject of a public inquiry. Both Bowburn and Shincliffe Parish Councils were opposed to the removal of this condition.

The Principal Planning Officer informed the Committee that the 30% affordable housing condition had been imposed at a time of different financial circumstances and that drastic changes in the economy had led to the need for the developer to reappraise the ability to meet this condition. The number of houses to be built on the site was not to be reduced, only the percentage of affordable housing. The developer had agreed to a further financial contribution within a s106 agreement to provide further off-site affordable housing. However, no site for this off-site housing had yet been identified. A clause could be included in the s106 agreement for the money to be spent within the electoral division, however, this would need further discussion.

Councillor Freeman informed the Committee that more affordable housing was needed, not less, and he was opposed to the removal of the 30% affordable housing condition.

Resolved:

That the application for the removal of condition 12 of planning application 06/00631/OUT relating to the provision of 30% affordable housing be refused.

3f 4/12/00420/FPA - Land Corner Of Waltons Terrace and The Bungalows, New Brancepeth, Durham, DH7 7ER

The Committee considered a report of the Principal Planning Officer regarding two proposed detached residential dwellings on land at the corner of Waltons Terrace and The Bungalows, New Brancepeth, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor Wilkinson, local Member, informed the Committee that local residents of New Brancepeth and Brandon and Byshottles Parish Council had expressed concerns about the proposed development. The proposed residential dwellings would be 2-2½ storey's in height which would be over-bearing in such a small area and would have a detrimental effect on the amenity of other properties. Although he understood that currently the car parking which took place on the land was by goodwill, if the application was approved then the displaced cars would need to park on a narrow road which was a route to a school.

Councillor Blakey expressed concerns that any displaced parking would result in on-road parking to the front of Waltons Terrace, which was a main bus route. Councillor Charlton recommended refusal of the application on the grounds that displaced parking would increase danger on the access road to the school, which was very narrow and that the area was not suitable for development.

Resolved:

That the application be refused on the grounds that displaced parking would increase danger on the access road to the school and that the area was not suitable for development. The proposed development would also be overbearing to and would overshadow the residential amenity of Rock Terrace and Waltons Terrace as the site was at a higher level than adjacent properties.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: 4/12/00281/FPA

FULL APPLICATION DESCRIPTION: Change of use of No. 81 from existing B1 office and Nos. 82-88 from C3 dwellinghouses to D1 non-residential institution to provide drug and alcohol treatment centre together with associated erection of entrance canopy and fire escape canopy on front elevation and landscaping works

NAME OF APPLICANT: Durham Drug & Alcohol Commissioning Team

ADDRESS: 81-88 Whinney Hill Durham DH1 3BQ

ELECTORAL DIVISION: Elvet

CASE OFFICER: Henry Jones
Senior Planning Officer 03000 263960
henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to Nos. 81-88 Whinney Hill, a grouping of currently vacant two storey brick built terraced properties. The properties each have a small front curtilage with frontage set back from the highway. Further yard spaces are located to the rear of each property.
2. The site is located within the Durham City Centre Conservation Area. The application site is located at the northern end of Whinney Hill immediately adjacent the prison with the prison wall to the rear of the properties beyond a back lane. Residential properties lie to the immediate south and opposite to the east is the currently vacant Whinney Hill School site.

The Proposal

3. This application seeks planning permission for the change of use of the existing properties for the purposes of a drug and alcohol treatment centre falling within the D1 non-residential institution use class. Some minor external works in association with the change of use are also proposed, namely the erection of a new entrance porch and fire escape canopies, some replacement and bricking up of doors and windows, new gates,

repairs to roofs and chimneys, replacement rainwater goods and landscaping of the front curtilages of the properties.

4. This application is being referred to Committee at the request of the Local Divisional Member.

PLANNING HISTORY

5. Planning permission was granted for the change of use of No. 81 from residential occupation to an office use in 2000.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from

renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

14. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
15. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

REGIONAL PLANNING POLICY

16. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008,* sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal.
17. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
18. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
19. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
20. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
21. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.

22. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
23. *Policy 32 - Historic Environment* requires planning proposals to conserve and enhance the historic environment.
24. *Policy 33 - Biodiversity and Geodiversity* requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.

LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

25. *Policy E6 - Durham City Centre Conservation Area* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
26. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
27. *Policy E22 - Conservation Areas* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
28. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
29. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
30. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
31. *Policy C2 - Health Centres, Surgeries and Clinics* seeks to ensure that development accords with criteria of accessibility and standards of amenity.
32. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. The Highway Authority has raised no objections to the use at the location, access or parking arrangements.

INTERNAL CONSULTEE RESPONSES:

34. Environmental Health has raised no objections.
35. Local Plans consider that support can be found for the development within both the Local Plan and the NPPF and no objections are raised to its location.
36. Design and Conservation raise no objections to the development though recommendations are made to make the entrance canopy of a more lightweight design.
37. The Councils Travel Planning Officer has commented on the proposals and has requested that cycle parking is covered, that parking arrangements need clarification and the travel plan needs to include a specific set of detailed proposals.
38. Ecology have raised no objections to the submission, the recommendations within the submitted bat survey should be conditioned on any approval.
39. The Police Architectural Liaison Officer has commented on the application and considers that such a treatment centre would not normally be located within a residential area due to the differences between the two types of usage, in residential areas it is important to promote a sense of neighbourliness.
40. It is considered to be difficult to compare William Robson House and the proposed site as William Robson House is in less of a residential area. The Police Architectural Liaison Officer is not aware of any long term or serious problems at William Robson House. The Police Architectural Liaison Officer has been unable to find any data or case studies on the effect of drug treatment centres on local crime, however, some treatment centre visitors will be active criminals and this will lead to a dramatic increase in the fear of crime even if none is committed.
41. Although not a material planning consideration there could be an effect on property prices and could seriously increase local tensions and add to resentment of local people. Parking can be a major source of neighbour disputes and anti-social behaviour also needs careful consideration. If the proposal goes ahead, efforts should be made to micro manage the centre preventing parking issues and loitering outside the building.

PUBLIC RESPONSES:

42. Twelve letters of objection including a petition of 48 signatures have been received in objection to the application.
43. Objection has been raised with regards to parking and highways implications, concern over crime, anti-social behaviour, dispensing of needles and the suitability of locating

such a use in a residential area particularly one where vulnerable elderly and students reside. It is also considered that the applicant's consideration of the concerns of the use is overly simplistic and unfounded with an absence of facts and figures to demonstrate the suitability of the use at the location or any well resolved management strategy.

44. Objection is raised to the considered contradictory comments of the Highway Authority where it would appear that objections were raised initially and then rescinded for seemingly no reason. Objection is raised to the response made by the Area Planning Team (Local Plans).
45. It is considered that the site could be used for other more suitable purposes namely family housing or social housing given the housing shortage or demolition of the buildings and provision of a car park. A treatment facility such as that proposed should be located elsewhere at a hospital or in a city centre location like as now along Claypath.
46. Concerns are raised over the impact of the proposal development upon the redevelopment of the former Whinney Hill School site and more generally upon the attraction of families to the Whinney Hill area.
47. A respondent has provided details of the concerns of a local residents group in Peterlee where a similar facility is considered to have created a needle discarding problem and a body of an overdosed man was found in the area.
48. Objection has been raised at the public consultation exercises undertaken by the applicants.
49. Objections are raised to some details of the submission with the original description of the development was considered incorrect as nos. 82-88 were last understood to be used as residential occupation not as offices. It was understood that the facility would not be open at weekends following the consultation exercise however, the application submission does propose some weekend opening. It is claimed that visitors from Sherburn will use public transport but the nearest bus stop does not have a service to Sherburn. The application documents state that the revisions to the entrance are to provide status and purpose but this conflicts with the aim of keeping the use discreet as explained with regards to William Robson House.
50. It is considered that the number of proposed users could exceed the submitted figures. It is understood that the job centre on Hallgarth Street is likely to close so the applicant's suggestion that the two sites can be visited at the same time would unlikely occur. It is understood that the reason for relocation is that they can obtain the buildings for a "pepper corn" rent. The reasons provided within the documentation of proximity to the prison, location and transport links are disagreed with.
51. Respondents have disagreed with the claim made by the applicant that existing similar facilities in the district are located within residential areas.
52. Objection is raised to a lack of impact assessment submitted with the application. Objection is raised to the NHS policy of no-smoking on site which will cause smoking in the street adjacent the property.
53. Objection is raised to the considered failure of the prison to correctly upkeep the properties.

54. The application is considered to conflict with the provisions of the Local Plan, The Sustainable Community Strategy for County Durham 2010-2030, the NPPF and the Councils regeneration aspirations.
55. Objections have been made to the supporting documentation which the applicants have submitted seeking to address some of the public objection. It is considered that the applicants have attempted to disassociate the application site from the residential area of Whinney Hill but the properties formerly occupied by prison officers are clearly part of the residential area. The car park opposite the site is not considered to contain the prison parking security office as stated within the applicants enclosures. The former Whinney Hill School site is not considered to be wholly redundant as claimed by the applicant as it has been used in TV productions. The Whinney Hill Community group have taken exception to the applicants claim that the public opposition is essentially nimbyism. Though CCTV monitoring is welcomed as a crime deterrent it does not extend to the wider community and street frontage.
56. A total of nine letters of support have been received with regards to the application including letters from members of the public but also letters of support have been received from various bodies including the Health and Protection Agency, the Prison Service and the Ministry for Justice. The letters of support make reference to the need for an accessible drug service to support the treatment of drug users. Locating services near prisons provides advantages and ease of serving prisoners who are/have used drugs to aid with social reintegration. The facility would provide a benefit to the Durham Drug and Alcohol Commissioning Team by removing the existing expensive leasehold at their current site and allow for fostering of closer working relations between them and the Counselling, Assessment, Referral, Advice & Throughcare Service. Some local respondents have stated that residential properties are set a reasonable distance from the site and that such facilities are needed in the City. It is understood that the existing site at William Robson House has not caused any problems in the local area.
57. The MP has also submitted a letter with regards to the application, no support or opposition is shown but emphasis placed on the need for the views of the community to be carefully considered in the determination of the application.

APPLICANTS STATEMENT:

58. The applicant has submitted a Design and Access Statement, Planning Statement and additional supporting statements including a residential amenity addendum report in support of the application.
59. The proposed development at the site is considered to accord with relevant local, regional and national planning policies. The facility would replace the existing treatment centre at William Robson House on Claypath. The proximity of the site to the prison will ensure that it can support the objectives of the Integrated Drug Treatment Centre.
60. External works are considered appropriate and would preserve the character and appearance of the Conservation Area. The site is considered to be suitably accessible being close to the City Centre and public transport links. Some additional parking spaces are to be provided at the site with further spaces allocated on HMP property though it is expected that clients visiting the centre would not use private cars with other modes of transport encouraged.
61. In terms of the impact of the development upon residential amenity and any perceptions of crime it is considered that fear of crime should only be considered as real if there is quantitative and substantive evidence to suggest that the proposed development would

affect the levels of crime in an area. Evidence from the existing 7 DACT treatment centres across County Durham show that reports of incidents are low and that there is no justifiable concern that the proposed centre will increase the level of crime in the area. Those clients using the centre have requested the treatment and attend of their own free will.

62. In terms of security arrangements, to the rear of the properties regular prison officer and dog patrols of the external prison walls occur and the area is also monitored by 24hr surveillance cameras. The proposed treatment centre will also incorporate its own CCTV cameras and intruder alarm system.
63. Emphasis is also placed on the risk management approach to clients where referred service receivers are screened for any potential risks. Any inappropriate behaviour such as threatening or intimidating behaviour within or in the vicinity of the site would not be tolerated and appropriate sanctions put in place, potentially resulting in a client's exclusion from the treatment service.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=4/12/00281/FP>
[A](#)

PLANNING CONSIDERATIONS AND ASSESSMENT

64. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character and appearance of the Conservation Area, impacts on residential amenity and public perceptions on crime, ecology, and highway safety.

The Principle of the Development

65. The proposal seeks the change of use of existing properties 81-88 Whinney Hill to create a drug and alcohol treatment centre. Such a use falls into the D1 use class category of the Use Classes Order which incorporates amongst other uses clinics and health centres.
66. Local Plan Policy C2 specifically relates to health centres and clinics. Policy C2 accepts the principle of new clinic and health centre uses within settlement boundaries provided it is well related to residential areas, does not cause harm to amenity of nearby occupiers, does not cause harm to highway safety, is located close to public transport routes and is accessible by a choice of means of transport and also provides level access.
67. The application site is located close to residential areas being sited within Whinney Hill in a location where the character changes from a City Centre makeup with a mix of uses to a leafy residential suburb. A bus stop is located close by with service to Durham whilst the edge of city centre location means that other bus routes including those from the bus station are a relatively short walk away.
68. Key matters relating to residential amenity and highways issues are discussed in more detail separately within this report. However, in principle, the reuse of previously developed land within a settlement boundary for the purposes of a D1 non-residential

institution close to residential property and transport links can on the surface be considered acceptable having regards to the provisions of policy C2 of the Local Plan policies 2, 4 and 7 of the RSS and the principle of sustainable development running through the NPPF.

Impacts upon Residential Amenity, matters of Crime and the Fear of Crime

69. Although seeking planning permission for a D1 use, this proposal specifically relates to the formation of a drug and alcohol treatment centre to replace the existing facility at William Robson House located off Claypath in Durham City Centre.
70. The facility would provide a broad range of services to clients seeking treatment for drug and alcohol misuse and this would include counselling and advice, support group work complementary therapies, harm minimisation including needle exchange and prescribing (though any drugs or medication prescribed would be collected from a pharmacy not the proposed facility).
71. Policies C2 and H13 of the Local Plan seek to ensure that the new developments and changes of use to such a facility would not cause harm to the amenities of local residents. Part 8 of the NPPF seeks to promote healthy communities and seeks to ensure safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.
72. Fear of crime is a material planning consideration. Much public opposition to the application relates to concerns over crime and anti-social behaviour and emphasis is made with regards to potentially vulnerable local residents such as students and the elderly.
73. The Police Architectural Liason Officer at Durham Constabulary has been consulted on the application and considers that such a treatment centre would not normally be located within a residential area due to the differences between the two types of usage, in residential areas it is important to promote a sense of neighbourliness. The Police Architectural Liason Officer is not aware of any long term or serious problems at William Robson House. The architectural liason officer has been unable to find any data or case studies on the effect of drug treatment centres on local crime, however, some treatment centre visitors will be active criminals and this will lead to a dramatic increase in the fear of crime even if none is committed. Although not material concerns are also raised that local tensions and levels of resentment could be increased through the affect on local house prices and also through competition for parking spaces.
74. During the course of the application the applicants have sought to support the proposal with commentary and response on the matters of residential amenity and concerns over crime. The applicants consider that a fear of crime is subjective and should only had regard to if there is quantitative and substantive evidence as to whether the fear of crime is justified. The existing similar centres across the County including the facility at William Robson House which this proposal would replace have low incident levels with no recorded incidents at that particular site over the last 12 months. The applicants consider that in planning use class terms the development will provide a medical centre and associated office space, such a use raises no fear of crime concerns. The fear of crime which has been raised focuses upon users of the facility only and the applicant considers this to be a subjective and stigmatised viewpoint. The applicant has also submitted information seeking to demonstrate that the public perception of crime is somewhat inaccurate with surveys showing that a large proportion of the public consider crime to have risen in recent years though statistics actually show crime to have fallen

nationwide consistently since 1996. Criticism at the accuracy of the views of the police architectural liaison officer are also made.

