



Area Planning Committee (South and West)

Date Thursday 18 October 2012
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 20 September 2012 (Pages 1 - 4)
3. Applications to be determined
 - a) 3/2011/0378 - Struthers Caravan Site, Struthers Farm, Edmundbyers (Pages 5 - 20)
Redevelopment and extension of existing caravan site, relocation of access and associated drainage
 - b) 3/2012/0251 - Land between Stanhope Station and Wear Terrace, Stanhope, Bishop Auckland (Pages 21 - 30)
Formation of new footpath
 - c) 3/2012/0308 - Former Builders Merchant, Lydgate Lane, Wolsingham (Pages 31 - 44)
Demolition of existing buildings and erection of 9no. dwellings
 - d) 3/2012/0334 - Land off Primrose Hill, Newfield, Bishop Auckland, DL14 8BQ (Pages 45 - 58)
Outline application for the erection of nine dwellings with all matters reserved
4. Appeal Update (Pages 59 - 60)
5. 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
10 October 2012

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chair)

Councillor E Tomlinson (Vice-Chairman)

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins,
G Holland, E Paylor, G Richardson, J Shuttleworth, P Taylor,
R Todd, J Wilkinson, M Williams and R Yorke

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 20 September 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, D Burn, M Campbell, K Davidson, P Gittins, J Gray (substitute for E Paylor), G Richardson, J Shuttleworth, R Todd, J Wilkinson and M Williams

Apologies:

Apologies for absence were received from Councillors G Holland, E Paylor, P Taylor and R Yorke

Also Present:

A Caines – Principal Planning Officer

C Cuskin – Legal Officer

A Glenwright – Highways Officer

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 The Minutes of the Meeting held on 20 July 2012

The Minutes of the meeting held on 20 July 2012 were agreed as a correct record and were signed by the Chair.

3 Applications to be determined

3a 3/2010/0568 - Open Space Adjacent to Village Green, West Auckland

The Committee considered a report of the Principal Planning Officer regarding an application for the siting of a public art sculpture including paving layout and relocation of Christmas tree in a prominent position in the village adjacent to the Village Green (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Resolved:

That the application be approved subject to the conditions outlined in the report.

3b 6/2012/0081/DM - Land to the Rear of 10,11 and 13 Etherley Bank, High Etherley

Members were advised by the Legal Officer that this planning application had been withdrawn as it did not meet the relevant criteria for referral to the Area Planning Committee for determination.

3c 7/2012/0199/DM - Former Greenfields Nursing Home, Alston Crescent, Newton Aycliffe

The Committee considered the report of the Principal Planning Officer regarding an application for the demolition of former Greenfields Nursing Home and redevelopment to create 22 no. dwellings (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.

In discussing the application Members were assured that affordable housing would be secured on the site in perpetuity. This would be achieved by way of a Section 106 Agreement.

A Member referred to the shortfall of recreational facilities in the area as identified in the Open Space Needs Assessment for Newton Aycliffe. The Principal Planning Officer advised that it had not been possible to secure a financial contribution from the applicant towards off site open space provision or maintenance. The applicant had stated that because the development was entirely affordable, and in view of the high redevelopment costs of the brownfield site, the viability of the scheme would be in question if a commuted sum was required.

The Legal Officer explained that in accordance with Local Plan Policy and the SHMA 15% affordable housing would normally be required for developments of this size in the local area, and that the delivery of 22 affordable homes on this site represented 100% provision. Planning Officers considered that on balance the public benefit of the scheme in terms of meeting housing need in the area outweighed the need for a contribution towards open space provision.

Councillors Gray and Gittins, local Members for Aycliffe North felt that Newton Aycliffe did have a number of green spaces for children and considered that on balance there was a greater need for affordable housing.

Having taken into account the comments of local Members and Officers, the Committee considered that the development would improve a site that was currently an unpleasant eyesore, and would meet the need for affordable housing in the local area.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing in perpetuity.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2011/0378
FULL APPLICATION DESCRIPTION:	Redevelopment and extension of existing caravan site, relocation of access and associated drainage.
NAME OF APPLICANT:	Mr David Anderson
ADDRESS:	Struthers Caravan Site, Struthers Farm, Edmundbyers
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. Struthers Caravan Site lies outside of the defined development limits of Edmundbyers and just outside of, although immediately adjacent to, Edmundbyers Conservation Area. The site is located wholly within the North Pennines Area of Outstanding Natural Beauty (AONB). Edmundbyers is a small rural village of around 30no. residential properties. The adjacent Youth Hostel is a Grade II Listed Building.
2. The existing site has 14 static caravans, but was granted permission for 30no. caravans. There is also a small utility building and a timber structure on the site.
3. There is another caravan site within Edmundbyers (Village Green Site), located to the north of the application site, which currently has approximately 24 caravans, but an extant permission permits up to 79 caravans.
4. Access to the site is currently taken from the B6278 at a point adjacent to the Youth Hostel.
5. With regards to topography, the north and east of the site are relatively flat, however the southern part of site slopes sharply towards Burhope Burn, which forms the southern boundary of the site.
6. A Public Right of Way passes through the site from north to south.

7. The application seeks planning permission for the rearrangement of the existing site with an extension of the site into the agricultural field to the north east. It is proposed to utilise the existing site mainly for tents and touring pitches (11 large tent and touring pitches) with a new office and amenity block, as well as a small play area. The proposed extension into the field would incorporate all 31 static caravans and an additional 6 large tent and touring pitches arranged around a new internal access road. A new vehicular access would be created to the west of the existing access.
8. It is proposed that the development would be implemented in a phased manner with all planting, infrastructure, facilities, tent/touring pitches and the most westerly/southerly static pitches being implemented initially, with the further static pitches to the east being developed once the proposed landscaping has had the opportunity to establish and begins to mature.

PLANNING HISTORY

9. CA/56226 – Increase in the number of caravans from 15 – 30 and provision of toilet facilities – Approved 20/07/1974

PLANNING POLICY

NATIONAL POLICY:

10. On March 27th 2012 the Government published the *National Planning Policy Framework* (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are not up-to date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force.
11. The NPPF states that local authorities 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.
12. It also states that local planning authorities should seek to protect and enhance valued landscapes, geological conservation interests and soils and that great weight should be given to conserving landscape and scenic beauty in National

Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

13. Furthermore, the NPPF states that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness and that when considering applications that may affect heritage assets, that any possible harm is weighed against potential public benefits.
14. The Dept for Communities and Local Government published a Good Practice Guide on Planning for Tourism, which replaced PPG21 and is not one of the documents cancelled by the NPPF. It therefore remains a material consideration. This publication recognises the value of tourism as a vital component in the national economy. It specifically notes that tourism can be a key element in farm diversification, helping to revitalize towns and villages and supporting rural services and facilities.
15. It also highlights that tourism proposals should seek to preserve and enhance the special features of designated areas, such as AONBs. Furthermore, local planning authorities should weigh up whether proposals protect and enhance the visual quality of the site and its surroundings, ensure that the development fits in well with its environs and that it respects the historic interest of the surrounding buildings and areas and ensuring that proposals do not adversely affect the historic environment that people value.

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.
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 Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are nevertheless considered relevant;
18. *Policy 1 North East Renaissance* states that strategies, plans and programmes should support a renaissance throughout the North East
19. *Policy 2 Sustainable Development* seeks to embed sustainable criteria throughout 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.
20. *Policy 3 Climate Change* states that the RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change

21. *Policy 11 Rural Areas* is concerned with the development of a vibrant economy. It encourages a positive framework for the diversification of agriculture, culture, leisure and tourism.
22. *Policy 16 Culture and Tourism* seeks to ensure that the development of culture, sports, leisure, recreation and tourist facilities and attractions protects, invests in and enhances and maintains the Region's natural, built and heritage environment, whilst encouraging developments that benefit the local economy, people and environment without diminishing the attractiveness of the place visited.
23. *Policy 31 Landscape Character* states that development proposals should be appropriate to the special qualities and statutory purposes of the North Pennines AONB
24. *Policy 32 Historic Environment* states that development proposals should seek to conserve and enhance the historic environment of the Region.

LOCAL PLAN POLICY:

25. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
26. *Policy GD1 (General Development Criteria):*
All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
27. *Policy ENV1 (Protection of the Countryside):*
The District Council will seek to protect and enhance the countryside of Wear Valley.
28. *Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty):* Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
29. *Policy BE1 (Protection of Historic Heritage):*
The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
 - i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - iii) be capable of access by public transport networks.
30. *Policy BE4 (Setting of a Listed Building):*
Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
31. *Policy BE5 (Conservation Areas):*
The character of each Conservation Area will be protected from inappropriate development.

32. *Policy BE8 (Setting of a Conservation Area):*

Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

33. *Policy BE21 (Farm Diversification):*

Proposals for farm diversification will be permitted provided they fulfil the following criteria. The proposal should:

- i) remain ancillary to the main agricultural function;
- ii) utilise, where possible, existing farm buildings. Where new buildings are required they should be in keeping with the traditional form and character of the farm group and be well related to existing buildings; and
- iii) satisfy the General Development criteria, Policy GD1.

34. *Policy TM1 (Criteria for Tourist Proposals):*

The Council will give encouragement to schemes which provide tourism facilities in the District provided they accord with criteria set out in the local plan.

35. *Policy TM2 (Tourism within the AONB):*

Tourism development proposals within the AONB will be allowed only if they fulfil the criteria set out in the local plan.

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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://content.durham.gov.uk/PDFRepository/WearValleyDistricLocalPlanMarch1997.pdf> for Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Edmundbyers Parish Meeting* object to the proposals and raise issues regarding the prominence of the site from the A68 and also the Muggleswick Road to the south, that in comparison the other caravan park in Edmundbyers is well screened, that the extension of the existing site would be sprawling and affect the scenic quality of the AONB, that the proposed landscape would block the open aspect of the entrance to the village, that Edmundbyers already hosts a significant number of caravans in comparison to its size and number of residents, that the size of the existing farm operation is such that it does not require diversification, that the proposal would be to the detriment to highway safety and that landscape simply cannot absorb a development of this scale.

37. The *County Highway Authority* raise no objections to the proposal, noting that the relocation of this existing access would be a necessary part of the expansion of the site and would afford a significant improvement in sight visibility of and for the B6278 traffic.

38. The existing footpath route to the village from the site would remain available for caravan site patrons to utilise in walking to/from the village, however, in order to encourage pedestrians to use it and not walk to the village on the B6278 verge, a condition is recommended requiring a minimum of two pedestrian signs to be erected within the site pointing patrons in the direction of the public footpath. It is

also recommended that the existing metal gated vehicular access to the B6278 is replaced with a “kissing” type pedestrian gate. A smaller gate to the side could be installed for disabled and pushchair access. Lastly, it is recommended that the surface of the public footpath route between the facilities/office block and the B6278 be improved in order to encourage its use.

