



Area Planning Committee (South and West)

Date Thursday 3 February 2011
Time 2.00 pm
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest, if any
2. Minutes of the Meeting held on 6 January 2011 (Pages 1 - 10)
3. Applications to be determined (Pages 11 - 130)
4. Appeals Update (Pages 131 - 134)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
6. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
26 January 2011

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,
A Hopgood, A Laing, E Paylor, G Richardson, J Shuttleworth,
P Taylor, R Todd, J Wilkinson and R Yorke

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM)

AT A MEETING of the AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM) held in the COUNCIL CHAMBER, TEESDALE HOUSE, BARNARD CASTLE on THURSDAY 6 JANUARY 2011 at 2:00p.m.

PRESENT:

Chairman COUNCILLOR M DIXON

Members of the Committee:

Councillors D Burn, K Davidson, P Gittins, A Hopgood, G Richardson and J Wilkinson

Apologies for absence were received from Councillors M Campbell, E Paylor, J Shuttleworth, R Todd and E Tomlinson

Officers:

David Walker (Principal Planning Officer), Chris Baxter (Senior Planning Officer), Matthew Gibson (Planning Officer), Charlie Colling (Planning Officer), Chris Simmonds (Legal Adviser), Alan Glenwright (Senior Professional Assistant - Highways) and Jill Errington (Democratic Services)

A1 Declarations of interest

There were no declarations of interest received.

A2 Minutes

The Minutes of the meeting held on 9 December 2010 were confirmed as a correct record and signed by the Chairman.

Note: With the agreement of the Chairman, the order of applications on the agenda was varied following a request from a registered speaker for application numbered 7/2010/0308/DM

A3 Applications to be determined by the Area Planning Committee (South and West Durham)

7/2010/0306/DM – Erection of 8 no. dwellings with associated landscaping (including allotment gardens) at the former garage site, Baliol Road, Newton Aycliffe

The Principal Planning Officer (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

The Committee was addressed by Mr J Lawson, on behalf of neighbours and friends. Mr Lawson referred to the quality of the consultation carried out by consultants on behalf of Sedgefield Borough Homes (SBH) stating that the deadline for response had passed before letters had been received by residents about the proposals, there were no contact details provided for SBH and he had not received a satisfactory response to an e-mail he had sent with regard to the development.

He continued that he objected to the loss of garages. His occupation required him to store medical equipment in his car overnight when he was on call, therefore a garage was required for security purposes and it needed to be close to his home. In addition those residents who lived in flats used their garages for storage and he was aware of 8 other residents who were affected by the proposals but had not been consulted.

A further concern related to road safety. The proposed dwellings would be located on a narrow bus route and a bend in the road. The plans for in-curtilage parking would result in vehicles manoeuvring onto an already congested road, adding to existing road safety problems. The loss of garages would increase on-street parking, causing more congestion.

Members were provided with 2 photographs showing the bus route during the spell of adverse weather conditions towards the end of 2010. The Principal Planning Officer considered that the situation shown on the images was not unusual bearing in mind the weather conditions.

Mr Lawson considered that the planning application had not been well-researched, he was aware of only one resident who was in agreement with the in-curtilage parking provision, and the local residents did not agree with the statement that the area was unsightly with evidence of anti-social behaviour in the location of the garages.

To conclude he stated that the proposals were similar to an application for a scheme at The Manse which had been withdrawn, and he considered that this development should be refused for the reasons he had given.

Ms N Quacquarelli, the applicant's agent stated that as a new organisation, SBH did not have its own Development Team and had therefore appointed Savilles Consultants to undertake consultation on their behalf. When the housing stock had been transferred from the former Sedgefield Borough Council, one of the provisions of the transfer was to develop new housing. This infill development sought to achieve this and would improve the environment in proximity to existing stock.

She continued that the scheme would enable SBH to provide affordable housing, for which demand was high, as demonstrated by the number of bids received.

SBH appreciated the concerns expressed in relation to the garages but assured residents that SBH would work closely with affected tenants to ensure that their needs were accommodated. They would also give tenants as much notice as possible to reach a solution that was suitable for all concerned. She added that

there would be one in-curtilage parking facility per property and therefore it was unlikely that the development would add to congestion.

To conclude, Ms N Quacquarelli stated that the garages were unsightly with problems of anti-social behaviour and this development would help to reduce the possibility of nuisance occurring as well as serving to improve the area aesthetically.

The Principal Planning Officer pointed out that the consultation procedure referred to by Mr Lawson was that commissioned by SBH. The consultation carried out as part of the planning application process had been extensive. With regard to Mr Lawson's comments about The Manse, he clarified that this had been an application for four properties which had been withdrawn because of concerns regarding over-development, however a further application had been submitted reducing the number of properties to two on the east of the site, and this had been approved.

In response to a question from a Member, the Highways Officer confirmed that in highway terms there were no objections to the proposal. The bus route was narrow but there were already other sections of on-street parking in the vicinity, and he did not consider that this development would add to the congestion further, particularly as the new properties would have parking facilities.

Responding to a further question, Mr I Brown from SBH stated that that SBH currently had 64 vacant garages of which only half were within a 15 minute walk. He assured Members that as much notice would be given to tenants in order to find suitable alternative provision.

A Member asked if parking would be provided for the proposed allotments. The Principal Planning Officer advised that there was no provision for parking within the scheme as the allotments were intended to be for the use of local residents.

In discussing the application, Members acknowledged that there was a need for affordable housing, that the Highways Officer had not objected to the proposed development and that there were provisions within the scheme to accommodate the loss of garages. A Member also stated that whilst there were some reservations about parking issues, he did not consider that this development would significantly add to the problems already experienced in the location.

On the basis that the benefits of the application outweighed the concerns about parking and congestion, Councillor Davidson proposed that the application be granted subject to conditions; this was seconded by Councillor J Wilkinson.

RESOLVED:

That the application be approved subject to the conditions detailed in the Officer's report to the Committee.

7/2010/0308/DM – Erection of 6 no. dwellings with associated landscaping on land at Clarence Chare/Palmer Road, Newton Aycliffe

The Principal Planning Officer (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

The Committee was addressed by Mrs C Rollo who spoke firstly on behalf of the occupiers of 4 Hylton Road, stating that their objections related to the south side of the development.

Mrs Rollo advised that the couple's concerns related to the loss of their two garages, both of which currently stored a classic car. Neither of these vehicles were roadworthy and the couple were concerned at the potential cost of moving them. They were elderly and needed garage accommodation in close proximity to their home. They had forwarded their concerns to SBH without response.

With regard to her own concerns, Mrs Rollo explained that she had a severely disabled daughter and the garden was the only area she could use independently. If the development was approved the garden would be permanently in shade and she asked if SBH would provide her daughter with a playroom to replace this loss of amenity. She considered that this development should not affect her daughter's quality of life and that her needs were as important as those people waiting for housing. She added that there appeared to have been little assessment of other nearby sites which may be more suitable.

Members were provided with two photographs by Mrs Rollo, and the Principal Planning Officer explained to Members the location of Mrs Rollo's property in relation to the proposed development.

Ms N Quacquarelli stated that the comments she had made in respect of the previous application also applied to the proposed development at Clarence Chare/Palmer Road.

In response to a question in relation to assisting the elderly couple of 4 Hylton Road, Mr Brown advised that SBH did appreciate the concerns of tenants and would discuss their situations individually to assess needs. However, he could not guarantee the payment of compensation to garage tenants.

A Member stated that he sympathised with Mrs Rollo's position and asked that SBH take into account her situation if the application was approved. Mr Brown advised that, if approved he would arrange for an Officer from the Development Team to visit Mrs Rollo to discuss her needs, and would also ensure that all residents were kept informed as the development progressed. A Member acknowledged that SBH had acted responsibly to meet the needs of the residents affected by the proposals but stressed the importance of continuing to do so.

In discussing the application, Members acknowledged the need for affordable housing, that SBH proposed to discuss Mrs Rollo's situation with her, and that there was provision within the scheme to accommodate the loss of garages.

On the basis that the benefits of the scheme outweighed the concerns put forward, Councillor K Davidson proposed that the application be granted subject to conditions; this was seconded by Councillor A Hopgood.

RESOLVED:

That the application be approved subject to the conditions detailed in the Officer's report to the Committee.

6/2010/0313/DM – Erection of single storey extension to the rear of 8 North Green, Staindrop

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

Mr B Taylorson from the neighbouring property, stated that nos. 8 and 9 North Green were two homes which had evolved from one 18th Century building. Both properties shared a yard and maintenance costs associated with it. He considered that this was a unique situation. Privacy had not been an issue in the past as the position of the windows of both properties ensured that overlooking was kept to a minimum.

He continued that he objected to the structure because of the extent it protruded into the yard. His living room window was north facing and his kitchen window faced east. This extension would severely restrict light and outlook. He referred to Development Plan Policies relating to energy conservation and stated that these may apply to the applicant's property but he considered that he would need additional artificial lighting and heating in his home if the development was approved.

The Senior Planning Officer stated that as the property was north facing he did not consider that there would be a loss of direct sunlight to Mr Taylorson's property.

Councillor Richardson stated that he had asked for this application to be considered by the Committee as he was concerned about Mr Taylorson's loss of visual amenity.

Members considered the effect of the proposed extension on Mr Taylorson's home and felt that the extent it would protrude into the yard would have an impact on Mr Taylorson's residential amenity.

RESOLVED:

That the application be refused on the grounds that the impact on the residential amenity of the neighbouring property outweighed the benefits of the proposed development.

6/2010/0310/DM Erection of a double garage to serve The Granary at Ramshaw, Bishop Auckland

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

In presenting his report the Senior Planning Officer pointed out an amendment to condition no. 5 which should read as follows:-

'Prior to the commencement of the development full details of the garage doors shall be submitted to and agreed in writing with the Local Planning Authority.'

Charlotte Tudor spoke against the application stating that she was a professional ecologist and was concerned about the bat roosts installed in the building of The Granary, and the potential effect of the garage on the drop out zone for any roosting bats. She considered that the bat survey was out of date and stated that the report made reference to an update of the initial survey which had not been made available. She also stated that the application had been made outside the bat season and there were potentially three species which could roost there. She was also concerned about the impact of any lighting erected on the garage, and in conclusion reminded Members of the Council's duty to protect bats and their roosts.

Maria Ferguson, the applicant's agent, stated that a previous application had been approved for the erection of a garage the same size and design as that proposed to the west of The Granary. This new application moved it several metres further east. The location had changed for security purposes to allow the applicants to view the access road from their property. This had not been possible with the original location to the west. The garage was relatively small and was not overbearing. The occupiers of the neighbouring dwelling had purchased their property from the applicant and it had been made clear at that time that there were plans for a garage to be erected. DCC had raised no objections regarding the issue of bats and was satisfied with the additional information submitted regarding protected species. She concluded that there were no proposals for the erection of any lighting on the garage.

Councillor Hugill spoke on behalf of the objectors and explained that he had visited the site that morning. He advised that the photographs presented by the Planning Officer did not give an accurate perspective of the neighbouring property which stood at a lower level than it appeared on the images. The neighbours had no objection to the original location to the west of the site but the current proposals would restrict their views of the open countryside. They also considered that the garage would be too close to their property and as a result would reduce in value as it would not have the open aspect it currently enjoyed.

Members discussed the application and in response to a question concerning the drop out zone for bats, C Tudor explained that in her opinion as an ecologist, the amount proposed was inadequate. With regard to lighting, the Senior Planning Officer advised that the application would be subject to a condition that details of any lighting on the garage would need to be submitted and agreed in writing by the Local Planning Authority.

Following discussion Members considered that the residential amenity of the neighbouring properties was a factor which could not be assessed without viewing the proposals on site.

RESOLVED that the application be deferred for a site visit.

6/2010/0343/DM Conversion of existing stone barn/byre into two bedroom holiday cottage and creation of parking provision at Bendholme Farm, Eggleston

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Mr Sayers spoke as a homeowner adjacent to the proposed holiday cottage. He explained that the barn overlooked his property and he believed that his privacy would be compromised. The application stated that access would be via the existing private track but at present this was used by agricultural vehicles. He had permission to use the track and paid towards maintenance costs, however he was not aware that this arrangement had been extended to the owners of the proposed holiday cottage. One of the parking bays would block the public footpath, the proposals for the turning of vehicles were not acceptable, and he considered that if approved, the development would cause access and parking problems. His wife had been very ill and he was concerned that this development and the problems it would bring may affect her health.

Mr Kenny, the applicant's agent stated that the building had been derelict for twenty years and was positioned on the edge of a caravan site which was consistent with the development of the area as a tourist amenity. The development would contribute to the local economy and would promote tourism.

With regard to access, he explained that access along the private track had been agreed with the owner in return for a maintenance fee. This had been registered with the Land Registry in 2008 and gave unrestricted access over the adjacent farmyard for all times and for all purposes with or without vehicles.

In response to a question, the Highways Officer advised that the legality of the right of access was a civil matter and was therefore not a material planning consideration. The arrangements for parking and access were considered to be acceptable in highway terms and he added that the provision of one additional property adjacent to the caravan site would have a minimal impact on the existing generation of traffic.

Councillor Richardson advised that he had requested that the application be considered by the Committee and asked that Members visit the site before making a decision. The distance between the wall and building along the public footpath was only three feet and he was also concerned that cars would park on that right of way. The Senior Planning Officer responded that the Rights of Way Officer had no objections to the proposals and was satisfied that parking would not affect the public right of way.

A Member pointed out that an existing outbuilding would be demolished to create car parking for two cars and therefore the right of way should not be affected.

On the basis that the benefits of the application outweighed the level of impact on the amenity of the neighbouring property, it was proposed by Councillor K Davidson that the application be granted subject to conditions; this was seconded by Councillor A Hopgood.

Councillor Richardson asked that it be recorded that, having viewed the proposals on site, he was against the application.

RESOLVED that the application be approved subject to the conditions detailed in the Officer's report to the Committee, and to the following additional condition:-

11. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.

To preserve the agricultural character of the building in the interests of visual amenity and in accordance with Policies GD1 and BENV13 of the Teesdale District Local Plan 2002

7/2010/0344/DM Erection of 80 bed hotel with associated parking and landscaping and relocation of previously approved park and share facility on land at Bradbury Services, Bradbury

The Principal Planning Officer (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

In response to questions, Rod Hepplewhite, the applicant's agent stated that the timetable for commencement of the works was expected to be within the next 12-18 months. With regard to potential noise from the nearby east coast mainline this had been assessed and levels were found to be acceptable.

It was noted that this site had been identified as a suitable location for a hotel some time ago. It had been considered as part of a sequential appraisal and would essentially be for commuters on the A1(M). One Northeast had undertaken a survey and had found that there was an under-provision of hotels in the region, particularly outside the Newcastle area.

RESOLVED that the application be approved subject to the conditions detailed in the Officer's report to the Committee, and to condition numbered 6 being amended to read as follows:-

6. No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around the retained hedgerows and the Ash tree (E) on the southern boundary of the site shown on landscape plan drawing number 662/PP/LA2 have been

submitted on plan, and agreed in writing by the Local Planning Authority. No development shall commence until details showing the exact position of protective fencing around tree and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by the Local Planning Authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details agreed:

a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1).

b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to adversely affect any tree.

c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site.

e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'.

3/2010/0511 Extension of time for planning permission 3/2007/0668 for demolition of factory units and erection of mix of two and a half storey and three and a half storey apartments and conversion of Bedford Lodge to create 119 dwellings at former BBH Windings Ltd, South Church Road, Bishop Auckland

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

RESOLVED that the application be approved subject to the conditions detailed in the Officer's report to the Committee and to the completion of a Section 106 Agreement undertaking to pay a contribution of £54,000 for the provision and maintenance of related social, community and/or recreational facilities in the locality.

3/2010/454 Retention of timber decking to the side and rear of garage on land opposite 13 Silver Street, Wolsingham (retrospective)

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

RESOLVED that the application be approved subject to the conditions detailed in the Officer's report to the Committee.



APPLICATIONS TO BE DETERMINED

Number And Applicant	Location	Proposal	Recommendation
7/2010/0231/DM Richard Stanley	31 West End Sedgefield	Erection of two storey rear extension	APPROVAL
7/2010/0348/DM Mrs Norma Price	Field at Salters Lane, Trimdon	Change of use from agricultural land to travellers site for two caravans and associated vehicle parking	APPROVAL
6/2010/0310/DM Ms S Herron	The Granary, Ramshaw	Erection of a double garage to serve The Granary	APPROVAL
6/2010/0072/DM/ AD Mr Matt Leng	The Bowes Museum, Newgate, Barnard Castle	Application for advertisement consent for the erection of 6 No banners on existing lamp posts	APPROVAL
3/2010/0523 Ms. Donna Thorne	Grey Towers, Wolsingham	Change of use from a residential dwelling to a residential children's home	APPROVAL
3/2010/9567 Dunelm Homes	Land at Middlewood Avenue, St. Helen Auckland	Application to vary condition 14 – Provision of affordable housing (Planning application ref: 3/2010/0144)	APPROVAL

3/2010/0559 Leehill Construction Limited	Former Milford Garage Site, Rosemount Road, South Church, Bishop Auckland	Extension of time of planning permission 3/2004/0733 for eleven houses on former garage site	APPROVAL
3/2010/0252/LB and 3/2010/0253 McInerney Homes	Tow Law Market Auction Ring, Castle Bank, Tow Law	Listed building consent for de-construction (relocation of the Tow Law Mart Auction Building off-site) and residential development for 15 No. dwellinghouses	APPROVAL
3/2010/0477 Mr Fred McDonald	Clannoch, 12 The Close, Edmundbyers	Replace existing wooden sash windows with UPVC sash	REFUSAL
3/2009/0566 Mr Gordon Proctor	Land to the North East of New Row, Oakenshaw, Crook	Proposed construction of a light steel framed structure, part blockwork and part cladding to secure small items of plant, machinery and tools	APPROVAL

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3A

APPLICATION DETAILS

APPLICATION NO: 7/2010/0231/DM
FULL APPLICATION DESCRIPTION: ERECTION OF TWO STOREY REAR EXTENSION
NAME OF APPLICANT: RICHARD STANLEY
ADDRESS: 31 WEST END SEDGEFIELD
ELECTORAL DIVISION: SEDGEFIELD
CASE OFFICER: David Gibson
Tel. 01388 816166
Email. David.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site consists of a mid terraced property located within Sedgefield Village. The application site stands within the Sedgefield Conservation Area. This two storey property currently benefits from a two storey flat roof rear extension and a single storey off shoot to the rear of this.
 2. No. 33 West Ends lies to the west of the site while No. 27 – 29 West End lies to the east of the application site. This property benefits from a long rear garden which abuts other gardens to the north.
 3. The proposed development will involve the demolition of the existing single storey rear extension and the construction of a two storey extension.
 4. The completed two storey extension will project 4.0 metres from the existing rear elevation of the property. It will have a proposed width of 3.9 metres and a total height of approximately 6.2 metres at ridge level. It should be noted that the scheme has been revised so that the projection of the extension has been reduced so as to accord with the Sedgefield Borough Residential Extension Design Guide; details of the proposed modifications and the design guide are outlined in further detail in the following sections of this report.
 5. This application has been reported to Committee at the request of local members.
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PLANNING HISTORY

6. This Council's planning records show no recent planning history for the site.
7. However, a site visit has confirmed that a two storey extension and a single storey rear offshoot have been constructed at the rear of this property some time in the past.

PLANNING POLICY

8. National Policy

Planning Policy Statement 1 (*Delivering Sustainable Development*) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

9. Local Plan Policy: Sedgefield Borough Local Plan

Policy D1 (*General principles for the layout and design of new developments*) – Principles for the Layout and Design of New Developments requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.

Sedgefield Borough Council Residential Extensions Supplementary Planning Document (RESPD) gives more detailed advice regarding the design of residential extensions including two storey extensions of this nature.

Policy E18 (*Preservation and Enhancement of Conservation Areas*) states that all developments in Conservation Areas must be of a high standard of design and shall not have a detrimental impact on the Conservation Area.

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 www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

10. EXTERNAL/STATUTORY RESPONSE

Sedgefield Town Council – No comment received.

11. INTERNAL CONSULTEES

Ecology – No objections to the development subject to a condition relating to mitigation works in order to ensure protection of the bats.

PUBLIC RESPONSES

12. This planning application has been advertised via a press notice and via direct neighbour notification. As a result, objections have been received from the householders at the two adjacent properties, 33 West End and 27 - 29 West End.