75. Officers can however, fully appreciate the concerns that some public respondents and the police architectural liaison officer have made with regards to fear of crime. The impact of the development and potential increase in fear of crime should be taken seriously and not be easily discounted.
76. The application submission includes a document published by the NHS National Treatment Agency for Substance Misuse "Breaking the Link: The role of drug treatment in tackling crime". The document explains that the link between problem drug use and crime is complex but that evidence shows that drug users are responsible for a large percentage of acquisitive crime. The document explains how the activity of drug users can have a significant impact on local crime figures and drug use in a community can lead to anti-social behaviour, drug dealing and other activities harmful to a community.
77. It is therefore considered that the concerns expressed in some public responses should be taken seriously in the decision making process and should not be dismissed as suggested at times by the applicant as unfounded and stigmatised.
78. The key consideration is the likelihood of the proposed centre causing an imposition of drug takers and alcohol users in the local area that would create a probable crime issue or cause such high levels of fear of crime that the community would be seriously undermined.
79. The Police Architectural Liaison Officer has stated within his comments that he has found no statistics or evidence that crime increases within areas where drug and alcohol treatment centres are located. In addition the liaison officer has also stated that he is unaware of any problems which have emerged in the Claypath area as a result of the treatment centre at William Robson House. The applicants have supplied some details on other centres within County Durham stating that reports of incidents are low with no incidents emerging at William Robson House in the last 12 months. The findings of the architectural liaison officer and the details disclosed by the applicant suggest that other centres most notably William Robson House are not causing any local crime or amenity problems.
80. However, the evidence disclosed by the applicant is not particularly clear or necessarily convincing, a point raised within some public responses. Some public responses also refute claims that such centres do not cause problems in the local community with details provided on a centre at Peterlee that there has been a needle discarding problem and the body of an overdosed drug taker was found in the area whilst the Claypath newsagents have reported loitering in association with William Robson House. In turn the applicants have contested these claims stating that the drug taker was not a client of the centre in Peterlee and that they have contacted the newsagents and no claims of loitering have been made with regards to William Robson House.
81. The site itself would benefit from good surveillance due to its proximity to the prison. The prison walls to the rear of the site are patrolled by guards with dogs and the prison perimeter has CCTV coverage. It is also proposed as part of the conversion of properties to the centre that CCTV would also be installed on the premises. Some residents point out however, that though the centre itself may have good surveillance this does not extend to the surrounding residential properties where the problems are perceived.
82. The applicant has sought to supply some documentation to provide better understanding of the manner in which the centre works and precautions taken to reduce

and address negative perceptions of the site. The application submission details the risk management which is undertaken by staff at such centres to evaluate the likelihood of problem clients. It is also emphasised that those visiting the centre do so at their own will and are therefore seeking help. The details submitted with the applications also show that any clients causing problems or nuisance can be banned from using the facility. Other manners in which the facility operate may go some way to easing concerns. Prescription drugs are not provided at the centre but would have to be collected elsewhere at pharmacies which should reduce the likelihood of the centre being a target of break-ins to steal drugs and medication. Although the centre will provide a needle exchange facility this only occurs within the building in the presence of staff. The facility will not have a form of unmanned needle drop off which some centres and facilities can raise particular concerns over discarded needles. The applicants have sought to emphasise that it is important to consider that prisoners are consistently being released into the Whinney Hill area. Therefore any fear of crime from the imposition of the facility and client visits should be balanced against the existing and historical release of individuals into the area with a criminal background. In terms of the loitering of individuals it is considered by the applicant's that clients will upon leaving the centre be much more likely head for the City Centre than travel up the hill to the residential areas of Whinney Hill.

83. Officers do consider that the centre would likely bring more broad benefits in tackling substance misuse. The application has been accompanied with documentation and letters of support from the likes of the Prison Governor and the Ministry of Justice seeking to explain how this development would aid with the ongoing holistic support and treatment of substance misuse. Letters of support make reference to the centre providing a vital link between the delivery of a treatment service to released prisoners seeking to reintegrate into the community. Essentially the application seeks to demonstrate that this proposal would provide a better treatment service to contribute to the reduction in substance misuse and its related negative consequences.
84. The application also now includes details of a further planned community involvement programme to help ease fears and better integrate the centre into the community. The applicant has stated that prior to the opening of the premises an open day is planned, further leaflet drops and opportunity for the community to attend monthly meetings at the centre to discuss any matters relating to the centres integration into the area. Consultation will also be held on the naming of the centre as this also of concern to local residents. Some public objection has been raised at the applicants public consultation exercises thus far, so this should go some way to addressing this.
85. The consideration of the implications of the proposed centre on crime, the fear of crime, local amenity and community cohesion is a key consideration in the application. It should also be considered, however, that the planning application would effectively be granting planning permission for a D1 use and that a use classification does not distinguish between different user groups but is derived from the grouping of uses with similar characteristics. Some weight should be attributed to the fact that a D1 use could involve the setting up a doctors surgery rather than a specific drug and alcohol treatment centre. A use such as a doctors surgery although also in the D1 use classification would unlikely give rise to significant amenity and fear of crime considerations despite the fact that similar services and treatments could be provided at such a surgery albeit in a more discrete manner under the umbrella of a more general practice.
86. In conclusion, from the response of the Police Architectural Liason Officer there appears a lack of evidence that such a centre would cause an increase in crime in the community to recommend refusal. The centre itself should benefit from a high degree of surveillance including by virtue of its proximity to the prison. The proposal would likely deliver wider benefits through an improved treatment service across the district. It is

also acknowledged that the planning permission would effectively grant a D1 use which can encapsulate a broad range of similar uses unlikely to give rise to amenity concerns. The applicant is proposing ongoing interaction with the community to ease fears, widen understanding and setup ongoing dialogue to help with the integration of the centre. On balance officers consider that having considered the application as a whole the fear of crime and amenity concerns surrounding the proposal though understandable and significant, would not on the evidence presented warrant refusal of the application.

Highways Issues

87. Policy T1 of the Local Plan relates to highway safety and part 4 of the NPPF seeks to promote sustainable transport. Policy C2 of the Local Plan also requires that new clinics and health centres do not cause harm to highway safety.
88. Matters of parking provision and highways issues are another key concern within the public responses on the planning application. Objection is raised to the potential parking problems at the site and confusion is expressed at the considered conflicting Highway Authority responses. Objection is also raised to some application documentation which states that clients could be attending from Sherburn but there is no direct bus service from Sherburn to the centre itself.
89. In terms of highway safety the Highway Authority have raised no concerns. The application site is located within an area of controlled parking and as a result parking would be regulated. Policy T10 of Local Plan deliberately seeks to restrict parking so as to encourage other modes of transport use and reduce the land take of development.
90. Officers also note the transport statement submitted with the application which includes survey work seeking to demonstrate how clients visiting the existing site at William Robson House do not use private vehicles. The site is within a short walking distance of the City Centre and it is considered that there is easy access to public transport.
91. The Councils Travel Planning Officer has commented on the proposals and have requested that cycle parking is covered, that parking arrangements need clarification but that it is not understood why additional spaces are required and the travel plan needs to include a specific set of detailed proposals.
92. The applicant has sought to clarify parking levels as there has been some conflicting information supplied in the application. The final documentation on the parking from the applicant is that a total of 9 no. additional dedicated spaces are being proposed with 4 no. spaces within rear yards, 2 spaces to the rear of this and 3 no. spaces allocated within the adjacent prison car park. The parking spaces within the adjacent prison car park are not within the application site and though the prison may have allocated these spaces this could only be ensured via the attachment of a condition. However, the Highway Authority had prior to the confirmation that these spaces were available considered that the development and parking arrangements were satisfactory making reference to the controlled parking in the area. It is therefore not considered necessary that a planning condition ensures the allocation of spaces at the adjacent car park.
93. The applicant has stated that cycle parking can be covered if sought and officers can add a condition to any approval to resolve this. A condition can also be attached to any approval to resolve the travel plan so that it meets the standard of the Councils Travel Planning Officer.
94. Overall no objections on the grounds of highway safety are raised.

Impacts upon the Character and Appearance of the Conservation Area

95. The application site lies within the Durham City Conservation Area and Policies E6 and E22 of the Local Plan supported by Part 12 of the NPPF seek to preserve or enhance the character, appearance and setting of the Conservation Area. Furthermore Policy H13 of the Local Plan and Part 7 of the NPPF seek to ensure that development proposals are appropriate in design terms.
96. This application principally relates to a change of use and external and physical alterations are relatively limited. The main alteration is the provision of a new entrance and fire escape canopies. Other works proposed include some replacement and bricking up of doors and windows, new rear gates, repairs to roofs and chimneys, replacement rainwater goods and landscaping of the front curtilages of the properties.
97. Design and Conservation have been consulted on the application raise no objections to the development as such, though recommendations are made to make the entrance canopy of a more lightweight design.
98. The comments of Design and Conservation were relayed to the applicant's agent though amendments to the design have not been made, the proposed canopy entrance considered to remain appropriate and sympathetic to the existing building and roof form.
99. On balance officers consider that the proposed entrance canopy is acceptable and no objections are raised to any of the other more minor alterations, landscaping and repairs. The existing properties are in a state of disrepair and the proposed development in proposing any form of repairs and upgrade to the existing properties is considered to constitute an enhancement therefore in accordance with Policies E6, E22, H13 of the Local Plan, Policy 8 of the RSS and Parts 7 and 12 of the NPPF.

Ecology

100. Saved Policy E16 of the City of Durham Local Plan is aimed at protecting and enhancing the nature conservation assets of the former district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation habitats that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests should be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
101. The application is accompanied by a bat survey report which confirmed that two common bat roosts have been identified.
102. The Ecology Section has no objections to the proposed development subject to appropriate conditions being imposed upon the grant of the planning permission. However when a licence will be required from Natural England, under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.
103. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2012 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must

consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions. The local planning authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required license being granted. The 2012 Regulations contain three "derogation tests", which are that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.

104. Due to the nature of this proposal which essentially is to install an external canopy and the internal works the applicant's ecologist considers that the works will not disturb the bat roosts and as such not licenceable activity as the mitigation strategy ensures the conservation status is maintained. However the building is providing a valuable health and benefit to the wider community, is located close to the prison in order to improve the health and wellbeing of prisoners and with no adverse comments from ecology subject to the conditioned mitigation it is considered the favourable conservation status of the species will be maintained, in accordance with Policy E16 of the Local Plan and Policy 33 of the RSS.

Other Issues

105. Some public responses consider that the application site should be put to other uses considered more appropriate including either reused as family housing given the understood housing need including in the immediate locality or one respondent considers that the buildings could be demolished at the site used for car parking.
106. Ultimately the application which is put forward by an applicant must be considered on its own merits. The application site is not specifically allocated within the Local Plan for a particular use. The principle of a D1 use is considered to be acceptable at the location having regards to Policy C2 of the Local Plan. Officers therefore do not raise objection to the proposed development on the grounds that a preferred use is considered more appropriate by some respondents. In addition, with regards to the loss of residential dwellings, officers consider that the continuing development of the County Durham Local Plan is assessing housing need and appropriate site allocation in order to meet need. It should also be considered that though the lawful use of nos. 82-88 Whinney Hill is as dwellinghouses the properties have been vacant for a considerable period of time and not used as such.
107. Related to this, objection has been raised to the failure of the prison to adequately maintain the properties. The redevelopment of the site as proposed would address this. It is not considered that the perceived lack of maintenance by the prison on the properties is a reason to raise objection to the redevelopment proposal. Furthermore if the condition of the properties were deemed harmful then separate enforcement enquiries can be made with regards to this by the Local Planning Authority.
108. Objections were raised to the original description of the development which proposed a change of use from office accommodation to the D1 use when actually Nos. 82-88 have a lawful use as dwellinghouses. A revised description and reconsultation process is now considered to have addressed this.
109. Objection has been raised to the public consultation exercise undertaken by the applicant prior to the submission of the application. A public consultation exercise was undertaken by the applicant prior to the submission of the application. An assessment of the quality of the exercise is to a degree subjective. Related to this, objection is

raised to the proposed opening hours which are considered to have changed from the pre-application proposal to that within the formal application. Though effective consultation with local residents is always encouraged by the Local Planning Authority, ultimately a public pre-application exercise is not a compulsory activity that an applicant must undertake and it is not considered that significant objection could be raised to the development proposal because of the question marks raised over consultations undertaken. The proposed opening hours of 9am – 5pm with potential opening mid week as late as 7pm and then 9am -12 noon are considered acceptable with the hours not deemed to be unsociable by officers.

110. Objection is raised to the lack of impact assessment submitted within the application by the Whinney Hill Community Group. Officers are not entirely clear on what form of impact assessment the community group expected to accompany the application. The development was screened and was considered to not require an environmental impact assessment. The application has been considered by officers to include adequate information and documentation to be considered a valid application. The impact of the development is ultimately now to be considered as part of the determination of the application.
111. Objection is raised to the NHS policy of no-smoking on site and that this will potentially lead to smokers spilling out onto the adjacent streets. Officers have raised this question with the applicants and requested that a smoking shelter be erected as part of the development proposals. Unfortunately the no-smoking on site policy is a standard approach required by the NHS and the applicant has been unable to be flexible on this point. Though this is somewhat regrettable officers do not consider that the application could be refused because of the potential of smokers in the vicinity.
112. Some respondents consider that the number of users at the site could exceed the purported figures. The application documents have based client rates on levels currently experienced at William Robson House. Officers consider that as the proposed site is to replace William Robson House it is logical to base expected client numbers upon this. Furthermore the Centre Management Strategy submitted with the application confirms that visitors must have appointments to use the facility. Therefore the number of clients at the centre at any one time would be controlled.
113. Some public objection to the proposal raises concerns more widely over the impact of the development upon the local area such as the impact upon attracting new residents and impact upon the redevelopment of the adjacent Whinney Hill School site. Officers consider that the impacts of the development upon all key material planning considerations such as the character and appearance of the Conservation Area and residential amenity have been discussed in detail elsewhere in the report. Ultimately if impacts upon existing residents and the existing character of the area is considered appropriate then in turn officers consider that the impact upon future occupiers is also considered acceptable and it would therefore not be justifiable to refuse the application on the grounds of harm to attracting new residents to the area.
114. Objections are raised to the submitted reasons for the proposed development. It is not considered that the cited reasons of proximity to the prison, transport links etc are the genuine reasons for the proposed move but it is has more to do with the lower rents that would be available. The applicant has not stated that the lower rent of the proposed site is a reason for the proposed move. However, a letter of support from the Ministry of Justice does state that the Durham Drug & Alcohol Commissioning Team would be able to exit a leasehold of £66, 000 per annum through the move. Officers do therefore expect that there is, at least in part, a financial incentive to the move. However, officers also consider that the move is proposed on the grounds of quality of the treatment

service and that the other benefits such as the closer proximity of the treatment centre to the prison are logical and genuine.

115. Much objection is raised by Whinney Hill Community Group to the supporting documentation accompanying the application. This includes objection to the assessment of the character of the local area within the submitted residential amenity addendum report, objection to the point raised that the former Whinney Hill School site is completely redundant (as TV productions have used the site), objection to the claims that the car park opposite contains a genuine prison parking security office and objection to claims that visitors may use the attend the treatment centre and nearby job centre in the one visit as this is understood to be likely to close. Though the community group may object to the content of and views of the applicant, officers do not consider these issues would warrant refusal of the application in their own right. Debate over matters such as use of the school site or potential for a job centre to close in future are not considered material whilst the adequacy or otherwise of surveillance in the adjacent car park is a matter of residential amenity discussed more widely elsewhere in this report.
116. The applicants claim that other similar facilities are also located in residential areas is also disagreed with by Whinney Hill Community Group. The various centres across the district vary in terms of their proximity to residential property. Some centres could be described to be in less residential areas, for instance the treatment centre at Ridgemount House, Peterlee is in a more commercial area. However, many residential properties are located within close proximity to the centre at Eden House, Consett for example.

CONCLUSION

117. The application proposes a D1 use within a location considered to be sustainable and appropriate for a non-residential institution and as a result officers raise no objections to the development in sheer principle terms. The specific form of D1 use, a drug and alcohol treatment centre has raised concerns over amenity, crime and the fear of crime amongst other matters within the public responses.
118. Officers consider that the concerns of the residents are understandable and the fear of crime is a serious material planning consideration. The fear of crime and the suitability of the site for the development is also questioned by the Police Architectural Liaison Officer.
119. However, equally the Police Architectural Liaison Officer has been unable to find any evidence that crime does increase in areas where such treatment centres are located. The Police Architectural Liaison Officer is not aware the existing facility at William Robson House has generated any crime of anti-social behaviour issues. This is supported, to a degree, by the applicant's claims that incidents at existing treatment centres are low. The application site itself would have good surveillance and the applicants also propose community consultation as the treatment centre becomes established seeking to remedy any issues which may arise.
120. Officers do agree that the improved facilities that the site would bring have wider benefits to substance misuse treatment and in turn reductions in crime.
121. Ultimately a very finely balanced judgement must be made on whether the potential for crime or fear of crime is so high that it warrants refusal of the application balanced against the inherent benefits of the service. To some extent even despite the lack of

conclusive evidence the centre will clearly attract a significant volume of drug users albeit of their own free will to the fringes of this residential community and allow the possibility of interaction on the street given how busy the route is to the prison and university as well as for resident's walking into Durham. Without evidence it is very hard to say this will lead to any increase in actual crime but a fair logical assumption is that the fear of such crime will increase for those local residents. The fact that the prison releases people daily is no defence as clearly this introduces a whole new influx of person's and could create totally different issues of its own. William Robson House is also not directly comparable as this is a bustling City Centre location where service users can easily disperse in a short distance in the wider City environment.

122. However, for the purposes of planning there is no hard evidence on crime or the fear of crime increasing only the subjective concerns of the Police Architectural Liaison Officer and the wider community, furthermore the centre has committed to integration and the liaison group will aide this, ultimately and not forgetting the big DAAT positives this decision is very finely balanced but in conclusion Officers support the application and recommend approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
2010 Rev T1, 2011 Rev T1, 2022 Rev T1, 3020 Rev T1, 3029 Rev T1, 3024 Rev T1, 3025 Rev T1, 3026 Rev T1, 2537-E-301 Rev P2 and 2537 – E- 001 Rev P2 received 6th June 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E22, E16, H13, T1, T10, C2, Q1 and Q2 of the City of Durham Local Plan 2004.

3. The change of use hereby approved and occupation of the buildings shall not occur until a full travel plan has been submitted to and approved in writing by the Local Planning Authority which includes but is not restricted to a detailed set of proposed initiatives and identification of a travel plan coordinator. The development shall thereafter be implemented in accordance with the approved travel plan immediately following occupation..