39. The proposed 6m junction entrance radii are relatively small at a caravan site leading from a de-restricted B road. They are however acceptable if the first section of access road is widened to 6m.
40. *Natural England* have commented that the proposal should not have significant effect on the nearby European sites of the North Pennines Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), or indeed any of Muggleswick, Stanhope & Edmundbyers or Blanchland Moors & Burnhope Burn SSSIs. With regards to protected species *Natural England* direct the Local Planning Authority to the advice of their own ecologists. However, with regards to the landscape impact of the proposal on the AONB, *Natural England* have raised concerns over the impact of the development, particularly from the B6278 and Muggleswick Road.
41. The *Environment Agency* have no objection to the proposals.
42. *Northumbrian Water* have raised no objections subject to a condition being attached in order to secure the diversion of their equipment within the site that is situated under the proposed building.

INTERNAL CONSULTEE RESPONSES:

43. The *County Ecologist* has raised no objections to the proposals.
44. The *Design and Conservation Team* object to the proposals, raising concerns over the impact of the development upon views into the conservation area and on a Grade II Listed Building, with the open views surrounding the village being considered to form an important part of the setting of the conservation area.
45. The Council's *Landscape Section* have commented several times with regards to this application following discussions with the applicant and the receipt of amended plans. Despite this, the Landscape Section continue to object to the proposals. They acknowledge that the proposed planting to the north of the site, within a few years would provide good screening. The planting to the east, they consider, would provide effective screening within 10 years, however they consider that the phasing of this part of the site should be reconsidered as the screening would not be sufficiently substantial when the static caravans are introduced. It is with regards to views from the south that the most concern is raised where it is acknowledged that the slope of the site makes it difficult to screen the site. The concern raised is that even after 10 years that the static caravans would still be very visible and the impact of the site as a whole would be a significant negative one upon the special scenic quality of the AONB.
46. *North Pennines AONB Partnership* raise concerns over the level of screening to the site from the south and the subsequent landscape impact.

PUBLIC RESPONSES:

47. The application has been advertised in the press, a site notice was displayed at the site and letters were sent to neighbours.
48. *Campaign to Protect Rural England* object to the proposals stating that whilst they acknowledge that tourism is important to the economy of the AONB, it should not mean development at any cost. They note that the proposal is for touring caravans as well as static caravans, that it is visible from a number of locations, including the A68, has an impact upon the setting of the village, it's tranquillity and lighting and that potential prominence should be carefully considered.
49. 38 letters of objection have been received from properties within Edmundbyers.
50. The concerns of local residents relate to a number of issues including: the impact of the proposals upon the landscape quality of the AONB; its impact upon the character of the settlement; its impact upon Edmundbyers Conservation Area and it's setting; the potential for the proposal to increase traffic and cause highway safety issues; the level of noise generated by occupants of the site; that existing services such as sewers within the village could not cope with the additional demand; that the design of the office/amenity block is inappropriate and would appear as excessively prominent; that the village is already oversupplied with caravans beyond what might be reasonably expected; that neither the current site or Village Green Site do not run at capacity as it is; the length of time that it will take for screening measures to become effective; that the development would lead to unacceptable levels of light pollution; that the existing site is an eyesore and no efforts have been made to improve it's appearance; that the proposal will lead to an increase in dog mess and litter within the village; that the proposal would not lead to the claimed economic benefit to the village; that insufficient staff would be employed to adequately manage the site that the proposal would lead to an increase in crime within the village; that the proposed tents would represent a fire risk; that the applicant's farm business is of such a scale that it does not need to diversify and that it would impact upon possible ridge and furrow evident within the application site.
51. There has been 1no. letter of support received noting that the proposals would lead to increased trade to the village shop and pub.

APPLICANT'S STATEMENT:

52. The applicant has not provided a statement, but the following is a summary from the design and access statement.
53. The proposed development will ensure the viability of the caravan site, improve facilities available to its users, and improve the range of camping available on the site and within the area. The improvement of business will also help sustain and diversify the agricultural business owned by the applicant. The application fully addresses drainage and hydrology and will not harm any ecological interests.
54. The proposal has been sensitively approached to ensure minimal harm to the landscape or the character or appearance of the area. The landscaping scheme has been considered centrally to the design of the development.

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 Spennymoor Council Offices..

PLANNING CONSIDERATIONS AND ASSESSMENT

55. 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 the development, the impact upon of the development upon the AONB, Conservation Area and other heritage assets, the impact of the development upon highway safety and other issues.

Principle of development.

56. There is general support throughout national, regional and local planning guidance for sustainable economic development in rural areas, and it is recognised that tourism forms a significant element of the rural economy, particularly in Weardale. Accordingly, some additional provision of additional tourist accommodation in various locations should be realistically expected.

57. Historically, Policy TL7 of the Wear Valley District Local Plan sought to restrict further caravan site development west of the A68, a point raised in many of the representations made on this proposal. It should be noted however that Policy TL7 was not saved in the 2007 review of the Local Plan and it is therefore considered that no weight can be attached to it. Rather each proposal must be considered on its own merits under the current relevant policies.

58. Having regards to sustainability, it is considered that Edmundbyers is a village that is in such a location that it could be considered suitable to host additional tourist accommodation. It is conveniently located not far from the A68 and provides a gateway to Weardale, with Stanhope, Wolsingham, Frosterley within a convenient and scenic drive. Additionally, convenient access to Consett, Corbridge and Hexham is also possible to the north. It is recognised that both existing caravan sites along with the Youth Hostel provide an income source for both the local pub and shop.

59. Local concern has been expressed that the development would lead to local services being overwhelmed. Whilst the holiday season is now year round, it is considered unlikely that all of the caravans and pitches would be occupied all year round at full capacity. In addition, the site already has permission to increase the number of caravans to 30. Officers therefore consider that the proposal would not lead to a situation whereby the character of the village and it's amenities would be overwhelmed.

60. This proposal would expand and improve the quality of the caravan site and hence would have a positive impact on the range and quality of tourist accommodation in the area. In this respect, the principle of development would meet the aims of national, regional and local policies to support the rural economy and tourism.

61. However, whilst in principle it may therefore be that Edmundbyers could be considered as an appropriate location for this type of development, planning policies TM1 and TM2, as well as national and regional guidance identify that such development must not be at any cost and will only be acceptable in sensitive areas, such as AONBs, providing it can be successfully absorbed into the landscape and complies with the other relevant policies.

62. Specifically, Local Plan Policy TM2 states that tourism development in the AONB will only be allowed if among other things, they do not detract from the landscape quality of the AONB. In addition to landscape impact, Local Plan Policy TM1 requires that tourism development is of a scale compatible with its surrounds. Further, Local Plan Policy BE8 states that development which impacts on the setting of a Conservation Area will not be allowed and Policy BE1 seeks to maintain, protect and enhance areas of historic, architectural or archaeological interest. These provisions are also repeated generally in Local Plan Policy GD1. Additionally, the NPPF, in chapter 11, places great weight on conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which is a landscape that has the highest status of protection in relation to landscape and scenic beauty. In respect of the impact on heritage features, like a conservation area, listed buildings and archaeology, the NPPF, in chapter 12, again advises that great weight should be given to the asset's conservation. Significance can be harmed or lost through development within the heritage asset's setting and any harm or loss should require clear and convincing justification.

63. Therefore, notwithstanding the general support for tourism development, the principle of development is ultimately dependent on the impact of the development on the landscape of the AONB and heritage assets.

Impact upon character of AONB.

64. Local Plan Policy TM2 states that tourism developments in the AONB will only be allowed if among other things, they do not detract from the landscape quality of the AONB and Policy ENV2 gives priority to the protection and enhancement of the landscape quality of the AONB. The emphasis is therefore clearly on the protection of the AONB over tourism and other development. This importance is reaffirmed in the NPPF, which attaches "great weight" to conserving AONBs, recognising that AONBs have the "highest status of protection". In fact, in paragraph 116, the NPPF advises that planning permission should be refused for major developments in designated areas like AONBs, except in exceptional circumstances and where it can be demonstrated they are in the public interest. RSS policies 16 and 31, whilst encouraging developments that benefit the local economy, including tourism, requires that they should not diminish the attractiveness of the place visited, particularly the AONB.

65. At all levels of planning policy, the balance is therefore in favour of the protection of the AONB against competing interests, unless the harm can be justified in the wider public interest.

66. It is considered that to date, Edmundbyers has absorbed its existing caravan capacity reasonably well, although at present neither of the 2 sites are developed to their permitted capacity and if done so the impact from further caravan development out to the east could become more acute. The relatively large Village Green Site is generally accepted as being well screened by dense mature trees whilst Struthers Farm site is at present insufficiently screened and in generally fairly poor condition, but its current limited size of just 14 static caravans located close to the village boundary reduces its overall impact upon the settlement.

67. Officers are supportive of the principle of seeking improvements to the appearance of The Struthers Farm site, however, it presents somewhat of a challenge due its position and the general topography. The site sits adjacent to the B6278, the main approach to Edmundbyers, with the road itself forming the northern boundary to the site. Therefore any development has the potential to

appear prominent at the entrance to the village, the conservation area and the wider AONB. Furthermore, the topography of the site slopes severely to the south as the land falls towards the burn, forming a steep sided valley. As a result, views from the Muggleswick road on the opposite shoulder of this valley looking north towards Edmundbyers give a panoramic view of the site and village clinging to the valley side and allow the full appreciation of the site in its setting of the AONB.

68. It is this southern view in particular that presents the greatest challenge with regards to ensuring any proposed development is acceptably absorbed into the landscape.
69. Following the initial submission of the application, lengthy discussions and negotiations have been undertaken with the view to improving upon the initially submitted scheme with regards to its impact upon the landscape and setting of Edmundbyers.
70. Concerns were raised at the start by the Council's Landscape Section, the AONB Partnership and Natural England with regards to the landscape impact on the AONB when viewed from the north and east when approached along the B6278, and also when viewed from the South across the Muggleswick Road. It was suggested that the static caravans should remain within the existing site and only touring and tent pitches should be considered on the field to the east, as they would have less of an impact being more seasonal and this would retain the physical development of the statics closer to the village edge. The proposal was instead amended to retain the proposed statics in the field to the east, but to place a line of tent and touring pitches along the roadside boundary and to further improve the perimeter landscaping.
71. A phasing programme is also now proposed, with all landscaping being carried out in Phase 1, along with the provision of 9 static caravans, the touring/tent pitches, amenity/office block, services and road. Phase 2 would follow after 5 years and would see the introduction of the rest of the static caravans. Photomontages have been provided, as requested, in order to show how the site would appear at Year 0, Year 5 and Year 10, although it should be noted that these photomontages do not show any occupation of the touring pitches, nor tents or cars which would be present during the occupation of the site and the caravan sides would not be dark coloured as they are shown on the images. The images are nevertheless very useful in assessing the potential landscape impact over a period of at least 10 years.
72. Having considered this revised information and having further consulted, it is felt that concerns about the close up impact from the B6278 to the north have been overcome by the removal of static pitches from directly adjacent to the road. Some concerns remain with regards to the appearance of the site from the east, where it is considered that the introduction of static caravans at this part of the site at Year 5 may be too soon in order for the landscaping to have developed sufficiently to provide adequate screening, but an adjustment to the phasing scheme could allow this concern to be overcome.
73. However, it is the key view from the south where primary concerns remain as this is the wider landscape view against which the full impact of the development would be seen within the AONB. Due to the topography sloping down to the valley, any landscaping screening to the south would be of limited benefit. It would probably take more than the lifetime of the development for appropriate

new planting to achieve the height required to start to screen the development to the same extent as the Village Green site further to the north.