13. Three sets of amended plans have been made to the scheme since the original submission. For clarity the objections to each amendment have been set out below with a brief description of each amendment.

Comments on the original scheme (23/08/2010)

27 – 29 West End

- The proposed extension breaches the 45 degree rule from ground and first floor
- The height is above the eaves height of the original house
- The extension will be out of character in this terrace
- It has no means to maintain the gable wall
- The proposed extension would affect a bat roost on my property
- The development affects the Right to Light

33 West End

- First floor extension will significantly reduce the sunlight to the rear of the property
- The development would have a major impact on privacy
- It will be visible from the bedroom, bathroom and kitchen windows

14. *As a result of concerns raised by Planning staff this proposal was amended so that the projection was reduced from 4.5m to 4.2m. A hipped roof was also incorporated into the scheme. Amended plans were received on the 12th October 2010.*

Comments on the first revised scheme (12/10/2010)

27 – 29 West End

- 45 degree rule from kitchen window is still breached
- The development greatly reduces the evening light to the north facing living areas
- The property has been overdeveloped
- It is to be built partly on my property

33 West End

- Development will still have an impact on light and outlook
- The property is already overdeveloped
- Proposed extension does not match the existing property

15. *Amended plans were requested by Planning staff because the roof plan submitted did not match the elevation drawings - the roof plan showed a gable but the elevations showed a hipped roof. These amendments were received on the 8th November 2010.*

Comments on the second revised scheme (08/11/2010)

27 – 29 West End

- The property is in fact a back to back property with this extension a front extension and should be assessed as such.

16. *After a meeting between the applicant and one of the objectors, Mr Raw, amended proposals were submitted. The projection of the extension was reduced from 4.2 m to 4.0m and the eaves level of the proposed extension has been reduced by 0.68m to approximately 4.2m. The revised plans also demonstrate that the extension will be relocated away from the common boundary with No. 27/ 29 West End.*

17. *Bearing in mind the amendments listed above the agent has decided to re-instate the gable roof feature so that this is more in keeping with the style of other extensions in the area.*

18. *It has also been confirmed that the proposal to incorporate a pitched roof over the existing two storey extension across the rear of the application site is to be excluded from this proposal. This has been omitted so as to alleviate concerns regarding works to the Party Wall. These amended plans were received on the 10th December 2010.*

Comments on the third revised scheme (10/12/2010)

27 – 29 West End

- The extension is a forward extension to my property
- The hip roof has been replaced by a gable
- The development will breach the building line of the original cottage
- The bat survey does not take into account the bat roost between the two properties
- The aesthetics of the property will be detrimentally affected
- The guttering will overhang my property

33 West End

- The height reduction does not change the fact that it would have a detrimental impact on light and outlook
- The property is overdeveloped
- The development will add to the mismatch of styles

APPLICANT'S STATEMENT

19. No supporting statement has been submitted as part of the application but the Design and Access Statement outlines issues which are summarised below.
20. The proposal is to remove the existing ground floor flat roof extension and replace this with a two storey extension to match the other rear extensions in the street.
21. The increase in internal floor space that the extension will provide will provide valuable floor space creating a new bedroom and ensuite.

PLANNING CONSIDERATIONS AND ASSESSMENT

22. In assessing the proposals against the requirements of the aforementioned planning policies, and having regard to all material planning considerations, including representations received, the main planning considerations in this case concern the impacts on the neighbouring properties, the impacts on the Conservation Area and the impact of the development on the surrounding environment.

Impact on Conservation Area

23. **Policy E18 of the Sedgefield Borough Council Local Plan** states that the Council will seek to preserve and enhance the character of conservation areas and will not normally allow developments which would detract from the appearance of the Conservation Area.
24. The proposal will be constructed in materials to match the existing property and the window style is similar to other windows at the rear of the terrace. A planning condition is to be applied to ensure that the windows are in keeping with the character and appearance of Sedgefield Conservation Area. The extension will be constructed in facing bricks to match the existing property.
25. As stated above, the extension will be located to the rear of the property and will not be visible from the public realm. The Residential Extensions Supplementary Planning Document (RESPD) states that roof design is an important issue to consider and states that roofing designs should match those of the existing property. A flat roof at ground floor level will be replaced by a double storey pitched roof extension thereby improving the external appearance of the property.
26. It is therefore considered that the proposed development will not have a detrimental impact on the Conservation Area due to the siting and design of the proposed extension.

27. **Policy H15 of the Sedgefield Borough Council Local Plan** states that extensions to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the property and there is no adverse effect on the amenity and privacy of surrounding properties and there is no adverse effect on the general character of the area.

(A) Impact on amenity and privacy

28. The proposed first floor element of the rear extension contains one window which will serve a bedroom. This will replicate the views from the existing property. Bearing in mind the substantial long rear garden it is considered that privacy of the rear gardens of the neighbouring properties would not be significantly affected by the new window at first floor level. The window serving the kitchen at ground floor level will not impact on the privacy of the neighbours due to the height of the existing boundary treatment.

29. The rear extension will not impact significantly on the light entering into the rear gardens of the adjacent properties due to the limited size of the proposed development when compared to the length of the adjacent gardens overall.

30. The Residential Extensions Supplementary Planning Document (RESPD) states that for extensions greater than 3 metres or two storey extensions of this nature then the 45 degree rule is used to assess the impact of a planning application.

31. The code is applied by drawing a line at 45 degrees from the mid point of the nearest window to a habitable room on any adjoining owner's property. If this line cuts through any part of the development proposed then the extension is considered to be too large.

32. Originally the proposed development breached this 45 degree line when drawn from the mid point of the nearest habitable room window of 27 – 29 West End, in this case the kitchen window. The proposed extension has since been reduced and no longer breaches the 45 degree rule. Nor does this proposal breach the 45 degree rule when measured from the centre of the nearest habitable room window of 33 West End.

33. It is considered that the proposal would lead to some reduction in light to the kitchen and the first floor bedroom at No. 27 - 29 West End in the late afternoon / evening. However, the extension has been designed to minimise the impact on the neighbouring property with its reduced height and reduced projection. The overall height has been kept to approx. 6.2 metres which is well below the eaves height of the original property and the eaves height has been kept to 4.2 metres with the projection of the development reduced to 4 metres. When considering the impact of the proposed extension upon light levels it should also be noted that the proposal satisfies the 45 degree rule and the existing boundary wall between the application site and Nos. 27-29 already measures approximately 2.5m in height.

34. Due to the fact that the development has been amended so that this does not breach the 45 degree rule and the substantially lowered eaves and ridge line, it is considered that the development will not have such a significant impact on the light entering the neighbouring properties, so as to justify refusal of this planning application.

(B) Impacts on character of the area

35. This Council's RESPD states that domestic extensions should remain subservient to the host dwelling and should not be so big as to dominate the building. General guidance in Policy H15 states that extensions to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the host property. The development will be located to the rear, not visible from the public realm. Due to the

style of its roof and relatively minor nature it is considered to be subservient to the host property. The development will be sited to the rear of the property so will not have a detrimental impact on the streetscene or the Conservation Area.

36. This development will be created from materials that match the existing property and will therefore assimilate well into the existing property.

(C) Highway safety

37. This development will not have an impact on parking provision.

38. It is therefore considered that the development will not have an adverse impact on the character and appearance of the area and fully complies with the relevant elements of Policies H15, E18 of the Sedgefield Borough Council Adopted Local Plan and the RESPD

Neighbour objections

39. Letters of objection have been received from 33 West End and 27 – 29 West End. These letters of objection are available on the planning file and have been summarised above.

40. The loss of light into a habitable room is something that can be controlled through planning legislation but as discussed above, it is considered that the development will not have a significant adverse impact on the neighbouring properties to such an extent as to warrant refusal of the planning application. The 45 degree rule has not been breached from the nearest habitable room windows and the overall height of the extension has been kept as low as possible. This will ensure that any impact on the neighbouring properties is kept to a minimum and is to an acceptable standard.

41. Concerns have also been raised with regards to overdevelopment of the property. It is considered that the scale of the existing/proposed extension is no more than many other properties of this age which have evolved over time to meet the needs of the occupants. This extension is relatively small in comparison to the size of the plot and with the lowered ridge line and restricted projection, it will not be overly dominant or overbearing.

42. With regards to outlook, the loss of view is not a material planning consideration and is not something that can be taken into account when the Local Planning Authority determines a planning application.

43. Additional comments from the neighbouring properties relate to ownership issues. As a result of these concerns the proposed extension has been revised away from the common boundary with No. 27-29 West End. Similarly, the amended plans (Revision C) show that the proposed pitched roof that was to replace the flat roof to the rear has been omitted from the scheme.

44. Additional concerns have also been received from Mr Raw of 27-29 West End that this development constitutes an extension to the front, as the properties were originally back to back houses. Whilst no evidence has been submitted to back up this claim it is apparent that if this was the case in the past, it is clearly not the case now. The proposed development is clearly situated to the rear of this terrace and should be assessed as such.

45. Concerns were also raised that a gable roof is to be constructed rather than a hipped roof. In terms of impact on the neighbouring properties, the difference with the hip and the gables is minimal and does not warrant refusal of the planning application.

46. Concerns have also been raised with regards to the applicant not fulfilling his duty under the Party Wall Act and building onto a neighbouring wall. This is a civil issue between the neighbour and the applicant and is outside the remit of the Planning Department. An informative can be placed on any approval stating that all works should be carried out in accordance with the Party Wall Act at all times.
47. Because of the nature of this application, which involves the redevelopment of a roof, a bat report has been submitted in support of this application. The concerns of the neighbouring householder regarding the implications of this proposal on an adjacent bat roost have been discussed with the Ecology Officer who is satisfied that this proposal is unlikely to have an adverse impact upon species protected by law. As such, no objection has been raised subject to a planning condition being attached to any subsequent approval that the development be carried out in accordance with the mitigation report prepared on behalf of the applicant.

CONCLUSION

48. In conclusion, it is considered that the development accords with Policy H15 and Policy E18 of the Sedgefield Borough Council Adopted Local Plan and the policies contained within the RESPD in that the development will not have an adverse impact on the character of the host property or the Conservation Area and would not detrimentally affect residential amenity to such a degree so as to justify refusal of this planning application.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

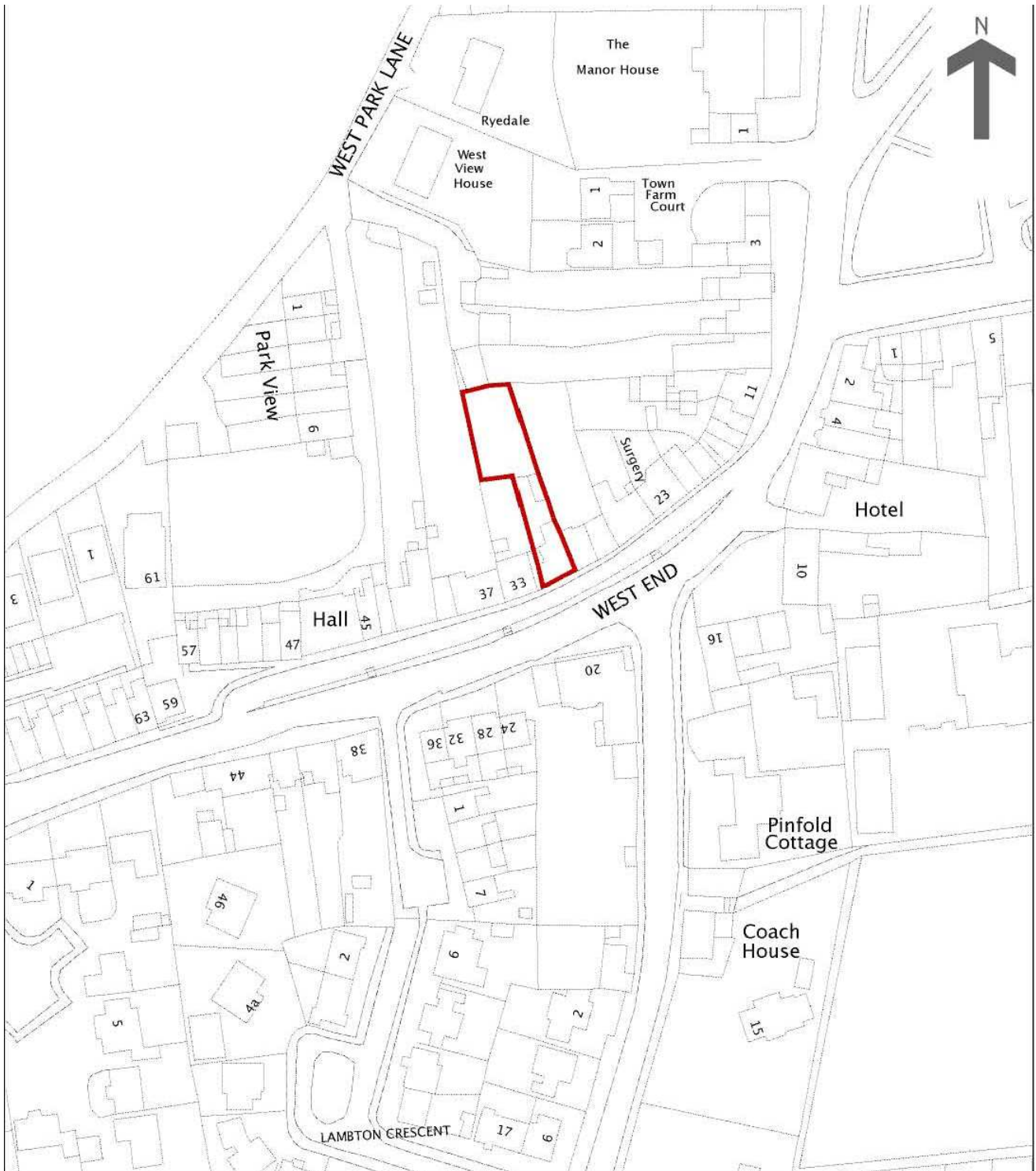
1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
201 Revision C
100 Revision D
3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.
4. Notwithstanding the submitted information, the proposed windows in the new development shall be constructed from timber. The exact details and specifications shall be submitted to and approved in writing prior to any development commencing on site.
5. No development shall take place unless in accordance with the mitigation detailed within the protected species report including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.

REASONS FOR THE RECOMMENDATION

In the opinion of the Local Planning Authority the proposed development is considered to accord with Policies H15 and E18 of the Sedgefield Borough Local Plan and the policies contained within the RESPD in that the development will not have so significant an impact on residential amenity so as to justify refusal of this planning application nor would this adversely affect the character of the Conservation Area

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Design and Access Statement
 - Planning Policy Statement PPS1 and Sedgefield Borough Local Plan 1996
 - Consultation responses
-



Application No:	7/2010/0231/DM
Location:	31 WEST END SEDGEFIELD
Proposal:	ERECTION OF TWO STOREY REAR EXTENSION

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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3B

APPLICATION DETAILS

APPLICATION NO:	7/2010/0348/DM
FULL APPLICATION DESCRIPTION:	Change of use from agricultural land to travellers site for two caravans and associated vehicle parking
NAME OF APPLICANT:	Mrs Norma Price
ADDRESS:	Field at Salters Lane, Trimdon, Co Durham
ELECTORAL DIVISION:	Trimdon
CASE OFFICER:	Mark O'Sullivan Tel. 01388 816166 Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Planning permission is sought to change the use of existing agricultural land to a travellers site on land to the east of Salters Lane, Trimdon. If approved, this site would contain 2no. mobile homes with an associated vehicle park hardstanding area.
2. The application site occupies a rural location 300 metres to the north of Trimdon Village, and 700 metres to the south of the Trimdon Grange. Access to the site is by way of an existing, unsurfaced farm track from Salters Lane, approximately 130 metres to the west. The nearest residential property is an isolated dwelling approximately 250 metres away to the south west.
3. This site is located on a relatively steep hillside falling away to the north where it is crossed by the river Skerne, some 170 metres away. A number of small agricultural developments lie in the valley bottom. A large barn has recently been erected immediately adjacent to the application site, although this structure has been erected without any form of planning consent. The application site lies within the curtilage of this building although the identified site boundary excludes this adjacent development.
4. The application would normally be determined under the Officer scheme of delegation but has been referred to committee at the request of two local members who are concerned about:
 - Highway safety,
 - Degradation of land previously used for agriculture,
 - Allowing residential development outside the boundary of the village,
 - Lack of access to amenities and sanitation,
 - Previous non-compliance with planning rules by the applicant,
 - The amount of public interest/concern about the application,
 - Whether this particular location is suitable for change of use from agriculture to residential,

PLANNING HISTORY

5.

- 7/2010/0168/DM (Change of use from agricultural land to travellers site for two caravans with associated vehicle parking) – WITHDRAWN.
Concerns raised over the extent of application site which included a recently constructed barn structure which did not benefit from planning consent. Applicant was advised to remove this element from the application site boundary.
- 7/2009/0380/DM (Erection of general purpose building) – INCORRECT APPLICATION FORMS SUBMITTED. RETROSPECTIVE PLANNING APPLICATION TO BE SUBMITTED IN THE NEAR FUTURE.

PLANNING POLICY

6.

NATIONAL POLICY:

- **Planning Policy Statement 1 (*Delivering Sustainable Development*)** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3 (*Housing*)** recognises the importance of achieving a mix of housing, taking into consideration the accommodation requirements of specific groups, and the diverse range of requirements, including the need to accommodate gypsies and travellers.
- **Planning Policy Statement 7 (*Sustainable development in rural areas*)** establishes key principles for achieving sustainable development in rural areas through strictly controlling new residential uses in protecting the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
- **Planning Policy Statement 23 (*Planning and pollution control*)** seeks to ensure that when determining planning applications, consideration is given to the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health.
- **Circular 01/06 (ODPM) (*Planning for Gypsy and Traveller caravan sites*)** seeks to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision.

7.

REGIONAL POLICY:

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 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.

In July 2010 the Secretary of State for Communities and Local Government 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. The RSS therefore remains part of the development plan until such time as it is formally revoked through the Localism Bill. This will not be until later in 2011. Regional policies relevant to the determination of this application are:

- **Policy 30 (*Improving inclusivity and affordability*)** advises that Local Authorities should carry out an assessment of the housing needs of gypsies, travellers and show people. Local Development Frameworks should then provide the criteria following the plan monitor and manage and adopt sequential approaches for the provision and release of pitches for the gypsy, travelling and show people communities and, where appropriate, identify locations for these pitches.

8.

LOCAL PLAN POLICY (SEDFIELD BOROUGH LOCAL PLAN):

- **Policy D1 (*General principles for the layout and design of new developments*)** requires the layout and design of all new developments to take account of the site's relationship to adjacent land uses and activities. Where necessary, satisfactory landscaping should also be incorporated in the design and layout of the site, whilst accommodating the needs and users of the development and providing satisfactory and safe provision for pedestrians and the private car.
- **Policy D2 (*Design for people*)** requires that the users of a development should be taken into account, with particular attention given to personal safety and security of property (particularly at night), and the access needs of users.
- **Policy D3 (*Design for access*)** requires that development should make satisfactory and safe provision for pedestrians, cyclists, public transport and other vehicles, ensuring a satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development, with effective access at all times for emergency vehicles.
- **Policy H23 (*Accommodation for gypsies and travellers*)** requires that planning permission be granted for permanent, temporary or transit accommodation for gypsies and travellers subject to locational criteria where the site can be supplied with essential services, and within a reasonable distance of local facilities, where there is no adverse affect on the character of the landscape, residential amenity or highway safety, and where site screening and the safety/privacy of occupants and visitors are carefully considered.

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 www.durham.gov.uk.

CONSULTATION AND PUBLICITY RESPONSES

9.

EXTERNAL/STATUTORY RESPONSES

- **Trimdon Parish Council** request this application be referred to the Planning Committee for determination. The Parish Council do not consider that the site is appropriate given access difficulties which will become worse should people permanently reside on this site. The Parish Council also indicates that there are local objectors who will wish to make their own case for this application to be rejected.
- **Northumbrian Water Ltd** have raised no objections to this proposal.
- **The Environment Agency** initially objected to the proposal because it involves the use of a non-mains foul drainage system, but no assessment of the risks of pollution to ground and surface water had been provided by the applicant. The applicant has since completed the appropriate assessment forms, and the Environment Agency has confirmed the withdrawal of their objection.
- **The Ramblers Association** has raised no objections to this proposal.

10.