Reason: In order to encourage sustainable means of travel in accordance with Part 4 of the National Planning Policy Framework.

4. The premises subject to this permission shall not be open for business outside of the hours of 9am to 5pm Monday to Friday with additional opening permitted between 9am to 7pm on one day only between Monday to Friday. On a Saturday, opening hours shall be restricted to 9am to 12 noon with no opening on a Sunday or on Bank Holidays.

Reason: To define the consent and in the interests of preserving residential amenity having regards to Policy C2 of the City of Durham Local Plan 2004.

5. Notwithstanding the information submitted within the application the proposed cycle parking bays shall be of a covered type. Details of the design of the cycle parking bays shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details prior to occupation.

Reason: In the interests of the provision of adequate cycle parking facilities having regards to Part 4 of the National Planning Policy Framework.

6. No development shall take place unless in full accordance with the recommendations detailed on pages 15 and 16 of the submitted bat survey dated August 2012 by Durham Wildlife Services, including but not restricted to, the provision of bat boxes and adherence to timing restrictions.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

7. Prior to the occupation of the development hereby approved full details of the community liaison group (to include its structure, management plan, consultation, regularity of meetings, aims and objectives, review period) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the liaison group shall be implemented and operated in accordance with the agreed details.

Reason: In the interests of preserving residential amenity, community cohesion and reducing any actual or potential crime impacts in accordance with Policy C2 and H13 of the City of Durham Local Plan 2004, Policy 24 of the Regional Spatial Strategy and part 8 of the National Planning Policy Framework

REASONS FOR THE RECOMMENDATION

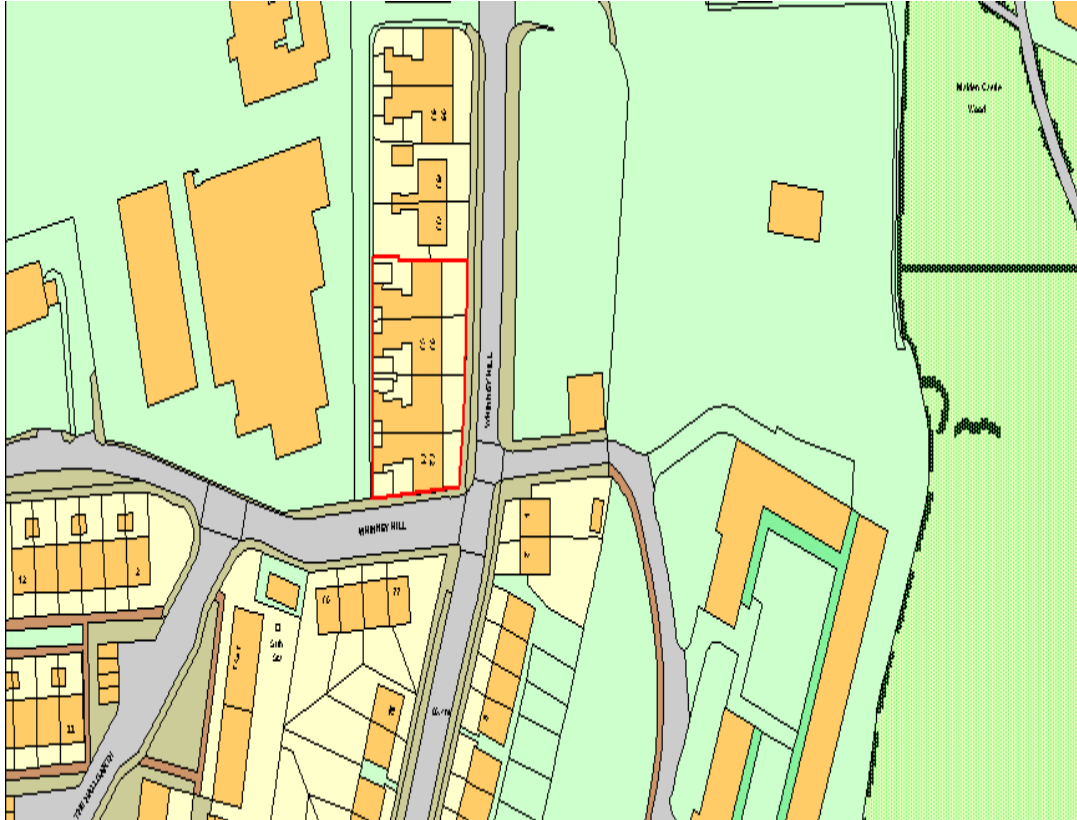
1. The application proposes a D1 non-residential use within a settlement boundary and within close proximity to residential property, the City Centre and public transport links. Key issues have been considered including the impact upon the residential amenity of nearby residents and the potential for an increase in crime or the fear of crime and highway safety. The development is considered to accord with relevant Policies E6, E22, E16, H13, T1, T10, C2, Q1 and Q2 of the City of Durham Local Plan 2004. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive brought into effect through The Conservation (Natural Habitats etc) Regulations 1994.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework.

2. In particular the development was considered to remain acceptable having regards to the potential impacts upon residential amenity, crime levels and the fear of crime.
3. A total of 12 no. letters and a petition of 48 signatures were received opposing the development on a wide range of grounds most notably regarding residential amenity, crime, the fear of crime, highway safety and content and considered discrepancies within the submission. However, on balance having considered the points raised within the objection letters it is considered that the development proposal remains acceptable and in accordance with local, regional and national planning policy.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
Regional Spatial Strategy
National Planning Policy Framework
Internal consultee responses
Public responses
Response of the Highway Authority
Planning Circular 11/95



Planning Services

Change of use of No. 81 from existing B1 office and Nos. 82-88 from C3 dwellinghouses to D1 non-residential institution to provide drug and alcohol treatment centre together with associated erection of entrance canopy and fire escape canopy on front elevation and landscaping works

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Date 11th September 2012

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2012/0266
FULL APPLICATION DESCRIPTION	NEW VEHICULAR ACCESS, NEW ENTRANCE WALL, NEW REPLACEMENT VISITORS CENTRE, CAR PARKING AND CHANGE TO EXISTING OUTBUILDING, REPLACEMENT ADMISSIONS FACILITY AND GIFT SHOP
NAME OF APPLICANT SITE ADDRESS	MR & MRS WAYMAN TWEDDLE FARM, FILLPOKE LANE BLACKHALL, TS27 4BT
ELECTORAL DIVISION CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. **Site:** The application site lies outside of any settlement boundary in the open countryside between the settlements of Crimdon, Blackhall and High Hesleden. Agricultural fields surround the site with several farmhouses nearby; the closest resident is at Westwinds, a dwelling adjacent to the main site entrance off Fillpoke Lane. The children's animal farm is approximately 18.2 hectares in size with various attractions.
2. The operations and business have recently expanded to meet visitor demands and the facilities now include an extended range of domestic farm animals, internal and external play areas including go-kart tracks, the provision of an over flow car parking area, a café and external seating area and a gift shop. Other minor works have been undertaken by the applicants to generally improve and upgrade the appearance of the site and ensure visitors safety.
3. **Proposal:** This application seeks approval for various construction works including a new vehicular access for visitors, a new feature entrance wall with flag poles, a new replacement visitor car park incorporating associated landscaping and the change of use of an existing outbuilding for use as a new replacement admissions area and gift shop.
4. The application is primarily intended to improve the existing vehicular access and parking arrangements for visitors to the attraction. This would involve moving the

existing separate visitor entrance and exit access points further to the north to improve visibility for visitors entering and exiting the site and other motorists using Fillpoke Lane on the approach to the proposed new single access point.

5. The other main element of the proposal is the provision of a replacement visitor car parking area which would replace the existing car park and overflow car park located to the south side of the farm area to the rear of the neighbouring residential property which directly abuts the boundary and overlooks the animal farm enterprise.
6. The proposed new visitor car parking area measures 0.57 hectares and would have a maximum of 146 standard car parking bays, 6 disabled spaces and 2 coach parking bays. The surface of the car parking area would be compacted road chippings whilst the disabled bays would be surfaced with tarmac. A paved pedestrian link connects the car park to the new gift shop that also serves as the admissions area.
7. The application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

8. **HIST/2004/0506** - Children's Animal farm and paddock - Approved
9. **HIST/2004/0937** - 2 No. residential mobile homes - Approved
10. **PLAN/2007/0492** - Caravan and camping site - Withdrawn
11. **PLAN/2008/0182** - Regularisation of unauthorised development – Withdrawn
12. **PL/5/2009/0496** - Permanent retention of mobile residential unit, associated conservatory, glazed porch, decking and domestic garden - Withdrawn
13. **PL/5/2009/0497** - Permanent retention of mobile Residential unit to provide temporary accommodation for seasonal employees - Withdrawn
14. **PL/5/2010/0222** - Permanent retention of mobile residential unit, associated conservatory, glazed porch, decking and domestic garden - Approved.
15. **PL/5/2010/0279** – Change of use from children's animal farm and paddocks to children's zoo and amusement park including erection of buildings and animal pens, siting of storage containers, additional car parking area, go-kart tracks, indoor play building, former railway carriage as play area shelter, outdoor play equipment, enlargement of ponds, and shop and café (retrospective) – This application involved the keeping of exotic animals which in planning terms was classed as a zoo. However, the applicant failed to secure the appropriate zoo licence and the planning application was therefore withdrawn.
16. **PL/5/2010/0530** – Additional facilities to animal farm to include childrens amusement park, involving indoor and outdoor pedal go-kart tracks, indoor play building, outdoor play equipment and use of a former railway carriage as play area shelter, erection of buildings, animal shelters and pens associated with the keeping of domestic farm animals and non-exotic animals and native bird species, enlargement of existing ponds, provision of associated visitor facilities including café, gift shop and additional visitor car parking (retrospective) - Approved

PLANNING POLICY

NATIONAL POLICY:

17. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
18. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
19. The following elements are considered relevant to this proposal:
20. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
21. Part 3 - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
22. Part 4 - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
23. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
24. Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLAN POLICY:

25. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.*
26. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.
27. Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East Strategies, plans and programmes, and planning proposals, should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development.
28. Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
29. Policy 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.
30. Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
31. Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
32. Policy 33 - Seeks to enhance and protect internationally and nationally important sites and species, developing habitat creation whilst seeking to reduce the spread of, and eliminate, invasive species
33. Policy 54 - Seeks to support the delivery of improved public transport throughout the Region, the promotion of travel plans and the provision and pricing of parking will be essential. Key elements include the marketing of public transport, cycling, walking and car sharing in trying to influence travel behaviour.

LOCAL PLAN POLICY:

34. District of Easington Local Plan
35. Policy 1 - Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
36. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
37. Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
38. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
39. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
40. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
41. Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. Parish Council – no objections.
43. Highways Officer – no objections. However, conditions should be imposed requiring works to the existing entrance which would prevent vehicles using it as an exit and a condition limiting the number of coaches visiting the site to two.
44. Environment Agency – no objections
45. Northumbrian Water – no objections

INTERNAL CONSULTEE RESPONSES:

46. Public Rights of Way Officer – initial concerns, however plans have been amended to show that the Public Right of Way will be kept open to the public and clearly marked on the site.
47. Tree Officer – no objections subject to conditions requiring protection of the existing hedgerows.
48. Ecology Officer – no objections, however bat surveys are required for the internal works to the farm buildings.

PUBLIC RESPONSES:

49. The application has been advertised by way of a press notice, site notice and letters to individual residents.
50. Two letters have been received from nearby residents which raise several issues relating to the current planning application and the site as a whole. The issues relating to the current planning application include concerns that the road is dangerous, the proposed new entrance to the site is out of character with the surrounding rural area, that the car park is too large and there is a lack of landscaping around the site.
51. The Ramblers Association had initial concerns, however plans have been amended to show that the Public Right of Way will be kept open to the public and clearly marked on the site.

APPLICANTS STATEMENT:

52. Tweddle Animal farm is a highly successful family orientated visitor attraction that has flourished since the original grant of planning permission in 2004.
53. To further improve the existing facilities for visitors to the attraction the owners of the enterprise are seeking permission to construct a new visitor car park to the north of the site. The proposed new visitor car park will increase the current available visitor parking from 95 to 146 car spaces. There are no changes proposed to the number of disabled and coach parking spaces that are available.
54. The proposed new visitor car park in addition to offering increased parking capable of meeting current and future visitor demand: will improve access to the visitor attraction with a new single purpose access replacing the two single entrance and exit points currently operating; the new access will also improve visibility for the benefit of both visitors and general road users approaching the site along Fillpoke Lane; remove the current conflict between visitor traffic circulating and parking within the main site and users moving between the various buildings and outdoor areas; and will improve the amenity for the occupiers of the abutting neighbouring house by remove the existing car parking from the rear of the property.
55. The proposed change of use of (part) of the existing stable block to provide a new visitor admissions entrance will together with the new larger car park and improved access will ensure during peak times that there are no queuing cars blocking Fillpoke Lane.

56. These current proposals being put forward by the owners are part of an on-going programme of improvements to the attraction that will further underpin the future economic viability of the attraction that supports the local economy and jobs.
57. The proposals put forward do not present any evident adverse impacts and offer improvements that will benefit visitors, local residents and motorists using Fillpoke Lane. With regard to the latter as part of these on-going improvements the applicants have at their own cost recently provided a number of passing places along Fillpoke Lane to mitigate the impacts of increased traffic movements by visitors and improve general highway safety on this otherwise narrow unclassified road for all road users.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=119256>

PLANNING CONSIDERATION AND ASSESSMENT

58. The main planning considerations relating to this proposal are the accordance with the relevant planning policies, the impact on the countryside, highways issues, ecology and responses from the public.

Planning Policy

59. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
60. In this instance, the relevant development plan policies are the Governments recently published National Planning Policy Framework (NPPF), the Regional Spatial Strategy (RSS) and the saved policies from the District of Easington Local Plan.
61. The overarching aim of the NPPF is to promote sustainable economic growth and at the heart of the framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making.
62. Part 1 of the NPPF seeks to promote a strong, competitive economy and advises that Local Planning Authorities should support existing businesses which are seeking to expand and to operate to encourage and not to act as an impediment to sustainable growth.
63. This theme is also continued in Part 3 of the NPPF which is most relevant to this planning application and advises that Local Planning Authorities should promote the development and diversification of agricultural and other land-based rural businesses. Crucially, it goes on to advise that planning decisions should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate

locations where identified needs are not met by existing facilities in rural service centres.

64. These aims are also embodied in the RSS in Policy 1 which seeks to provide an economic, social and environmental renaissance in the North East region, Policy 2 which encourages sustainable economic growth, Policy 11 which supports the development of the rural economy by supporting tourism, leisure and cultural activities in rural locations and Policy 16 which also promotes tourism, recreation and cultural development where this would benefit the local economy.
65. In terms of the saved policies in the District of Easington Local Plan it is recognised by Policy 3 that the site lies in the countryside outside of any settlement boundary. This Policy states that development in the countryside will not be permitted other than specifically allowed for by other policies. It is considered that the proposed new car parking area, gift shop and admissions facility, which would improve the facilities on offer at this well established, popular rural enterprise, are in accordance with Parts 1 and 3 of the NPPF, the relevant policies in the RSS and therefore also complies with saved Policy 3 of the District of Easington Local Plan.

Impact on the Countryside

66. With regard to the impact on the countryside, the main issues are considered to be the landscape impact on use of agriculture land, existing hedgerows and trees, and the visual impact from public receptors.
67. The proposed car parking area is located lower than Fillpoke Lane, that runs from the Coast Road (A1086) to the East and towards High Heselden in the North West. There are no land designations within the application site boundary. The coastal Area of High Landscape Value (AHLV) and Heritage Coast are located approximately 200m from the east boundary of the farm. The proposed car park works are approximately 690m from this boundary. The Crimdon Dene AHLV is approximately 580m from the south boundary of the farm boundary and proposed works. The woodland within Crimdon Dene is designated Ancient Woodland as well as protected by a woodland Tree Preservation Order.
68. Tweddle Animal Farm is visible from surrounding countryside given that the site is located on relatively high ground and the countryside in the vicinity is relatively open. However, the location of the proposed carpark is set within a localised valley which provides a good amount of natural screening, as do the adjacent farm buildings and landscape treatment which has recently been put in place.
69. As the landscape impact of the new carpark would be contained within a small valley, it is not considered that there would be any significant adverse impact on the surrounding countryside landscape. There would be a need to remove a section of Hawthorn hedge to accommodate the proposed car park; however, conditions requiring additional landscaping to screen the site and for protection of the existing trees and hedgerows would ensure that any landscape impact would be kept to a minimum. The internal alterations to the agricultural building to provide a gift shop and admissions facility would not have any landscape impact. The proposals are therefore considered to accord with saved Policies 1 and 35 of the District of Easington Local Plan and Part 11 of the NPPF, all of which require the design and layout of development to preserve or enhance the countryside.