74. In its current form, it is considered that the proposal would appear, when viewed from the south, as a substantially sized addition to the east of the village. Placing static caravans in the field to the east, as opposed to tents and touring caravans, would seem to be the wrong way around. Done the other way it would keep the permanent structures of the static caravans closer to the village while the field to the east would most likely only be occupied during the summer period and that could have been controlled by a condition limiting use between certain months. But as proposed, the placing of static caravans in the field to the east would significantly extend the built form of the village into the countryside. Even after having allowed new landscaping to mature over a period of 10 years, the static caravans in particular would not be absorbed into the landscape. In addition, it should be borne in mind that once established caravan owners tend to add features like decking, lighting and domestic paraphernalia, in addition to the presence of parked cars, which all further add to the visual impact of the caravans on the landscape, which in this case is a landscape in which priority is given to its strictest protection. As a result, locating static caravans in the field to the east would appear too prominent and would have an unacceptable impact upon the character of the village as a whole and this part of the AONB. This would be contrary to the provisions of Wear Valley District Local Plan Policies GD1, ENV1, ENV2, TM1 and TM2, NPPF chapter 11 and RSS policies 16 and 31.
75. In considering whether there is a wider public interest to overcome the harm, this site has already had permission for 30 caravans within the confines of the existing site, which brings into question the need for this proposal which in effect, despite more than doubling the size of the site, would only deliver 1 additional static caravan and 17 tent and touring pitches. Even if topography is preventative, it is considered that better use could still have been made of the existing site and there is no justification put forward for the amount of new development proposed. Further, in respect of need for the development, the Village Green Site, which is almost neighbouring, has only implemented 24 of the permitted 79 caravans, so there is already spare capacity which can be provided in a well screened and successfully managed site without having to allow further harmful encroachment into the landscape of the AONB. There is nothing to suggest that there is an overriding shortage of this type of holiday accommodation in the area. The NPPF is clear that the weight to be given to the protection of the AONB against other competing interests is "great" and this emphasis is not repeated in the sections relevant to the rural economy and tourism. This proposal would only provide 1 full time and 1 part time job. On balance, the protection of the AONB is therefore considered to outweigh the tourism benefits of this proposal and there is no wider public interest to outweigh the harm to the AONB. In accordance with paragraph 116 of the NPPF planning permission should therefore be refused for this major development within the AONB.

Impact upon Edmundbyers Conservation Area and other heritage assets.

76. The site lies adjacent to the Edmundbyers conservation area and in addition, the adjacent Youth Hostel is a grade II listed building.
77. In the exercise of planning functions with respect of any buildings or other land in a conservation area, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act

1990). In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority must pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

78. The consideration of the impact of the proposal upon the character of Edmundbyers Conservation Area raises many of the same issues as arise during the consideration of the proposal in relation to its landscape impact upon the AONB.
79. Local Plan Policy BE8 states that development which impacts on the setting of a Conservation Area will not be allowed and more generally Policy BE1 seeks to maintain, protect and enhance areas of historic, architectural or archaeological interest, provisions which are repeated generally in Local Plan Policy GD1. NPPF, in chapter 12, gives “great weight” to the conservation of Heritage Assets.
80. Being located on the edge of the settlement, the site by definition provides some of the character of the setting of Edmundbyers Conservation Area. Edmundbyers is somewhat unusual in that its size and position mean that a significant majority of the Conservation Area and its setting can be appreciated in a single view, particularly from the south. The rural approach from the east is an important part of the setting of the conservation area and this character therefore has significance.
81. In this respect it is considered that the inability to effectively screen the site from the south means that the large outward eastern extension to the settlement will be obvious and static caravans by reason of their shape, materials and colour, would be jarring, incongruous features against the otherwise typical rural character and materials of built development in the village. As a result, the character of the settlement and the conservation area as a whole will be detrimentally impacted upon. Again, the NPPF says that the weight to be given to conservation of heritage assets is “great” against other competing issues, which in this case is tourism. The NPPF chapter 12 states that harm or loss to heritage assets should require clear and convincing justification and it has already been identified that there is no demonstrable overriding need for this particular development. The proposal is therefore contrary to Policies BE1 and BE8 of the Wear Valley District Local Plan, NPPF chapter 12 and RSS policies 16 and 32 in this respect.
82. Edmundbyers Youth Hostel is a Grade II Listed Building and sits within its own grounds, with the existing caravan site in close proximity. It is considered that although there would be some impact upon this building, that its main setting when viewed from the road would be largely unchanged. Furthermore, the part of the site closest to this building would largely host touring/tent pitches which are of a less permanent and more lightweight nature than the static caravan pitches. It is therefore considered no unreasonable upon the listed building itself would occur as a result of this development.
83. It should be noted, that notwithstanding outstanding concerns with regards to the overall impact of the proposal upon the conservation area, that it is considered that the amenity/office block in itself is considered to be of an acceptable design and in an appropriate location within the site.
84. Concerns were raised at an early stage in the application with regards to the potential presence of rigg and furrow plough markings in the field that forms the

extension to the site. The applicant was requested to provide further information in this regards. This has not been forthcoming, because the applicant felt it appropriate to resolve issues of landscape primarily before commissioning further work to investigate the possibility of rigg and furrow. While not decisive in itself to warrant refusal, the lack of information in this respect adds to the view that the scheme would have an unacceptable impact on heritage assets as a whole.

Highway Issues

85. The comments of local residents with regards to highways safety have been noted and the County Highways Authority were consulted on this application.
86. Although the proposed development would lead to an increase in traffic, it is considered that this would not be so great as to be beyond the capacity of local roads. The application involves the relocation of the existing access to a more appropriate location, which should improve access and egress from the site.
87. A number of suggestions have been made by the County Highways Authority with regards to safeguarding pedestrian safety whilst visitors are walking to and from the village itself. These measures could be secured by condition if Members were minded to approve the application.
88. Having regards to the advice of the County Highways Authority, it is considered that the proposals would not be of unreasonable detriment to highway safety or take local roads beyond reasonable capacity.
89. The application is therefore considered to accord with Policy T1 in this respect and is considered to be acceptable in this regards.

Other Issues

90. Issues of biodiversity are a material consideration, in accordance with Circular 06/05. All public bodies must have regard to the requirements of the Habitats Directive in the exercise of their functions where there is likely to be a disturbance (etc) to priority or protected species. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 and now the Conservation of Habitats and Species Regulations 2010. 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 licence from Natural England.
91. The County Ecologist, as well as Natural England have been consulted on this proposal with no concerns being raised by either with regards to the potential impact of the development upon protected species or protected sites in the vicinity.
92. Concerns have been raised by a number of residents with regards to the impact of the development upon services within the village. To this end, the site would not be connected to mains sewers and would have its own septic tank and drainage system. It is considered unlikely therefore that the proposals would have an unreasonable impact upon utility services provided to the village.
93. Further concerns relating to loss of amenity from noise have been considered and whilst it is accepted the proposal would potentially lead to an increase in

noise, it is considered that this would be unlikely to be of such a level that it would become unreasonable from the size and type of development proposed, and the site has previously had permission to increase the numbers of caravans to 30. The impact on residential amenity would not be sufficient to justify refusal.

94. It is considered that the concerns raised with regards to potential fire risk are largely unfounded. There is nothing to suggest that the site would be any more susceptible to fire than any other caravan site and the site will have its own fire risk assessment and plan. This matter is also covered by licensing. It would highly be unreasonable to withhold planning permission on this basis.
95. Equally, concerns over increased crime, dog mess and litter are noted however such issues are difficult to predict and quantify. It is considered that the potential risk of these factors being significantly increased to an unreasonable level is low and it would be unreasonable to withhold planning permission on this basis.
96. It is accepted that the existing site is not in the most pristine of conditions, with many of the existing static caravans being of some age. This should not however be reason to suppose that the proposed development would be of similar appearance. It is considered that the current application, notwithstanding concerns that officers have with it, represent the applicant's commitment to improve the appearance of the current site and improve its viability accordingly and this should not be used as a reason to resist the proposal any more than it should be used as reason to support it.
97. With regards to staffing levels, the applicant has indicated that there would be 1no. full time and 1no. part time member of staff at the site. It is considered that there is no suggestion that this will prove insufficient to allow the effective management of the site and if the site is so successful that it requires additional staff, then the applicant could employ additional workers as necessary.

Conclusions

98. Although there is underlying general planning policy support for tourism development, it is clear from these policies that this should not come at an unreasonable cost, especially in sensitive areas such Areas of Outstanding Natural Beauty and conservation areas to which the greatest weight is given to their protection against other competing interests.
99. Attempts have been made from Officers and the Applicant to reduce the impact of this proposal and additional information has been provided to help consideration of the proposal. However, regrettably, it has not been possible to achieve a scheme that is mutually agreeable and which successfully mitigates against the identified harm to the AONB and setting of the Edmundbyers conservation area.
100. There has been overwhelming amounts of objection to the proposal from both consultees and the general public, including from nearly half of the households in Edmundbyers and the Edmundbyers Parish Meeting for reasons which have been agreed to be relevant.
101. Accordingly, the proposal is considered to be contrary to Wear Valley District Plan Policies GD1, ENV1, ENV2, BE1, BE8, TM1 and TM2, RSS policies 16, 31 and 32, and NPPF chapters 11 and 12.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

- 1) The proposal, by reason of the location, scale and appearance of static caravans to the east of the existing site and inability to adequately screen this development from the south would result in a development that fails to be absorbed into the landscape and would be to the detriment of the special landscape quality and character of the North Pennines Area of Outstanding Natural Beauty. This is contrary to Policies GD1, ENV1, ENV2, TM1 and TM2 of the Wear Valley District Local Plan as Saved and Amended.

- 2) The proposal by reason of its location, scale, appearance and inadequate screening from the south would appear as an incongruous expansion of the built envelope of Edmundbyers to the detriment of the setting and character of Edmundbyers Conservation Area, thereby harming its significance. This is contrary to Policies GD1, BE1, BE8 and TM1 of the Wear Valley District Local Plan as Saved and Amended.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Reports
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- National Planning Policy Framework.
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East
- DCLG Good Practice Guide on Planning for Tourism



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2012/0251
FULL APPLICATION DESCRIPTION:	FORMATION OF NEW FOOTPATH
NAME OF APPLICANT:	DURHAM COUNTY COUNCIL
ADDRESS:	LAND BETWEEN STANHOPE STATION AND WEAR TERRACE, STANHOPE, BISHOP AUCKLAND,
ELECTORAL DIVISION:	WEARDALE
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826 adam.williamson@durham.gov.uk

The site

1. The application site consists of an area of land between Bondisle Way and The Butts, Stanhope. The site runs along the northern side of the existing Weardale Railway line. The site is entered from Bondisle Way via a kissing gate, with the proposed footpath running west towards Wear Terrace, where there is another kissing gate. The proposed footpath would run along the southern boundary of Sycamore House, which is a detached dwelling set within a large garden, and adjacent to an existing allotment site on Bondisle Way. The proposed footpath route would link to an existing public right of way running along Wear Terrace, over the railway line and continuing south east through a field. The site lies outside of the Stanhope Conservation Area.