INTERNAL CONSULTEES

- **Durham County Council Planning Policy Team** – Offer no objections to this proposal. Circular 01/2006 advises that a temporary permission may be justified where there is unmet need but no available alternative gypsy and traveller site provision in an area. Where there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Given the identified unmet demand, this provides justification to allow a temporary permission provided that the key issues relating to be the adequacy of the access and traffic generation and impact on residential amenity and the surrounding area are acceptable.

- **Durham County Council Arboriculture Officer** – Initial concerns raised over impact on nearby trees. It has been established, however, that tree roots may already have been damaged as a result of previous engineering operations on this site. It has been concluded that the current proposal would be unlikely to have any further impact upon the trees. No further arboricultural information is now required.
- **Durham County Council Highways Engineer** – No objections. The site already benefits from a good standard of access onto Salters Lane, with an acceptable junction site visibility of 2.4 x 160m to the south. Any approval should be carefully conditioned to ensure the creation of an equally acceptable junction visibility of 2.4 x 160m splay to the north, with existing roadside vegetation in this direction to be cut back.
- **Durham County Council Ecology** – No objections on ecological grounds. Any approval must be subject to a nesting birds informative. Should any great crested newts be discovered at any stage of development, then works must stop immediately and urgent advice sought.
- **Durham County Council Police Architectural Liaison Officer** – No objections,
- **Durham County Council Public Rights of Way Officer** – No objections,
- **Durham County Councils Environmental Health Officer** - Has not commented on this application.
- **Durham County Council Traveller's Liaison officer** – Points out that despite the high level of permanent pitch provision in County Durham, there is still a significant shortage of available pitches. This is exacerbated by a lack of permanent sites regionally. At present the six sites provided by the County Council are almost permanently full, and this contributes to the number of unauthorised encampments. By choosing this small yard, the applicants are providing appropriate accommodation for their circumstances and which also meets some of the need identified in the Gypsy and Traveller Accommodation and Support Needs Assessment. The family made the request to the Travellers Liaison service for support with this matter so they could be signposted to appropriate services to help with their application.

Concerns have been raised by this officer with regards to the application description which may lead members of the public to believe the site is to have a higher number of caravans and more than one individual family living on the area. The application description however clearly states that 2no. caravans would be located on this site. The applicant's agent also makes it clear within the submitted application that this site is to be used for one family of travellers who are related to the owner of the land. Any future increase in the number of caravans would constitute a breach of planning control with the potential for enforcement action to be taken if considered expedient.

- **Durham County Council Landscape Architect** has recommended that, if approved, a number of conditions be imposed relating to a suitable landscaping scheme being approved within an agreed timeframe and implementation of landscaping before mobile homes are installed on site. Site screening is extremely important and this should be improved, with supplementary planting required to succeed the damaged trees.

11.

PUBLIC RESPONSES

- As part of the consultation and publicity exercise for this application, an extensive publicity exercise was carried out including sending letters to local residents and placing 3no. site notices in key locations surrounding the application site. 265no. individual letters of objection have been received in response to this application, and the principal areas of concern together with a brief comment on each issue is outlined below:
 - **Highway safety/access**
Durham County Council' Highway Engineers have carefully considered this aspect of the proposal and have raised no objections to the use of this access as described, subject to improvements to the junction site visibility splay.

- **Conflict with adopted Sedgefield Borough Local Plan policy**
In considering the planning merits of this application, careful consideration is to be given to adopted Sedgefield Borough Local Plan policies as well as all other relevant material planning considerations.
- **Proximity of alternative sites nearby**
The need to identify suitable sites is a key consideration and this issue is addressed at length under the planning considerations section of this report.
- **Waste disposal/water supply/sewage**
Provision of essential services is a key material consideration in the determination of this application. Potential pollution threats resulting from the use of this site have also been carefully considered with appropriate statutory consultees having been given an opportunity to comment on this application.
- **Precedent**
Each case needs to be considered on its own individual merits and in light of the information submitted. Should approval be granted for this application, any future development on this site will need to be considered under a separate planning application and reassessed in accordance with adopted planning policies and planning legislation.
- **Impact on Countryside/rural setting and nearby villages**
The impact that the proposal will have upon the surrounding landscape and the surrounding villages is addressed under the planning considerations section of this report.
- **Impact on property values**
Impact on property value is not a material planning consideration which can be considered in the determination of this planning application.
- **Fear of a rise in crime**
The fear of crime is capable of being a material planning consideration. However, the courts have held that the fear and concerns must have some reasonable basis, and that the object of that fear and concern must be the use of the land and not just assumptions about the behaviour of future occupants.

A brief résumé of the objections is provided in the appendix to this report.

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://www.durham.gov.uk>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.

APPLICANT'S STATEMENT

12.

Neither the applicant nor the agent have provided any additional information in support of this current application. The only statement which is provided is confirmation that this proposal will only use part of a field to be used for one family of travellers who are related to the owner (Mrs Rose Boulton).

As part of the previously withdrawn application for this site, the applicant's agent did submit a 'Design and Access Statement' in support of the application. Key points raised within this previously submitted statement include:

- Permission is sought for 2no. mobile homes for 1no. gypsy family, providing somewhere to settle down,
- Mr and Mrs Price have 2 sons and 4 daughters who would occupy this site,
- Children would go to the nearby school,
- The use of this small site would cause no problems to the people in the surrounding villages,
- Mobile homes will be well screened,
- There has been no need for local community involvement or members involvement owing to the small scale of the proposal,
- The planning proposal in its current form is a distillation of the evaluation of all local and relevant information gathered in preparation for an application,
- The design of the scheme is informed by the physical, social and economic factors involved

together with relevant policies and other community objectives,

- The site will be freely available for access by all members of the community including disabled access

The applicant's agent also wishes the planning department to take note of the 250+ letters of support which were submitted as part of the previous application for this site (*planning ref: 7/2010/0348/DM*). This earlier application differed from this current application in that it involved a larger site which also included a barn which was under construction. Owing to complexities surrounding this larger site and the adjacent development, this application was withdrawn. This current application now covers a smaller site boundary, excluding the aforementioned barn which will be considered under a separate retrospective planning application which is to be submitted in the near future. The agent argues "the principles behind the letters of support for the previous application remain as relevant and strong as for this application."

PLANNING CONSIDERATIONS AND ASSESSMENT

13. In assessing this proposal against the requirements of the aforementioned planning policies, and having regard to all material planning considerations, including representations received, the main planning issues in this case are as follows:

- Principle of the development,
- Provision of essential services,
- Proximity to local services and public transport links,
- Impact on the character of the rural landscape,
- Impact on residential amenity,
- Highway safety,
- On site provision and layout of services,

14. **Principle of the development:**

Circular 01/06 for Gypsy and Traveller sites seeks to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision. To achieve this, the Government wants to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 – 5 years. The Circular outlines the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively.

15. The July 2007 'Gypsy and Travellers Needs Assessment', identifies a Durham county-wide requirement for 61no. additional pitches to offset the current shortfall, and for a further 37no. pitches to accommodate household formation between 2007-2015. It considered but rejected accommodation of these on existing gypsy and traveller sites, given the need to upgrade these sites, concluding that between 3 to 5 small permanent sites (with up to 12 pitches each) for gypsies and travellers should be identified through Local Development Frameworks to address the current shortfall. However, an update to this work is currently on-going and it is not anticipated that this study will be finalised in the near future to enable it to influence current planning decisions.

16. This theme is picked up by the Regional Spatial Strategy (Policy 30) which advises that Local Authorities should carry out an assessment of the housing needs of gypsies, travellers and show people. Local Development Frameworks should then provide the criteria following the plan, monitor and manage sequential approaches for the provision and release of pitches for the gypsy, travelling and show people communities and, where appropriate, identify locations for these pitches.

17. The current Local Development Scheme for the County Durham Plan suggests that work on a Gypsy and Traveller Development Plan Document will commence in 2011, with an estimated adoption date of December 2013. It is understood that this Development Plan Document is likely to deal with sites which can accommodate in excess of 15 pitches.

18. Circular 01/2006 (Para 45) advises that a temporary permission may be justified where there is unmet need but no available alternative gypsy and traveller site provision in an area. At present there is a shortfall of 61 pitches and a need for a further 37 pitches to accommodate household formation between 2007-2015. Given the identified unmet demand, this provides some justification to allow a temporary permission provided that the key issues relating to the adequacy of the access and traffic generation and impact on residential amenity and the surrounding area are acceptable.
19. These criteria are replicated in Government's Planning Policy Statement 7 (Sustainable development in rural areas) which sets key objectives in promoting "thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods." Despite a strong presumption in favour of the continued protection of the open countryside, new residential development may be focused in or next to existing towns and villages in promoting more sustainable patterns of development. In determining this application, key regard must therefore be given to protecting the intrinsic qualities of the countryside whilst also promoting social inclusion, recognising the needs of all groups in raising the quality of life and the environment in rural areas.
20. At a local level, the adopted Sedgefield Borough Local Plan Policy H23 (*Accommodation for gypsies and travellers*) stipulates that planning permission will be granted for permanent, temporary or transit accommodation for gypsies and travellers provided that:
- The site can be supplied with essential services and is within a reasonable distance of local facilities and a public transport route,
 - The scale of development must not adversely affect the character of the landscape or the living conditions of local residents,
 - There is a satisfactory means of access,
 - The site must be laid out to provide separate areas for residential accommodation, children's play area, work and storage, and the site must be adequately screened,
 - The development would not intrude into open countryside nor result in the loss of any area of nature conservation, archaeological interest or a green wedge.
21. **Provision of essential services:**
Policy H23 of the adopted Sedgefield Borough Local Plan stipulates that "gypsies need to live on sites that have services including electricity, drinking water, sewage disposal." In determining this application, the applicant has provided supporting information confirming how essential services will be accessed:
- Gas will be provided by LPG tanks,
 - Mains water is already connected to the field,
 - Mains electricity is to be arranged from the nearest source following the grant of planning permission,
 - Waste and recycling receptacles will be provided, with waste to be regularly taken to the nearest waste disposal and recycling point.
22. The Environment Agency has been notified of the applicant's intentions following early concerns raised over the use of a non-mains foul drainage system, with little assessment of the risks to ground and surface water in this sensitive environmental setting which also lies over a principal aquifer. Such risks would pose significant concerns to both the amenity and health of future residents of this site, as well as raising concerns for the environmental quality of the surrounding rural landscape which will need to accommodate the basic human demands of future settlers. No further objections have been raised in response to the aforementioned submitted information.
23. Based on the information submitted and the lack of notable objections from the Environment Agency, this proposal is now considered to accord with the principles of Planning Policy Statement 23 (*Planning and Pollution Control*), with the Local Planning Authority having a duty of care to all applicants and surrounding residents and the protection of the countryside.

24. Proximity to local services and public transport links:

Policy H23 of the Sedgefield Borough Local Plan further explains how “Gypsies need to live on sites which are close to facilities such as shops, schools and are close to bus routes”.

25. The application site is located in close proximity to the main villages of Trimdon Village (some 300m to the south) and Trimdon Grange (some 700m to the north). Both settlements provide for a range of services including shops, schools, doctor’s surgeries and places of employment.

26. The application site is also located in close proximity to a nearby public transport node, with the nearest bus stop located close to the main entrance to this site on Salters Lane. Services using this node include those travelling between the main settlements of Sunderland and Middlesbrough, via Peterlee, Fishburn, Sedgefield, Stockton and Thornaby.

27. Impact on the character of the rural landscape:

Policy H23 of the Sedgefield Borough Local Plan stipulates that development must not “intrude into the open countryside nor result in the loss of any area of nature conservation, archaeological interest or a green wedge”.

28. Paragraph 52 of the ODPM Circular 01/2006 (*Planning for gypsy and traveller caravan sites*) stipulates that in areas with nationally recognised designations, “planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development”. On this occasion, the site in question also has no specific designation as a protected area and will therefore not result in the loss of any area of nature conservation, archaeological interest or green wedge.

29. The ODPM circular goes on to explain how “sites on the outskirts of built up areas may be appropriate... with rural settings (where not subject to special planning constraints) considered acceptable in principle.” In assessing the suitability of such sites, sites should respect the scale of, and not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure. “In some cases the establishment of a well planned or soft landscaped gypsy and traveller site can be seen to positively enhance the environment and increase openness”.

30. The application site when viewed from Salter’s Lane is well screened by existing boundary vegetation both along the verge of the road and along the western field boundary of the site. Furthermore, owing to the topography in this area, the application site is barely visible from Trimdon Village to the south which is located at the top of the Watchbank. The site is, however, visible from the north when approaching Trimdon Village from Trimdon Grange across the Skerne Valley but given the relatively small scale nature of the development the caravans will not be a dominant feature in the landscape,

31. Meanwhile to the east, with no development for a considerable distance, and with the nearest highway in this direction in excess of 700 metres away, there will be no detrimental impact when viewed from a distance.

32. The application site will be located close to existing residential settlements so as to not stand entirely alone in this rural landscape, being sited sensitively with regard to the topography in this area and natural landscape features. At the same time, the application site is not considered to be too close to the adjacent settlement, or of a significant scale so as to place any undue pressure on nearby settlements or the surrounding rural landscape.

33. Impact on residential amenity:

Policy H23 of the Sedgefield Borough Local Plan states that “*sites should be well screened for privacy and amenity.*” and that “permanent sites should be properly landscaped so as to limit the impact of noise and visual intrusion on neighbouring uses”.

34. In the opinion of the Local Planning Authority, the residential amenities of the existing community are unlikely to be affected by the proposed development due to the sufficient separation distances which are to be achieved from nearby villages. As previously stated, Trimdon Village is located some 300m to the south of this site, with Trimdon Grange some 700m to the north.

35. The Local Planning Authority has a duty of care to all future residents of Durham County. On this occasion, there is little evidence to suggest that the future enjoyment, living conditions and amenity of neighbours to this site will be detrimentally affected by the proposed development.
36. **Highway safety:**
The application site is to be accessed via an existing, vehicular access onto the B1278 (Salter's Lane) to the west. Highways engineers consider this access to be acceptable taking into account the applicants needs for only 2no. mobile homes.
37. Whilst the junction site visibility to the south is considered acceptable, the visibility splay to the north is substandard resulting from unmanaged growth of a boundary hedgerow in this direction. If approved, this deficiency could be addressed through the imposition of an appropriate condition, ensuring compliance with adopted Policy D3 of the Sedgefield Borough Local Plan.
38. **On site provision and layout of facilities:**
Policy H23 of the Sedgefield Borough Local Plan requires that *"the site can be laid out to provide separate areas for residential accommodation, children's play area, work, storage and parking and can be adequately screened having regard to the safety and privacy of occupants and visitors"*
39. This particular criterion is more applicable for larger sites involving a number of pitches. However, in determining this particular application, it is generally considered that the site is lid out well, away from the main highway, with surrounding space for all of the aforementioned requirements, without significantly impacting this rural setting.

CONCLUSION

40. In the absence of any current Development Plan Document identifying suitable traveller/gypsy sites across County Durham, and the current unmet demand in this area, a temporary approval may be justified on this occasion. It is anticipated that the situation could then be reviewed once more towards the end of this temporary period.
41. All concerns have been addressed in this report, although on balance it is considered that the perceived negative impacts of this use are far outweighed by the policy compliance as previously discussed.
42. Highway safety concerns may be addressed through the imposition of a suitably worded condition, ensuring compliance with relevant policy to the satisfaction of highways engineers.
43. It has been demonstrated that there will be no conflict with adopted Sedgefield Borough Local Plan Policy, with it also identified that nearby established sites have already reached their capacity.
44. Meanwhile, the applicant has confirmed that the site will be served by an adequate provision of essential services to the satisfaction of the Environment Agency, with no perceived detrimental impact on the rural setting of this site, local landscape (which is not designated) or local amenity.
45. The application site is located on a small plot of land on the periphery of the Trimdon village residential settlement in a location which is divorced enough away from nearby residential properties so as to not impact residential amenity, but at the same time, close enough to benefit from access to services and existing infrastructure without placing unnecessary demands on the rural setting of this site.
46. It is not considered that this application will set any precedent for further development of this nature, with each application to be considered carefully on its own merits. Careful consideration has been given to the concerns raised by all objectors, with these points carefully balanced in accordance with all relevant material planning considerations including local, regional and national planning legislation.

47. Other points raised relating to the impact on property values cannot be considered as material to this decision, with the perceived fear of a rise in crime unproven and difficult to quantify to any extent which could justifiably result in a recommendation for refusal.

RECOMMENDATION

48.

That the application be APPROVED subject to the following conditions:

1. The use hereby approved shall be carried on only by Mr Wayans Price and Mrs Norma Price, their two sons and four daughters, and shall be for a limited period only, being the period of three years from the date of this decision notice, or the period during which the premises are occupied by them, whichever is the shorter.
Reason: To allow the Local Planning Authority to review the position in accordance with ODPM Circular 1/2006 'Planning for Gypsy and Traveller Caravan sites).
2. When the site ceases to be occupied by Mr Wayans Price, Mrs Norma Price, their two sons and four daughters, or at the end of three years, whichever shall occur first, the use hereby permitted shall cease and all caravans, vehicles, hard standing areas and equipment brought onto the site including the non-mains drainage system used in connection with the use shall be removed and the land reinstated to its former condition in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.
3. No more than 2no. mobile homes shall be stationed on this site at any one time.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.
4. No commercial activity shall take place on the land, including the storage of materials.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.
5. Before occupation of the development hereby approved, sight lines shall be provided at the junction of the access road with the highway B1278 (Salters Lane) in accordance with details which have been first submitted to and agreed in writing by the Local Planning Authority and any obstructions to visibility at any height greater than 600 mm shall be removed.
Reason: In the interests of highway safety and to comply with Policy D3 (Design for access) of the Sedgfield Borough Local Plan.
6. The non-mains drainage system hereby approved shall be installed, commissioned and connected before occupation of any caravan on the land.
Reason: To prevent pollution of the water environment in accordance with PPS23 (Planning and Pollution Control).
7. No caravans shall be sited on the land until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.

-
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of the caravans and any trees or plants which within a period of 3 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgefield borough Local Plan.

INFORMATIVES

49.

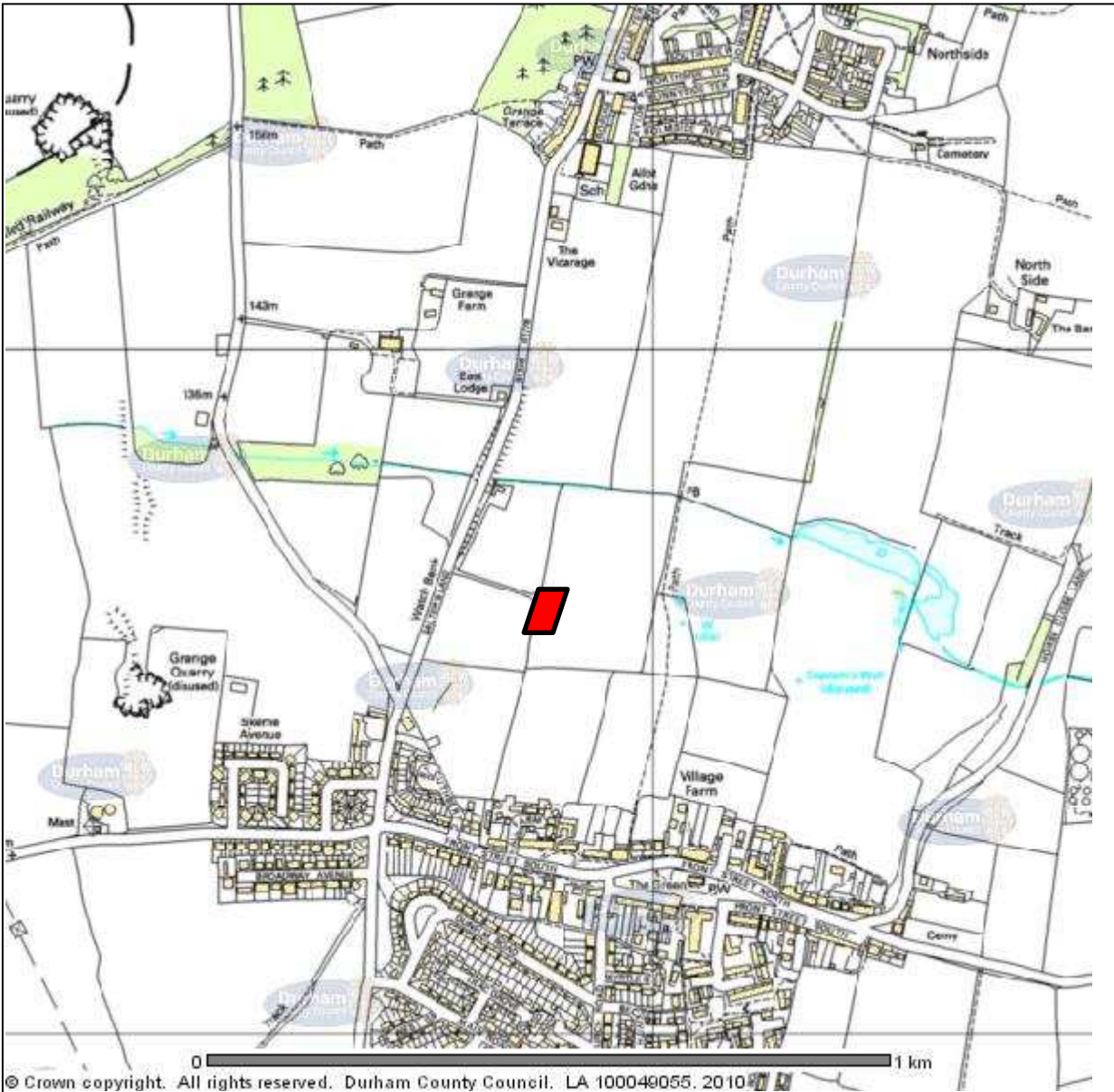
- The Durham County Ecology Officer has advised that there is a residual risk that Great Crested Newts could be present on this site. Should Great Crested Newts be discovered at any stage of the development, work must stop immediately and urgent advice be sought from the Ecology team at Durham County Hall. Failure to do so may result in an offence being committed regardless of whether planning permission has been acquired. Please contact Stuart Priestly (Ecology Officer, 0191 3834016) for further clarification of this matter.
- **INFORMATIVE**
Under UK legislation it is an offence to intentionally disturb damage or destroy an active bird's nest. Any scrub/shrub/tree clearance must be organised and timed to avoid breeding birds (breeding season runs approximately from March – September). Failure to do so may result in an offence being committed, regardless of planning consent. Please contact Stuart Priestly (Ecology Officer, 0191 3834016) for further clarification of this matter.