Highways Issues

70. Historically, there have been some problems with the entrance and exit arrangements into the animal farm, particularly with regard to buses and vehicles using the entrance to the site as an exit, which Highways Officers advise is unsafe and not acceptable. As stated earlier, this application is primarily intended to improve the existing vehicular access and parking arrangements for visitors to the attraction.
71. Highways Officers have advised that the proposed new access to the site is acceptable in terms of providing safe and adequate junction site visibility splays and it is noted that the new entrance wall arrangement and flag pole arrangement would be set back clear of these visibility splays.
72. The proposed carpark, which would provide 146 car parking spaces, 6 disabled persons parking spaces, 2 bus/coach parking spaces and taxi/minibus drop off point arrangements are deemed to be practical by Highways Officers and are therefore considered acceptable. However, there are concerns in relation to the numbers of buses/coaches that could visit the site due to the narrowness of Fillpoke Lane and therefore a condition is required which would limit the numbers of coaches visiting the site to 2 at any one time. In addition, the applicant has suggested that the existing entrance would be retained for emergency use with the gate being locked during business hours. This is a concern from a highways point of view as any vehicles exiting the site from the existing entrance would result in a highway safety issue. Therefore a further condition should be imposed which requires alligator teeth to be installed at the existing car park entrance which would prevent any vehicles from using it as an exit. It is noted that emergency access could be afforded via the original exit onto Filpoke Lane, the retention of which for emergency use would be deemed to be acceptable. Finally, a condition is required that ensures the use of the existing car park is ceased when the new car park is brought into use.
73. Comments have been received from both the Councils Public Rights of Way Officer and the Ramblers Association with regard to the Public Right of Way which runs through the application site. There were initial concerns about the safety of users of the footpath which would run through the car park as there was no indication of how users of the path would continue to have unhindered safe access. However, the applicants have since amended plans to show that the footpath would be retained and clearly marked out on site and therefore both the Public Rights of Way Officer and the Ramblers Association have withdrawn their objections.
74. In light of the above it is considered that the proposals are acceptable from a highways point of view and are in accordance with Part 4 of the NPPF and saved policies 36 and 37 of the District of Easington Local Plan.

Ecology

75. The Councils Ecology Officers have no objections to the proposed development. However, it has been requested that the applicant undertakes a bat risk assessment as the proposals involve internal works to an agricultural building which has the potential for accommodating bats. The applicants has agreed to carry out this work, however at the time of writing this report the outcome of the assessment is not known.
76. In addition to the above the applicant has been advised that under the Wildlife and Countryside Act it is prohibited to intentionally damage or destroy the nest of a wild bird and therefore ground clearance for the car park should be carried out outside the

bird nesting season. If the applicant intends to clear the ground between April and September, an inspection for signs of nesting birds must be carried out by a suitably qualified ecologist prior to the commencement of works.

77. Subject to the outcome of the bat risk assessment, it is considered that the proposals are in accordance with Part 11 of the NPPF and saved Policy 18 of the District of Easington Local Plan.

Responses from the public

78. Two letters have been received from nearby residents which raise several issues relating to the current planning application and the site as a whole. The majority of issues raised by the residents are not considered to be relevant to the current application. However, the issues relating to the current planning application include concerns that the road is dangerous, the car park is too large, that the proposed new entrance to the site is out of character with the surrounding rural area and that there is a lack of landscaping around the site.
79. As detailed earlier, the Councils Highways Officers are satisfied that the new access arrangements are considered safe and are acceptable from a highways point of view. With regard to the car park being too large, it is noted that the proposed new car park would accommodate 146 car parking spaces, 6 disabled spaces and 2 coach spaces. However, the existing car park can accommodate approximately 100 cars and until recently an additional overflow car park could accommodate a further 67 spaces until it was removed and landscaped by the applicant. Therefore it is not considered that the new car park is significantly larger than what was recently provided on site.
80. With regard to the new entrance wall and flag pole arrangement. It is not considered that this would be out of character with the area on the basis that the materials to be used are carefully considered. On this basis a condition should be required that requires the applicant to submit sample materials for the walling before any development is commenced along with a condition for additional landscaping around the site.

CONCLUSION

81. Overall it is considered that the proposals for the provision of a new car park, gift shop and admissions facility at the Children's Animal Farm visitor attraction, which is a popular rural enterprise are acceptable. The additional and improved facilities would not result in any significant impacts on either the surrounding countryside or nearby occupiers which should result in the refusal of planning permission.
82. The relocation of the car park and additional landscaping will ensure there are improvements to highway safety, enhancements to the setting and appearance of the site and to the amenity of surrounding occupiers. The approval of this planning application would ensure that the business remains viable and contributes toward the tourism and visitor attraction offer in East Durham and the surrounding area.
83. Therefore it is considered that the proposals are in accordance with the relevant planning policies and in particular the NPPF which seeks to promote the development and diversification of agricultural and other land-based rural businesses, supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site Location Plan - 1955/00, Existing Site Layout Plan - 1955/01A, Proposed Site Layout Plan - 1955/02C, Proposed new public car park, admission and gift shop - 1955/03A, Proposed admission, gift shop plans, elevations and site sections - 1955/04B, Proposed site access and car park layout - 1955/05E

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. Notwithstanding any details of materials submitted with the application, no development shall commence until samples of the materials to be used for the feature entrance wall have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

4. Notwithstanding the details submitted with the application, no more than two buses and or coaches shall visit the site at any one time.

Reason: To minimise parking and congestion on Fillpoke Lane in the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

5. Before the carpark hereby approved is brought into use, measures shall be taken to prevent vehicles (other than emergency vehicles) from exiting the site at the former designated site entrance in accordance with a scheme to be submitted to and agreed in writing by the Local planning authority.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

6. Once the carpark hereby approved is brought into part or full use, the former carpark shall cease to be used for the parking of vehicles.

Reason: To minimise parking and congestion on Fillpoke Lane in the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

7. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree

and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

8. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges on the site, are protected by the erection of fencing in accordance with BS.5837:2012.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN
 DISTRICT OF EASINGTON LOCAL PLAN
 DISTRICT OF EASINGTON LOCAL PLAN

DISTRICT OF EASINGTON LOCAL PLAN
 DISTRICT OF EASINGTON LOCAL PLAN
 DISTRICT OF EASINGTON LOCAL PLAN

NATIONAL PLANNING POLICY
 FRAMEWORK

NATIONAL PLANNING POLICY
 FRAMEWORK

NATIONAL PLANNING POLICY
 FRAMEWORK

ENV03 - Protection of the Countryside
 ENV18 - Species and Habitat Protection
 ENV35 - Environmental Design: Impact of
 Development

ENV36 - Design for Access and the Means of Travel
 ENV37 - Design for Parking

GEN01 - General Principles of Development
 Part 1 - Building a strong, competitive economy

Part 11 - Conserving and enhancing the natural
 environment.

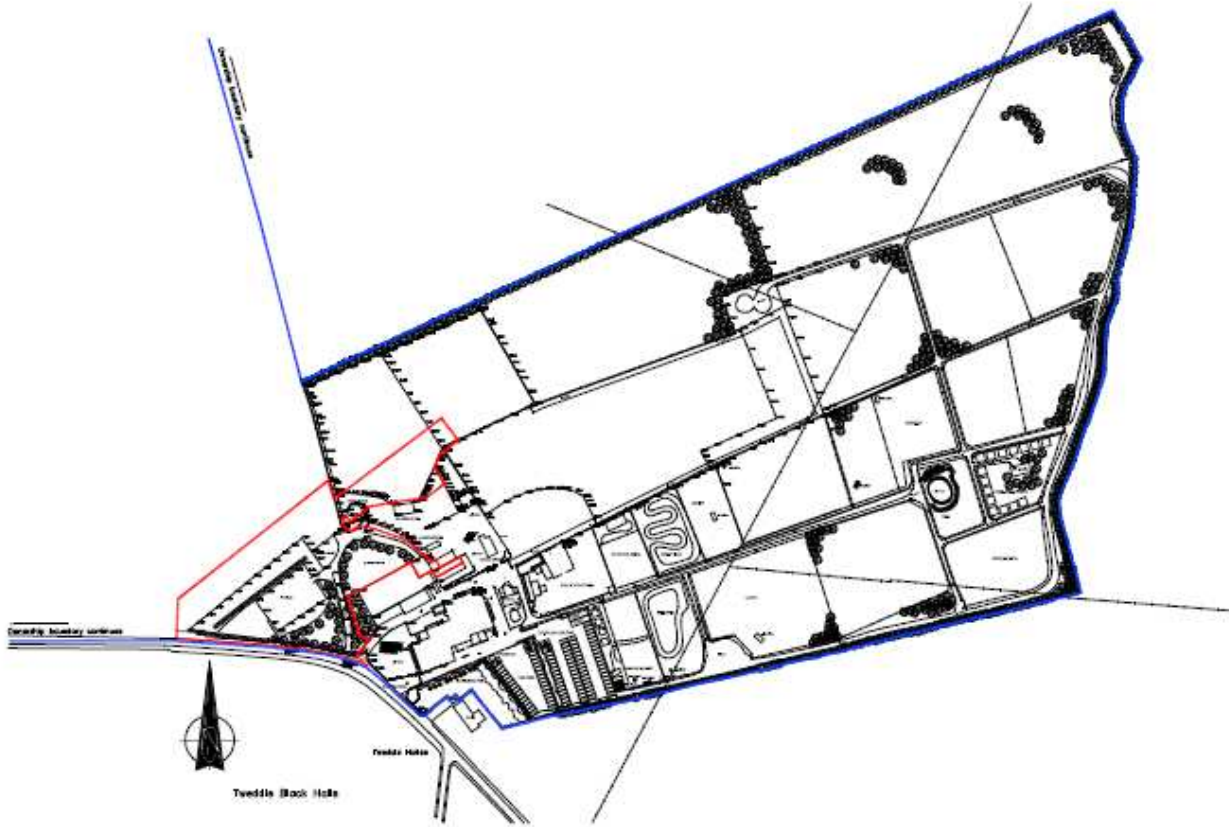
Part 3 - Supporting a prosperous rural economy

NATIONAL PLANNING POLICY FRAMEWORK	Part 4 - Promoting sustainable transport
NATIONAL PLANNING POLICY FRAMEWORK	Part 7 - Requiring Good Design
REGIONAL SPATIAL STRATEGY	Policy 1 - (North East Renaissance)
REGIONAL SPATIAL STRATEGY	Policy 11 - (Rural Areas)
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 33 - (Biodiversity and Geodiversity)
REGIONAL SPATIAL STRATEGY	Policy 54 - (Parking and Travel Plans)
REGIONAL SPATIAL STRATEGY	Policy 6 - (Locational Strategy)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)
DISTRICT OF EASINGTON LOCAL PLAN	TAC74 - Footpaths and other public rights of way

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, impact on the landscape and surrounding occupiers, highways issues and ecology.
3. The stated grounds of objection concerning were not considered sufficient to lead to reasons to refuse the application as Highways and Landscape Officers do not object to the proposals. Other issues raised are not considered to be material planning considerations.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

PROPOSAL: NEW VEHICULAR ACCESS, NEW ENTRANCE WALL, NEW REPLACEMENT VISITORS CENTRE, CAR PARKING AND CHANGE TO EXISTING OUTBUILDING, REPLACEMENT ADMISSIONS FACILITY AND GIFT SHOP at TWEDDLE FARM FILLPOKE LANE, BLACKHALL, TS27 4BT. PL/5/2012/0266

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Comments	
Date September 2012	Scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/12/00149/FPA
FULL APPLICATION DESCRIPTION:	Proposed timber storage shed and flue associated with extraction system and retention of solar panels, fridge, freezer, storage container and hard standing to rear (description amended 13th March 2012, amended plans received 03rd May 2012 and additional documentation received 29th May 2012)
NAME OF APPLICANT:	Executive Catering and Coach Services
ADDRESS:	107A High Street, Carville, Durham, DH1 1BQ.
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site is 107A High Street, Carville, to the east of Durham City Centre. The building is of two storey construction, with a large garage space to the south west facing elevation. To the rear of this garage sit two further single storey flat roof structures. Various plant and structures exist within the back area of the site and are detailed below. To the rear of the property there are grassed and hard standing areas. Vehicular access to the rear area is taken from a garage door on the adjoining side street. The site sits within a busy mixed use local high street location. There is a large amount of residential accommodation that surrounds the site. Residential properties bound the premises indirectly to most elevations, across Carville High Street, to the south of the premises separated by an access road and further to the east at Broome Road. Site levels are relatively flat.

PROPOSAL:

2. The application seeks consent to retain 15 Solar panels which have been placed on the flat roofed structures to the rear of the main buildings. The panels are free standing, mounted on brackets to face south / south west. The panels project above the flat roof by 68cm and each measure approximately 1.6m in width.

3. To the rear of these outbuildings sits a shipping container, used for storage. This measures approximately 2.4x2.4m and stands at approximately 2.8m in height. Further round in the rear yard an external fridge and freezer have been placed. These measure approximately 2.1m x 3.2m standing at a height of 2.1m. A Hard standing area has also been developed to accommodate this plant and parked vans and trailers used in connection with the business. Planning consent is sought to retain the container, fridge, freezer and area of hard standing.

4. Planning consent is sought to erect a timber storage shed to the rear of the hard standing area. This shed would measure 6 metres in width, 3m in depth and 3m in height. The removal of one tree is proposed to accommodate this shed. Planning permission is also sought to erect an extraction flue which would be placed above the existing single storey garage to the side of the premises. This flue would exit the roof slope towards the centre of the garage and extract above the rear roof slope of the main building. The garage internally would be fitted with large extraction hood and extraction system would be fitted with a fan to aid odour removal.

5. This scheme is being reported to committee at the request of the local divisional member.

PLANNING HISTORY

6. In March 1986 Planning permission was granted for a change of use to 'preparation and production of food for outside catering, coach companies and retail outlets'. No opening hours were specified upon the granting of this planning permission. An application for an extension to provide an office and reception area together with lean to store and car parking to rear garden was refused in 1989. In 1990 an application for change of use from residential to reception and office in connection with catering business was refused. In 1993 planning permission was granted for single storey pitched roof extension to side to form garage along with the roller shutter garage door to side.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

9. The following elements is considered relevant to this proposal;

10. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

REGIONAL PLANNING POLICY

11. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material

consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:

13. **Policy 4 (Climate Change)** seeks to promote measures to tackle climate change amongst other policy it seeks to encourage renewable energy capacity.

14. **Policy 8 (Protecting and Enhancing the Environment)** seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

15. **Policy 39 (Renewable Energy Generation)** seeks to increase the renewable energy generation capacity of the North East.

LOCAL PLAN POLICY:

16. **Policy E14 (Trees and Hedgerows)** requires that trees or hedgerows of value that are lost during development should be replaced.

17. **Policy H13 (Residential Areas – Impact upon Character and Amenity)** states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

18. **Policy T1 (Traffic – General)** states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property

19. **Policy T10 (Parking – General Provision)** states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. The divisional member has expressed concerns surrounding the application. These concerns include vehicular movements and work being carried out late at night after 11pm, food preparation practises including hog roasting with associated unpleasant odours and the construction of outhouses and sheds within the grounds of the site. The same member has also expressed concerns relating to the difficulty that residents have accessing and egressing their dwellings to the side access lane due to the parking of vans and vehicles associated with the company.

21. Belmont Parish Council has objected to the planning application. They are concerned as they deem that the site is becoming overly industrial and feel that the current use of the site is totally unacceptable. They have concerns over opening hours, the flue extraction system, noise from plant within the site, vehicular access, drainage, storage of gas cylinders, the solar array on the buildings, the hard standing area and feel that the proposed shed represents over development of the site.

INTERNAL CONSULTEE RESPONSES:

22. Environmental health has offered no objection to the application. They consider that the predicted fan noise will not have an adverse effect on the overall daytime noise levels and consider that the revised positioning of the flue towards the ridgeline of the building will assist odour dispersion. Highways development management has offered no objections to the application.

PUBLIC RESPONSES:

23. Letters of objection have been received in relation to the development from six people. One letter of concern has been submitted. Objectors have questioned perceived inaccuracies in the application form and suggest that the premises do operate outside the times specified on the application form.

24. Concerns have been put forward due occasional buzzing and low frequency vibration emanating from the existing fridge and freezer to the rear of the premises. Objectors state that this has made it difficult to leave windows open and sleep in the summer months.

25. Objections have been put forward regarding the extraction system due to concerns over noise and smell which it is suggested would emanate from it. Concern has been expressed over the positioning and height of the extraction system. Objectors have suggested the system could be a distraction to drivers, impacting upon highway safety.

26. Objections have been expressed over the proposed shed due to perceived reduction in views and amenity.

27. Objectors consider the business inappropriately placed and consider that an industrial unit would be a more appropriate location for the business. Objectors consider that the business has expanded to such a degree that it has outgrown the site.

28. Diversification into producing 'Hog Roasts' has also caused significant concern. Hog roasting has reportedly been taking place in the open air to the rear of the premises causing smell disturbance.

29. Objectors consider the site to represent a breach of the Human Rights Act.

30. Concerns have been expressed over the removal of trees to the rear garden.

31. Objectors state that there are significant vehicular movements associated with the site and these cause them concern. Vehicle movements early in the morning and late at night are reported to cause disturbance. These vehicular movements are reported to involve both company vehicles and goods supply vehicles.

32. Objections are put forward in relation to the hard standing area which has been placed to the rear of the premises and possible surface flooding associated with this.