The proposal

2. Planning permission is sought for the formation of a new footpath to create a shared use path for walkers and cyclists in order to better link Stanhope Railway Station to the central local facilities and services in Stanhope. The proposed route via the Butts would enter the town close to the main shopping area and Market Place. The footpath would measure 132 metres in length and would have a maximum width of 1.5 metres. It would be constructed from a base of terram, road planings (150mm depth) and whinstone dust surface (20mm depth). It is also proposed as part of the scheme to erect a 2.4 metre high close boarded timber fence for 4.5 metres length adjacent to Sycamore House. Other minor works would include a 1.2 metre high stockproof fence along the railway side of the proposed footpath; replacing the existing 1.4 metre high railings with like for like railings; and replacing the metal kissing gates with timber wicket gates. The scheme does not include any lighting. Part of the works are retrospective because the formation of a ramp at the kissing gate to Wear Terrace, including a retaining wall had already commenced, but those works have stopped pending the outcome of this application.
3. This application has been called to Committee by Cllr Shuttleworth who has stated "*The logistics of Butts Bank at Stanhope are the same or even worse than the one at Bondisle Way, and the access road/ path at Wear Terrace are not easily accessible.*"

PLANNING HISTORY

4. There is no planning history relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY

5. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.
6. Chapter 3 encourages support for rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
7. Chapter 4 encourages safe and suitable access for all people with the aim to minimise conflict between traffic and pedestrians or cyclists.
8. Chapter 8 seeks enhancement of public rights of way and access and encourages Local authorities to seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

REGIONAL PLANNING POLICY

9. *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.
10. 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 Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are nevertheless considered relevant;
11. Policy 8 – Protecting and Enhancing the Environment states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment.

LOCAL PLAN POLICY:

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

13. **Policy GD1 (General Development Criteria):**

All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. Development should not conflict with adjoining uses. Priority should be given to pedestrians and cyclists and links should be provided into the local footpath and cycleway networks where practicable.

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:

14. *Durham Constabulary* has commented that generally they would be concerned about creating a footpath alongside a residential property, as such links can generate crime and anti social behaviour, however they believe it is not true in this case. There is a danger that young people will loiter on a footpath and create nuisance, however there is no evidence of the area having been abused in this way and as Stanhope is a low crime area, and there is no reason to believe the footpath would exacerbate this.

15. *The Weardale Visitor Network* support the scheme.

16. *Weardale Railway* support the scheme.

17. *Stanhope Parish Council* support the proposal.

INTERNAL CONSULTEE RESPONSES:

18. The *Ecology Section* have no objections to the proposal, but any site clearance such as shrubs or trees should be done outside the bird nesting season.

PUBLIC RESPONSES:

19. A site notice has been posted. A petition of objection containing 9 signatures from the residents of Wear Terrace has been submitted. Concern is expressed that larger numbers of people will now use the public footpath which runs to the west of Wear Terrace (because the proposed path would link to it) and this will directly affect the quality of life for the residents of Wear Terrace. There is also concern that the high fence adjacent to Sycamore House will encourage anti social behaviour. The part retrospective nature of the development has also been highlighted. Other concerns are raised about loss of trees along the railway line and the effect on bats.

APPLICANTS STATEMENT:

20. The proposed footpath link was identified as one of the actions in the Stanhope Destination Development Plan (DDP).
21. *5.1: New footpath link from station along to Butts creating circular route and linking proposed new car park.*
22. The development of a footpath link in this area was identified as part of the Transport and Access Study for Stanhope (2009). An action/recommendation in this study stated *“Investigate land ownership of the area between the Weardale rail line and Sycamore House between Bondisle Way and Wear Terrace and negotiate a suitable and safe pedestrian footpath between the 2 locations.”*
23. Although this action, and the DDP action, are linked to a proposed car park in Stanhope they still both identify a need to link Stanhope Station to the town via a more accessible route.
24. As part of a review of the DDP in September 2011 the Stanhope Steering Group agreed that the proposed footpath link was still a vital element of the DDP. The footpath will improve linkages in the town by providing a more accessible route for local residents and visitors alike.
25. The proposed footpath link will have an entrance/exit point at Wear Terrace. The footpath which runs adjacent to the properties at Wear Terrace is already a public right of way. The proposed footpath link will provide a more direct route to access this area.
26. Weardale Railway has been improving the link between Stanhope Station and Bishop Auckland Station to encourage people to explore Weardale and the surrounding towns. To date £2,186,743.38 has been spent on improving the line to Bishop Auckland. An additional £120,855.98 has been spent on the Bishop Auckland platform and £14,170.83 on the engine release.
27. Work has also taken place in Wolsingham in relation to the coal depot. The coal depot weigh bridge cost £49,560.78 whilst the Wolsingham terminal cost Weardale Railway £717,783.83.
28. The total cost of improvement work to Weardale Railway, in relation to the work at Bishop Auckland and Wolsingham, is £3,089,114.80. This investment shows Weardale Railway's commitment to the area and supporting the tourism agenda and local economy.
29. To capitalise on the improvement work Durham County Council delivered a scheme to improve the car parking area to the front of the building and improve signage and lighting. Project cost was met by the Stanhope DDP, Neighbourhood Services and the Local Area Programme fund.

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

30. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant guidance, development plan policies and all material planning considerations including representations received, it is considered that the main planning issues in this case relate to the principle of development, visual impact and residential amenity

Principle of Development

31. The development of a footpath link in this area was identified through the Transport and Access Study for Stanhope (2009). This study identified best practice for the management of all forms of traffic in the town, and made recommendations for improvements to resolve issues around long and short-stay car parking, coach drop off and parking, mobility scooter management, walking and cycling, and rural transport integration. An action/ recommendation in this study stated *“Investigate land ownership of the area between the Weardale rail line and Sycamore House between Bondisle Way and Wear Terrace and negotiate a suitable and safe pedestrian footpath between the 2 locations.”*
32. The creation of this footpath is also a key action in the Stanhope Destination Development Plan (DDP). The Destination Development Plan for Stanhope sets out agreed common priorities for developing and promoting Stanhope as a destination market town within Weardale, the Durham Dales and County Durham. The document was compiled by working with tourism businesses, local groups and organisations as well as the then Wear Valley District Council and County Durham Tourism Partnership. A workshop was held in early March 2009 and was attended by a wide range of local businesses and partners involved in tourism. The attendees discussed the key elements of the Destination Development Plan, and the vision for Stanhope as a destination. The resulting action 5.1 of the Stanhope Destination Development Plan states:
33. *5.1: New footpath link from station along to Butts creating circular route and linking proposed new car park.*
34. In 2011 the Stanhope Steering Group carried out a review of the DDP and agreed that the proposed footpath link was still necessary to improve linkages between the Stanhope Railway Station and the town centre. There has been significant financial investment in the railway line from Weardale Railway and funding partners, and as a result, there is a recognised opportunity to both encourage visitor movement from the station to the town centre, as well as to encourage more use of the railway station to explore Weardale and the nearby towns linked by the railway. The need for the new footpath link has therefore been well considered and fits with the NPPF aims to support rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors.
35. In terms of the logistics and amenity of the route, the station is currently accessed from the A689 down Bondisle Way, which lies to the east of the town centre and is a route of approximately 740m to the market place. This route is mostly along the A689 and passes a large factory on Bondisle Way. The amenity of this route is not therefore particularly high. The proposed new footpath route would link the station up with the existing public footpath to the rear of Wear Terrace, which itself links to The Butts and then up to the market place and is a route of approximately 616m. It would also link to

the rest of the public footpath network in the area. Travelling up a hill will always be unavoidable because of the topography between the station and town centre, which to some extent limits access for all, but the proposed route would be shorter than the existing, well surfaced and it would take a more pleasant route to the market place than the current route, avoiding the long stretch along the A689. The existing route is entirely along roads which accommodate vehicular traffic, while the new route would largely avoid vehicular traffic. The proposed new route would therefore provide a useful alternative route to/from the town centre and the existing route would of course remain for continued use from that side of the town. The proposal therefore fits with the aims of the NPPF to improve accessibility and adding links to existing rights of way networks in ways which minimise conflict between traffic and pedestrians or cyclists. These aims are repeated in Local Plan Policy GD1.

36. It is therefore considered that this new proposed footpath route would provide a welcome new link between the town centre, the riverside walk and the railway station, improving access between the station and town centre. This is viewed as a positive for the businesses within the town, users of the railway and operation of the Railway. It is therefore considered that the principle of development is considered acceptable, and in accordance with Local Plan policy GD1, as well as the NPPF.

Visual impact

37. The proposed path at just 132m long and 1.5m wide would be a fairly small scale development linking two existing paths. It would follow a line directly adjacent to the railway line and would be surfaced with appropriate materials typical for a multi user path, and would not therefore appear intrusive within the wider landscape. The proposal therefore accords with Local Plan policy GD1 in this respect.

Residential amenity

38. The proposed footpath would run along the southern boundary of Sycamore House where it would link to the existing public right of way which passes to the west of Wear Terrace and the path at Bondisle Way. Because of a 200mm site level difference where the path would join the right of way at Wear terrace, it has been necessary to provide a shallow ramped gradient to enable people with push chairs/prams and possibly wheelchairs to use the path. As a result, a small section of the footpath would rise to 200mm higher at this point, potentially increasing the ability to look over the 1.8m high fence of Sycamore House there. To mitigate against this, the application includes the raising of the height of the existing close boarded fence at this point to 2.4 metres in height in order to retain a fence height of 1.8m above the footpath ramp for a distance of 4.5m. Sycamore House has a large curtilage and this element of the scheme would be at the far western corner of the curtilage. Because of this and with the increase in the height of the fence, it is considered that the residential amenity of the occupiers of Sycamore House will not be unacceptably affected at this point. It is acknowledged that the proposed footpath would result in members of the public walking along the southern boundary of Sycamore House. However, the close boarded timber fence separates the property from the proposed footpath and there is already a railway line in use as well as an existing public footpath in the field across the railway line. It is therefore considered that the level of additional disturbance that may be caused by users of the footpath would not be of a level to justify a refusal in this respect. The residents of Wear Terrace have also raised concerns that the proposal would lead to an increase in people using the existing Wear Terrace footpath which would have an impact on their quality of life. The aim of the proposal is clearly to increase the footfall between the station and town centre and in this respect it is likely that the use of the footpath will increase. It is

however an existing footpath which allows the uncontrolled, free flow of people and the use of footpaths should be encouraged, not discouraged. Notwithstanding this, the level of use is unlikely to be so great that there would be an unacceptable impact the living conditions of the occupants of Wear Terrace. The impact of the development on neighbouring properties is not therefore of sufficient weight to justify refusal of a proposal that would have wider public benefits to the town and operation of the railway. The proposal therefore accords with policy GD1 of the Wear Valley District Local Plan.