REASONS FOR THE RECOMMENDATION

50. In the opinion of the Local Planning Authority, the granting of a temporary consent for a period of three years is consistent with the advice contained within Circular 01/2006 which advises that a temporary permission may be justified where there is unmet need but no available alternative gypsy and traveller site provision in an area. Given the identified unmet demand, this provides reasonable justification to allow a temporary permission until such time as the authority has published and adopted its Gypsy and Traveller Development Plan Document.
51. The objections that have been raised to the proposal have been carefully assessed and it is considered that the proposal will not result in an unreasonable impact upon residential amenity highway safety and the character and appearance of the surrounding countryside.
52. **INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**
The decision to grant planning permission has been taken having regard to key policies in the Sedgefield Borough Local Plan as set out below:
- H23 (*Accommodation for gypsies and travellers*)
 - D1 (*General principles for the layout and design of new developments*)
 - D3 (*Design for access*)

BACKGROUND PAPERS

- **Submitted Application Forms and Plans**
 - **Sedgefield Borough Local Plan 1996**
 - **PPS1 (Delivering sustainable development)**
 - **Planning Policy Statement 1 (*Delivering Sustainable Development*)**
 - **Planning Policy Statement 3 (*Housing*)**
 - **Planning Policy Statement 7 (*Sustainable development in rural areas*)**
 - **Planning Policy Statement 23 (*Planning and pollution control*)**
 - **Regional Spatial Strategy (July 2008) Policy 30 (*Improving Inclusivity and Affordability*)**
 - **Circular 01/06 (ODPM) (*Planning for Gypsy and Traveller caravan sites*)**
-



Application No.	7/2010/0348/DM
Location:	Field at Salters Lane, Trimdon, Co Durham
Description:	Change of use from agricultural land to travellers site for two caravans and associated vehicle parking

Appendices:
(Summary of main areas of objection)

• **Highway safety/access:**

- Access to this site will link straight onto a busy main road with a 60mph speed limit.
- The steep gradient of the 'watchbank' (Salters Lane) should be considered in terms of highway safety.
- Owing to the speeds of this road and its gradient, drivers will not see vehicles coming out of this site onto the road until it is too late.
- Danger of collisions of pulling out onto oncoming traffic or people's misjudgement of speed.
- The access is halfway up the steep watchbank and unsuitable for residential access.
- This road is very dangerous in winter when there is ice, or when it becomes blocked with snow and frost.
- Vehicles travelling in bad weather conditions do find it very difficult to get up and down the watchbank, with an access road in the middle considered an accident waiting to happen.
- There would be an issue with mud and dirt becoming deposited on the road from vehicles exiting the site causing hazards to road users.
- The Watchbank will become a danger to lives, especially with parents negotiating the bank 2 or 3 times a day to pick up children from the local school.
- The entrance to the site was originally a field gate for an occasional tractor. At present this is being used illegally for private vehicles which are a danger to themselves and other road users.
- In time, children occupying these sites will learn to drive or possibly use horses which will only increase traffic in and out of this site.
- A range of vehicles could use this site from cars to vans and lorries.
- Trailers and horse boxes used by applicants will need to be parked on the main road while gates are opened, causing traffic and a hazardous situation.

• **Conflict with adopted Sedgefield borough Local Plan policy:**

- This application does not fulfil the requirements of Policy H23 (a to e), and would have a detrimental effect on the character of the open plan land between the settlements of Trimdon Grange and Trimdon Village.
- The site cannot be laid out to provide separate areas for residential accommodation, children's play area, work, storage and parking and be adequately screened having regard to the safety and privacy of occupants and visitors as per Policy H23(a). The application makes no mention of this.
- This field is a green belt area and outside the settlement boundaries, therefore contrary to development plan procedures (residential or change of use should not be granted)

• **Proximity of alternative sites nearby:**

- There are official sites in the area for travellers, with which the wider community have no issues. These sites have the necessary amenities and are supported by external services such as educational welfare. It is apparent that a vast amount of money has been spent on these sites. Surely this is where the plots should be located.

- There is a travellers site at East Howle less than 6 miles away which has been recently upgraded at a cost of several million pounds which could accommodate the applicant.
 - There are already 7no. traveller sites in County Durham. As these sites are not full, why do we need more?
 - Two of these sites are not far away from Trimdon. We do not need another one in this area.
 - There is also a caravan site in progress on the road that leads thorough Kelloe which appears to be planned in a much more attractive way that does not spoil the attractive roads that join the villages.
 - To surrender agricultural land to this 'Brownfield site' development must be a serious step backwards. Surely there must be existing 'Brownfield sites in the county where traveller caravans can be accommodated without sacrificing this agricultural land.
- **Waste disposal/water supply/sewage:**
 - The site cannot be supplied by essential services.
 - What provision for power, water supply, drainage and waste disposal is to be made available, and who is able to provide and pay for such amenities?
 - There is almost certainly going to be pollution from fuels, oils, waste etc. This would be approximately 200 yards from the River Skerne which runs into a local fishing pond, continuing into an area locally known as 'charity land' which is a designated SSSI. These 2 flooded areas are home to quite a large diversity of flora/fauna which would be greatly affected by any pollution.
 - Any spillage/overflow from the site can only pollute the River Skerne, and with more hard standing, it can only add to less ground for rain/snow to soak into the ground, therefore causing more run-off to flood prone areas.
 - Household waste could be a major problem, and there is no way a refuse vehicle could stop at the bottom of the bank. Sewage would also be an issue.
- **Precedent:**
 - This application is for 2no. caravans. If change of use is given, this would be open for a larger number of travellers to move onto the 63acre site involved in this application.
 - Setting a precedent of allowing residential development on local green belt would lead to more applications and potential development.
 - Achieving a change from 'Greenfield' to 'Brownfield' land enables further development to take place including the eventual building of dwellings.
- **Impact on Countryside/rural setting and nearby villages:**
 - This application, if approved, would present a blot on the landscape, having an adverse effect on the rural nature of this area.
 - The proposed site is used for agriculture, and a more intensive use for this site would make it incapable of being assimilated into the landscape.
 - Caravans and associated vehicles are not in keeping with the area or rural character.
 - The Trimdon villages currently enjoy a pleasant environment with fields surrounding them. The majority of residents do not wish this to be marred by allowing travellers a site in the midst of them.

- Our villages have gone through a lot of change since closing the collieries in this area. We now have a new environment which we are proud of and do not wish to have it spoiled by a travellers site.
- Incremental degradation of the countryside in an area where the objective has been to make improvements.
- "I object to any further piece-meal development that increases the appearance of shanty town plots along Salters Lane and encourages people to think this is little more than a rag-bag environment of caravans/mobile homes and stable yards."
- Due to its prominent position, the site would spoil countryside views and walks.
- The site intrudes into the open countryside and would adversely affect the character of the landscape including hedgerows, trees and footpaths.
- This site is in a picturesque rural landscape.
- "The proposal will only add salt to the wounds of what was once an area of beauty."
- "The site now looks like an enormous scrap yard with no control of tidiness."
- "The site would not be hidden at all and would spoil views from all sides."
- Due to the slope of the land here, it will be impossible to form any sort of screening around this site meaning I will be looking onto a caravan park.
- The rural outlook is a strong factor why we live here.
- The 3 Trimdons have now become scattered with designated pasture land as well as stables, outhouses and agricultural style buildings, and is very close to running the risk of spoiling the overlook of the villages and its surrounding land.
- Several initiatives in the past have attempted to improve the visual quality of the approaches to the Trimdons. It is something we care passionately about. Those who have made such efforts would feel totally undermined if this proposal were allowed.
- The site is too near a residential area and a conservation area.
- Such development would ruin the look and feel of the surrounding villages.
- **Impact on property values:**
 - Decrease in property values.
 - Homeowners may be unable to sell their property for the true market price and this could lead to negative equity.
- **Fear of a rise in crime:**
 - Fears expressed over a perceived rise in crime levels, vulnerability and nuisance to local residents which may prove difficult to monitor and regulate.
- **Other concerns:**
 - The choice of the site should ideally be by the County Council rather than ad-hoc development which is difficult to monitor and control.
 - As the Council provides all amenities on these sites, surely the Council cannot afford to spend any more money in these cost cutting times when there are traveller sites with spaces available.

- I sincerely hope the planning committees involved will consider the residents of Trimdon and not people from outside the area who are intent on blighting our village.
- I disagree with making land available for anyone to live on without paying the same contributions to the local council.
- The gradient of the land is not suitable for building temporary homes,
- Land should be used for the purpose it was bought/sold for and that is agricultural/green belt land.
- The land in question is and should remain agricultural
- Why has this application been readmitted?
This application was resubmitted after the applicant agreed to withdraw the previous application and revise site boundary details.
- There is also a barn that has already been built on this Greenfield land. Who gave them permission to build if this site is merely for two caravans? What use do they have for a barn? And for what purpose has this barn been built on agricultural land.
Permission has not been granted for this barn which now lies outside of the application site for this current proposal.
- A large barn has already been erected without permission where planners have already been ignored, suggesting an attitude to authority which will inevitably lead to further problems.
- Consideration must be given to the vehicle dependant nature of the proposed site.
- There is no reasonable access to local amenities/footpaths/bus stops by pedestrians from the site
- Building is unsuitable for this area.
- It is unclear if the applicant or family members have a pitch on another site in the UK or is on any waiting list, or suffers any hardship, or are engaged with planners or submitting applications anywhere else.
- The area does not relate to any village life.
- "All applicants are unemployed. I cannot see what benefits they shall bring to the community".
- This site would have an adverse effect on our properties and village.
- The villages either side of this land have little amenities as it stands.
- There are plenty of rental properties and houses for sale in the area for people to settle into village life if they want to without spoiling the look or character of villages they wish to become a part of.

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3C

APPLICATION DETAILS

APPLICATION NO:	6/2010/0310/DM
FULL APPLICATION DESCRIPTION:	Erection of a double garage to serve The Granary The Granary, Ramshaw
NAME OF APPLICANT:	Ms S Herron
ADDRESS:	The Granary Ramshaw Bishop Auckland DL14 0NG
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Charlie Colling Planning Officer 01833 696206 charlie.colling@durham.gov.uk

1. DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 The site is located outside the limits of any defined settlement as identified within the Teesdale District Local Plan. It adjoins a small group of residential properties with other small groups of buildings punctuating the countryside within the locality. The adjacent former barns have been converted to form 2no. dwellings.
- 1.2 The application seeks permission for the erection of a detached double garage and store. The building would have a footprint of 8.9m x 6.2m, constructed with a stonework exterior, to match the adjacent barns and a roof of blue slate. The doors to the garage would be timber, vertically boarded and side hung.
- 1.3 The application is reported to members as the parish council has raised an objection to the proposals.
- 1.4 This application was deferred from the last meeting to enable members to undertake a site visit.

2. PLANNING HISTORY

6/2010/0199/DM - Installation of ground source heat pipes in field adjacent to The Granary & erection of double garage (approved)

6/2009/0424/DM - Conversion of redundant buildings to form 2 No dwellings (part retrospective) - approved

6/2008/0005/DM - Change of use of former general purpose agricultural building to create private stables & private general storage building (approved)

6/2007/0431/DM - Conversion of redundant domestic buildings to create two dwellings with independent access off Ramshaw Lane (approved)

3. PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 7:** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

REGIONAL POLICY:

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 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.

Policy 8 – Protecting and Enhancing the Environment, seeks to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.

-
- LOCAL PLAN POLICY:
 - GD1 Sets out the General Development Criteria against which applications are determined.
 - H11 Sets out the criteria which extensions and alterations to existing dwellings, should adhere to.
 - BENV13 Identifies criteria which change of use or conversions of buildings in the countryside should follow.
 - ENV1 Seeks to protection of the countryside from inappropriate development.
 - ENV8 Seeks to regulate development affecting a protected wildlife species.

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 (www.durham.gov.uk)

4. CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Evenwood Parish– Have raised objection on the following grounds.

- Not in-keeping with the historical buildings surrounding the site.
- Will adversely affect neighbouring properties by overlooking.
- Revised location and lighting will have an adverse effect on bat population.

Northumbrian Water – No objections

Highways – no objections

INTERNAL CONSULTEE RESPONSES:

Ecology – No objections subject to a condition restricting lighting on the garage.

Rights of Way – Footpath 16 Evenwood and Barony runs next to the development site. If approval is granted please advise the applicant of the following:

- No building materials to be stored on the right of way.
- Any vehicle movements must not interfere with public use of the right of way.
- The safety of members of the public using any right of way must be ensured at all times. If a temporary closure notice is required, this can be obtained at least one month in advance from Steven Galloway (tel 0191 3834091), who will supply costs involved.
- No additional barriers or gates are to be placed across any right of way.
- The developer should make good any damage or alteration to the existing surface of the right of way resulting from works.

PUBLIC RESPONSES:

Neighbouring properties have been consulted and a site notice posted with two objections received. Concerns in summary are:

- No longer on footprint of previous building
- Overlooking
- Loss of light
- Not in-keeping with style of buildings on the site
- Over bearing
- Impact on protected species.
- Impact from lighting

Applicant's Statement

The application relates to a double garage facility to The Granary, Ramshaw. Approval (6/2010/0199/DM) for the same building has previously been granted and a large incongruous store building constructed from concrete blocks and with a corrugated sheet roof has been removed to create space for its erection. The new application 6/2010/0310/DM has been submitted as the initial application inadvertently sited the garage in front of the only window in the north wall of the sitting room thus obstructing direct observation of the access road leading to the property. It is considered essential that the access is readily in view from within the dwelling and, therefore, the latest application has been submitted with the proposed garage sited accordingly.

The garage is sited in excess of 23 metres from that element of Holly House which might be said to look onto it and only approximately half of the proposed gable would be visible from that property.

Comments have been made about the effect of the building on the mitigating design for accommodating bats incorporated in the building of The Granary. Natural England has accepted this mitigating design and the required ten bat roosts have now been installed. The new building is opposite two of these ten roosts and if required a further two roosts could be incorporated within the north wall further west and away from the garage and an additional bat box could be erected on the garage wall. I should point out that the bat survey did not recognise any bat roosts in the building and the mitigating design was incorporated as a precaution only, and as such, the proposal should have no effect on any bats.

Comments have also been made about the effect of proposed lighting, although I am unsure why as the application form specifically indicates that there is no lighting on the building.

The comments of objection that have been made are, I suggest, unsubstantiated opinions and not statements of fact and trust that the application be granted approval.

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://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19544>).

5. PLANNING CONSIDERATIONS AND ASSESSMENT

5.1 In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the principle of development, design, impact on the countryside, protected species and residential amenity represent the principle material planning considerations.

Principle

5.2 Planning permission is sought for the erection of a double garage, within the curtilage of the approved barn conversion unit no.1. The conversion is nearing completion. A previous application was approved earlier this year for the erection of a garage the same size and design as this, approximately 6.5m further west. It is considered that as there is an extant permission on the site for a double garage, the principle of a garage within the curtilage is acceptable, subject to design, amenity and protected species considerations.

Design

5.3 The proposed garage would have a footprint of approximately 8.9m x 6.2m and would have two timber doors to the front, a single window and a personnel door in the gable. The plans show the garage to be constructed in stone with a blue slate roof to match the adjacent conversion.

5.4 In terms of the design of the proposed garage it is of a relatively simple form, sited adjacent to the existing conversions. The appearance is considered to be acceptable and is the same as that approved in the previous application. It is not considered that the proposals would have any negative impact upon the character and appearance of

the conversions in accordance with policy H11 and BENV13.

- 5.5 The access to the site would remain unchanged and the highways officer has raised no objections to the proposals. The rights of way officer has not raised any objection either, subject to an informative being attached in respect of the public right of way which passes close to the site.

Impact on Countryside

- 5.6 The site is situated within the open countryside. There are views down to the site from Ramshaw Lane to the north. The proposed garage being sited to the northern end of the conversions would therefore be visible from the road. The proposed garage would have the back drop of a two storey barn to the south, and being sited close to existing buildings would not appear overly prominent within this location. The proposals are in this respect considered to comply with policy ENV1 of the Local Plan.

Residential Amenity

- 5.7 The proposed building would be sited at its closest point 2.5m away from the common boundary with the neighbouring property Holly House. The main elevation of Holly House, containing four windows, sited closest to the boundary with the Granary is approximately 23m away from the proposed garage. The neighbouring property, Holly House, then has a lean-to extension containing a doorway to ground floor and two roof-lights, which is approximately 18m away from the proposed garage. There is then a further two storey element with double doors to ground floor and a single window to first floor, which would again be sited approximately 18m away from the proposed garage.
- 5.8 It is accepted that the proposed garage in this location would be visible from the neighbouring property, however the topography of the site is such that the garden of the neighbouring property is at a higher level than the application site, and with the existing buildings taking into consideration along with the distance of the garage from the dwelling, it is considered that the proposals would not be over bearing or have any unacceptable impact upon amenity or loss of light.

Protected Species

- 5.9 Comments have been made regarding the issue of bats and advising that the proposals may have a negative impact upon them. The ecologist who carried out the initial survey for the conversions has provided an update. The Council's ecologist has not raised any objection to the proposals and is satisfied with the additional protected species information which has been submitted, subject to a condition restricting the lighting which can be erected on the garage.

6. CONCLUSION

- 6.1 The proposed application essentially seeks the relocation of a previously approved double garage/store building within the curtilage of this property. The design of the garage is considered to be acceptable and the materials proposed would reflect those of the adjacent conversion. The proposal would not be overly prominent within the landscape and is sufficient distance away from neighbouring properties as not to

unacceptably impact upon amenity. No objection has been raised by the highways officer or the rights of way officer. The council's ecologist is satisfied that the proposals would not adversely impact upon protected species.

- 6.2 The objections raised have been given due consideration, however the proposals are considered on balance to be acceptable in accordance with policies GD1, H11, BENV13, ENV1 and ENV8.

7. 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.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

Plan Reference Number	Date received
10038	7/7/10
09069-21	7/7/10

3. Notwithstanding the details shown on the submitted application, the external building materials to be used in the construction of the garage hereby approved shall be of a coursed natural stone, with a natural slate roof to match the existing barn conversion in terms of colour, texture and size.
4. The garage hereby permitted shall at all times be used only for purposes ancillary to the enjoyment of the private dwelling and for no trade or business.
5. Notwithstanding the details shown on the submitted application, prior to the commencement of the development details of the garage doors hereby approved including materials, finishing, treatment and hanging shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and maintained in that agreed form in perpetuity
6. Prior to the commencement of the development, details of any lighting to be installed on the garage shall be submitted to and agreed in writing with the Local Planning Authority. There shall be no lighting permitted on the southern elevation, adjacent to the barn conversion. The development shall then be carried out in accordance with the agreed details.