33. Reduction in outlook and the change in outlook from the previous orchard garden causes concern to residents.

34. Concerns have been put forward that the solar panels are an eyesore and are inappropriately placed. Objectors consider them unsuitably placed and consider that they represent a danger to anyone who may climb onto the roof. Objectors claim these panels are not placed in accordance with planning guidelines.

35. Objectors have questioned the merit of the noise impact assessment that has been submitted relating to the installation of the extraction fan.

36. Concern has been expressed over the storage of gas cylinders.

37. Objections are put forward on the basis that property values around the site are seriously detrimentally affected by the development and current status of the site.

APPLICANTS STATEMENT:

38. New extraction unit

In September 2011 Mr John Dodds from Durham environmental health department visited our premises with regards to our mobile hog roast ovens. He wanted to see if it was possible to cook the pigs inside with an extraction fan that would ensure the cooking odours would be distributed at a higher level. I have personally worked closely with Mr Dodds and followed his instruction regarding the unit required. Per Mr Dodds requirements, the noise survey team www.emat.co.uk was hired by ourselves to ensure the extraction unit would not cause any disruption during operation.

39. Solar panels

In August 2012 we purchased a solar panel system. I was informed at that time that the system would not need planning permission. We paid for the installation in October 2011. Mr Tim Burnham from Durham planning department visited our premises regarding the new extraction system and advised me the solar panels would need planning permission because we are a commercial property. The solar panels help to reduce the running costs of the business, provide an environmentally friendly electricity supply and removes the need for power from the grid. This is beneficial to the area and the environment.

40. Walk in refrigeration and freezer units

These units have been on site for over five years and are required to store food safely as instructed by the environmental health department. Each unit has been installed with brand new low level noise motors to minimise noise pollution. The noise effects were also monitored by the EMAT team and results showed no noise issue.

41. Storage unit

The storage unit has been on site for over 15 years and is required to store general catering equipment we use on a regular basis.

42. Garden shed

The new garden shed is required for all the items, which are currently stored in the garage as this is where the new extraction unit would be placed. I've worked closely with Mr Tim Burnham from the planning department to ensure any new changes would not effect neighbouring properties and impact the environment in any way.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

43. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development of the site, and the impact of the development that is sought to be retained and proposed upon the character or appearance of the residential area, and the amenities of residents within the area.

Principle of development of the site

44. Planning permission was granted in 1986 to change the use of the premises to carry out the preparation and production of food for outside catering, coach companies and retail outlets. This type of use is deemed by Officers to fall within the B2 use class. Given that the business operation, although expanding, appears to be operating within the same basis, Officers do not consider that any change of use has occurred at the site in relation to the current use. This application therefore does not represent an application for change of use or retention of use. The application relates solely to the retention of existing developments at the site and to the provision of new development proposed.

45. The expansion of activities at the site has been given careful consideration by Officers and it appears that a noticeable point appears to have come this year with the expansion of the enterprise to accommodate Hog Roasts. This practice has been notified to Environmental Health and Planning Officers during the course of the year. Environmental Health officers have expressed concerns over this practice, leading to discussion between the business owner, Environmental Health and Planning Officers to look to find a solution to significantly reduce the impacts in terms of smell and disturbance of this practice on the Local Area.

46. A scheme involving converting the garage area has been put forward, with associated internal hood and extractor fan and flue. This would see hog roasts take place inside the garage where associated odour could be more appropriately managed through the installation of a purpose suited extraction system to extract odours to a suitable level for dispersion.

47. The storage shed is for additional storage space required should the garage area be used as a hog roasting area, as this area is currently used for storage.

48. The site does sit within a busy high street location and there are a variety of uses in place along the high street. Officers acknowledge that the surrounding area, however, to a large degree is residential. In terms of refrigeration equipment sited within the rear area, the placing of such equipment within residential areas is not uncommon and occurs frequently for example where shops requiring refrigeration on site sit closely to residential properties.

49. The use of solar panels is widely promoted through national planning policy and wider government guidance The National Planning Policy Framework stated that local authorities

should actively support energy efficiency improvements to existing buildings. There is no specific policy or guidance which dictates how or where solar panels should appear on commercial building, although permitted development tolerances are outlined at a national level. While Officers accept that the panels are apparent in appearance, solar panels rarely increase the attractiveness of a particular building and by their nature always appear incumbent upon the building upon which they are situated.

50. Opening hours are specified on the application form as 0600-1700 Monday to Friday 0630 to 1700 Saturday and 0900 to 1100 on Sundays and Bank Holidays. The difficulty Officers have especially in relation to the reported current use hours is that the consent granted in 1986 did not restrict opening hours, therefore with this consent in place there is no opportunity to enforce opening hours at the site.

Impact upon character or appearance of the residential area, and the amenities of residents within the area

51. Policy H13 of the City Of Durham Local Plan states that planning permission will not be granted for new development which has a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. The supporting text to the policy states that residents can reasonably expect to enjoy a safe, secure and attractive environment. It states that development which generates for example pollution, noise, smell dust, traffic or parking on a scale not normally associated with residential areas will be resisted.

52. Officers consider that the solar panels which are proposed to be retained at the site although not necessarily complimentary in appearance do not have a significant adverse effect upon the appearance of the area. The utilitarian appearance of the panels is not totally at odds with the flat roofed structures on which they are placed and the panels are located to the rear to minimise visual impact and appearance from the high street to the front. Likewise, Officers do not consider that the retention of the storage container, fridge or freezer at the site would have a significant adverse impact upon the appearance of the area. Officers consider that the storage shed proposed would also be appropriate in relation to the appearance of the area. The storage shed would be sited towards the centre of the site and would sit approximately 16m from properties to the rear on Broome Road and approximately 12m from 108a-110a High Street to the south.

53. With regards to the flue proposed to the south west facing gable elevation, Officers have given significant consideration to the siting of the flue and its potential visual impact upon the surrounding area. The visual impact has been carefully weighed against the benefits of providing a proper hog roast cooking area and extraction system. Officers consider that providing this facility would resolve issues of complaint regarding the site concerning odour and smell and consider that the positives of providing this system would outweigh the negative of the slight degree of visual intrusion that the flue would introduce.

54. Environmental health officers have considered the flue and extraction proposals and consider that the positioning of the flue towards the ridgeline of the building will assist in the dispersal of associated odour. They have also given consideration to the extraction fan system and any associated noise that it could produce. The noise rating for the extraction fan is 51dB(a). This not a significantly high noise rating, and would be on par with the noise level that could be heard inside an average home. Environmental health considers that the predicted fan noise will not have an adverse effect on the overall daytime noise levels. The applicant has outlined that he intends to carry out hog roasting during day time hours only, between 7AM and 5PM.

55. Officers consider that the flue and extraction fan proposed would not have a significant adverse affect upon the amenities of residents within the area and consider that the proposals would assist in improving conditions for surrounding residents by discharging odour at a height that will aid its dispersal.

56. Officers have visited the site and observed the fridge and freezer in operation at various times. The units were not observed to be especially noisy and Environmental Health has offered no concerns over these in relation to noise issues.

57. Officers are aware that trees have been removed to the rear area. No formal consent was required from the council to carry out these works. One tree is proposed for removal to accommodate the shed, and a condition requiring replacement with a suitable alternative is attached to this report.

Other Matters

58. Many matters have been raised in objection letters regarding the established use of the site. These, for example, include access and parking issues, issues relating to storage of gas cylinders. These are not matters which would come under direct planning control and it is understood that other measures are being explored such as the provision of bollards to reduce such problems in relation to parking. Officers are not aware that any requirements for the safe storage of gas are being broken at the site, but again, this would not come under direct planning control. Objections are put forward on the basis that the development would negatively affect property prices in the surrounding area, however these concerns can be given limited weight when considering these proposals.

CONCLUSION

59. In summary, Officers consider the application acceptable in terms of the principle of the development. This is because the site has an established use with planning permission being granted for the current catering company use in 1986.

60. Officers consider that there would not be significant adverse effects on the character or appearance of the residential area, or the amenities of residents within it. This is because the provision of an extraction system and flue would reduce odour issues around the site. Noise that would be emitted from the system is considered to be within acceptable parameters in the context of the surrounding area.

61. Officers consider the application to meet the requirements of national and regional planning policy, and Policies E14, H3, T1 and T10 of the City of Durham Local Plan 2004.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The tree to be felled shall be replaced with a suitable native species tree; the replacement planting shall be carried out within 12 months of the felling of the tree proposed under this application. The tree shall be planted and maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, and shall be replaced if it should fail within 5 years of initial planting, not later than the following planting season.

In the interests of the visual amenity of the area and to comply with Policy E14 of the City of Durham Local Plan 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans. Development shall also be maintained in accordance with the following approved plans;

(Block Plan of site as proposed, ISO Shipping container, fridge and freezer units, Solar Panels, timber storage shed, extraction vent received 13th February 2012. 03rd May 2012 and 21st August 2012 & Technical Note EMAT/TN/2012-5-16 & Extraction system specification received 29th May 2012)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E14, H13, T1 & T10 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. It is considered that there would not be significant adverse effects on the character or appearance of residential area, or the amenities of residents within it while the developments would be appropriate in terms of Highway Safety in accordance with Policies E14, H13, T1 & T10 of the City of Durham Local Plan 2004

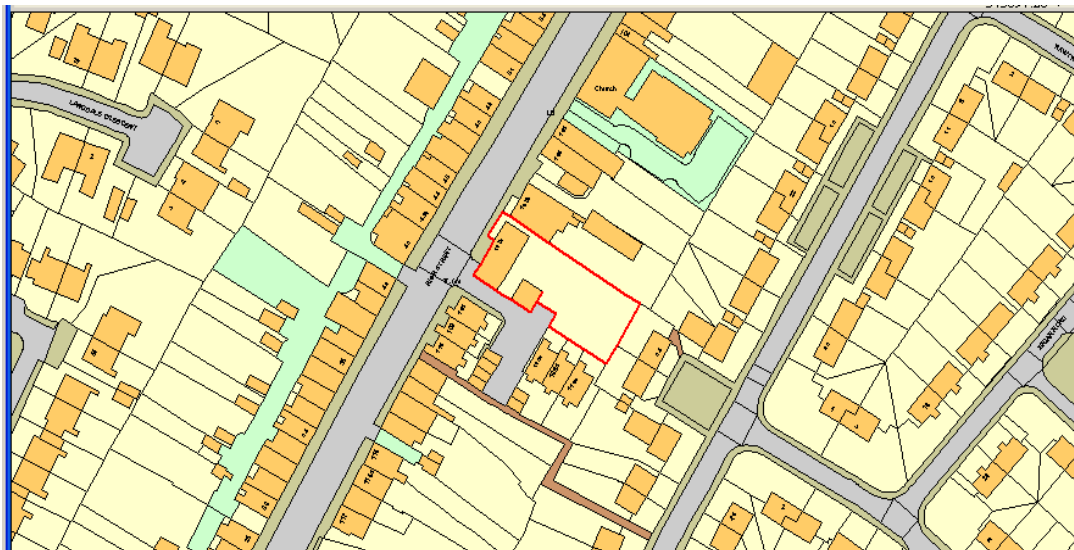
This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. In particular the development was considered acceptable as it would be appropriate in terms of issues surrounding the principle of development at the site and issues surrounding the character and appearance of the area and the amenity of surrounding residents.

3. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient to lead to reasons on which to refuse the application in view of the accordance of the proposals with relevant development plan policies combined with appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Responses from Objectors
Responses from Councillor and Parish Council



Planning Services

Proposed timber storage shed and flue associated with extraction system and retention of solar panels, fridge, freezer, storage container and hard standing to rear (description amended 13th March 2012, amended plans received 03rd May 2012 and additional documentation received 29th May 2012)

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Date 21st August 2012

Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	PL/5/2012/0221
FULL APPLICATION DESCRIPTION	CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS INTO 4NO. DWELLINGS WITH ASSOCIATED ALTERATIONS, PARKING AND DEMOLITION OF AGRICULTURAL BUILDING
NAME OF APPLICANT SITE ADDRESS	MISS K PATTISON MURTON WEST MOOR FARM COTTAGE SOUTH HETTON DH6 2UW
ELECTORAL DIVISION CASE OFFICER	SHOTTON Henry Jones 03000263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. The application site relates to Murton West Moor Farm Cottage and associated agricultural buildings. The application site forms part of the wider Murton Moor West Farm site. The application site is located just to the north of South Hetton and is adjacent to but outside of the settlement boundary. Access to the site is via a road which runs between Nos. 8 Buttermere Crescent and 39 Patrick Crescent.
2. The buildings sought for conversion are predominantly brick and stone built properties arranged around a small courtyard space.

Proposal:

3. The application seeks the conversion of the proposed buildings to form a total of 4 no. dwellings comprising of 3 no. 2 bed properties and 1 no. 3 bed property. Extensions to provide additional head height for the proposed units 3 and 4 dwellings are proposed together with new roof coverings. The courtyard space between the buildings is proposed to be divided to create 3 no. yards. Parking spaces for each property are proposed to the front and rear of the grouping of buildings. An existing partially derelict agricultural building to the east of the buildings sought for conversion is to be demolished.

4. In addition, sections of the existing access road to the farm buildings is proposed to be realigned and a vehicular passing place formed on a section of grass verge at the southern end of the access road. The proposed site layout plan also proposes the subdivision of the field to the south of the grouping of buildings for use as garden associated with the units.
5. This application is being referred to Committee at the request of the Local Divisional Member.

PLANNING HISTORY

6. Planning permission was granted in 2005 for the conversion of the southernmost and easternmost buildings to form a single dwelling.

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. The following elements are considered relevant to this proposal:
10. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. *NPPF Part 4 – Promoting Sustainable Transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
17. *The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

REGIONAL PLAN POLICY:

18. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.*
19. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

20. *Policy 2 - Sustainable Development* seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
21. *Policy 4 - The Sequential Approach to Development* National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
22. *Policy 7 - Connectivity and Accessibility* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
23. *Policy 8 - Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
24. *Policy 24 - Delivering Sustainable Communities* refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
25. *Policy 30 - Improving Inclusivity and Affordability* sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues.
26. *Policy 32 - Historic Environment* requires planning proposals to conserve and enhance the historic environment.

LOCAL PLAN POLICY: (District of Easington Local Plan)

27. *Policy 1- General Principles of Development* states that due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
28. *Policy 3 – Protection of the Countryside* states that development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other polices.
29. *Policy 17 – Identification and Protection of Wildlife Corridors* states that development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.
30. *Policy 18 – Species and Habitat Protection* states that development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
31. *Policy 35 – Design and Layout of Development* states that the design and layout of development should consider energy conservation and efficient use of energy, reflect

the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

32. *Policy 36 – Design for Access and Means of Travel* seeks to ensure good access and encourage alternative means of travel to the private car.

33. *Policy 37 – Design for Parking* should seek to minimise the level of parking provision (other than for cyclists and disabled people).

34. *Policy 92 – Protection of Amenity Open Space* states that amenity open space will be protected unless development would enable enhancement of the remaining play space or alternative provision of equal or enhanced benefit is provided.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. The Highway Authority has raised no objections to the proposed development though adjustments to the width of proposed parking spaces have been made.

36. Northumbrian Water has raised no objections.

INTERNAL CONSULTEE RESPONSES:

37. The Councils Senior Tree Officer has stated that the trees adjacent to the access road should be protected in accordance with the details of the submitted tree report. No mention of the trees adjacent to the building proposed for demolition is made within the report, however and these should also be protected.

38. Design and Conservation consider that the alterations and extensions compliment the grouping of buildings and no objections are raised.

PUBLIC RESPONSES:

39. Two letters of objection have been received on the application with objection raised to the proposed passing point, increases in volume of traffic and the associated safety concerns for local residents, children and visitors to the scout hut adjacent to the site. A request of traffic calming measures, signs warning of pedestrians in the area and street lighting is made.

40. The application has been requested to be heard at committee by the Local Divisional Member due to the concerns over highway safety.

APPLICANTS STATEMENT:

41. The application has been accompanied by a Design and Access Statement and a Heritage Statement.

42. The conversion scheme is considered to respect the original form and layout of the existing buildings, door and windows are generally located in the positions of existing openings. Brick and stone on the existing buildings is to be retained and complimented with timber ship lap boarding, natural slate and red clay pantiles.
43. The conversion scheme would allow for an extension to the life of the currently unused buildings which can be considered heritage assets. A structural survey considers that the buildings are suitable for conversion.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=118988>

PLANNING CONSIDERATION AND ASSESSMENT

44. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character and appearance of the area, impacts on residential amenity, highway safety and ecology.