Other Issues

39. Concerns have been expressed that the proposal, particularly the increase in the height of a section of the fence to 2.4 metres, would result in anti- social behaviour. Durham Constabulary were consulted and their view is that the development itself would not necessarily be the cause or lead to increased risk of crime or anti social behaviour. If there are already anti social issues in the area, this falls under the control of the police. These concerns are not therefore of sufficient weight to justify refusal of the application.
40. The fact that parts of this application are retrospective is not a material planning consideration. Private covenants are also not a material planning consideration.
41. Concerns have also been raised over the loss of trees along the railway line. The tree works were carried out by the Railway and are not related to this proposal. The Railway operator has statutory undertaker rights, but in any case the trees were outside the conservation area and not protected by tree preservation order. As such the planning process had no control over the tree felling. It would be the responsibility of the persons who carried out the tree works to ensure an offence in respect of works that may affect protected species has not been committed.
42. The Ecology section has given standard advice that site clearance and removal of trees or shrubs should take place outside the bird breeding season. This can be included as an informative.

CONCLUSION

1. The proposed footpath would provide a shorter, improved link between the town centre and the railway station and would hopefully encourage railway users to visit the town, as well as hopefully encouraging greater use of the railway from the town. The proposal would therefore be to the benefit of existing businesses, the local community and visitors.
2. The proposed path would not have an unacceptable impact on the character or appearance of the surrounding area, and would not lead to an unacceptable impact upon the residential amenity of nearby residential properties.
3. The issues of objections raised are not considered to be sufficient reasons to refuse the application.
4. It is therefore considered that the application is in accordance with the provisions of relevant national, regional and local plan policies.

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	Reference Number	Date received
Red line plan	1	27.06.2012
Fencing Alteration	032092/WVD/01	15.06.2012
Path cross section	Q9	15.06.2012

Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

INFORMATIVE

Any clearance such a shrubs or trees should be done outside the bird nesting season (March to September).

REASONS FOR THE RECOMMENDATION

1. The proposed development is considered acceptable having regard to the provisions of the NPPF, RSS and Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. More specifically, the proposed footpath would provide a shorter, improved link between the town centre and the railway station to the benefit of existing businesses, the local community and visitors.
3. The proposed path would not have an unacceptable impact on the character or appearance of the surrounding area, and would not lead to an unacceptable impact upon the residential amenity of nearby residential properties.
4. The concerns of objectors have been considered but are not considered to carry sufficient weight so as to justify the refusal of the application.

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

Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

Consultation responses



COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2012/0308
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 9no. dwellings
NAME OF APPLICANT:	Hartgate Developments
ADDRESS:	Former Builder's Merchant, Lydgate Lane, Wolsingham
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The site comprises the currently unoccupied Weardale Building Supplies Ltd, which ceased trading from the site in 2009 and has stood vacant since. It lies in a semi rural location on the edge of Wolsingham but within the defined limits for development as shown on the Proposals Map which accompanies the Wear Valley District Local Plan. There is currently a large disused brick building and semi-derelict barn on the site with grounds comprising mainly of hardstanding with some storage of building materials. The site extends to about 0.38ha in area.
2. To the south west and west of the application site there are residential properties along Lydgate Lane. To the north east and south east there is open countryside. The vehicular access is taken from Lydgate Lane at the south west corner of the site.
3. The site levels are such that the site rises gradually from the road side and then slopes steeply upwards towards the rural area beyond the site. The change in levels is significant. There is a brick wall to the front of the site with railings above. The remainder of the site is enclosed by a mix of walls and fences.

The Proposal

4. The application seeks planning permission for demolition of all existing buildings and the erection of 9no. dwellings.
5. The site layout has been largely informed by the topography of the site, with the smaller dwellings (plots 1 – 5) being situated towards the front of the site, with the larger detached dwellings (plots 6 – 9) being located at the rear of the site, at a higher level beyond a retaining wall.
6. The proposed dwellings have been designed by a number of different architects as it is the intention to dispose of the site on a plot by plot basis, however, there

are a number of key design themes which are in evidence throughout the development, such as stone heads and cills, mullions, stone construction and gable roofs.

7. Vehicular access is to be taken from the south west of the site in order to serve plots 6 – 9. Plots 1 – 5 will be accessed from Lydgate Lane directly.

PLANNING HISTORY

8. The site has a long standing history of approved residential development. Residential development was first approved in 1984. Outline permissions were then granted in 2006 and again in 2010, as detailed below:

3/2010/0057 – Renew outline planning permission 3/2006/0950 for residential development – Approved 20.04.2010

3/2006/0950 – Residential Development Outline – Approved

3/1984/0005 Site for residential - Approved 20.02.1984

3/1983/0385 Site for residential - Refused 25.07.1983

PLANNING POLICY

NATIONAL POLICY:

9. On March 27th 2012 the Government published the *National Planning Policy Framework* (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are not up-to date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.
10. Chapter 4 promotes sustainable transport and requires new development to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Chapter 6 encourages the delivery of a wide choice of quality homes and Chapter 7 attaches great weight to the importance of good design.

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.

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 Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are nevertheless considered relevant;
13. *Policy 2 Sustainable Development* seeks to embed sustainable criteria throughout 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.
14. *Policy 4 The Sequential Approach to Development* advocates a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimise the development of previously developed land and buildings in sustainable locations.
15. *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.
16. *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.
17. *Policy 33 Biodiversity and Geodiversity* 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
18. *Policy 38 Sustainable Construction* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

LOCAL PLAN POLICY:

19. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
20. *Policy GD1 (General Development Criteria):*
All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
21. *Policy H3 (Distribution of Development):*
New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
22. *Policy H24 (Residential Design Criteria):*

New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

23. *Policy T1 (General Policy – Highways):*
All developments which generate additional traffic will be required to fulfil Policy GD1 and :
- i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - iii) be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://content.durham.gov.uk/PDFRepository/WearValleyDistricLocalPlanMarch1997.pdf> for Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Wolsingham Parish Council* object to the proposal, raising concerns over the directing of surface water runoff into Trodbeck, which is prone to flooding. Furthermore they raise concern over the use of the adjoining field for access as this may be the precursor for further development in this field.
25. The *County Highway Authority* raise no objections to the proposal, noting that a new 1.8m wide footway will be installed across the frontage of plots 1 to 5. A slightly smaller footway (1.2m wide) will be constructed east of the main vehicular access point and carried on to a point where a crossing can be made to the existing footway on the southern side of Lydgate Lane. Sight visibility from the proposed site access will be an improvement on that existing at the commercial premises currently and will be in accordance with recommended guidance. Parking provision is adequate at the dwellings however plots 2 to 5 should have an associated planning condition removing Permitted Development rights for future conversion of the garage to prevent loss of the parking. In order to achieve sight visibility to the east from the adoptable access road the drystone wall is to be set back and rebuilt up to a point 15m east of the existing field gate (see site plan, drawing no. 1). The enlarged verge area between the set-back dry stone wall and Lydgate Lane carriageway is part of the visibility splay and should be submitted for adoption.
26. *Northumbrian Water* raise no objection as the applicant is proposing to take surface water to a water course and only foul water will enter the public sewage system.
27. The *Environment Agency* have no comment to make, noting that the proposal falls outside the scope of their consideration.

INTERNAL CONSULTEE RESPONSES:

28. The *County Ecologist* has no objections to the proposals.

PUBLIC RESPONSES:

29. Notification letters were sent to neighbouring properties and 12no. letters of objection have been received from nearby properties.
30. The concerns of local residents relate to the proposed building line, overlooking due to proximity of proposed houses to existing, noise disturbance and claustrophobic feel to Lydgate Lane, access, the possibility of the proposed access road being a precursor for further development in the adjacent field, exacerbation of existing surface water flooding problems including sewage backing up into houses, and the size of the proposed dwellings being out of scale and character with those in the vicinity

APPLICANT'S STATEMENT:

31. All dwellings have private parking and amenity space within the site and as such, the impact on Lydgate Lane will be that of removing the use of the lane by the heavy goods vehicles which previously served the yard. Extensive consultation has taken place with DCC Highways' Department in preparation of the scheme and an independent highways engineer has been employed to advise on layout, adoptable road details and drainage. A comprehensive set of drawings has been presented as part of this application to reflect this consultation and, as a result, the matters relating to highways issues have been settled to the satisfaction of DCC Highway Department.
32. The site has an existing outline approval in place for residential development, first applied for in 2006. The outline was renewed in 2010 and remains in existence, the proposal indicating the development of ten dwellings. The development now being proposed is for nine dwellings and following consultation with the LPA, a requirement for affordable units on the site was deemed unnecessary due to the number of dwellings proposed. Being within the development limits of Wolsingham, the scheme is one which is seen as sustainable, as it benefits from a range of shops, primary and secondary schools, doctor's surgery, sports facilities, social and communal facilities as well as good, regular public transport links.
33. Extensive and detailed consultation with Northumbrian Water and the Environment Agency has taken place to ensure that the proposed development will not impact on the current drainage system. The applicant has been advised of requirements to improve the drainage in Lydgate Lane which it is prepared to do. Regrettably, assertions in relation to flood risk from this development taking place have been made in objections and publicly voiced in the press, but the technical evidence and design which has resulted from the consultation process with the Local Planning Authority has been fully accepted and agreed to by Northumbrian Water and the Environment Agency, and it is considered that there are no adverse planning grounds with regard to flood risk

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 Spennymoor Council Offices..

PLANNING CONSIDERATIONS AND ASSESSMENT

34. 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 the development, design and layout of development, residential amenity, highway safety, drainage and other issues.

Principle of development.

35. The site lies within the settlement limits for development as defined on the Proposals Map that accompanies the Wear Valley District Local Plan as Saved and Amended. Policy H3 of the Wear Valley District Local Plan seeks to ensure that all new residential development lies within existing settlements. The proposal therefore accords, in principle, with the objectives of Policy H3 of the Wear Valley District Local Plan.

36. Regards should also be had to the RSS and NPPF which both seek to ensure that new residential development is positioned in the most sustainable locations with preference given to brownfield land. Given that this site contains an industrial building and a large ancillary storage area it is clear that it is a brownfield site. Wolsingham is a town with a good range of local services and public transport where new development can be accommodated. The proposal of 9 dwellings is a small scale of development that could be accommodated in Wolsingham and would not prejudice the delivery of housing proposals identified in the emerging County Durham Plan.

37. It should also be noted that there is an extant outline planning permission for residential development on this site, which was originally approved in 2006 and extended in 2010.

38. Residential development in this location therefore remains acceptable in principle.

Design and Layout

39. In any scheme with several architects involved, it is always a challenge to ensure that continuity can be found throughout the design of the development. However, it is also important to remember that a high quality of design can be achieved without a slavish adherence to conformity. Individualism in a development such as this can be successful, providing key elements are common throughout the various house types.

40. It is considered that the proposed scheme is largely successful with regards to this. The houses at the front of the site, which would have a close relationship with existing properties, would demonstrate a much greater degree of uniformity than the larger, more bespoke properties at the rear of the site.