8. REASONS FOR THE RECOMMENDATION

- 8.1 The development was considered acceptable having regard to the following development plan policies, PPS's and RSS policy: -

GD1 General Development Criteria

H11 Extensions and alterations to existing dwellings

BENV13 Change of use or conversion of a building in the countryside

ENV1 Protection of the countryside

ENV8 Development affecting a protected wildlife species

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

RSS – Policy 8 Protecting and Enhancing the Environment

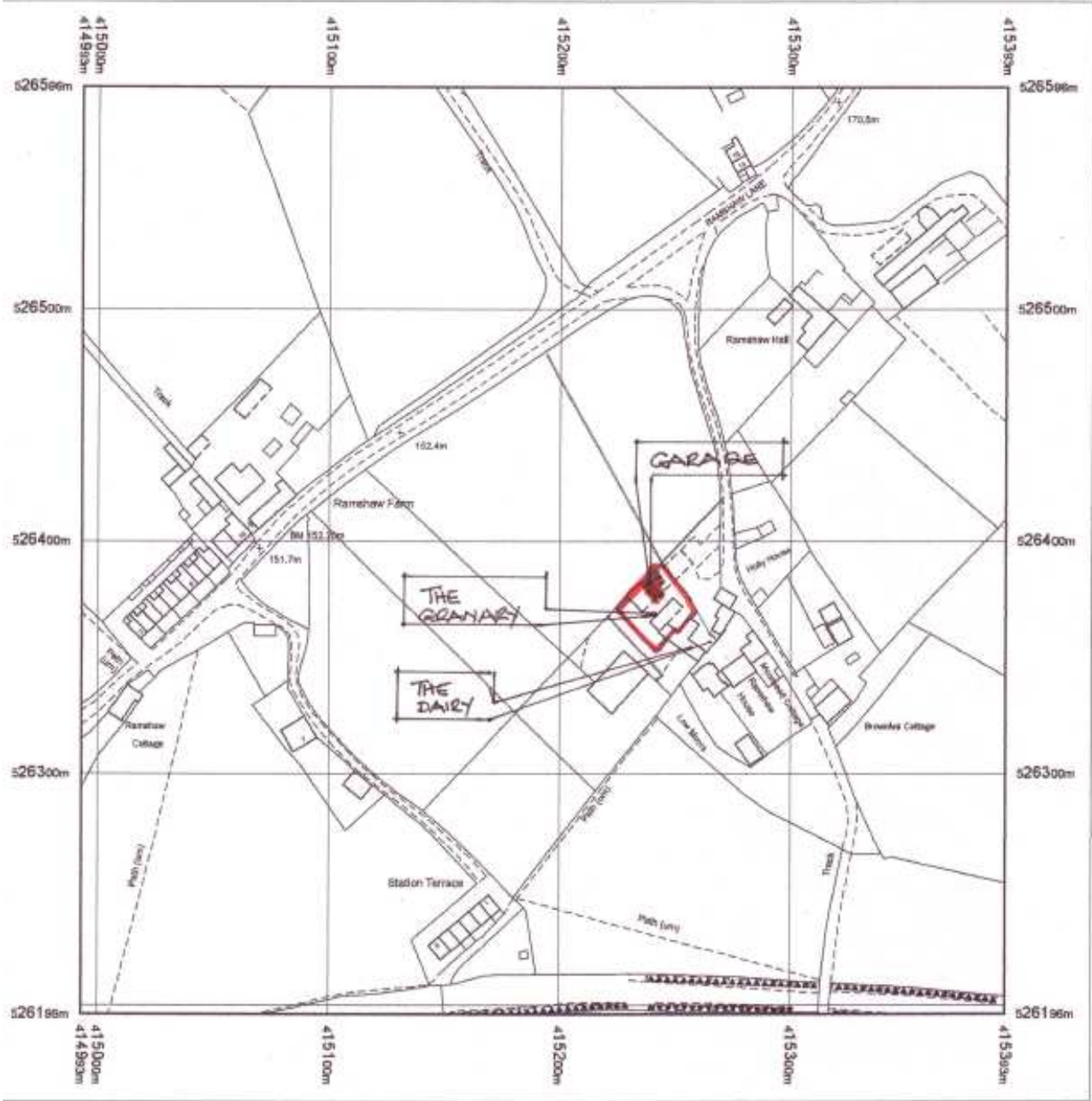
- 8.2 In particular the development was considered acceptable having regard to consideration of principle of development, design, impact on the countryside, protected species and residential amenity
- 8.3 The objections received have been given due consideration, however, the issues raised do not provide sufficient justification for refusal of the application. On balance the scheme is considered to be acceptable. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

9. BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1 and PPS7
- RSS for the North East to 2021
- Responses from County Highways, Rights of Way and Northumbrian Water
- Public Consultation Responses



Site Location Plan





COMMITTEE REPORT

AGENDA ITEM NUMBER: 3D

APPLICATION DETAILS

APPLICATION No: 6/2010/0072/DM/AD

FULL APPLICATION DESCRIPTION: Application for advertisement consent for the erection of 6 No banners on existing lamp posts
The Bowes Museum, Newgate, Barnard Castle

NAME OF APPLICANT: Mr Matt Leng

ADDRESS: The Bowes Museum
Newgate
Barnard Castle
Co Durham
DL12 8NP

ELECTORAL DIVISION: Barnard Castle East

CASE OFFICER: **Charlie Colling**
Planning Officer
01833 696206
charlie.colling@durham.gov.uk

1. DESCRIPTION OF THE SITE AND PROPOSALS

1. Six lamp-posts situated along Newgate, three either side of the entrance to the Bowes Museum.
- 1.2 Advertisement consent is sought for the erection of 6no. advertisement banners to be attached to the existing lamp-posts.
- 1.3 The application has been brought before the Committee as the Town Council has raised an objection to the proposal.

2. PLANNING HISTORY

There is no relevant planning history for this site.

3. PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 5:** Planning for the Historic Environment sets out the Government's planning policies on the conservation of the historic environment.
- **Planning Policy Guidance 19:** explains that the main purpose of the advertisement control system is to help those involved in outdoor advertising to contribute positively to the appearance of an attractive environment in cities, towns and the countryside.

REGIONAL POLICY:

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 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.

Policy 1 – North East Renaissance

Policy 8 – Protecting and Enhancing the Environment

LOCAL PLAN POLICY:

- GD1 General Development Criteria - sets out the general design principles for development
- BENV3 Development affecting the character of a Listed Building or its setting – seeks to ensure development does not adversely affect the character of setting of the listed building.
- BENV4 Development within and/or adjoining a conservation area – this policy provides criteria for new development to adhere to, so that it preserves and enhances the Conservation Areas.
- BENV9 Advertisements and signs within Conservation Areas – seeks to control inappropriate advertisements within the conservation area ensuring they are designed and sited without detriment to the character and appearance of the area.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=6619>

4. CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Town Council – Recommend that the application be refused because the obtrusiveness of what is still considered to be a 'permanent' installation is unacceptable, with such an application only to be contemplated on a very temporary basis, such as a specific event, and not for a period of years.

Highways – Subject to the use of tapered brackets I have no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

Design and Conservation Officer - I do not consider that the banners will affect the setting of the listed building. They are outside the defined boundary and are by default highly visible in order to provide a sense of arrival at the site.

They provide an off site solution to the need for advertising. Many alternatives have been considered which either impacted directly on listed structures or detracted from the setting of the listed museum or lodges.

Banners such as these are now a recognised means of advertising at some of the most prestigious cultural sites in the country. These proposals are well detailed and in my opinion will not detract from the character or appearance of the area, in fact they will add a sense of vitality.

I have no objection to the approval of this application for the normal 5 year period.

PUBLIC RESPONSES:

Neighbouring properties have been consulted, a site notice posted and an advert placed in local press with no objections received.

Applicant's Statement

The Bowes Museum believes the installation of a number of lamppost banners promoting the facilities and exhibitions of the museum will, by providing a sense of excitement, help to persuade more passing traffic to stop and find out about the museum. The banners will give a clear signal that the museum is open, is proud to be visible, and therefore well worth visiting.

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://www.durham.gov.uk/Pages/Service.aspx?ServiceId=6619>

5. PLANNING CONSIDERATIONS AND ASSESSMENT

5.1 The applicant seeks advertisement consent for a period of 5 years for the erection of 6no. banners measuring 2.5m x 0.75m to six of the lampposts outside of the Bowes Museum in Barnard Castle. The proposed banners would be mounted onto the lampposts starting at a height of 3.4m, and a spring loaded mounting would be used following tests to the lights columns. The main issues to consider in determining this application are visual amenity and public/highway safety.

Design

5.2 The proposed banners would be sited, to either side of the entrance, equally spaced utilising the existing lampposts. The brackets would be black to match the existing columns, and each lamppost would display a single banner 2.5m x 0.75m. The design and conservation officer has raised no objection to this type of banner. This type of banner is commonly used as a means of advertising on some of the most prestigious sites in the country.

Highways

- 5.3 The proposed banners would be sited 3.5m above the footway. The highways officer has been consulted on the application and has not raised any objections to the proposals. As part of the highways assessment, tests were required to be carried out on the lighting columns to ensure that the additional load/wind pressure would not affect the stability of the columns. The results showed that a spring loaded system must be used for these lighting columns. The applicant has advised that this is the system which they intend to use for this scheme.
- 5.4 The highways officer has also commented that there are two types of bracket fixings which could be used, these are round arms and tapered arm. The round arms spill the wind-load by approximately 25% and the tapered arms by approximately 66%. It has been advised that the tapered arms should be used, which can be controlled by way of condition.

Impact on Listed Building and Conservation Area

- 5.5 The banners, being sited within the conservation area and outside the entrance to the listed building, must be assessed in terms of any potential impact which they may have on either of these designations. It is considered that this type of advertisement, which is commonly used across the country around similar sites, would be a sensible option for advertising this asset. The banners are not considered to be obtrusive or to detract from the special qualities of the listed building and conservation area. The conservation officer has advised that they are likely to add a sense of vitality to this part of the town.

Response to Town Council Objection

- 5.6 The Town Council has objected to the proposals on the grounds that the proposed banners would be obtrusive and are still considered as a permanent feature as the consent applied for would be for 5 years. As discussed in the report, the proposed banners are not considered to be obtrusive; this is a commonly used design solution to avoid the necessity for additional structures to be erected or adverts displayed inappropriately on important buildings. The period of consent applied for would be 5 years, which is the maximum period for advertisement consent. It is not considered that this is an unreasonable length of time to display these adverts.

6. CONCLUSION

- 6.1 The proposed application essentially seeks advertisement consent for the installation of 6no. banners to lampposts on the approach to Bowes Museum. The design of the banners is considered to be acceptable, and the banners offer a commonly used solution to providing advertisements to important sites, without adversely affecting the building itself. The proposals would not be overly prominent, but are likely to add a sense of vitality to this part of the street. No objection has been raised by the highways officer or the design and conservation officer. The objections have been given due consideration, however it is not considered that the issues raised would justify refusal of this application, for the reasons outlined above in accordance with policies GD1, BENV3, BENV4 and BENV9.

7. RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. This consent to display the advertisement(s) is for a period of five years from the date of this permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PPG 19 (Outdoor Advertisement Control) and Policies GD1 and BENV9.

2. Any advertisements displayed and any site used for the display of advertisements shall be maintained in a in a condition which does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PPG 19 (Outdoor Advertisement Control) and Policies GD1 and BENV9.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PPG 19 (Outdoor Advertisement Control) and Policies GD1 and BENV9.

4. Where any advertisement is required under these Regulations to be removed, its removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PPG 19 (Outdoor Advertisement Control) and Policies GD1 and BENV9.

5. No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PPG 19 (Outdoor Advertisement Control) and Policies GD1 and BENV9.

6. The bracket arms to be used for fixing the banners shall be of a tapered arm type.

In order to ensure the wind-load on the columns is not excessive in accordance with Policies GD1 and BENV9.

8. REASONS FOR THE RECOMMENDATION

8.1 The development was considered acceptable having regard to the following development plan policies and PPS/PPG's: -

GD1	General Development Criteria
BENV3	Development affecting the character of a Listed Building or its setting
BENV4	Development within and/or adjoining a conservation area
BENV9	Advertisements and signs within Conservation Areas

PPS1 – Delivering Sustainable Development
PPS5 – Planning and the Historic Environment
PPG19 – Outdoor Advertisement Control

8.2 In particular the development was considered acceptable having regard to consideration of principle of development, design, highways, impact on the listed building and conservation area, public safety and amenity.

8.3 The objections which have been received have been given due consideration, however the issues raised do not provide sufficient justification for refusal of the application. On balance the scheme is considered to be acceptable. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1, PPS5 and PPG19
- Responses from County Highways and design and conservation officer



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3E

APPLICATION DETAILS

APPLICATION NO: 3/2010/0523

FULL APPLICATION DESCRIPTION: CHANGE OF USE FROM A RESIDENTIAL DWELLING TO A RESIDENTIAL CHILDRENS HOME

NAME OF APPLICANT: MS DONNA THORNE

ADDRESS: GREY TOWERS, WOLSINGHAM, BISHOP AUCKLAND, DL13 3HQ

ELECTORAL DIVISION: WEARDALE

CASE OFFICER: Adam Williamson
adam.williamson@durham.gov.uk
01388 761970

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1 Context

- 1.2 The site comprises a large dwelling with detached garage. The dwelling sits within a garden which is enclosed by a small stone wall. Access is via a narrow winding single track that also serves other nearby properties.
- 1.3 To the north west of the dwelling lies a parcel of land to which the application relates. Prior to the new development on this parcel of land there was a stable and small garage, along with the foundations of the other outbuildings that had been removed previously. Grey Towers also has the benefit of a 32m wide paddock extending 210m to the north of the parcel of land to which the development relates. Given its previous use this parcel of land is regarded as being within the curtilage of the dwellinghouse.
- 1.4 The site is situated outside of the Settlement Limits for Wolsingham. Therefore, in planning terms, the site is located within the open countryside as defined by policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
- 1.5 The nearest dwellings are Montford 85m to the north east of the site; Ruffsyde 65m to the north west, and Redgate Villa 109m to the south.
-

1.6 The area is located within the North Pennines Area of Outstanding Natural Beauty. In terms of topography the land rises from the south to the north with Montford being on a higher level than the site. Redgate Villa is on a lower level behind a small crag.

1.7 Proposal

1.8 Planning permission is sought for the change of use of the site from C3 residential to C2 children's home. No external alterations are proposed. The applicant has stated that there would be a maximum of 4 children at the home aged between 11 and 17, with between 1 and 3 staff on site at any one time as appropriate.

1.9 The application is being reported to Committee as Wolsingham Parish Council has objected to the proposal.

2.0 PLANNING HISTORY

2.1 3/2005/0700 Kennels and loose boxes - Approved 22.01.2006.

2.3 3/2005/0380 Rebuild kennels and extend outbuildings - Approved 01.07.2005

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

3.2 **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

3.3 **Regional Policy:** 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 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.

3.4 **Policy 2: Sustainable Development** – Concerned with providing for development which delivers environmental, social and economic objectives to improve the quality of life for all without threatening, either now or in the future, the viability of the natural, built and social systems on which the deliverability of these objectives depends.

3.5 LOCAL PLAN POLICY:

3.6 **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.

3.7 **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.

- 3.8 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.
- 3.9 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://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

- 4.2 Wolsingham Parish Council:** Object to the proposals. The change of use does not accord with the local plan, particularly as it is in the open countryside. There is inadequate infrastructure in the town to facilitate such a development.
- 4.3 Highways Engineer:** Access onto the unclassified road is acceptable and while this will generate slightly more traffic than a single residential dwelling the increase will be relatively small.
- 4.4** The access track leading to the site is private and is not included within the red line site boundary. However, this access track appears to have served the site for over eighty years and I must assume that access rights exist.

4.5 INTERNAL CONSULTEE RESPONSES:

- 4.6 Public Rights of Way:** The route serving as private (vehicle) access to Grey Towers, as well as other properties, is also a Public Bridleway (No. 44 Wolsingham). I note that in the DAS the applicant states that “the property will not increase traffic to the area any more than if it were a residential house”. We do not have any record of any problems associated with private vehicle movements and the public’s use of the bridleway, and I can’t envisage there being any change in this should the property switch from residential dwelling to a residential children’s home.

4.7 PUBLIC RESPONSES:

- 4.8** Occupiers of neighbouring properties have been notified in writing and a site notice has also been posted. One letter of objection has been received, the details of which are set out below:
- a) The use and enjoyment of my property and surrounding land is likely to be affected by the intrusion, lack of privacy and trespass by individuals accommodated at this address.

- b) It is likely that these children will have behavioural problems and likely to come from families where behaviour has not been addressed and are maladjusted individuals.
- c) The location of the proposal is located outside the village of Wolsingham. The access to the site is not served by footpaths or street lighting.
- d) Vehicular access would be difficult for emergency services due to the narrowness of the access lane.
- e) With an increase of children descending on the village from dubious backgrounds it would tend to indicate that anti social behaviour will be a significant concern and possible a problem. The children will have freedom to come and go from the home; even with good supervision the staff will not be able to control the behaviour of individuals who frequent the village.

34 letters of support have also been received stating that:

- a) This is a great location for a children's home and good for the community with the creation of local employment.

5.0 APPLICANT'S STATEMENT

- 5.1 The criteria for admission to the home is children and young persons ages 11-17 both boys and girls - a maximum of 4 with a workforce structure that will provide between 1 and 3 staff on duty as appropriate, with an on call backup to cover emergencies/sick leave.
- 5.2 The 'home' will not be a specialist learning disabilities or secure unit, however I cannot say that there will never be a young person living there who maybe has difficulties with school (just like many who live with their families) or may have an illness - or at times be challenging, however the staff will be trained and experienced and able to parent confidently with expertise and call in support if required.
- 5.3 With regard to preventing and addressing anti-social behaviour the applicant is committed to ensuring that all children, young people and staff team enjoy the right to a decent, secure and peaceful living environment, without disturbance or harassment from neighbours or others in the community.
- 5.4 The applicant also expects through a contractual agreement that all children, young people and the staff team understand that neighbours and others in the community have the right to a decent, secure and peaceful living environment, without disturbance or harassment.
- 5.5 The staff's working contract and the children and young people's care plan will clearly cover behaviour and what is expected of them.
- 5.6 To further support this there are a range of proposed initiatives, listed below:
 - Online reporting will be made available.
 - An out-of-hours reporting system will be available.
 - A text service will also be made available.
- 5.7 All are designed to support the applicant's commitment to the approach of intervention, prevention and enforcement when tackling anti-social behaviour:

Every report received will be responded to within 5 working days or 24 hours if the

matter is serious.

- 5.8 Training staff is key to the ability to be able to deal quickly and effectively with all reports of anti-social behaviour:

All staff will be given up-to-date training and support, which is ongoing.

All staff have a working procedure document to ensure consistency of approach when deciding what action to take.

- 6.9 Community and Resident Involvement

- 6.10 The applicant will be directed by the Durham Safe Partnership strategy and will engage with local forums such as:

Neighbourhood Watch

Police and Communities Together

- 6.11 Advice will also be sought from Weardale's Safer Communities Co-ordinator as to how links can be made and strengthened within the local community.

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 Crook Area Office.

7.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 7.1 In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the principle of development, highway safety and parking, impact upon the North Pennines Area of Outstanding Natural Beauty and residential amenity represent the principal material planning considerations.

7.2 The Principle of Development

- 7.3 The premises known as Grey Towers is situated outside the development limits of Wolsingham, which is approximately 400 metres to the south of the application site. The property has previously been used as a dwelling.

- 7.4 The proposal seeks to change the use of the premises to a residential care home, for children and teenagers who are unable to be cared for by their parents.

- 7.5 The application advises that the proposed use would be for 4 children who would be resident at the property.

- 7.6 There would be a total of 10 employees required for the use of the premises for this function, with between 1 and 3 workers on duty at any one time.