The Principle of the Development

45. Policy 3 of the Local Plan seeks to protect the countryside from inappropriate development. Generally speaking the policy considers that development within the countryside, beyond settlement boundaries is unacceptable except in certain exceptional circumstances. The re-use and adaptation of buildings in the countryside for residential use is listed as being one of the forms of development in the countryside which can be considered acceptable in principle.
46. The specific Local Plan policy relating to the conversion of rural buildings for residential occupation is not a saved policy.
47. Part 6 of the NPPF relating to housing does state that new isolated homes in the countryside should be avoided. An exception to this is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
48. The proposal would involve the conversion and upgrade of the existing buildings and a somewhat unsightly vacant agricultural building adjacent would be demolished. It is therefore considered that the development would re-use disused buildings and lead to an enhancement of the immediate setting. Furthermore, the application site is located adjacent to the settlement boundary of South Hetton and therefore the application is not especially isolated.
49. A structural survey submitted to accompany the application considers that the buildings are suitable for a conversion. A condition can be attached to any approval to ensure the precise degree of works and localised alterations.
50. On balance the proposal is considered to represent a suitably sustainable development in principle.

Impact upon the Character and Appearance of the Area

51. Policies 1 and 35 of the Local Plan, Policy 8 of the RSS and the provisions of part 7 of the NPPF seek to ensure appropriate design in new development.
52. The buildings sought for conversion are of varying degrees of quality, the two storey granary building to the east of the grouping is considered to be of the best quality. The proposal in the most part seeks conversion of the existing structures but extensions to allow for first floor accommodation to be provided within the unit 3 and 4 dwellings are proposed.
53. New roof coverings of either natural slate or clay pantiles are also sought replacing damaged or unsuitable existing coverings. Some localised repair and repointing to elevations is proposed and some introduction of timber ship lap cladding to the east elevation also proposed. Existing openings are generally utilised for windows and doors with conservation rooflights proposed on the first floor extensions.
54. Design and Conservation have been consulted on the application and the submitted application documents including heritage statement are considered to adequately outline the history and architecture of the grouping of buildings. Design and Conservation consider that the extensions and alterations are considered to complement the character of the buildings and subject to the final agreement of some material details via condition no objections are raised.
55. Officers concur with the views of Design and Conservation, the proposed conversion scheme considered suitably sympathetic with the degree of alteration and extension considered to retain the character and appearance of the traditional buildings.
56. The demolition of the existing empty agricultural building to the east of the grouping is considered acceptable and will provide a more appropriate setting and improved outlook for the converted buildings.
57. The proposed development involves the realignment of sections of the access road and the application has been accompanied by a tree report as several trees run adjacent to this access road which collectively have a contribution to the character and appearance of the area. The tree report considers that the road realignment will not require the removal of any trees. The trees will require protective fencing and part of the new access road where it encroaches into the root protection area of two trees should be hand dug to reduce the possibility of root damage.
58. The Councils Senior Tree Officer has raised no objection to the submitted tree report or impact upon the trees. However, there is the potential for the demolition of the agricultural building in the east of the site to impact upon adjacent trees and the senior tree officer recommends that these trees should equally be protected. Such protection and mitigation measures can be ensured by way of conditions attached to an approval. A section of hedge would be removed but a plan indicates its proposed replacement.
59. In order to ease vehicular movements to the site the applicant proposes the formation of a passing place at the commencement of the access road adjacent to Buttermere Crescent and Patrick Crescent. This passing place is located on grass highway verge and parcel of land could be considered a parcel of grassed amenity space and does include a small grouping of immature trees. Local Plan Policy 92 seeks to protect parcels of open amenity space and where lost requires

enhancement of other adjacent spaces or the provision of compensatory open space.

60. The section of land involved is a small parcel of land which is part highway verge rather than a genuine parcel of amenity space which serves a significant functional or environmental purpose. In the circumstances officers do not raise significant objection to the loss of a section of the land for the passing place but it is recommended that a condition is attached to any approval to agree the exact siting, size and layout so as to retain as much of the parcel of open space as possible.
61. The submitted plans also propose to change the use of field to the south of the grouping of buildings sought for conversion for division and use as private garden. Use of agricultural land or grazing land for any forms of amenity or garden space could potentially lead to the erection of more rather unsightly outbuildings or enclosures. However, it is considered that through the attachment of conditions removing permitted development rights for means of enclosures and outbuildings the Local Planning Authority can adequately retain control over the use of the spaces and development therein therefore preventing harm to visual amenity or indeed the openness of this parcel of countryside adjacent to South Hetton.
62. Overall no objections are raised to the impact of the development upon the host buildings or the wider character and appearance of the area.

Impacts upon Residential Amenity

63. Policies 1 and 35 of the Local Plan and related appendix 6 provides advice on the layout of residential development to ensure that both existing and future occupiers are provided with acceptable levels of amenity.
64. As the proposal seeks the conversion of existing buildings then significant new build is not proposed. Heightening of existing buildings at the western sections of the grouping of buildings is proposed. The gable end of the adjacent cottage is blank and as a result it is not considered that the extension would cause any loss of outlook or light.
65. Windows within the ground floor of the western elevation to units 1 and 4 would flank an existing conservatory at the adjacent cottage. However, a new boundary treatment of adequate height to separate the curtilages would adequately screen views and retain privacy.
66. With regards to the interrelationships between the proposed units, generally windows to the properties face outwards to the surrounding open land or agricultural buildings. The exception is the small courtyard space where units 1, 2 and 3 would have some windows facing across the courtyard. Again it is proposed that means of enclosures would be erected to separate the courtyard space between the properties and this would provide screening and retention of privacy at ground floor. At first floor, unit 2 contains windows to bedrooms which could provide views albeit at a more obscure angle down into the kitchen window of unit 3 and distances between the windows would be short of the recommendations within appendix 6 of the Local Plan. Appendix 6 of the Local Plan does define kitchens as habitable rooms although officers would not consider that they are utilised as living accommodation to the same degree as a living room for instance. Appendix 6 states that deviation from the standards can be justified in some instances and at some sites. In this instance as the angle at which a view between windows could be gained is more acute, that a

window involved relates to a kitchen space rather than a living room space and furthermore that prospective occupiers could determine for themselves whether the kitchen space within unit 3 provides adequate amenity to suit their needs, officers would in this instance not consider that this single relationship is so harmful as to warrant refusal of the application.

67. Overall the levels of residential amenity retained for both existing occupiers and provided for prospective occupiers are considered acceptable.

Highways Issues

68. The public opposition to the proposed development relates to matters of highway safety. Concern is raised at the siting of the passing place by a respondent and that the volume of traffic generated during both the construction phase and once the development is complete with particular reference to the safety of children.

69. A second respondent does not object to the location of the passing place but concerns are raised over an increase in traffic and speed of vehicles and reference is made to the nearby scouts building which is used by groups including the more vulnerable children, disabled and elderly. Requests for traffic calming measures or warning signs are made.

70. Policy 36 of the Local Plan seeks to ensure that all developments are served by a safe and adequate means of access whilst Policy 37 of the Local Plan seeks to minimise parking provision within new development to encourage sustainable means of transport.

71. The Highway Authority has been consulted on the application and no objections have been raised to the impact of the comings and goings of vehicles, visibility, vehicles speeds or the proposed passing place and road realignment. Some parking spaces indicated on layout plan are shown to be of inadequate width, however, though this can be resolved by way of condition on any approval.

72. The application does not propose a significant number of dwellings just with a total of 4 being proposed and three of those dwellings are only two bed properties. It is acknowledged that the new development will add to the existing movements of the farm building grouping and existing cottages which utilise the access.

73. However, in agreement with the Highway Authority it is not considered that the additional comings and goings and vehicular movements would be so significant that it would render the access route unsafe.

74. With regards to the comings and goings for the construction process then similarly it is not considered that these movements would be detrimental to highway safety and furthermore these movements would be for a temporary period only.

Ecology

75. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill injure or disturb the nesting or breeding

places of protected species unless it is carried out with the benefit of a license from Natural England.

76. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and; favourable conservation status of the species must be maintained
77. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission.
78. The application has been accompanied by a bat risk assessment which found no evidence of bats within any of the affected buildings and it considers that the buildings are highly unlikely to provide maternity bat roosting opportunities. Mitigation and enhancement measures are recommended within the report including the provision of a bat box/tube.
79. Ecology has assessed the submitted report and application and no objections are raised though the mitigation and enhancement measures should be conditioned on any approval, however.
80. As a result no harm to protected species is considered to occur through the development in accordance with Policy 18 of the Local Plan, Policy 33 of the RSS and the provisions of Part 11 of the NPPF.

Other Issues

81. Northumbrian Water has commented on the application and no objections have been raised to the development.

CONCLUSION

82. The application proposes the conversion and alteration of an existing grouping of agricultural buildings. The application site lies beyond the settlement boundary of South Hetton. Policy 3 of the Local Plan considers that the conversion of such buildings for residential occupation can be one of the exceptional circumstances in which development in the countryside can occur. The residential development is not considered to be isolated and would reuse existing buildings and as such is considered to accord with the provisions of Part 6 of the NPPF.
83. Public objection to the proposed development relates to highways implications. The Highway Authority has been consulted on the application and objections have not been raised. Impacts of the development upon highway safety are considered to be acceptable.

84. No harm is considered to occur to the character or appearance of the area or upon residential amenity.

85. No objections are raised with regards to any other material planning considerations and approval of the application is therefore recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan nos. PR1, PR3, PR4, PR6 all received 1st June 2012, PR8 received 27th June 2012, PR2, PR5 and PR7 received 16th August 2012 and details on hedging plan received 22nd August 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 3, 17, 18, 35, 36, 37 & 92 of the District of Easington Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

4. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

6. Prior to the commencement of the development details of all gutters, downpipes and other external pipework shall be submitted to and approved in writing by the Local planning authority. The gutters/downpipes shall be provided in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

7. No works associated with the conversion of the existing farm outbuildings shall be commenced until a method statement detailing fully how it is proposed to ensure the stability and retention of the buildings while renovation and new construction works are being carried out has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed method of working shall be adhered to at all times. In the event of it becoming apparent to the developer or the contractor on site that any parts of the structure not intended for removal or alteration through the approved plans may require alteration or localised demolition such works on the conversion must cease until approval in writing from the Local Planning Authority has been received that the additional works are acceptable.

Reason: To ensure the structural integrity of the building and its appropriate conversion having regards to Policies 3 and 35 of the District of Easington Local Plan.

8. Notwithstanding the details contained within the application, the 2 no. parking spaces located to the immediate west of the proposed plot 1 dwelling as shown on PR7 shall each of a width of at least 2.7m.

Reason: In the interests of highway safety having regards to Policy 36 of the District of Easington Local Plan.

9. No development shall take place unless in accordance with the recommendations detailed within section 4.0 of the bat risk assessment prepared by Dendra Consulting Ltd dated 15th August 2012.

Reason: To conserve protected species and their habitat in accordance Policy 18 of the District of Easington Local Plan.

10. No development shall take place unless in accordance with the tree protection measures as detailed on pages 8 and 9 and as per the tree protection plan within the arboricultural impact assessment dated 15th August prepared by Dendra Consulting Ltd. In addition, the trees adjacent to the agricultural building sought for demolition must also be protected in accordance with BS 5837:2012. All tree protection must be implemented prior to the commencement of works and retained in situ until the completion of the development.

Reason: In the interests of visual amenity having regards to policies 1 and 35 of the District of Easington Local Plan.

11. Notwithstanding the details submitted within the application no development shall commence until full details of the proposed layout and design of the proposed vehicular passing place has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity and highway safety having regards policies 1, 35 and 36 of the District of Easington Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Class E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the said Order shall be carried out.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with saved policies 3 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development is considered acceptable in principle with no harm caused to the character or appearance of the area, residential amenity, highway safety and no objections raised with regards to other material planning considerations. The development was considered acceptable having regard to the following development plan policies:

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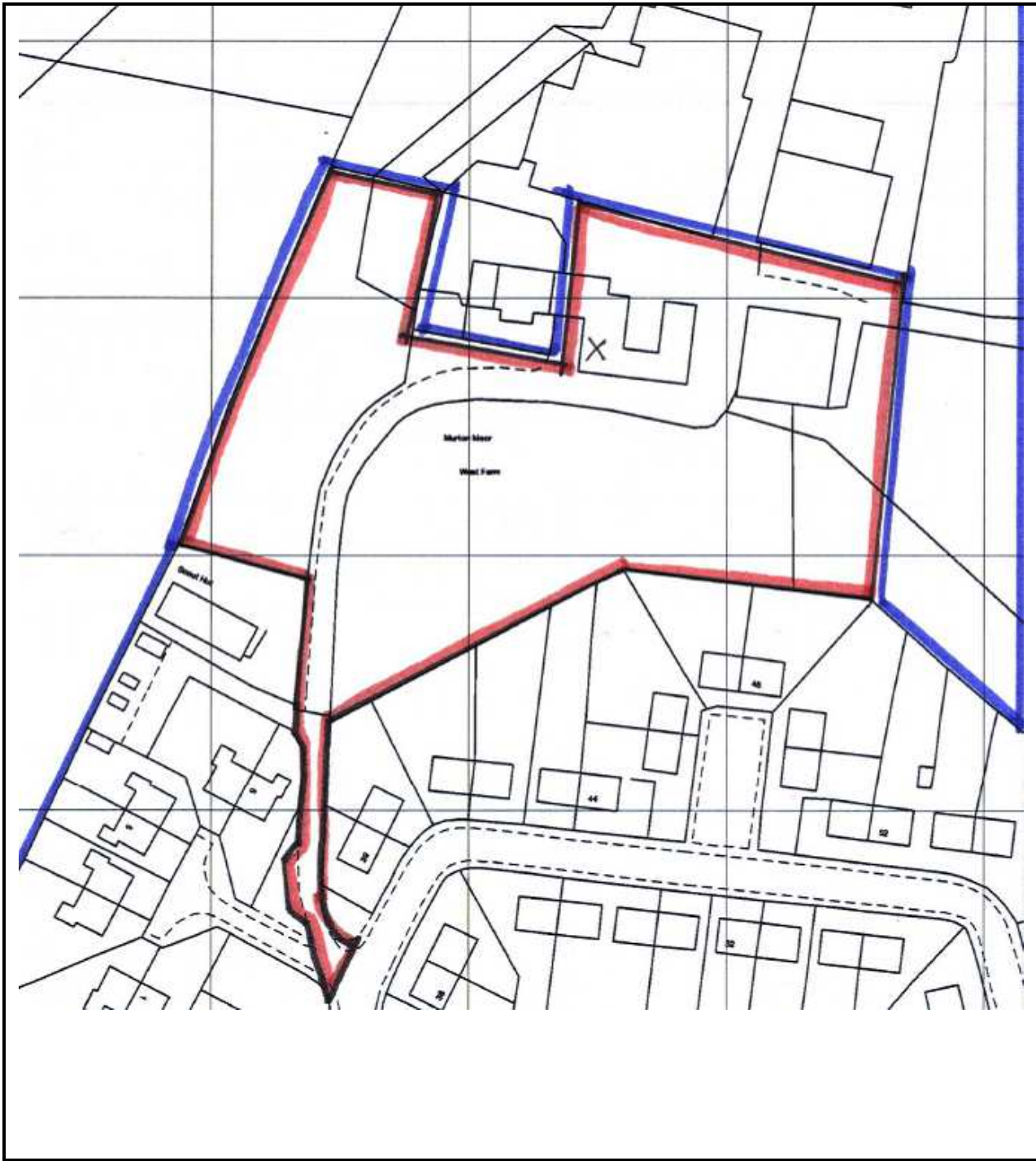
ENV03 - Protection of the Countryside
ENV17 - Identification and Protection of Wildlife Corridors
ENV18 - Species and Habitat Protection
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development
REC92 - Protection of amenity open space
Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring Good Design
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment.
Part 12 - Conserving and enhancing the historic environment
Policy 2 - (Sustainable Development)
Policy 4 - (Sequential Approach)
Policy 7 - (Connectivity and Accessibility)
Policy 8 - (Protecting and Enhancing the Environment)
Policy 24 - (Delivering Sustainable Communities)
Policy 30 - Improving Inclusivity and Affordability
Policy 32 - Historic Environment

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive brought into effect through The Conservation (Natural Habitats etc) Regulations 1994.

2. In particular the development was considered acceptable having regards to the impact upon the character and appearance of the area and also with regards to highway safety.
3. Objections have been received with regards to matters of highway safety. However, the Highway Authority have considered the application and no objections have been raised.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District of Easington Local Plan
Regional Spatial Strategy
National Planning Policy Framework
Internal consultee responses
Public responses
Response of the Highway Authority
Response of Northumbrian Water
Planning Circular 11/95



Planning Services

CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS INTO 4NO. DWELLINGS WITH ASSOCIATED ALTERATIONS, PARKING AND DEMOLITION OF AGRICULTURAL BUILDING

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Comments

Date 11th September 2012

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00451/CAC and 4/12/00450/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing hotel and dwelling and erection of two detached dwellinghouses
NAME OF APPLICANT:	Mr & Mrs A Whitley
ADDRESS:	Bracken Cottage, Bank Foot, Shincliffe, Durham
ELECTORAL DIVISION:	Durham South Steven Pilkington Planning Officer
CASE OFFICER:	03000 263 264 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located in-between the villages of Shincliffe and High Shincliffe on the A177 to the South of Durham City Centre. At present a large hotel and detached accommodation is present on the site, with access taken from the A177 serving both the hotel and the existing accommodation. The site is located within the Green Belt and is predominately surrounded by mature vegetation while also being located within the defined boundaries of the Shincliffe Village Conservation Area.