41. The key features that link the various designs together would reflect elements of the Wolsingham vernacular, namely stone and slate construction, with stone heads and cills, bay windows and gable ends. It is considered that these elements would tie the development together suitably and the proposal would be acceptable in respect of the scale and design of the dwellings.

42. In terms of layout, the site is largely constrained by the change in levels, with a retaining wall to be incorporated. This means that there is little flexibility in

positioning between the front and rear of the site. The applicant has chosen to locate the properties at the front of the site further forward than the existing building line in order to maximise the development potential of the site. The comments of local residents that the development should reflect the building line of the existing building on the site are noted, however, throughout Wolsingham, residential properties address the road quite closely and large front gardens are unusual. Furthermore, the existing builder's merchant building sits alone and does not form part of a larger urban grain. No.72 Lydgate Lane sits at an angle due to its corner position and as result does not particularly set a precedent for building line on this side of Lydgate Lane. Notably, houses to the south of Lydgate Lane do largely follow the common theme within Wolsingham of addressing the highway. The proposed building line would therefore not be harmful to the character of the area and accordingly is considered to be acceptable.

43. The proposal therefore accords with local plan policies GD1 and H24, as well as with chapter 7 of the NPPF in respect of design, scale and layout.

Residential Amenity

44. Because of the location of the site in relation to neighbouring properties and the scale of the development proposed, the potential impact on loss of privacy between the proposed dwellings and those opposite along Lydgate Lane has been identified as a key issue in relation to assessing any impact on residential amenity. Specifically, attention has been paid to the relationship between plots 1 – 5 and existing properties on Lydgate Lane. It is fortunate that several of the existing properties on Lydgate Lane present blank elevations towards the site, or are offset so as avoid direct views between habitable windows in the proposed development.
45. It is accepted however, that only 18m separation would exist between front elevation windows at Plot 4 and the windows in the front of the bungalow opposite, however the presence of a relatively high wall and the fact that no.71 is a bungalow means that direct views between windows are likely to be minimised, if not eliminated altogether. It is therefore considered that this window relationship is acceptable.
46. Plot 3 originally featured a bedroom window directly facing a habitable window at no.69 Lydgate Lane at a distance of 15m, which was considered unacceptable. Amendments have been secured which have relocated a bathroom to the front, incorporating obscure glazing, thus overcoming any privacy concerns. This relationship is now considered to be acceptable and the proposal as whole is now in accordance with Local Plan Policy H24.
47. With regards to separation distances within the proposal, it is considered that the orientation and location of properties within the site would result in acceptable levels of amenity within the site, satisfying the requirements of Local Plan Policy H24.

Highway Issues

48. The scheme reflects pre-application discussions with the County Highways Authority. The vehicular access would achieve suitable visibility and would be an improvement on the existing access. The provision of a footway to the front of the site would be offered for adoption, thus also improving the current situation.

49. It is considered that 9 no. additional dwellings would not lead to unacceptable pressure upon the local road network, nor would it lead to highway safety issues, although a condition preventing loss of the parking provision on plots 2-5 is required as their loss could lead to pressure for on street parking and obstruction of the highway.
50. The comments received from residents on Lydgate Lane about utilising the existing hardstanding on the site, outside of the walls as an extended turning area are noted. Whilst the development would remove the ability for residents to utilise the hardstanding, it should be noted that the land being used is not part of the public highway and is private land, which they have no right to use. Essentially, the owners of the site could fence off this area of hardstanding without the requirement for planning permission. The loss of this additional turning space, whilst perhaps somewhat inconvenient to residents, is considered to not constitute sufficient reason to withhold planning permission.
51. Concerns have also been raised that the access includes a spur that could provide access for a future development on the field to the east. There are no plans to develop this site at the present time and each proposal should be considered on its merits. The presence or otherwise of a potential access would not prejudice the Local Planning Authority's ability to control development on this site and provides no indication as to the acceptability in principle of such a scheme were it to come forward in the future.
52. Having regards to the above, the application is considered to be in accordance with Policies T1 of the Wear Valley District Local Plan as Saved and Amended.

Drainage

53. One of the key concerns of many objectors has been that of surface water drainage. Houses on Lydgate Lane have suffered from flooding in the past and residents fear that the proposal would exacerbate these problems.
54. They have said that on previous occasions, sewage has backed up into houses as foul water and surface water both drain into the existing sewer system. It is proposed in this instance that surface water and foul drainage be drained separately, with surface water discharge being directed to Trodbeck. This is an arrangement that Northumbrian Water support.
55. It is also accepted that Trodbeck has been known to flood on occasion, however it should be noted the Environment Agency have not deemed it necessary to make comment on the application, noting that the proposal falls outside the scope of their consideration. The developer will however have to obtain a separate consent from the Environment Agency to discharge into a water course. Furthermore, the applicant has indicated that hardstandings within the site, other than the access road itself will be permeable in nature, allowing runoff to soak through. The proposed development would also introduce more soft landscaping onto the site because each dwelling would have a private garden. The main internal access road would also be built to adoptable standard incorporating road drainage. It is therefore considered that all these factors would in all likelihood mean that the flow of surface water from the site would be slower than at present because the site currently has more amounts of hardstanding and less site drainage. This would therefore represent a situation which is not materially worse than that which currently exists. Full details of hardstanding areas and their permeability, as well as the specific surface water drainage scheme for the site

can be secured by condition to ensure this is the case. For all these reasons, issues of drainage are not sufficient to justify refusal of the application.

Other Issues

56. Issues of biodiversity are a material consideration, in accordance with Circular 06/05. All public bodies must have regard to the requirements of the Habitats Directive in the exercise of their functions where there is likely to be a disturbance (etc) to priority or protected species. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 and now the Conservation of Habitats and Species Regulations 2010. 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 licence from Natural England.
57. The applicants have included a full protected species survey which finds the risk to be minimal, subject to mitigation measures. The County Ecologist has considered the report and agrees with its findings. It is therefore considered that the proposed development does not represent a risk to ecology or biodiversity and that the Local Authority's responsibilities have been met in this regards.
58. To prevent unacceptable risks from pollution and land instability, the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location.
59. Due to the previous use of the site, a ground investigation study has taken place with nothing untoward being found that would prevent the development of the site for residential purposes.
60. As the site is to be developed on a plot by plot basis, not a great deal is currently known about the proposed landscaping of the site, other than where proposed gardens are to be located. It is likely that these will be largely turfed lawn, however a condition is proposed to secure further landscaping details before each plot is developed.

Conclusions

61. The proposed development is considered to represent an acceptable use of a brownfield site within Wolsingham. The design and layout of the proposed development is considered to be acceptable and issues of highways, drainage and other matters have been fully considered. Concerns raised in the objections have been taken into account, but have been found to be insufficient to justify refusal of the application. The application is considered to be in accordance with the NPPF and Policies, GD1, H3, H24 and T1 of the Wear Valley District Local Plan as Saved and Amended.

RECOMMENDATION

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

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 and Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Plan Reference Number:	Date received:
Site Location Plan	6 th February 2012
Site Plan Proposed #1 1702/01	18 th July 2012
Highway Adoption Plan/02	18 th July 2012
Drainage Adoption Plan/6	18 th July 2012
Proposed Plans & Elevations Plots 1&2 112201G	18 th July 2012
Proposed Plans & Elevations Plots 2 & 5 1702/02	18 th July 2012
Proposed Plans & Elevation Plot 3 1702/02A	4 th October 2012
Proposed Plans & Elevations Plot 4 1702/04	4 th October 2012
Proposed Plans & Elevations Plot 5 17025/05	4 th October 2012
Proposed Plans & Elevations Plot 6	18 th July 2012
Proposed New Dwelling Centre Plot 112501F	18 th July 2012
Proposed Detached House and Garage Plot 8 1	18 th July 2012
Proposed Detached House and Garage Plot 8 2	18 th July 2012
Proposed Detached House and Garage Plot 8 3	18 th July 2012
Proposed Detached House and Garage Plot 8 4	18 th July 2012
Proposed Detached House and Garage Plot 9 1	18 th July 2012
Proposed Detached House and Garage Plot 9 2	18 th July 2012
Proposed Detached House and Garage Plot 9 3	18 th July 2012
Proposed Detached House and Garage Plot 9 4	18 th July 2012

Reason: In order to secure a satisfactory form of development in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

3. Development other than the provision of access and services shall not commence on each individual plot until samples of the external walling and roofing materials for that particular plot 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 order to secure a satisfactory form of development in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

4. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details shall include how the scheme shall be managed and maintained for the life of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the NPPF.

5. No development shall take place unless in accordance with the mitigation detail within the report "Bat Risk Assessment 70 Lydgate Lane, Wolsingham by Argus Ecology (April 2011)".

Reason: In the interests of the conservation of protected species in accordance with the provision of the NPPF.

6. Development other than the provision of access and services shall not commence on each individual plot until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority for that particular plot and the landscaping shall be carried out in accordance with the approved details.

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.

Seeded or turf areas, habitat creation areas and details etc.

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.

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. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years and any trees etc which fail to establish or die within 5 years shall be replaced in the earliest planting season with another of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. Development other than the provision of access and services shall not commence on each individual plot until details of means of enclosure for that particular plot have been 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

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

8. Development other than the provision of access and services shall not commence on each individual plot until details of the surface treatment and construction of all hardsurfaced areas for that particular plot have been submitted to and approved in writing by the Local planning authority. All hardsurfacing shall be of a porous type. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

9. Construction works or deliveries shall not take place outside the hours of 08:00 to 18.00 Monday to Friday, 08.00 to 13.30 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of amenity in accordance with Policy GD1 of the Wear Valley District Local Plan as Saved and Amended 2007

10. During the course of construction, no waste materials shall be burned on the site.

Reason: In the interests of amenity in accordance with Policy GD1 of the Wear Valley District Local Plan as Saved and Amended 2007

11. 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) the proposed garaging facilities on plots 2-5 shall at all times be retained for the parking of motor vehicles and shall not be used for or converted into habitable residential living accommodation.

Reason: To ensure adequate off street parking is retained in the interests of the highway safety and visual amenity and to comply with Policies GD1 and T1 of the Wear Valley District Local Plan as Saved and Amended 2007.

REASONS FOR THE RECOMMENDATION

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 Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 where it is consistent with the National Planning Policy Framework.

The development is considered to accord with relevant Policies GD1, H3, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The development represents an acceptable use of the land in principle with no harm caused to the character or appearance of the area, the amenity of adjacent occupiers, highway safety or protected species. With regards to protected species the development is considered to accord with the requirements of the 2010 Habitats Regulations.