- 7.7 The premises being sited adjacent to the settlement limits of Wolsingham, which is approximately 400 metres to the south, and involves the re-use of an existing building, would accord with the principles of PPS1 and policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7.8 Highway safety and Parking

7.9 The site includes an area of tarmac providing parking to the northwest of the building measuring approximately 20 metres by 20 metres, as well as a detached garage to the west of the dwelling. This is considered to be more than sufficient parking to serve the proposed children's home. It is considered that the scheme would not create a volume of traffic which would exceed the capacity of the local highway network. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7.10 Impact upon the North Pennines Area of Outstanding Natural Beauty

7.11 The application details only internal alterations to the building. Policy ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 also advises that development which adversely affects the special scenic quality and nature conservation interests of the AONB will not be permitted. Given the previous uses of the building and the proposed alterations being internal it is not expected that the development would generate any excessive impact that would have a detrimental impact upon the quality of the AONB. The proposal accords with policy ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7.12 Amenity

7.13 The nearest dwellings are Montford 85m to the north east of the site; Ruffsyde 65m to the north west, and Redgate Villa 109m to the south.

7.14 The proposed use is similar in terms of scale to a large family home, which the site currently is used for. The home would house 4 children with between 1 and 3 workers on site at any one time. Given this it is considered that the scale of the development would not cause additional strain on infrastructure in Wolsingham over and above a normal family home.

7.15 Grey Towers has no immediate neighbouring properties, and as such it is considered that the intensity of the proposed use would not cause disturbance to occupiers of neighbouring properties, nor any loss of privacy. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7.16 Other Issues

7.17 Some objections have been received in respect of the potential for more anti-social behaviour problems being caused in Wolsingham as a result of the proposed use of the building. Durham Constabulary's crime prevention officer has been consulted on the application and comments are awaited. Irrespective of this, the applicant is committed to ensuring that all children, young people and staff team enjoy the right to a decent, secure and peaceful living environment, without disturbance or harassment from neighbours or others in the community. The relationship between property and value and a proposed development is not a material planning consideration to be given weight in determining the proposals.

8.0 CONCLUSION

- 8.1 In summary, the building is situated adjacent the settlement limits for Wolsingham, where the re-use of existing buildings for such purposes as identified in this application is acceptable subject to protecting the amenity of neighbouring occupiers, residential amenity and the character of the North Pennines Area of Outstanding Natural Beauty.
- 8.2 Given the previous uses of this building and taking into account the intensity of the proposed change of use, it is not considered that there are any reasons which would form sound material planning grounds for the refusal of this application.
- 8.3 The strong local objection has been given due consideration, however the main planning issues in respect of the access and parking, impact upon the AONB and protection of amenity have been discussed within this report and found on balance to not warrant refusal of the application.
- 8.4 No objections have been received from statutory consultees other than the objection from Wolsingham Parish Council, and the proposals are considered to accord with both local and national planning policy; as such the application is recommended for approval.

9.0 RECOMMENDATION

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

Conditions:

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

Plan Ref No.	Description	Date Received
	Site Location Plan	22.11.2010
1	Planned ground floor layout	22.11.2010
2	Existing first floor (no change)	22.11.2010

2. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for a children's home only and for no other purpose, including any other activity within the same use class of the schedule to that Order.

Reasons:

1. To define the consent and ensure that a satisfactory form of development is obtained.
2. In the interests of the amenity of the area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

10.0 REASONS FOR THE RECOMMENDATION

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

- Policy GD1 (General Development Criteria)
- Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty)
- Policy H3 (Distribution of Development)
- Policy T1 (General Policy – Highways)

10.2 In particular the development was considered acceptable having regard to consideration of highways safety, access and amenity.

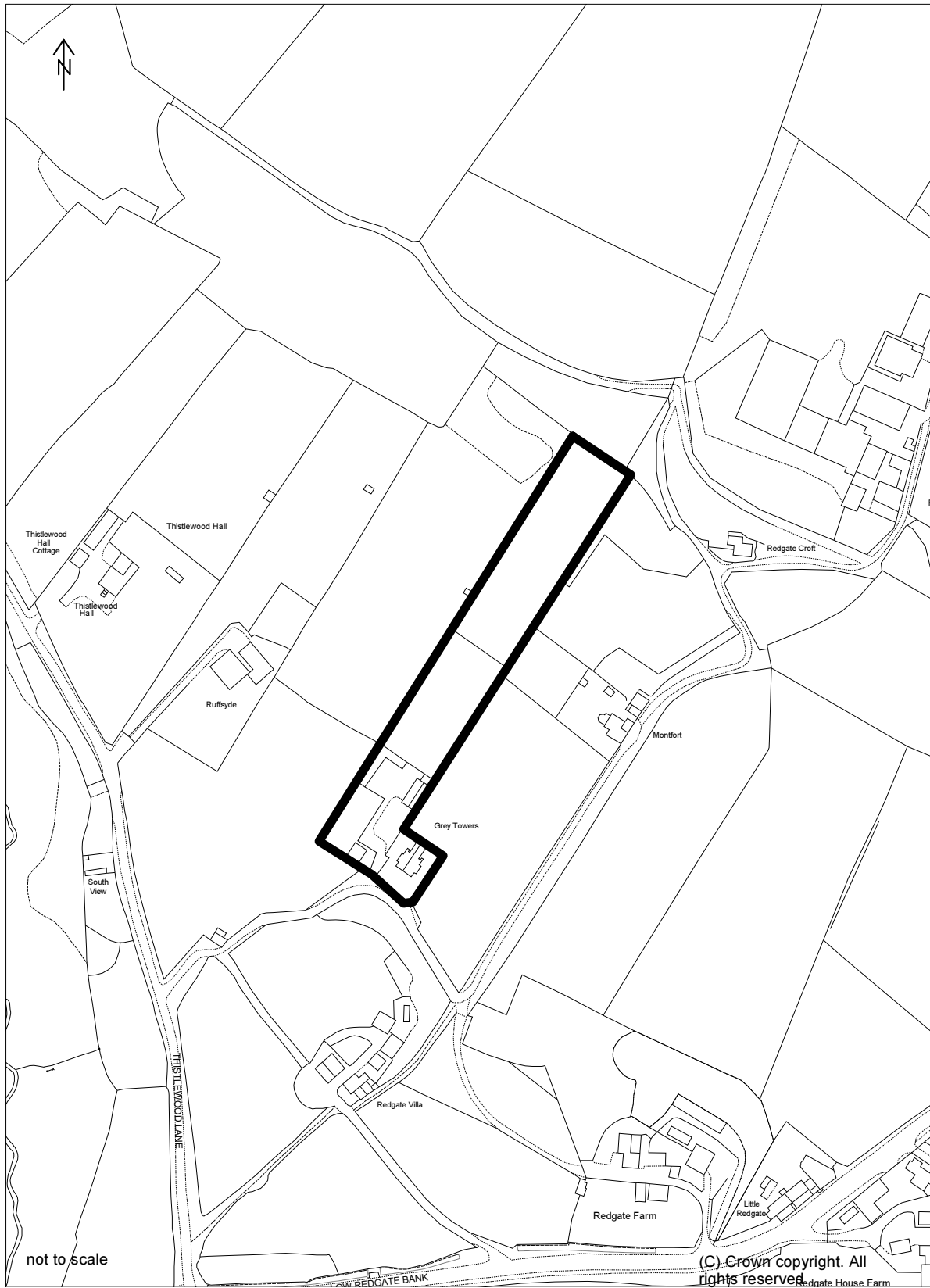
10.3 There has been strong local objection to this application, however given the previous use of the site and without there being any objections from statutory consultees the proposal is considered to accord with both local and national planning policies.

11.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1
- RSS
- Consultation Responses
- Public Consultation Responses



3/2010/0523 – CHANGE OF USE FROM A RESIDENTIAL DWELLING TO A RESIDENTIAL CHILDREN’S HOME AT GREY TOWERS, WOLSINGHAM FOR MS. D. THORNE



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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3F

APPLICATION DETAILS

APPLICATION NO: 3/2010/0567

FULL APPLICATION DESCRIPTION: APPLICATION TO VARY CONDITION 14 - PROVISION OF AFFORDABLE HOUSING (PLANNING APPLICATION REF: 3/2010/0144)

NAME OF APPLICANT: DUNELM HOMES

ADDRESS: LAND AT MIDDLEWOOD AVENUE, ST. HELEN AUCKLAND, BISHOP AUCKLAND, DL14 9DH

ELECTORAL DIVISION: WEST AUCKLAND

CASE OFFICER: Chris Baxter
chris.baxter@durham.gov.uk
01388 761987

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1 Site

1.2 The application site is currently under construction with a number of properties completed. There is a relatively new housing estate to the east of the site. Residential properties also bound the application site to the south and south west. Allotments are located to the west with open agricultural fields to the north of the site.

1.3 Proposal

1.4 Members may recall that planning permission was granted for 111 dwellings on 3rd June 2010 at meeting of this Planning Committee. Of these 111 dwellings, 30 of them were to be made affordable homes, and a condition was accordingly attached to the planning permission to ensure that this would be the case.

1.5 Condition 14 of planning permission 3/2010/0144 states:

'In respect of the provision of affordable housing on the site:

- (a) *the development shall be completed in accordance with the approved plan drawing no. DAMHA/Endeav layout 3.*
- (b) *the dwellings to be constructed on plots DAMHA 1-10 and RSL 11-30 (inclusive) shall be affordable housing as defined in Planning Policy Statement 3 (Housing) Annex B and retained in perpetuity as such.*
- (c) *the number, type and location of the affordable housing units shall be constructed as shown on the approved plans.*
- (d) *no more than 75% of the market housing hereby approved shall be occupied until the affordable housing units have been transferred to a Registered Social Landlord. Details of the transfer of the affordable housing units to a Registered Social Landlord shall be submitted to the local planning authority.*

The delivery of the affordable housing shall be in accordance with the terms of this application and the submitted Affordable Housing Statement.'

1.6 This application proposes to vary condition 14, in particular part (b) of this condition. The following variation of condition 14 part (b) is proposed:

- (b) *The dwellings to be constructed on plots DAMHA 1-10 and RSL 11-30 (inclusive) shall be affordable housing as defined in Planning Policy Statement 3 (Housing) Annex B.*

Provided that such dwellings shall be permitted to be disposed of by a non-profit registered provider of social housing ("an RP") as defined in Section 115 (1) (a) Housing and Regeneration Act 2008 ("the Act") to:

- i) tenants pursuant to any statutory rights that they may have to acquire the freehold (or a long leasehold) interest in the dwelling that they occupy; or*
- ii) leaseholders pursuant to any contractual right that they may have to acquire the freehold (or an unencumbered long leasehold) interest in the dwelling that they have been leased pursuant to shared ownership arrangements (within the meaning of Section 70 (2) (a) of the Act)*

whereupon, in each case this Condition shall cease to have effect and shall not bind such tenants or leaseholders and their respective successors in title.

1.7 Essentially this variation of condition 14 part (b) will allow tenants to exercise their statutory rights under the Right to Acquire (RTA) scheme. The existing wording of condition 14 would not allow this statutory right to be exercised. Without the affordable homes having this statutory right to RTA, the homes would not be eligible for Homes and Communities Agency (HCA) grant funding. The varied condition would ensure that HCA grant funding is available for the affordable homes.

1.8 This application is reported to committee as the original application was classed as a major.

2.0 PLANNING HISTORY

2.1 3/2010/0144 – Development of vacant site to provide 111 dwellings including 10 bungalows and 20 two storey dwellings as affordable homes, associated roads and infrastructure – Approved 04/06/2010.

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

3.2 **Planning Policy Statement 3: Housing (PPS3)** - Underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home which they can afford in a community where they want to live.

3.3 REGIONAL POLICY:

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 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.

3.4 LOCAL PLAN POLICY:

3.5 The following Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 are relevant in the determination of this planning application:

3.6 **General Development Criteria (GD1):** 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.

3.7 Policy H15 (Affordable Housing):

The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.

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://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.2 None

4.3 INTERNAL CONSULTEE RESPONSES:

4.4 None

4.5 PUBLIC RESPONSES:

4.6 The neighbouring properties were consulted and a site notice was posted close to the site. A press notice was also placed in the local newspaper. No letters of objection/observation have been received.

5.0 APPLICANT'S STATEMENT

- 5.1 The re-submission of the scheme is to amend planning permission to ensure it is in accordance with HCA funding guidelines, which allow RSL tenants to exercise their statutory right to acquire the freehold of their social rented dwelling or leaseholders the contractual right to acquire the freehold of their property. Without the planning condition being amended to accord with HCA Guidelines, the RSL would not be able to complete and take possession of the properties.

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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 6.1 Condition 14 of planning permission 3/2010/0144 was attached to ensure that the provision is made for a proportion of affordable housing on the site to meet local needs. The proposed variation of this condition would not reduce the amount of affordable units developed on the site.
- 6.2 The Registered Social Landlords (RSL) found that the wording of condition 14 is contrary to that which is acceptable to the Homes and Communities Agency (HCA) for grant funding purposes. At present, the wording of condition 14 would not allow the tenants to exercise their statutory right under the Right to Acquire (RTA) schemes. If the RTA schemes are not available to future tenants of these affordable homes, then this development becomes ineligible for HCA grant funding. It is noted that whilst RTA is a statutory right under the 2004 Housing Act, in reality few occupiers take up the RTA schemes. In 2009/10 only 90 RTA schemes were completed nationally.
- 6.3 The proposed variation of condition 14, as described in the 'Proposals' section of this report, would allow flexibility which ensures that the affordable homes are developed but also allows scope for future tenants to exercise RTA schemes. This therefore also means that the varied condition would allow the development of the affordable homes to be eligible for HCA grant funding.
- 6.4 The proposed variation of condition 14 would still ensure that the affordable homes, approved under planning permission 3/2010/0144, will be developed. Therefore, taking into account the relatively low number of RTA schemes which are actually completed, it is considered that the proposed variation of condition 14 of planning permission 3/2010/0144 is acceptable and not contrary to policies GD1 and H15 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7.0 CONCLUSION

- 7.1 The proposed variation of condition 14 would still ensure that the affordable housing units are developed, however the variation would allow scope for future tenants to exercise their statutory rights under Right to Acquire schemes. This variation would also ensure that the development would be eligible for Homes and Communities Agency grant funding for the affordable homes.

8.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun no later than 4th June 2013.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
LP_01	Location Plan	30/03/2010
DAMHA/Endeav layout 3	Site Layout	30/03/2010
840/2BB Gable/PD Rev C	2B Bungalows:Central and Gable End Options	30/03/2010
840/2B CornB/PD Rev C	2B Corner Bungalow	30/03/2010
3860 SK102	RSL Typical Plot	30/03/2010
3860 SK109 brk	Cypress (1)	30/03/2010
3860 SK113 brk	Hornbeam (1)	30/03/2010
3860 SK126	1800 High Wall	30/03/2010
3860 SK125	1800 High Close Boarded Fence	30/03/2010
3860 SK124	900 High Post and Rail Fence	30/03/2010
NO-Std-00	The Norwich	30/03/2010
CA-Std-00	The Canterbury	30/03/2010
EL-Std-00	The Ely	30/03/2010
CH-Std-00	The Chelmsford	30/03/2010
LN-Std-00	The Lincoln	30/03/2010
YO-Std-00	The York	30/03/2010
303-GD-01	Single Attached Garage Plans and Elevations	30/03/2010
303-GD-11	Standard garage Details Twin Garage Type 3 – Plans & Elevations	30/03/2010
303-GD-20	Standard Garage Details Treble Garage Plans & Elevations	30/03/2010
TD/0059/01	Proposed Floor Levels	13/04/2010

3. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the local planning authority that:

Prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and

Prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative as agreed in writing by the local planning authority.

4. Development shall not commence until details demonstrating how CO₂ reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved details. The submitted details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 25% will be achieved - the equivalent of Code level 3 of the Code for Sustainable Homes.
5. No development shall take place until a full schedule of all the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Development shall be carried out in accordance with the approved details.
6. 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.
7. Before commencement of development, details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details.
8. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
10. Before the development hereby approved is commenced wheel washing equipment shall be provided at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.
11. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been

submitted to and approved in writing by the local planning authority, and the buildings hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

12. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall not be occupied until the scheme for the supply of water has been completed and commissioned in accordance with the approved details.
13. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
14. In respect of the provision of affordable housing on the site;
 - (a) the development shall be completed in accordance with the approved plan drawing no. DAMHA/Endeav layout 3.
 - (b) The dwellings to be constructed on plots DAMHA 1-10 and RSL 11-30 (inclusive) shall be affordable housing as defined in Planning Policy Statement 3 (Housing) Annex B.

Provided that such dwellings shall be permitted to be disposed of by a non-profit registered provider of social housing ("an RP") as defined in Section 115 (1) (a) Housing and Regeneration Act 2008 ("the Act") to:

- i) tenants pursuant to any statutory rights that they may have to acquire the freehold (or a long leasehold) interest in the dwelling that they occupy; or
- ii) leaseholders pursuant to any contractual right that they may have to acquire the freehold (or an unencumbered long leasehold) interest in the dwelling that they have been leased pursuant to shared ownership arrangements (within the meaning of Section 70 (2) (a) of the Act) where upon, in each case this condition shall cease to have effect and shall not bind such tenants or leaseholders and their respective successors in title.
- (c) the number, type and location of the affordable housing units shall be constructed as shown on the approved plans.
- (d) no more than 75% of the market housing hereby approved shall be occupied until the affordable housing units have been transferred to a Registered Social Landlord. Details of the transfer of the affordable housing units to a Registered Social Landlord shall be submitted to the local planning authority.

The delivery of the affordable housing shall be in accordance with the terms of this application and the submitted Affordable Housing Statement.

15. An easement strip of a minimum of 5 metres wide located between the development and northern edge of the site boundary, as per drawing LP_01, shall remain free of all structures unless otherwise agreed in writing by the local planning authority.