The Proposal

2. Planning Permission and Conservation Area consent sought for the demolition of the existing hotel and residential accommodation. It is proposed that the existing developments would be replaced by two large two storey detached split level dwellinghouses on site. The dwellings would largely be located on the foot print of the existing development and would be set back a minimum of 10m from the highway.
3. This application is reported to Planning Committee as it represents a departure from the development plan and at the request of the Parish Council.

PLANNING HISTORY

4. 95/00205/FPA - Change of use and alterations to stable to form bungalow –Refused
5. 03/00630/FPA - Change of use from holiday cottage to use as self contained holiday accommodation or as a permanent residential dwelling for occupation by the owner and staff of the Bracken Hotel – Approved

6. 03/01046/FPA - Change of use and conversion of existing Hotel and Staff Cottage to form a single residential unit – Approved
7. 06/00970/FPA - Change of use and conversion of the Bracken Hotel (C1) and ancillary cottage to 2 no. separate residential dwellings – Refused
8. 10/00166/FPA - Change of use and conversion of existing hotel and associated staff accommodation to form 1 no. dwelling with detached annex, including demolition of existing entrance and erection of replacement, and minor external alterations - Approved

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’, the following are considered relevant to this application:

NPPF Part 3 – Supporting a prosperous rural economy. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

NPPF Part 6 - Delivering a wide choice of high quality homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

NPPF Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

NPPF Part 9 - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

NPPF Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on

biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

NPPF Part 12 – Conserving and enhancing the historic environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

REGIONAL PLANNING POLICY

10. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities.

However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils. This intended future abolition must also be given material weight in planning decision making.

11. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
12. *Policy 2 – Sustainable Development* – Promotes sustainable development through, environmental, social and economic objectives.
13. *Policy 3 – Climate Change* – Seeks to mitigate and assist in adoption to the impacts of climate change.
14. *Policy 4 – Sequential Approach* – Sets out the sequential approach to development, focusing development within existing settlement limits on previously developed land as a preference.
15. *Policy 6 – Locational Strategy* – Aims to focus new development within existing service centres and towns
16. *Policy 7 – Connectivity and Accessibility* – Aims to reduce the need to travel particularly by the private motorcar.
17. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings
18. *Policy 9.5 – Green Belt* – Sets out the importance of the North Durham Green Belt

19. *Policy 24 – Delivering sustainable communities* – Aims to promote sustainable development with particular reference to social, environmental issues
20. *Policy 32 – Conservation Areas* – Seeks to protect heritage assets including the character and setting of Conservation Areas.
21. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
22. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

LOCAL PLAN POLICY:

23. *Saved Policy E1* – Sets out that within the defined Green Belt the construction of new buildings is considered inappropriate unless it is for agricultural or forestry activities, essential sport and recreation facilities, replacement of an existing dwelling and the re-use conversion of an existing building.
24. *Saved Policy E7 – Development Outside Settlement Boundaries* – Seeks to limit new development in the open countryside
25. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
26. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
27. *Saved Policy E21 – Conservation and Enhancement of the Historic Environment* – Seeks to prevent development that would impact on features of historic interest.
28. *Saved Policy E22 – Conservation Areas* – Sets out that the council will seek to preserve and enhance the character and appearance of Conservation Areas
29. *Saved Policy H5 – New Housing in the Countryside* – Sets out that new build housing development will only be permitted where it is essential that a person needs to live near their place of work.
30. *Saved Policy H6 – Replacement Dwellings Outside Settlement Boundaries* – allows the replacement of existing dwelling that are of a similar size as the existing while being sensitively located to protect their surroundings.
31. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
32. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
33. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities

34. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
35. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
36. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while be being appropriate in scale and character of the surrounding area.
37. *Saved Policy U8a – Disposal of foul and surface water* – Development should include satisfactory arrangements for the disposal of foul and surface water.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *The Highways Authority* – Offers no objections in relation to highways safety.

INTERNAL CONSULTEE RESPONSES:

39. *Design and Conservation* – Consider the demolition of the hotel acceptable, but raise concerns regarding the replacement dwellings, encouraging a frontage on to the main road and a more cohesive design approach.
40. *Ecology* – Considers the methodology and conclusions of the bat risk assessment sound but recommends conditions in relation to the mitigation measures.
41. *Arboricultural Officer* – Advises that no major trees will be affected on the site although 5 immature trees will be removed to facilitate the redevelopment. It is however recommended that a condition be attached requiring that the existing trees on site are protected in accordance with a previously approved scheme.

PUBLIC RESPONSES:

42. Neighbouring residents have been notified by individual notification letters and site notice, 2 letters of objection have been received in relation to the application, including that from the parish council. These objections received relate to the principle of development and the impact on mature trees on site.

APPLICANTS STATEMENT:

43. The current use is not viable on site having been run over a number of years by the applicants. This is mainly due to the approval of new and the expansion of existing hotels within Durham City Centre. The scheme proposes two dwellings, this is necessary in order to remain viable given the demolition costs of the existing building, build costs and to cover cost and investment associated with the existing business. The scheme has been carefully designed, pulling the development away from the main allowing the site to be opened up, reduction the impact of the

development over the existing. A mixture of building materials, roof shapes and increasing the landscaping of the site will allow the development to assimilate into the landscape.

Comments submitted in relation to this application and associated documents can be viewed at:

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M3CHJQBN5B000 and

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M3CHJMBN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

44. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the following represent the principal material planning considerations raised.

Principle of development

45. The application site is located outside the defined limits of development, with the Durham Green Belt as defined by the Durham City Local Plan Proposals Map. Saved policy E1 of the Local Plan seeks to limit development within the Green Belt to protect its openness, visual amenity and its purpose of preventing urban sprawl. This is reinforced within the Regional Spatial Strategy which identifies the importance of the Green Belt in protecting the special character and setting of Durham City.
46. Policies E1 and H6 of the Local Plan do however permit the replacement of existing dwellings within the Green Belt in principle. Although the property is a hotel, planning permission has been previously granted to change the use of the existing buildings on site to form one residential unit. On the face of it this element of the scheme would be in line with the Local Plan, however it is proposed that two dwellings would be created on the site, resulting in an increase of one net new build property. In assessing this additional property against the above planning policy it is considered that it would fail to satisfy the tests of policies E1 and H5 in order to justify a new dwelling within the countryside, while constituting inappropriate development within the Green Belt.
47. In the recently published National Planning Policy Framework, the Government also identifies that the construction of new buildings within the Green Belt is considered inappropriate. This is unless the redevelopment of the site would not have a greater impact on the openness of the Green Belt over the existing development, while set against a back drop of promoting sustainable development. In considering the sustainability of the site, it is noted that the site is in ready walking distance to a number of services and community facilities within Shincliffe Village, High Shincliffe and wider employment sites within Durham City. A regular bus service also links the site to other service centres such as Bowburn. Consideration also need to be given to the potential number of trips generated to the site should the hotel operate to its capacity, which is considered to be significantly greater than the two dwellings proposed.
48. Since the refusal of a planning application in 2006, the hotel use has largely ceased on site through lack of trade, the applicant puts this down to the emergence of a number of hotels on Durham City Centre. Although a comprehensive marketing exercise has been carried out, advertising the property over a period of 18 months no alternative uses have been forthcoming and now with the exception of the

residential unit to the rear of the site, the building is vacant. The buildings on site are also considered to have a somewhat irregular relationship with the surrounding land being particularly prominent and unsightly when travelling in a southerly direction down the A177. The prominence of this development is considered to increase the perceived spread of development from Shincliffe Village to High Shincliffe, against the purposes of including the land within the Green Belt.

49. The erection of an additional residential property at this location would be in conflict with Saved Policy E1 of the Local Plan, however this needs to be weighed up against the sustainability of the site, the demonstrated lack of interest in using the property for alternative uses and the costs in disposing of the business and more importantly the more flexible approach advocated in the NPPF. On balance it is therefore considered that should the scheme have a lesser impact on the visual amenity and openness of the Green Belt than the existing, in principle the erection of an additional residential dwelling at the site could be considered acceptable in principle.

Impact on the visual amenity of the surrounding area

50. In addition to being located within the Green Belt the site is also set within the limits of the Shincliffe Conservation Area. Policies 8 and 32 of the Regional Spatial Strategy of the North East of England require that all developments are sympathetic to their surroundings while seeking to preserve and enhance Conservation Areas. Saved policies E21 and E22 of the Durham City Local Plan also seek to preserve the setting, appearance and character of conservation areas. In addition to this, section 12 of the National Planning Policy Framework (NPPF) seeks to preserve and enhance heritage assets as they are considered irreplaceable and any harm or loss, in whole or part.
51. As set out above the application site consists of an existing hotel complex, which due to level differences on the site and previous extensions, has a poor relationship with the surrounding area, particularly when travelling south on the A177. It is considered that this has an adverse impact on the character of the Conservation Area in this location and on the visual amenity and openness of the Green Belt. This is because the area between Shincliffe and High Shincliffe is characterised by significant amounts of vegetation, which adds to rural character of the area creating a distinctive break between the two villages. Therefore no objections are raised to the demolition of the hotel and other buildings on the site subject to suitable replacements.
52. The scheme proposes the erection of two executive style dwellings set back from the roadway by a minimum of 10m. The dwellings would be varied in design with differing eave and ridge heights to break up the massing of the development, while being set on different levels as they change across the site. The maximum height of the proposed dwellings would be set below that of the existing hotel building, incorporating a pitched roof rather than a prominent gable. In considering the suitability of the design and layout the views of the Design and Conservation Officer have been sought. While no objections are raised to the overall scale and massing of the development, concerns have been raised regarding its layout and the lack of a cohesive design approach. It is suggested that any new development should also have a frontage on to the A177 extending up the bank.
53. However while the views of the Design Officer are respectfully noted, it is the officer's opinion that the success of the scheme involves increasing the openness of the site and reducing the visibility of the development from the A177. This is because as previously mentioned the Conservation Area and Green Belt in this area is characterised by dense vegetation lining the highway. The lack of development in this area provides a clear break and distinction between the two villages of Shincliffe and

meets the purpose of including land within the Green Belt. Furthermore should the development about the highway, future residents would likely experience reduced levels of residential amenity due to the volume and speed of traffic using the A177.

54. Concerns have also been raised regarding the design approach, utilising both traditional and contemporary detailing. However on balance, in considering the increased screening and landscaping proposed and the re-siting of the buildings away from the highway the scheme would provide for an attractive form of development, and ultimately would have a significantly reduced visual impact.
55. Overall it is considered that the development would significantly improve the appearance, visual amenity and openness of the site over and above the current arrangements protecting the Character of Shincliffe Conservation Area and the purposes of including land within the Green Belt. It is however considered appropriate to restrict future permitted development rights, while controlling the finer detailing of the application such as the materials to be used, window details and landscaping.

Landscape and Trees

56. As set out above a number of mature trees are in the proximity of the site, which form the character of this part of the Conservation Area and Green Belt. The applicant has submitted an Arboricultural Report, outlining the potential impact on these trees. In appraising this report the council's Arboricultural Officer advises that no major trees will be affected on the site although 5 immature trees will be removed to facilitate the redevelopment. It is however recommended that a condition be attached requiring that the existing trees on site are protected in accordance with a scheme approved before works start

Impact on privacy and amenity of neighbouring land users

57. Overall, while the dwellings would be visible from neighbouring residential dwellings it is considered that the separation distances and on site characteristics would ensure that an unacceptable loss of privacy and amenity would not arise for neighbouring residents. However it is recommended to limit working hours on site to minimise disturbance particularly given the likely ground works.

Highway Safety

58. The proposed scheme would be served by the existing access arrangements, with each property independently providing in-curtilage car parking. Given these existing access arrangements and the lawful use of the site it is considered that no loss of highway safety would arise.

Ecology

59. Paragraph 11 of the NPPF and policy E16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has produced a bat survey assessing the likely presence of bats within the trees on the development site and building which is to be demolished. The survey concludes that there was low risk of bats being present in the building, but suggests a mitigation strategy. The Ecology Officer considers the findings of this survey sound and offers no objections subject to the proposed mitigation measures being imposed. Overall the granting of Planning Permission would not constitute a breach of the Conservation Habitats, & Species Regulations 2010

Other Issues

60. Policy 35 of the RSS requires consideration be given to issues regarding flooding particularly from surface water run off. No details have been submitted in relation to the proposed means of drainage from the site however the proposal in not considered to significantly increase will increase the amount of hard standing or potentially runoff. In order to address this issue it is recommended to place a condition on approval requiring a scheme to deal with wastewater and surface run off utilising soakaways where appropriate. The site lies outside of Flood Zones 2 and 3.
61. Objections have been raised, outlining that the development is similar to a scheme refused in 2006 for the change of use of the existing buildings on site to form 2 no. dwellings. However this refusal largely related to the levels of residential amenities that future residents would experience and the pressure for future extensions to the building. However notwithstanding this decision each application must be assessed on its own merits against the planning polices in force at the time and the relevant material considerations. The emergence of the National Planning Policy Framework is considered to be a significant difference in terms of planning policy out look and is a key material consideration in this application.

CONCLUSION

62. The proposed development has been considered against the above policies and while conflicting with policies E1 and H5 of the Local Plan is considered to be in a sustainable location, and would represent significant improvement to the visual amenity and openness of the site and therefore is considered to be consistent with planning policies contained within the National Planning Policy Framework
63. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval

RECOMMENDATION

That the application 4/12/00451/CAC be **APPROVED** subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:-

Site Location Plan, Received 3rd May 2012

Proposed Site Plan, Drg. No. 11 52 04, Received 1st May 2012

Proposed Site Sections, Drg. No. 11 52 08, Received 1st May 2012

Unit A Plans, Drg. No. 11 52 05, Received 1st May 2012

Unit B Plans, Drg. No. 11 52 06, Received 1st May 2012

Proposed Roof Plan/sections, Drg. No. 11 52 07, Received 1st May 2012

Reason:- In order to define the consent and to accord with saved policies, E1, E7, E14, E16, H5, H6, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 9.5, 24, 32, 33 and 35 of the Regional Spatial Strategy for North East England

3. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

Reason: In the interests of the appearance and character of the Shincliffe Conservation Area in accordance with policy E22 of the City of Durham Local Plan 2004

That the application 4/12/00450/FPA be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason- Imposition to be required pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:-

Site Location Plan, Received 3rd May 2012

Proposed Site Plan, Drg. No. 11 52 04, Received 1st May 2012

Proposed Site Sections, Drg. No. 11 52 08, Received 1st May 2012

Unit A Plans, Drg. No. 11 52 05, Received 1st May 2012

Unit B Plans, Drg. No. 11 52 06, Received 1st May 2012

Proposed Roof Plan/sections, Drg. No. 11 52 07, Received 1st May 2012

Reason:- In order to define the consent and to accord with saved policies, E1, E7, E14, E16, H5, H6, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 9.5, 24, 32, 33 and 35 of the Regional Spatial Strategy for North East England

3. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development hereby approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of the render and its finish.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

4. Notwithstanding the submitted plans full details (including cross-sections) and materials and colour of all windows, doors and roof lights and dormer windows at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The submitted details shall demonstrate that windows and doors have a recess of at least 75mm from the outer face of the wall. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site, the scheme shall provide and detail for:-
- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to reinforce the southern and northern boundary of the site,
 - The provision of screen fences or walls,
 - Any movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development.
 - Full details of any hard standing proposed making provision for permeable surfacing
 - The retention and protection of existing vegetation on site.

The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

6. Notwithstanding the provisions of Class A,B,C, D of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling hereby approved shall be submitted to and approved by the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

7. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800 (excluding bank holidays)
Saturdays - 0800 to 1300

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

8. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water shall be submitted to and

approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy 35 of the North East Regional Spatial Strategy

9. No development shall commence unless in accordance with the tree protection mitigation detailed within the Arboricultural Survey Report compiled by Ecosurv Consultants received 1st May 2012.