The objections and concerns raised by local residents related to a variety of issues. These matters have been discussed and assessed within the report and officers consider the impacts of the revised development remain acceptable, in accordance with the provisions of the Development Plan and NPPF.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Reports
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- National Planning Policy Framework.
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2012/0334

FULL APPLICATION DESCRIPTION: Outline application for the erection of nine dwellings with all matters reserved

NAME OF APPLICANT: Church Commissioners for England

ADDRESS: Land off Primrose Hill, Newfield, Bishop Auckland, DL14 8BQ

ELECTORAL DIVISION: Coundon

CASE OFFICER: Paul Hopper, Planning Officer
03000 263946, paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a predominantly rectangular parcel of land covering an area of 0.3 hectares situated immediately to the east of Primrose Hill, Newfield. The site is currently open farmland and forms part of a larger field. Residential properties at Stonebank Terrace and Primrose Hill are located to the south and west respectively with open fields and grazing to the east and a cemetery to the north. Boundary treatment comprises a mix of natural stone wall, fence and hedgerow.

The Proposal

2. Outline planning permission is sought for the erection of 9 dwellings on the site with all matters reserved. While indicative layout and elevation plans details have been provided showing 3 storey town houses with a height of 9 metres to the ridgeline (5.5 metres to the eaves) all matters are reserved including access, appearance, landscaping, layout and scale.
3. The application is being reported to the South West Area Planning Committee at the request of Councillor Taylor in order that the committee can properly assess the potential impact of the proposal regarding overlooking of properties in Primrose Hill.

PLANNING HISTORY

4. No planning history exists relevant to the site.

PLANNING POLICY

NATIONAL POLICY

5. In March 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are absent, silent or relevant policies are out-of-date, permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, or there are policies in the Framework which indicate that development should be restricted.
6. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force.
7. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:
 - be genuinely plan-led, empowering local people to shape their surroundings;
 - proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

8. 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.
9. 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 position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.
10. *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.
11. *Policy 3 (Climate Change)* The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
12. *Policy 4 (Sequential Approach to Development)* seeks to adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations.
13. *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.
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 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.
16. *Policy 54 (Parking and Travel Plans)* 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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

17. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the determination of this application:
18. *Policy GD1 (General Development Criteria)*: All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
19. *Policy H3 (Distribution of Development)*: New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
20. *Policy H24 (Residential Design Criteria)*: New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
21. *Policy T1 (General Policy – Highways)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and, provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Environment Agency* initially objected to the application but this was removed upon receipt of further information from the applicant. No objections are offered subject to the inclusion of a condition requiring a survey of landfill gas being undertaken at the site to determine any risk of gas migration to the proposed development area. In addition, informatives are also advised drawing the applicant's attention to the risk management framework for contaminated land, and standing advice in relation to surface water.
23. *Northumbrian Water Limited* notes the need to ensure that the discharge of surface water from the site complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. In this regard the inclusion of a condition is advised relating to the submission and agreement of a detailed scheme for the disposal of surface water from the development.
24. *Highway Authority* notes that the application is for outline permission and that all matters are reserved with the submitted site layout and dwelling elevation plans being 'indicative' and not for determination at this time. They note that the number of dwellings is modest and the existing highway can satisfactorily serve such development and that an adoptable standard access junction can be created with Primrose Hill. It is advised that it will be possible to accommodate an acceptable number of parking spaces consistent with 9 dwellings on the site as part of any reserved matter application. Having said this it is acknowledged that parking supply is, with all other matters reserved, not being determined at this time.

25. *Coal Authority* has no objections subject to the inclusion of an appropriate condition requiring intrusive investigation works described in the submitted Mining Risk Assessment and subsequent remedial and mitigation measures if appropriate.

INTERNAL CONSULTEE RESPONSES:

26. *Ecology Section* has no objections to the proposals and does not require a phase 1 ecological survey based on the assumption that the hedges would be retained. If this position changes than some limited ecological assessment may be required.

27. *Landscape Section* has not commented on the application.

28. *Spatial Policy Section* has not commented on the application but provided comments at pre application stage noting that the site lies within the defined settlement limit to Newfield as identified in Policy H3 of the Wear Valley District Local Plan. Development would therefore accord with the development plan in principle.

29. *Flooding and Coastal Protection Section* has advised that advice should be sought from Northumbrian Water Limited as to the acceptability or otherwise of connecting to the existing combined sewage network which serves Newfield.

PUBLIC RESPONSES:

30. The application has been advertised on site and neighbour notification letters sent to surrounding properties.

31. Nine letters of objection have been received from local residents of which three are pro-former letters and one which was submitted anonymously. The reasons for objection can be summarised as follows.

32. Residential Amenity: The site levels are such that residential development of the site would result in unacceptable loss of privacy to existing properties, particularly those at Primrose Hill. The proposal would result in unacceptable impact to surrounding residential properties in terms of loss of daylight and sunlight.

33. Visual Impact: The properties are not of a sympathetic design.

34. Highways and Access: Insufficient parking provision would be provided and the proposal would have an adverse impact upon the surrounding road network. During the winter Primrose Hill is unassailable in winter due to snow and ice, and a new access would only create further problems. Existing roads are in an appalling condition.

35. Flooding and Drainage: The area around the site has a history of flooding as a result of insufficient drainage with a number of houses flooding recently. Proposed areas of hardstanding would increase the volume of surface water flowing down to those residential properties to the south.

36. Need and Sustainability: The site is an unsustainable location as there are no services available in Newfield. The village no longer has a school, shop, post office, church and only a limited bus services. No demand for additional housing in Newfield and existing houses have been vacant for several months or experience a high turn over of occupants. Unsuitable design which does not relate well to existing properties in Newfield.

37. Other Issues: The proposal would have an adverse impact upon ecology. Some houses along Primrose Hill have solid fuel burners and the smoke from these would generate complaints from residents of the new properties. The village has only recently escaped from the monstrosity of the former Premier Waste Landfill site to the west of the site.
38. *Newfield Community Association* represents local residents and has raised concerns in relation to existing drainage issues and that the proposal could exacerbate the issues and the incremental traffic and parking the development would bring.

APPLICANTS STATEMENT:

39. The site is in a sustainable location within the development limits of Newfield and has been subject to detailed pre-application discussions with the Local Planning Authority. The proposal complies with national and local planning policy and guidance and is therefore considered to be a suitable site for new residential development.
40. The site in question is contained within the defined settlement limits of Newfield, as identified in Policy H3 of the Wear Valley District Local Plan. Development is therefore in accordance with this element of the development plan.
41. The scheme fully addresses highway safety, as accepted by the Highways Officers during the pre application discussions, and at 30 dwellings per hectare, the scale and density of the proposals are wholly appropriate in this location.
42. Overlooking: Design Guidance requires a minimum of 21 metres between windows in the new scheme and those on Primrose Hill. There is significantly more than that on the site and it is therefore considered that there are no overlooking issues onto (or from) the exiting properties on Primrose Hill.
43. Parking: Parking provision of 14 no. hardstanding spaces for 9 dwellings is acceptable and this has been agreed at pre-application stage and during the consultation process.
44. Ecology / Landscaping: The site is not an area of high ecology importance. Development as proposed will have no impact on local ecology. The scheme, apart from the proposed access, will not have any adverse impact on the existing hedging / boundary treatment.
45. Flooding: The site does not fall within an identified area of flood risk.
46. Landfill / Coal Mining: We consider that these issues have been addressed by the Coal Mining Risk Assessment which was submitted with the application and we are satisfied with the proposed conditions set by the Coal Authority which requires site investigations works to take place prior to the commencement of any development.
47. Amendment: We acknowledge the comments submitted relating to the school which has closed down. Although we accept that this was a factual error in the planning application supporting documents, we do not consider this to have any impact on the outcome of this application.

48. On the basis of the information set out above, we would urge that the application be approved.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

49. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 development plan policies and 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 on residential amenity, visual impact, ecology, highway issues and drainage.

Principle of development

50. This application proposes the residential development of land to the east of Primrose Hill, Newfield which is within the settlement limits for Newfield as defined by the Wear Valley District Local Plan.

51. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications.

52. Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land through the re-use of land that has been previously developed, providing it is not of high environmental value.

53. In planning policy terms the application site lies within the settlement limits of Newfield and its redevelopment for housing would therefore accord with Policy H3 of the Local Plan which seeks to direct those towns and villages best able to support it and would broadly achieve the aims set out in the NPPF. Residents have raised objection to the scheme and do not consider Newfield able to support additional housing, and highlighting the lack of facilities available. Whilst it is acknowledged that the settlement has few facilities, there is a direct bus service to Bishop Auckland, while a public house and working men's club are provide din the village. Therefore, while this is not a location where a large scale new residential development could be supported, a relatively small number of dwellings, as proposed, can be accommodated in this location.

54. For the above reasons it is considered that the proposal is acceptable in principle and in accordance with the aims of the NPPF and the requirements of Policy H3 of the Local Plan.

Residential amenity

55. Concerns have been raised by local residents in relation to the impact of the proposal on residential amenity, particularly loss of privacy, sunlight and daylight. While it is noted that the placement of windows and means of enclosure are not matters to be determined at this stage, it is considered that the proposal in its outline form demonstrates that adequate separation distances could be achieved between

the nearest residential properties along Primrose Hill and proposed dwellings. Notwithstanding this, it is noted that this distance as shown on the indicative layout plan would be marginally less than the 21 metres advised as a guide in Policy H24 of the Local Plan. However, this can be controlled at the reserved matters stage. In addition sufficient amenity space could be achieved to the front and rear of the properties in accordance with other relevant guidance contained in this policy.

Visual Impact

56. Concerns have been raised by local residents who consider the indicative designs to be unsympathetic to the surrounding area. While details of appearance is not a matter for consideration as part of this application, it is noted that the proposed layout would have a linear form which is mainly dictated by the shape and size of the site and would generally reflect the existing terrace arrangement along Primrose Hill to the west. Although the final design, appearance and scale of the properties is reserved for future consideration, the illustrative plans show three storey properties of a modern design that would relate satisfactorily to neighbouring properties and not appear out of keeping within the surrounding street scene.
57. The proposed development is therefore considered to be acceptable in terms of its visual impact, such that a scheme can be achieved which would be in keeping with the surrounding area and therefore in accordance with Policy GD1 of the Local Plan.

Highway Issues

58. Concerns have been received by local residents in relation to parking provision, access and the impact of the proposal upon highway safety.
59. Submitted plans show an indicative access from Primrose Hill to the west of the site and three blocks of four car parking spaces to serve the nine dwellings proposed. It is noted that the existing electricity pole situated to the northern corner of the site would need to be relocated in order to provide the proposed access and the applicant has confirmed that the appropriate agreement is in place to secure this.
60. The Highway Authority has raised no objection to the proposal and confirmed that an adoptable standard access junction can be created with Primrose Hill. While details of layout and access are reserved for future consideration, it is considered that, in principle, the access, internal road layout and car parking provision for the site are considered acceptable. It is therefore considered that the proposed development would satisfy the requirements of Policies GD1 and T1 of the Local Plan.

Ecology

61. The application site forms part of a larger area of farmland, the boundaries of which appear not to have been subject to any management regime and as such appear to have vegetated naturally over time. Overall the site is of little ecological value and is not subject to any nature conservation designation. The Ecology Section therefore offers no objections to the proposals based on the assumption that the existing hedgerows would be retained. The indicative access proposed onto Primrose Hill would, however, require the removal of a section of hedgerow along the western boundary of the site, and as such, some limited ecological assessment may be required in relation to breeding birds and this could be ensured through the imposition of an appropriate planning condition. The proposed development is

therefore considered to be acceptable in terms of the potential impact upon ecology and as such accords with the requirements of Policy GD1 of the Local Plan.