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16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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 scheme shall also include:
- *Confirmation the drainage network can operate without flooding up to the 30 year peak storm event, and that there is no flood risk to people and property up to the 100 year peak storm event*
 - *Details of how the scheme shall be maintained and managed after completion*

Reasons

1. To ensure planning permissions are not extended by Section 73 applications and that the time limit remains consistent to the original consent 3/2010/0144 pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To define the consent 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 Saved and Expired Policies September 2007.
3. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.
4. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.
5. 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. 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.
7. 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. 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. 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.
10. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies

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- September 2007.
11. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
 12. The water supply system is at capacity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
 13. To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25.
 14. To ensure that provision is made for a proportion of affordable housing on the site to meet local needs and to comply with policy H15 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the requirements within PPS3.
 15. To ensure suitable provision is made for access to the main river Tindale Beck for Environment Agency maintenance purposes and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
 16. To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9.0 REASONS FOR THE RECOMMENDATION

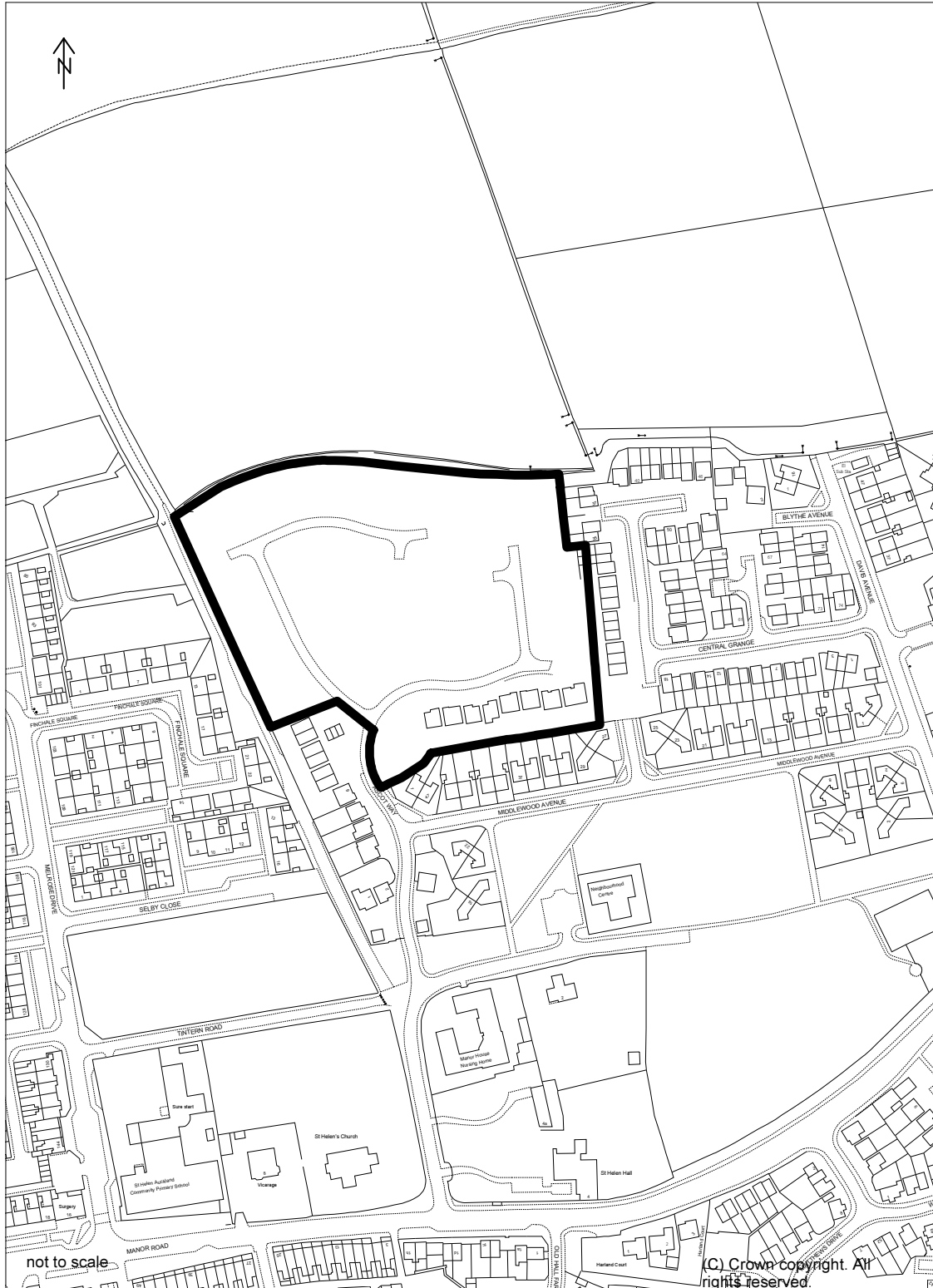
- 9.1 The proposed variation of condition 14 of planning permission 3/2010/0144 would still ensure that the affordable homes are developed while also allowing future tenants of the affordable homes the opportunity to exercise their statutory rights under Right to Acquire schemes. The proposed variation would not be contrary to the aims of policies GD1 and H15 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

10.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPG2, PPS3, PPS5, PPS7, PPS9, PPS13, PPG16
- Consultation Responses
- Public Consultation Responses



3/2010/0567 - APPLICATION TO VARY CONDITION 14 - PROVISION OF AFFORDABLE HOUSING (PLANNING APPLICATION REF: 3/2010/0144) AT LAND AT MIDDLEWOOD AVENUE, ST. HELEN AUCKLAND FOR DUNELM HOMES



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3G

APPLICATION DETAILS

APPLICATION NO: 3/2010/0559

FULL APPLICATION DESCRIPTION: EXTENSION OF TIME OF PLANNING PERMISSION 3/2004/0733 FOR ELEVEN HOUSES ON FORMER GARAGE SITE

NAME OF APPLICANT: LEEHILL CONSTRUCTION LIMITED

ADDRESS: FORMER MILFORD GARAGE, SITE ROSEMOUNT ROAD, SOUTH CHURCH, BISHOP AUCKLAND, DL14 6SY

ELECTORAL DIVISION: COUNDON

CASE OFFICER: Chris Baxter
chris.baxter@durham.gov.uk
01388 761987

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 **Proposals**
- 1.2 This application seeks an extension of time for planning permission 3/2004/0733 for the construction of 11 houses.
- 1.3 **Site**
- 1.4 The application site is the former SG Petch Garage site located on Rosemount Road at South Church in Bishop Auckland. The site was previously occupied by a petrol filling station and a car showroom; however, the site has now been cleared for a number of years. The site is bounded to the south and west by existing residential properties and the northern boundary is formed by Rosemount Road highway.
- 1.5 This application is reported to this committee as the original application was classed as a major.

2.0 PLANNING HISTORY

- 2.1 3/2004/0733 – Eleven houses on former garage site – Approved 17/03/2006.
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3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

3.2 **Planning Policy Statement 1: (PPS1) Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

3.3 **Planning Policy Statement 3: (PPS3) Housing** Underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home which they can afford in a community where they want to live.

3.4 **Planning Policy Statement 22: (PPS22) Renewable Energy** – Sets out government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

3.5 REGIONAL POLICY:

3.6 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 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.

3.7 LOCAL PLAN POLICY:

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

3.9 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.

3.10 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.

3.11 Policy H22 (Community Benefit):

On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent

maintenance of related social, community and/or recreational facilities in the locality.

3.12 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.

3.13 Policy RL5 (Sport and Recreation Target):

For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.

3.14 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.

3.15 Policy BE17 (Areas of Archaeological Interest):

When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.

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://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.2 Durham County Council Highways: No objections were raised to the previous application subject to the imposition of conditions. These conditions are recommended should permission be granted for the extension of time.

4.3 Northumbrian Water: No objections raised to the previous application.

4.4 Environment Agency: No objections were raised to the previous application subject to the imposition of conditions. These conditions are recommended should permission be granted for the extension of time.

4.5 INTERNAL CONSULTEE RESPONSES:

4.6 Durham County Ecologist: The site has already been cleared, and has now been left standing vacant for the past few years. The site is therefore low risk for the presence of protected species. It is however noted that a mature hedgerow/trees form the eastern boundary of the site and it is strongly recommended that this be retained due to its biodiversity value as well as its importance as a screen to the new houses. It is also recommended that the houses be stood off from this hedgerow to ensure that it is not viewed as a nuisance by new residents of the proposed housing in terms of

overshadowing/shading out gardens/houses.

4.7 PUBLIC RESPONSES:

4.8 The application has been advertised on site, in the local press and neighbouring properties have been notified individually. One observation letter has been received prior to this report going to print. The contents of this letter are summarised below:

- a) The fencing around the site is not always secure and can be a trip hazard to passers by.
- b) Water is lying on the site.
- c) When raining the water is pouring out of the site on to the footpath. During the recent snowfall this was very dangerous.
- d) Could the site be tidied up as it's currently an eyesore?

4.9 The following points are in response to the comments raised above:

- a) The Planning Enforcement Officer has been in contact with the owner of the site to ensure that the site is secure with adequate fencing.
- b) The Planning Enforcement Officer has negotiated with the owner for the site to be adequately levelled to try and avoid any significant water lying on the site. It is inevitable and unavoidable, given the site is flat, that water will lie after periods of rain.
- c) It is considered that this would be unavoidable especially after extreme weather periods such as the recent heavy snowfall.
- d) The site is currently a construction site. The owner has undertaken steps to clear the site (i.e. removed machinery, levelled parts of the site). The Planning Enforcement Officer is regularly monitoring this site to ensure the site does not fall into a bad state.

5.0 APPLICANT'S STATEMENT

5.1 No statement has been received from the applicant.

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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

6.1 On the 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

6.2 Government guidance states that in current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and

Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

- 6.3 However, this process is not a rubber stamp. Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.
- 6.4 The circumstances that led to the original planning permission relating to this scheme have not significantly changed and the principle of development is therefore considered acceptable. The only material change in planning policy has been the introduction of Planning Policy Statement 22: Renewable Energy (PPS22) which places emphasis on the importance of renewable energy in delivering the Government's commitment on climate change. Given the introduction of PPS22, it is considered necessary and appropriate to introduce a condition asking for a scheme relating to CO2 reduction and energy efficiency. Subject to the imposition of a condition relating to CO2 reduction and energy efficiency it is considered acceptable to extend the time for planning permission 3/2007/0668.
- 6.5 It is noted that the previous planning permission was granted subject to a completed Section 106 legal agreement, requiring a contribution of £6,640 for the provision and maintenance of related social, community and/or recreational facilities in the locality. Should members be minded to grant planning permission, it is recommended that a new Section 106 legal agreement would have to be completed requiring the same commuted sum of £6,640 which would be for the provision and maintenance of related social, community and/or recreational facilities in the locality.

7.0 CONCLUSION

- 7.1 This proposal is to renew the planning permission 3/2004/0733 for the construction of 11 houses. The principle of development remains acceptable as there have been no significant changes in local, regional or national planning policy. Planning Policy Statement 22: Renewable Energy has been introduced since the previous application was approved. A condition relating to CO2 reduction and energy efficiency is therefore recommended accordingly.

8.0 RECOMMENDATION

- 8.1 That, subject to the completion of a Section 106 Agreement undertaking to pay a contribution for the provision and maintenance of related social, community and/or recreational facilities in the locality, planning permission be APPROVED subject to the following conditions:**

Conditions:

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

Plan Ref No.	Description	Date Received
1391 09 Rev A	Roof Plan and Site Plan	17/11/2004
1391 08	Elevations	08/09/2004
1391 07 Rev A	Second Floor Plans	17/11/2004
1391 06 Rev A	First Floor Plans	17/11/2004
1391 05 Rev A	Ground Floor Plans	17/11/2004

2. No development shall take place until samples of the materials to be used in the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. Notwithstanding the details shown on the proposed site layout plan the development shall incorporate the following:-
 - (a) the footway on the eastern side of Milford Meadows shall be widened to 1.8 metres for the entire frontage of the development;
 - (b) the junction between Milford Meadows and Rosemount Road shall be improved to provide a 6 metre radius;
 - (c) the existing accesses onto Rosemount Road shall be removed and the footway reinstated along the frontage of Rosemount Road;
 - (d) the internal road shall be a conventional access road with footways and the turning head shall be redesigned to have acceptable geometry.

Before the development is commenced revised details shall be submitted to and approved in writing by the local planning authority, and the development shall be completed in accordance with the approved details.

4. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
5. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
6. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, an arboriculturalist's report indicating essential tree works to be carried out, and details of trees and hedgerows to be retained, together with measures for their protection in the course of development.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or

become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

8. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the wellings hereby approved are first occupied. In addition the boundary wall forming the southern boundary of the site (marked brown) shall be retained in its current form.
9. Before the dwellings hereby approved are occupied the garages and hardstandings/drives shown on the approved plans shall be constructed to the satisfaction of the local planning authority and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.
10. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles for purposes incidental to the enjoyment of the dwellinghouse; no trade or business shall be carried out therein.
11. No construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. to 6.00 p.m. Mondays to Fridays and 8.00 a.m. to 12 noon Saturdays.
12. No development approved by this planning permission shall be commenced until:
 - (a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been provided.
 - (b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This shall be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - (c) The site investigation has been undertaken in accordance with details approved in writing by the local planning authority and a risk assessment has been undertaken.
 - (d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the

information obtained from the Site Investigation has been submitted to the local planning authority. This shall be approved in writing by the local planning authority prior to that remediation being carried out on the site.

The development of the site shall be carried out in accordance with the approved Method Statement.

13. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise first agreed in writing by the local planning authority) shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
14. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Further monitoring proposals and reporting shall also be detailed in the report.
15. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.
16. Obscure glazing of factor 3 or above shall be fitted to all windows in the gable elevations and thereafter the glazing shall be maintained as such.
17. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO₂ reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme.

Reasons:

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure satisfactory access arrangements. In the interests of pedestrian and highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure a satisfactory standard of development and to ensure that the development is not unduly prominent within the surrounding landscape. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as

amended by Saved and Expired Policies September 2007.

5. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and protection of existing trees and hedgerows. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
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8. In the interests of highway safety and the amenities of the occupiers of the proposed residential development. In accordance with policies GD1 and T1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
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11. To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters. In accordance with policy GD1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
12. To ensure that the development complies with approved details in the interests of protection of Controlled Waters. In accordance with policy GD1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
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14. To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard. In accordance with policy GD1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. To prevent the increased risk of flooding. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. To prevent overlooking. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
17. In order to minimise energy consumption and to comply with the aims of Planning Policy Statement 22.

8.2 INFORMATIVE

8.3 It is recommended that the hedgerow/trees on the eastern boundary of the site is retained due to its biodiversity value as well as its importance as a screen to the new houses. It is also recommended that the houses be stood off from this hedgerow to ensure that it is not viewed as a nuisance by new residents of the proposed housing in terms of overshadowing/shading out gardens/houses.

9.0 REASONS FOR THE RECOMMENDATION

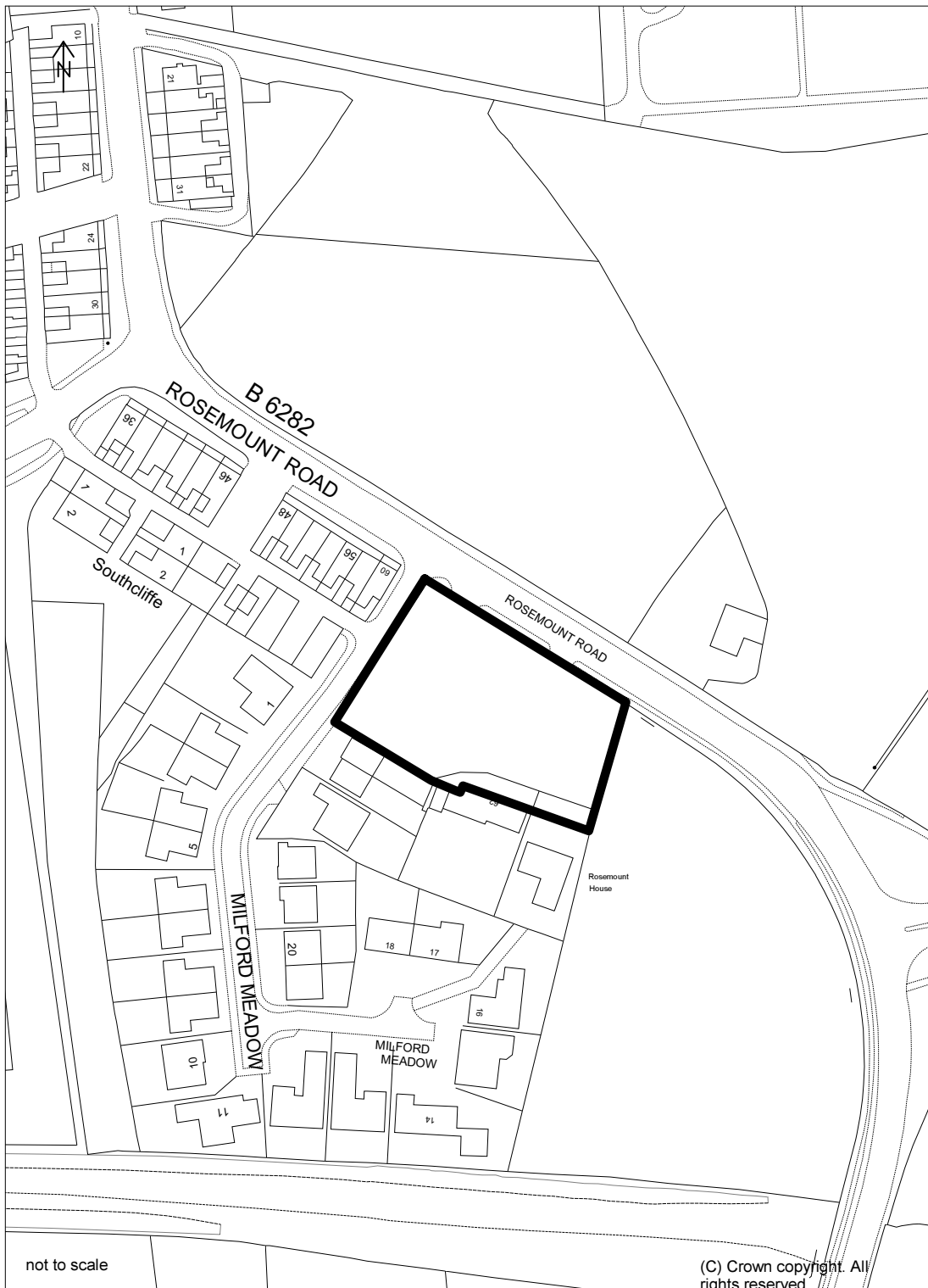
9.1 The only new material consideration which has arisen since the previous approval (3/2004/0733) is the introduction of Planning Policy Statement 22: Renewable Energy. The imposition of a condition relating to CO2 reduction and energy efficiency would meet the requirements of PPS22, therefore no objections are raised to the extension of time. The proposed development is considered to be in accordance with local, regional and national planning policies.

10.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
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- Consultation Responses
- Public Consultation Responses



3/2010/0559 - EXTENSION OF TIME OF PLANNING PERMISSION 3/2004/0733 FOR ELEVEN HOUSES ON FORMER GARAGE SITE AT FORMER MILFORD GARAGE SITE ROSEMOUNT ROAD, SOUTH CHURCH, BISHOP AUCKLAND FOR LEEHILL CONSTRUCTION LIMITED



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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3G

APPLICATION DETAILS

APPLICATION NO: 3/2010/0559

FULL APPLICATION DESCRIPTION: EXTENSION OF TIME OF PLANNING PERMISSION 3/2004/0733 FOR ELEVEN HOUSES ON FORMER GARAGE SITE

NAME OF APPLICANT: LEEHILL CONSTRUCTION LIMITED

ADDRESS: FORMER MILFORD GARAGE, SITE ROSEMOUNT ROAD, SOUTH CHURCH, BISHOP AUCKLAND, DL14 6SY

ELECTORAL DIVISION: COUNDON

CASE OFFICER: Chris Baxter
chris.baxter@durham.gov.uk
01388 761987

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 **Proposals**
- 1.2 This application seeks an extension of time for planning permission 3/2004/0733 for the construction of 11 houses.
- 1.3 **Site**
- 1.4 The application site is the former SG Petch Garage site located on Rosemount Road at South Church in Bishop Auckland. The site was previously occupied by a petrol filling station and a car showroom; however, the site has now been cleared for a number of years. The site is bounded to the south and west by existing residential properties and the northern boundary is formed by Rosemount Road highway.
- 1.5 This application is reported to this committee as the original application was classed as a major.

2.0 PLANNING HISTORY

- 2.1 3/2004/0733 – Eleven houses on former garage site – Approved 17/03/2006.
-

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

3.2 **Planning Policy Statement 1: (PPS1) Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

3.3 **Planning Policy Statement 3: (PPS3) Housing** Underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home which they can afford in a community where they want to live.

3.4 **Planning Policy Statement 22: (PPS22) Renewable Energy** – Sets out government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

3.5 REGIONAL POLICY:

3.6 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 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.

3.7 LOCAL PLAN POLICY:

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

3.9 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.

3.10 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.

3.11 Policy H22 (Community Benefit):

On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent

maintenance of related social, community and/or recreational facilities in the locality.

3.12 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.

3.13 Policy RL5 (Sport and Recreation Target):

For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.

3.14 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.

3.15 Policy BE17 (Areas of Archaeological Interest):

When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.

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://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.2 Durham County Council Highways: No objections were raised to the previous application subject to the imposition of conditions. These conditions are recommended should permission be granted for the extension of time.

4.3 Northumbrian Water: No objections raised to the previous application.

4.4 Environment Agency: No objections were raised to the previous application subject to the imposition of conditions. These conditions are recommended should permission be granted for the extension of time.

4.5 INTERNAL CONSULTEE RESPONSES:

4.6 Durham County Ecologist: The site has already been cleared, and has now been left standing vacant for the past few years. The site is therefore low risk for the presence of protected species. It is however noted that a mature hedgerow/trees form the eastern boundary of the site and it is strongly recommended that this be retained due to its biodiversity value as well as its importance as a screen to the new houses. It is also recommended that the houses be stood off from this hedgerow to ensure that it is not viewed as a nuisance by new residents of the proposed housing in terms of

overshadowing/shading out gardens/houses.

4.7 PUBLIC RESPONSES:

4.8 The application has been advertised on site, in the local press and neighbouring properties have been notified individually. One observation letter has been received prior to this report going to print. The contents of this letter are summarised below:

- a) The fencing around the site is not always secure and can be a trip hazard to passers by.
- b) Water is lying on the site.
- c) When raining the water is pouring out of the site on to the footpath. During the recent snowfall this was very dangerous.
- d) Could the site be tidied up as it's currently an eyesore?

4.9 The following points are in response to the comments raised above:

- a) The Planning Enforcement Officer has been in contact with the owner of the site to ensure that the site is secure with adequate fencing.
- b) The Planning Enforcement Officer has negotiated with the owner for the site to be adequately levelled to try and avoid any significant water lying on the site. It is inevitable and unavoidable, given the site is flat, that water will lie after periods of rain.
- c) It is considered that this would be unavoidable especially after extreme weather periods such as the recent heavy snowfall.
- d) The site is currently a construction site. The owner has undertaken steps to clear the site (i.e. removed machinery, levelled parts of the site). The Planning Enforcement Officer is regularly monitoring this site to ensure the site does not fall into a bad state.