Reason: To ensure the preservation of trees on site in accordance with policy E14 of the Durham City Local Plan and policy 33 of the Regional Spatial Strategy for the North East of England

10. No development shall commence unless in accordance with the mitigation detailed within the Bat Risk Assessment Report Survey Report compiled by Ecosurv Consultants received 1st May 2012 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

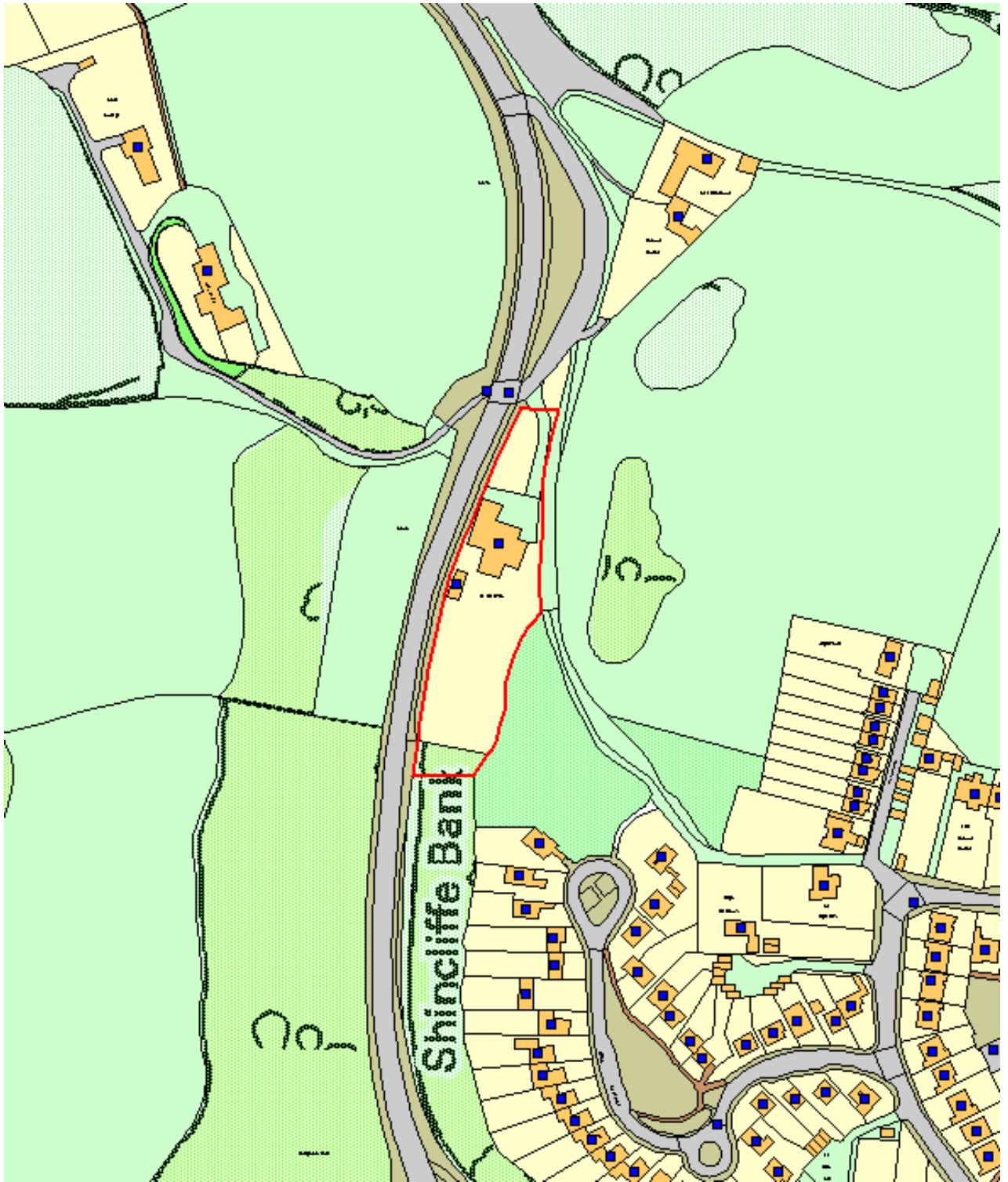
Reason: To ensure the preservation and enhancement of species protected by law in accordance with policy E16 of the Durham City Local Plan and policy 33 of the Regional Spatial Strategy for the North East of England

11. Prior to the development commencing a scheme detailing sections of existing and proposed finished land and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity Shincliffe Conservation Area and Green Belt in accordance with the provisions policies E1, E21, E22 and Q8 of the Durham City Local Plan and policies 8, 9.5 and 32 of the Regional Spatial Strategy for the North East of England.

REASONS FOR THE RECOMMENDATION

64. The proposed development has been assessed against saved policies, E1, E7, E14, E16, H5, H6, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 9.5, 24, 32, 33 and 35 of the Regional Spatial Strategy for North East England and is considered acceptable particularly in relation to the principal material considerations relation the location of the development, impact of the development on the character and appearance of the surrounding area, amenity and privacy of adjacent land users and highway safety.
65. Although the proposed scheme would represent new development within the Green Belt it is considered that the benefits arising in the improvement to the visual amenity and openness of the site would outweigh the policy presumption against development in the Local Plan particularly considering the sustainability of the site and the more flexible approach advocated by the NPPF.
66. In relation to the objections received, while these were duly noted it was considered that in this instance they were not considered sufficient to recommend refusal of the application giving the benefits arising from the scheme and the change in policy direction.



Planning Services

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Comments

Date 26th January 2012

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	PL/5/2012/0161
FULL APPLICATION DESCRIPTION	LOFT CONVERSION INVOLVING INCREASED ROOF HEIGHT, DORMER WINDOWS AND TWO STOREY REAR EXTENSION (RESUBMISSION)
NAME OF APPLICANT	MR B ROBINSON
SITE ADDRESS	15 WEST LANE, HAWTHORN SR7 8SB
ELECTORAL DIVISION	
CASE OFFICER	Stephen Potter 03000263962 stephen.potter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1 SITE: The application site relates to a detached bungalow located on West Lane, Hawthorn.
- 2 PROPOSAL: The application seeks planning permission for a proposed raising of the existing ridge height by 1 metre from 6.1 to 7.1 metres. Roof alterations also include the construction of 2.no dormer roof extensions to the front roofslope and 1.no to the rear roofslope. The proposal also includes the erection of a 4.5 metre projection to the rear elevation involving the demolition of an existing 3.8 metre projection currently housing a kitchen and porch.
- 3 The application is reported to committee at the request of Hawthorn Parish Council.

PLANNING HISTORY

- 4 A planning application was submitted in 2011 for a loft conversion involving increased roof height, dormer windows and two storey rear extension. The application was withdrawn in January 2012.

PLANNING POLICY**NATIONAL POLICY:**

- 5 The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

- 6 The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
- 7 The following elements are considered relevant to this proposal:
- 8 Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

- 9 District of Easington Local Plan
- 10 Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
- 11 Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
- 12 Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 13 Hawthorn Parish Council raise objection to the proposal stating concerns with regard to the character of the area and the creation of president.

INTERNAL CONSULTEE RESPONSES:

- 14 Highway Authority – No objection raised to the proposal

PUBLIC RESPONSES:

- 15 Letters of objection have been received from residents of the neighbouring property of no.14 West Lane in relation to the original and the amended scheme. Residents state concerns with regard to overshadowing, loss of view and the creation of an overbearing feature to an existing dining room and conservatory, and the affect of accumulations of falling snow and dampness as a result of the proposed roof structure. Further concerns are stated in relation the affect on the character of the area as a result of the proposed extensions.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=118570>

PLANNING CONSIDERATION AND ASSESSMENT

- 16 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character and appearance of the area, impact upon the amenity of neighbouring residents and impact upon highway safety.
- 17 Policy 35 of the Local Plan requires all residential extensions and alterations to reflect the scale and character of adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
- 18 Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

Impact upon the Character and Appearance of the Area

- 19 Proposals originally submitted included a raised ridge resulting in an overall height of 7.7 metres, officers initial concerns with regard to the proposed height and design of the roof have been addressed with the submission of amended plans showing the reduction in ridge height, a relatively modest increase of 1 metre in height is now proposed resulting in an increase from the existing height of 6.1 metres to 7.1 metres. A half hipped gable roof design is also now proposed, reflecting that of many of the neighbouring properties of West Lane.
- 20 The proposed dormer windows located to the front and rear of the property include a hipped pitch roof design, set below the main ridge. Proposed materials are to match the existing. The proposals are therefore considered of a design, scale and materials acceptable to this location, suitably proportioned, subordinate and in keeping with the host property.
- 21 To the rear proposals also include the erection of a two storey extension extending 4.5 metres beyond the main rear elevation incorporating a pitched roof extending to the proposed ridge and would see the demolition of an existing flat roofed off shoot.

- 22 A letter of objection received from Hawthorn Parish Council and the neighbouring resident of no.14 West Lane raises amongst their concerns that the proposals would detrimental to the character of the area and that a precedent for similar proposals would be set a precedent for similar roof alterations within the surrounding area.
- 23 Policy 35 states amongst its requirements that any extension should reflect the scale and character of adjacent buildings similarly Policy 73 states that proposals will be in keeping with the scale and character of the building.
- 24 Cumulatively the proposed extensions do represent significant alterations to the property; while the resulting roof alterations would see increase the mass of the roof, the increase in height would be a relatively modest 1 metre and given that a mixture of two and single storey dwellings of varying roof designs form part of the character of the area, it is considered that once complete the proposed alterations would remain sympathetic, retaining a cottage style appearance successfully assimilating into the area.
- 25 With regard to concerns raised that the proposals would see the setting of a precedent for similar roof alterations, officers advise that any such applications would be dealt with each on their own merit having regard for the relevant Development Plan policies.
- 26 Overall the design of the proposed alterations is considered acceptable with no harm caused to the character or appearance of the host property or local area.

Residential Amenity

- 27 The proposed raising of the ridge of the existing dwelling would see an increase in overall height of 1 metre and see the introduction of a half hipped gable roof design. A letter of objection received from no.14 West Lane states that the proposed roof alterations would result in an overbearing impact to a dining room window to their side elevation. The window currently looks directly over the blank side elevation of no.15 and as the result of the proposals the outlook would be unaltered, officers therefore consider that no change in circumstance would occur as a result. Due to the relatively modest increase of the ridge height together with the amended roof design, officers consider that on balance the proposed roof alterations would not lead to the creation of an overbearing feature to the neighbouring property.
- 28 The proposed extension to the rear would see a projection of 4.5 metres beyond the rear elevation, initially at a single storey level, extending to meet the proposed ridge of the dwelling. Proposals would see the demolition of an existing flat roofed off shoot to the eastern side of the rear elevation.
- 29 To the west of the application site is the neighbouring detached property of no. 14 West Lane. A letter of objection received from the residents of no. 14 West lane states that the proposed extension would result in an overbearing impact leading to overshadowing of an existing conservatory to the rear elevation.
- 30 The proposed extension would flank the clear glazed side elevation of the existing conservatory to no. 14 with a separation distance of 1.7 metres. Given the relatively modest projection coupled with the height proposed, at a single storey level adjacent to the neighbouring conservatory, coupled with the levels of separation, officers consider that extension would not lead to the creation of an overbearing feature to the rear elevation of no. 14. Residents of no.14 state that the proposed rear

extension would restrict views currently enjoyed from the conservatory, while officers do acknowledge that an aspect of the current outlook would be restricted, the particular outlook is over the rear garden of the application site due to the low boundary fence and views over the rear garden of no.14 would remain unaffected.

- 31 With regard to any overshadowing of the existing conservatory as a result of the extension, due to the orientation of the property and neighbouring properties, facing directly north, it is not considered that the proposed conservatory would cause any harm to the amenity of no.15 West Lane as a result of overshadowing.
- 32 To the east of the application site is the neighbouring property of no.16 West Lane, the rear elevation of which houses a single storey extension and conservatory. No windows are proposed to the side elevation and given that the extension proposed would largely replace an existing off shoot to the elevation and with no reduction in the existing levels of separation, no concerns are raised with regard to a loss of light, privacy, and outlook or through the creation of an overbearing impact to the neighbouring property.
- 33 The construction of dormer roof extensions to the front and rear roofslopes would introduce clear glazed windows to a newly formed first floor level of the existing dwelling. With views of open countryside to the front and rear the dormer roof extensions are not considered to result in overlooking of neighbouring properties.
- 34 On balance the proposed extensions are not considered to cause any harm to the residential amenity of neighbouring occupiers in accordance with Policy 73 of the Local Plan.

Highway Safety

- 35 The existing dwelling benefits from in curtilage parking provided by an existing garage and driveway. Highway Officers have been consulted and raise no objection to the proposal in accordance with Policy 73 of the Local Plan.

Additional Matters

- 36 A letter of objection received from the neighbouring residents of no. 14 West Lane state concerns with regard to accumulations of snow falling from the proposed roof structure leading to potential dampness to their property. Such matters are not considered to be a material planning consideration and therefore can not be attributed weight as part of the assessment of this planning application.

CONCLUSION

- 37 The proposal is considered to accord with relevant development plan policies. The design of the extension is considered acceptable with no harm caused to the character or appearance of the host property or local area. The proposed extension is not considered to cause any harm to the residential amenity of neighbouring occupiers with no objections raised with regards to other material planning considerations and approval is therefore recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Proposed plans and elevations marked as amended and received 4th May 2012.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35, & 73 of the District of Easington Local Plan.
3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.
Reason: In the interests of the appearance of the area and to comply with saved policies 1, 35 & 73 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

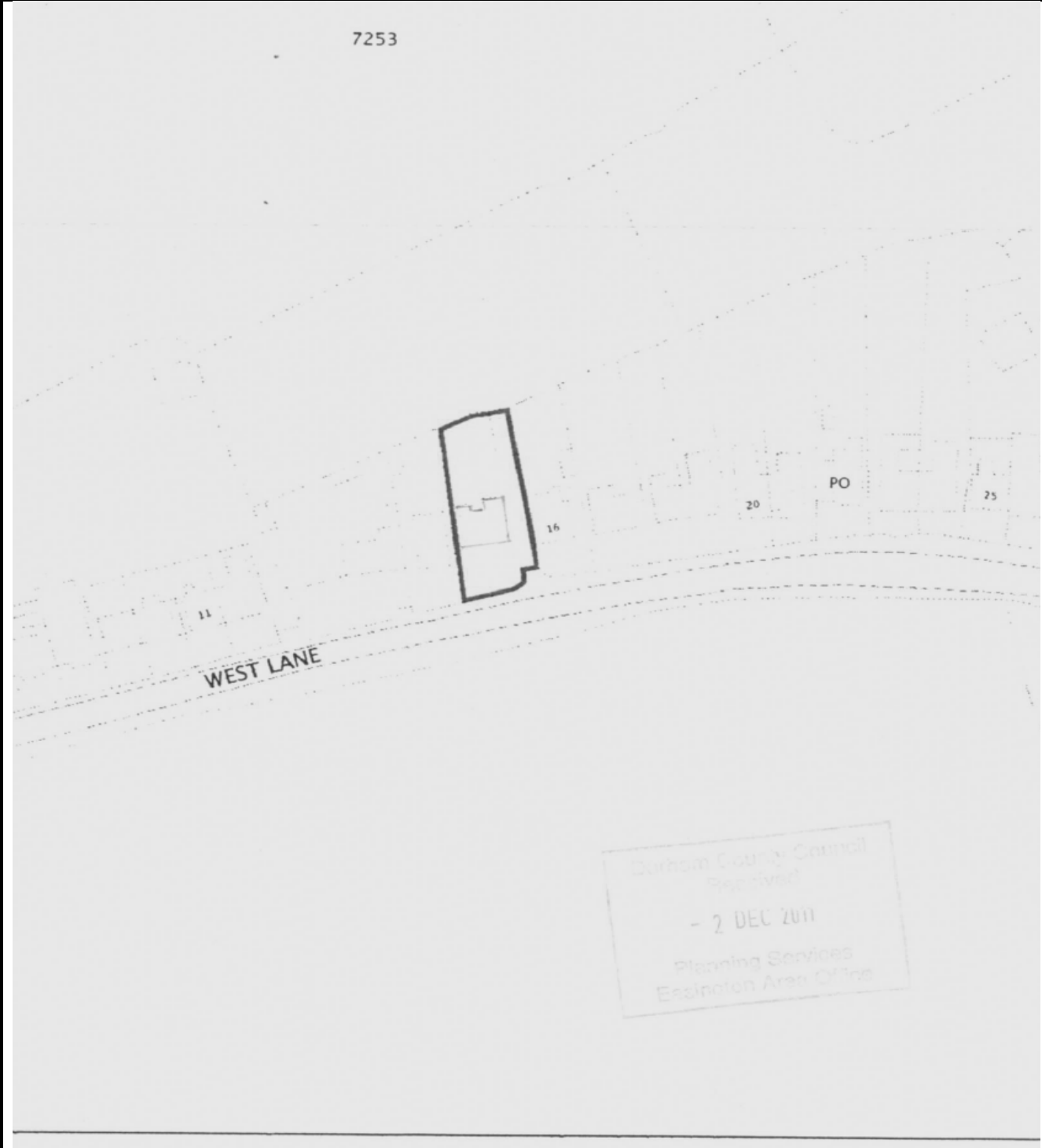
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU73 - Extensions and/or alterations to dwellinghouses
NATIONAL PLANNING POLICY FRAMEWORK	Part 7 - Requiring Good Design
2. In particular the development was considered to cause no harm to the character or appearance of the area or upon the residential amenity of neighbouring occupiers.
3. Letters of objection were received during the course of the application from a local residents and Hawthorn Parish Council. The objections and concerns related to a variety of issues notably scale and character, overshadowing, loss of view, overbearing impact, affect of snow and dampness. These matters have been discussed and assessed within the report and impacts are considered to remain acceptable in terms of residential amenity and in accordance with the provisions of the Development Plan.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses

7253



Durham County Council
 Received
 - 2 DEC 2011
 Planning Services
 Easington Area Office



Planning Services

Proposed LOFT CONVERSION INVOLVING INCREASED ROOF HEIGHT, DORMER WINDOWS AND TWO STOREY REAR EXTENSION (RESUBMISSION) at 15 WEST LANE, HAWTHORN SR7 8SB PL/5/2012/0161

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Comments

Date 30 August 2012

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