Drainage

62. Surrounding residents have noted problems of drainage and flooding which have previously affected adjacent residential properties given the position of the site on an incline to the north east of the village. The applicant has advised that it would be their intention for both foul sewage and surface water to make use of the existing combined sewage network serving Newfield. The Environment Agency raises no objection to the principle of foul sewage being disposed of using the existing mains sewer. Similarly, Northumbrian Water Limited has been consulted and offered no objection to the application subject to the inclusion of an appropriate condition requiring the agreement of the means of surface water disposal, since they are encouraging of alternative means of surface water disposal including soakaways. Such matters can be adequately controlled through inclusion of an appropriate planning condition.

Other Matters

63. Most of the concerns raised by objectors have been covered in the sections above.

64. In addition to the points covered above local residents have also raised concerns regarding the proximity of the former Toddhills landfill site which is located 17 metres to the north of the proposed development. Concerns relate specifically to landfill gas generated by this site and associated issues of residential amenity. The Environment Agency notes the position of the former landfill and that perimeter borehole monitoring points are installed between this and the application site. With this in mind the Environment Agency recommend undertaking a landfill gas survey to determine the risk of gas migration to the proposed development. This can be adequately ensured through appropriate planning condition to which the applicant has agreed.

65. In addition it is noted that the application site is located within an area where unrecorded coal mining activity is likely to have taken place at shallow depth. The Coal Authority have therefore recommended that intrusive investigation works be undertaken to confirm coal mining conditions and to enable the design of any necessary mitigation measures prior to the commencement of development.

CONCLUSION

66. The proposed housing site is located within the settlement limits to development of Newfield and would therefore accord with the requirements of Policy H3 of the Local Plan, and would broadly accord with the aims of the recently published NPPF which includes a presumption in favour of sustainable development.

67. From a more detailed perspective, the layout, while indicative and not subject to detailed consideration at this stage, demonstrates that adequate separation distances could be achieved between properties and as a result the residential amenity of existing and prospective occupiers can be adequately safeguarded. Similarly, while the appearance of the development will be considered at a later stage, it is considered that a form of development can be accommodated on the site that would be in keeping with the character of the area.

68. Access to an adoptable standard could be provided onto Primrose Hill to the west with no adverse impact to highway safety as a result.

RECOMMENDATION

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

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of access, appearance, layout, landscaping and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans: Site Location Plan received 02 August 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all 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 policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6. No development shall commence until site investigation works comprising of rotary drilling to assess the depth to rockhead and the amount of rock and drift cover above the seam, including the installation of standpipes with boreholes to determine the concentration of hazardous gasses at the site. The findings of the site investigation shall be submitted to and agreed in writing by the Local Planning Authority and any

remedial works required and any other mitigation measures required shall be undertaken prior to the commencement of development.

Reason: In the interests of land stability in accordance with Paragraph 121 of the National Planning Policy Framework.

7. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.

Reason: In order to ensure ecological interests are safeguarded in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

8. Prior to the commencement of 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.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. No development shall commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local planning authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure proper drainage of the site in accordance with Paragraph 103 of the National Planning Policy Framework.

10. Construction works; including excavations, deliveries, ground works; on the site shall be restricted to the hours of 08:00 hrs to 18:00 hrs Monday to Fridays and 08:00 hrs to 13:00 hrs Saturdays. Construction works; including excavations, deliveries, ground works; shall not be undertaken on Sundays and Bank Holidays.

Reason: In the interests of the amenity of nearby residents in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

REASONS FOR THE RECOMMENDATION

1. The proposal is acceptable in relation to policies GD1, H22, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within the National Planning Policy Framework.
2. In particular, the development is considered acceptable in principle, while the amenity of existing and prospective occupiers would not be significantly adversely affected and there would be no detriment to highway safety.
3. In arriving at this recommendation, the public consultation responses received have been considered, however, on balance, the issues raised are not considered sufficient to warrant refusal of the application, and matters can be considered further

both through the submission of subsequent reserved matters and through the imposition of planning conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- National Planning Policy Framework
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Wear Valley District Local Plan
- Circular 11/95: Use of conditions in planning permission
- Responses from Highway Authority, Environment Agency, Northumbrian Water Limited, and Coal Authority
- Internal responses from Spatial Policy, Ecology Section and Flooding and Coastal Protection Section
- Public Consultation Responses



Planning Services

Oultine application for the erection of nine dwellings with all matters reserved

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Comments

Date 18 October 2012



Planning Services

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/A/12/2172487

LPA REF: 7/2011/0474/DM

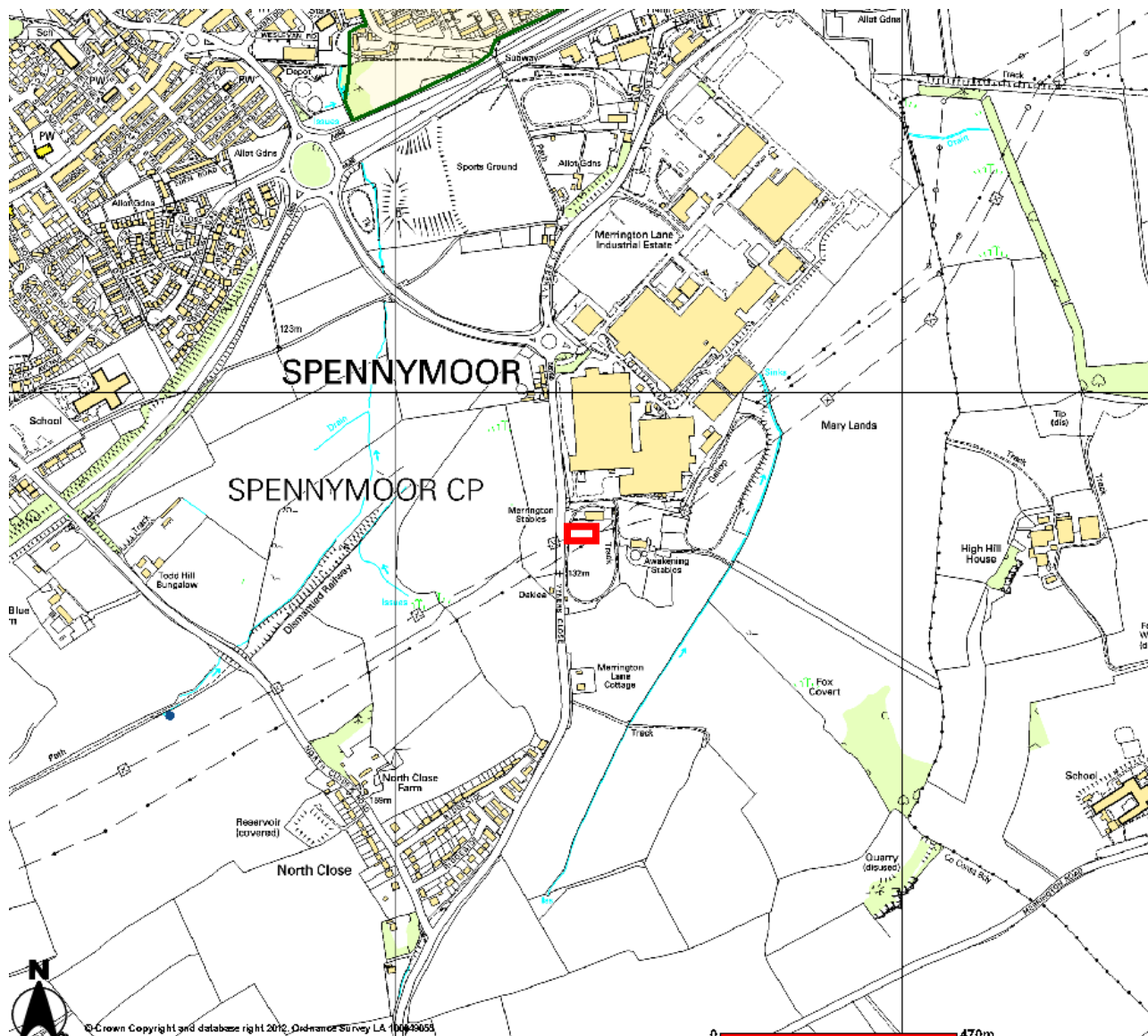
APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF 1NO. TWO STOREY DWELLINGHOUSE ON LAND AT MERRINGTON LANE STABLES, VYNER'S CLOSE, SPENNYMOOR, CO DURHAM

1. This appeal relates to an application for planning permission for the erection of 1no. two storey dwelling house on land at Merrington Stables, Spennymoor. The application was refused under delegated powers on 04 January 2012 for the following reasons:
 - In the opinion of the Local Planning Authority, the proposal constitutes new residential accommodation in open countryside without adequate justification in terms of any identified functional need or sufficient financial justification, and where there is existing accommodation that is both suitable and available within close proximity of the application site. Consequently, it is considered that the proposal is contrary to Planning Policy Statement 7 (Sustainable Development in Rural Areas).
 - In the opinion of the Local Planning Authority, the scale and prominent location of the dwelling would constitute a visually intrusive feature in the countryside, detrimental to the character and appearance of this part of the River Wear Valley landscape character area. This is considered contrary to PPS7 (Sustainable development in rural areas) and adopted Sedgfield Borough Local Plan Policy E1 (Maintenance of landscape character) which require all rural development to be in keeping and in scale with its location and sensitive to the character of the countryside.
 - In the opinion of the Local Planning Authority, the applicant has failed to provide sufficient information to demonstrate that future occupiers of the proposed dwelling would not be detrimentally affected by noise and disturbance created by industrial processes at the adjacent Merrington Lane Industrial Estate which falls approximately 30metres to the north of the proposed development site. In the absence of any information to suggest otherwise, this application is considered contrary to the requirements of PPG24 (Planning and Noise).
2. The appeal was **dismissed**. In arriving at the decision the Inspector considered the following areas:
 - The lack of any demonstratable essential need for an additional dwelling in the open countryside, contrary to sustainable development principles.
 - The harmful impact of development on the character and appearance of the area contrary to saved local plan policy and the Landscape Character Assessment.
 - The impact of living adjacent to a designated industrial area in terms of noise pollution and the unreasonable restrictions which could be put onto existing industrial premises as a result of new noise sensitive development adjacent.

- In addition, a claim for costs by the appellant was also dismissed with the Planning Inspector concluding that the Council have acted reasonably. Any unreasonable behaviour resulting in unnecessary expense to the appellant was not justified. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

- That the decision is noted.



APPLICATION NUMBER	7/2011/0474/DM
LOCATION	MERRINGTON STABLES, VYNERS CLOSE, SPENNYMOOR, CO DURHAM
PROPOSAL	DETAILED APPLICATION FOR THE ERECTION OF A TWO STOREY DWELLINGHOUSE TO REPLACE AN EXISITNG MOBILE HOME