5.0 APPLICANT'S STATEMENT

5.1 No statement has been received from the applicant.

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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

6.1 On the 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

6.2 Government guidance states that in current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and

Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

- 6.3 However, this process is not a rubber stamp. Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.
- 6.4 The circumstances that led to the original planning permission relating to this scheme have not significantly changed and the principle of development is therefore considered acceptable. The only material change in planning policy has been the introduction of Planning Policy Statement 22: Renewable Energy (PPS22) which places emphasis on the importance of renewable energy in delivering the Government's commitment on climate change. Given the introduction of PPS22, it is considered necessary and appropriate to introduce a condition asking for a scheme relating to CO2 reduction and energy efficiency. Subject to the imposition of a condition relating to CO2 reduction and energy efficiency it is considered acceptable to extend the time for planning permission 3/2007/0668.
- 6.5 It is noted that the previous planning permission was granted subject to a completed Section 106 legal agreement, requiring a contribution of £6,640 for the provision and maintenance of related social, community and/or recreational facilities in the locality. Should members be minded to grant planning permission, it is recommended that a new Section 106 legal agreement would have to be completed requiring the same commuted sum of £6,640 which would be for the provision and maintenance of related social, community and/or recreational facilities in the locality.

7.0 CONCLUSION

- 7.1 This proposal is to renew the planning permission 3/2004/0733 for the construction of 11 houses. The principle of development remains acceptable as there have been no significant changes in local, regional or national planning policy. Planning Policy Statement 22: Renewable Energy has been introduced since the previous application was approved. A condition relating to CO2 reduction and energy efficiency is therefore recommended accordingly.

8.0 RECOMMENDATION

- 8.1 That, subject to the completion of a Section 106 Agreement undertaking to pay a contribution for the provision and maintenance of related social, community and/or recreational facilities in the locality, planning permission be APPROVED subject to the following conditions:**

Conditions:

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

Plan Ref No.	Description	Date Received
1391 09 Rev A	Roof Plan and Site Plan	17/11/2004
1391 08	Elevations	08/09/2004
1391 07 Rev A	Second Floor Plans	17/11/2004
1391 06 Rev A	First Floor Plans	17/11/2004
1391 05 Rev A	Ground Floor Plans	17/11/2004

2. No development shall take place until samples of the materials to be used in the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. Notwithstanding the details shown on the proposed site layout plan the development shall incorporate the following:-
 - (a) the footway on the eastern side of Milford Meadows shall be widened to 1.8 metres for the entire frontage of the development;
 - (b) the junction between Milford Meadows and Rosemount Road shall be improved to provide a 6 metre radius;
 - (c) the existing accesses onto Rosemount Road shall be removed and the footway reinstated along the frontage of Rosemount Road;
 - (d) the internal road shall be a conventional access road with footways and the turning head shall be redesigned to have acceptable geometry.

Before the development is commenced revised details shall be submitted to and approved in writing by the local planning authority, and the development shall be completed in accordance with the approved details.

4. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
5. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
6. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, an arboriculturalist's report indicating essential tree works to be carried out, and details of trees and hedgerows to be retained, together with measures for their protection in the course of development.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or

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8. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the wellings hereby approved are first occupied. In addition the boundary wall forming the southern boundary of the site (marked brown) shall be retained in its current form.
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10. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles for purposes incidental to the enjoyment of the dwellinghouse; no trade or business shall be carried out therein.
11. No construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. to 6.00 p.m. Mondays to Fridays and 8.00 a.m. to 12 noon Saturdays.
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 - (a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been provided.
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 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - (c) The site investigation has been undertaken in accordance with details approved in writing by the local planning authority and a risk assessment has been undertaken.
 - (d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the

information obtained from the Site Investigation has been submitted to the local planning authority. This shall be approved in writing by the local planning authority prior to that remediation being carried out on the site.

The development of the site shall be carried out in accordance with the approved Method Statement.

13. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise first agreed in writing by the local planning authority) shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
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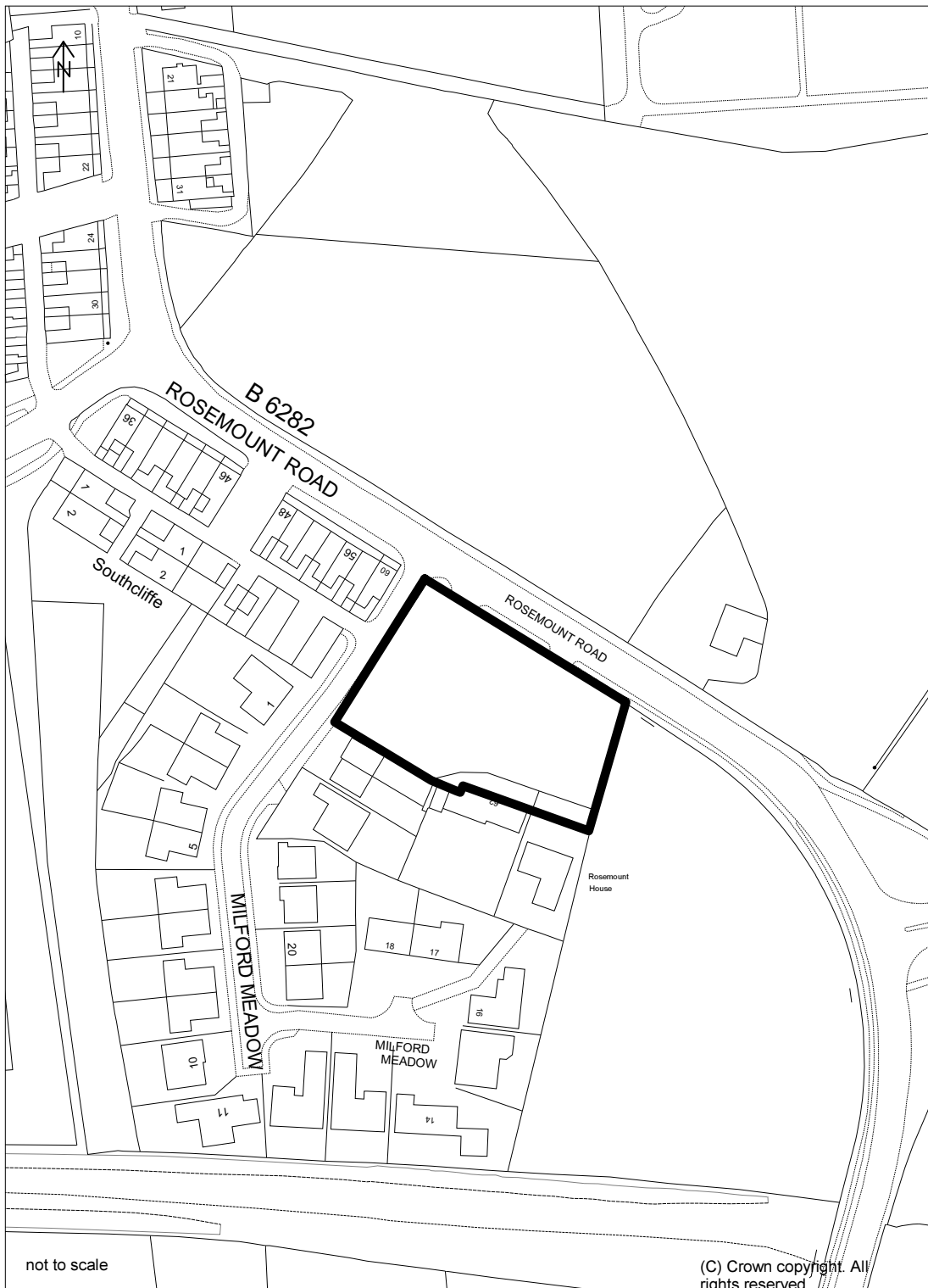
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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3H

APPLICATION DETAILS

APPLICATION NO: 3/2010/0252LB AND 3/2010/0253

FULL APPLICATION DESCRIPTION: LISTED BUILDING CONSENT FOR DE-CONSTRUCTION (RELOCATION OF THE TOW LAW AUCTION MART BUILDING OFF SITE) AND RESIDENTIAL DEVELOPMENT OF 15 NO. DWELLING HOUSES

NAME OF APPLICANT: MCINERNEY HOMES

ADDRESS: TOW LAW MARKET AUCTION RING CASTLE BANK, TOW LAW, BISHOP AUCKLAND, DL13 4AD

ELECTORAL DIVISION: CROOK NORTH AND TOW LAW

CASE OFFICER: Sinead Turnbull
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1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1 Context

1.2 The above applications are reported to committee as the listed building consent application constitutes the complete demolition of a grade II listed building and the planning application is for more than 10 dwellings. These applications are being reported to committee as a single committee item as the proposals constitute a comprehensive redevelopment of the site and should be considered jointly and co-dependent.

1.3 Proposal

1.4 Listed building consent is sought for the de-construction, relocation and reconstruction, off site, on third party land, of the grade II listed Tow Law Auction Mart.

- 1.5 The Auction Mart is located in the central part of Tow Law village on the former cattle market site, which is now being redeveloped for housing. The building is over 200 years old. The use of the building has ceased due to a significant decline in agricultural activity. Planning permission has already been granted to erect the relocated grade II listed Auction Mart building in the Teesdale area by virtue of planning permission 6/2009/0240 which was approved under delegated powers 28/10/2009. The building shall be relocated to Cross Lanes Farm, A66, Barnard Castle.
- 1.6 The proposed relocation of the listed building is a decision which has been reached after extensive pre-application negotiation with English Heritage, the developer, the local authority and the owner of the site where the building will be relocated to. The option to relocate the building is not ideal in terms of the historic significance of the building, however it would prevent the total loss of the building. The building shall remain listed during deconstruction, relocation, storage and reconstruction. The building shall retain its listing when it has been fully reconstructed in the approved location at Cross Lanes Farm, Barnard Castle.
- 1.7 Subject to the removal of the listed building the site is to be redeveloped for housing. Planning permission is sought for the construction of 15 No. dwelling houses on the site. The application site constitutes primarily cleared land with the Tow Law Auction Mart sited in the south east of the development site. The site forms the final stage of the Valley Rise development, Tow Law.
- 1.8 The housing development would utilise 4 different house types including the 'Walden' house type which has a double frontage to maximize the appearance of corner plots. The site would have a mix of detached and semi-detached, 3 and 4 bed, two storey dwellings, some of which would make use of the roof space to provide additional accommodation. The dwellings would be of a modern appearance, brick built and with white U.P.V.C fenestration which would tie in with the appearance of the constructed phases of the Valley Rise development, Tow Law.
- 1.9 To the north of the site is an established housing development, to the east is the near completed Valley Rise development, to the south of the site is highway and an established housing development and to the west of the application site is the A68 highway, the main thoroughfare through Tow Law, beyond which is the Co-operative supermarket, shops and a public house.
- 1.10 The site would be accessed via Church Lane off the main road, the A68. A link through the site frontage has been included in the scheme to allow for easy access from the housing development to shops and services directly opposite the site.

2.0 PLANNING HISTORY

2.1 The following planning applications have been received in respect of this site:

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|---------------|--|----------------------|
| • 3/2005/0069 | 65 Dwellings (Subject to a Section 106 Agreement) | Approved 29.09.2005 |
| • 3/2005/0437 | Listed Building Consent for Previously Approved Permission 3/2005/0069 | Withdrawn 13.07.2005 |
| • 3/2005/0673 | Amendment to Application | Approved 22.09.2005 |
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3/2005/0069 Reducing Number of Dwellings from 65 to 63 to Accommodate an On-site Pumping Station

- 3/2005/0831 LBC to previously approved Housing Development adjacent To Tow Law Auction Mart Withdrawn 18.11.2005
- 3/2007/0183 To Demolish Grade II Listed Cattle Mart Building Withdrawn 22.2.2008
- 3/2007/0288 Substitution of House Types Relating to Existing Permission 3/2005/0673 for 28 Units and the Creation of an Additional 14 Units (Plot 19-46 No's 12-40 Highfields) Approved 3.8.2007

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3:** Housing underpins the Government's strategic housing policy objectives and the Government's goal to ensure that everyone has the opportunity to live in a decent home which they can afford in a community where they want to live.
- **Planning Policy Statement 5:** Planning for the Historic Environment sets out the Government's planning policies on the conservation of the historic environment.
- **Planning Policy Statement 22:** Renewable Energy sets out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

3.2 REGIONAL POLICY:

- **Policy 2: Sustainable Development**
Planning proposals should support sustainable development and construction through the delivery of key environmental, social and economic objectives.
- **Policy 4: Sequential Development**
New development should be directed to the most sustainable locations.
- **Policy 32 Historic Environment**
Planning proposals should seek to conserve and enhance the historic environment.

– **Policy 39 Renewable Energy Generation**

Planning proposals should make provision for the generation of energy from renewable resources.

3.3 LOCAL PLAN POLICY:

– **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.

– **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.

– **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.

– **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.

– **Policy H15 (Affordable Housing):**

The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.

– **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.

– **Policy T1 (General Policy – Highways):**

All developments which generate additional traffic will be required to fulfil Policy GD1 and :

1. provide adequate access to the developments;
2. not exceed the capacity of the local road network; and
3. 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://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

- 4.2 English Heritage: The removal of the building from its historic location would have a harmful impact upon its significance. However, as a position of last resort, this course of action is in preference to the building's total loss. It is against this background, but with some regret, that English Heritage has therefore accepted the principle of the proposed dismantling and reconstruction. English Heritage have made no adverse comments concerning the redevelopment of the site.
- 4.3 Northumbrian Water: No objection.
- 4.4 Environment Agency: As the proposal falls outside of the scope of matters on which the Environment Agency is a statutory consultee, we have no comment to make on this application.
- 4.5 Natural England: Insufficient information contained in the application to offer comments, has referred it to the local authority's in-house ecologist.
- 4.6 DCC Highways Authority: No objections were raised to the previous application for the site, no further comments have been offered relating to this development.
- 4.7 INTERNAL CONSULTEE RESPONSES:**
- 4.8 DCC Ecology: Due to the type of building/construction, as well as the surrounding habitat, the existing Auction Mart is likely to be of low risk for the presence of bats. No survey will therefore be required to support this application. However, due to the mobile nature of bats, it is very difficult to categorically state that they are not present. It is therefore recommended, in order to address this residual risk, the following informative be included if planning permission is awarded for the site:
- 4.9 *All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection.*
- 4.10 *It is unlikely that the proposed development will disturb any bats. However, bats are mobile creatures and there is a residual risk that a small number of individuals may be disturbed which was not anticipated. Should bats or evidence of bats be discovered at any stage during the development, work must stop immediately and urgent advice be sought from the Ecology Team, County Hall. Failure to do so may result in an offence being committed. This is regardless of whether planning permission has been acquired.*
- 4.11 Finally, it is noted that the proposed site lies within 500m of a pond. However, due to the high number of barriers separating the pond from the proposed site, the risk of presence of great crested newts on site (if they are present in the pond) is very low. No survey will therefore be required to support this application.
- 4.12 DCC Design and Conservation: As the building is listed, what is essentially demolition should only be granted in exceptional circumstances following a robust justification of the proposals when tested against policy HE9 of PPS5 Planning for the Historic Environment.
- 4.13 Options to continue the use of the structure on its original site, which gives the building its context and places it firmly in the social history of Tow Law, have now been in my opinion fully explored. The building has been marketed for alternative uses, has been offered to local community groups for use and has also been offered as an item of social history to local museum operation, all without success. There is clearly no likelihood of the mart being brought back into use for its original purpose and, given its

ever deteriorating state, due in no small part to its construction materials and exposed location, a new use and potentially new site must be found for the building.

- 4.14 Consent has been granted to reconstruct the building as part of the Cross Lanes Sustainability Centre and therefore a new home has been identified for the structure, it now remains to be established whether allowing its demolition to facilitate this has been justified.
- 4.15 Having considered all the submitted information I am of the opinion that the tests of Policy HE9 of PPS5 have been all but met. It is clear that the nature of the heritage asset prevents all reasonable uses of the site and that no viable use of the heritage asset can be found in the medium term, conservation through grant-funding or some for charitable or public ownership has proved fruitless and I believe there are significant public benefits both in the reconstruction of the building on a more secure sustainable site and its use by a wider cross section of the public.
- 4.16 I note English Heritage suggest that the financial viability of the proposed new ownership arrangement to facilitate future maintenance be tested, however, given the status of the site which is currently to be established this would be extremely difficult and given the commitment of the current owner and recipient to pursue the work immediately I consider that future maintenance can be adequately controlled through the statutory powers of the authority.
- 4.17 Based on the above I reluctantly accept that the current proposal provides the brightest future for the building, however, only accept this on the basis that the current owner (or whoever is considered to be the appropriate party) is willing to enter into a legally binding agreement which secures the reconstruction of the building in an appropriate manner. In addition to this I would suggest a number of detailed conditions.
- 4.18 No objection to the housing development subject to a legal agreement and suitable conditions attached to the listed building consent.
- 4.19 DCC Senior Low Carbon Officer: The development fails to take into account policy 38 of the RSS (10% renewable energy).
- 4.20 Further confirmation at this stage is therefore requested on:
- Any potential Code for Sustainable Homes rating being targeted.
 - How the development will meet the energy hierarchy.
 - Total baseline energy consumption of the proposed development.
 - Total energy consumption post renewable technologies.
 - BER and TER.
- 4.21 Note: The issues raised by the senior low carbon officer will be addressed through suitable conditions.**
- 4.22 DCC Forward Planning: No reason to dispute the affordable housing appraisal submitted by the developer. In view of this their obligation to provide affordable housing on their scheme can be discharged. In the event that the developer doesn't start the development straight away, a condition should be attached to the planning permission setting out the mechanisms where affordability can be reviewed periodically, for example in 3 years time if they haven't completed the scheme by then.

4.23 PUBLIC RESPONSES:

4.24 There have been no public responses received.

5.0 APPLICANT'S STATEMENT

5.1 Taken from the planning statement:

- The Tow Law Auction Mart was founded in 1882 and was an active facility until it closed in September 2005; it is now semi derelict and stands alone within a new residential development.
- Over the life time of what was a very functional building, alterations and improvements have taken place.
- The building was listed on the 5th June 1987.
- After the closure of the mart, there was some local interest in the future of the mart 'to do something' with the building, but no feasible solutions to create a viable long term future for the mart located within a residential development were forthcoming.
- Strong opinion was voiced from both local residents and councillors alike for the demolition of the mart, which was seen as an ugly blight upon an improving Tow Law landscape and there was considered to be little or no merit in its retention.
- In order to conserve the mart structure, the former Wear Valley District Council investigated options which included, in tandem with private organisations and individuals, the commercial viability to relocate the mart structure to a new location.

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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

6.1 The main issues for consideration are:

- Impact on the Historic Heritage
- The Process of Deconstructing, Relocating and Reconstructing the Grade II Listed Tow Law Auction Mart
- Principle of the Housing Development
- Design
- Impact on the Listed Building
- Residential Amenity
- Affordable Housing
- Recreational provision
- Parking and Access

6.2 Impact on the Historic Heritage

6.3 The grade II listed building was constructed in 1882 as the focus of the town's cattle mart, 20th Century alterations have been made to the building to improve its functionality and in line with increasing demands of health and safety and also to address decay. The building was identified as being of special historic and architectural interest and was listed on the 5th June 1987. The building was noted for being a "good intact example of this characteristic form of border auction mart" and

particularly interesting for “the survival of a complete interior including animal ring, seating and auctioneers desk”. The listing of the building was primarily based on its function as an important community facility. The building closed as an auction mart in 2005 due to the significant decline in the agricultural industry.

- 6.4 The listed building now sits on a site surrounded by housing. The land surrounding the auction mart has been cleared of all former mart related ancillary structures, concrete car park and hard standing areas and the holding pens.
- 6.5 The grade II listed Auction Mart is a building of historic significance that has been unused since 2005 and is now in decline due to its vacancy and exposed location. In order to preserve listed buildings it is often necessary to ensure their continued active use. In the case of the Auction Mart building its continued use would be the most positive means of its preservation. An extensive marketing programme has been carried out to attempt to find a new use for the building as its use as a cattle mart has been demonstrated to be no longer viable. After all reasonable possibilities for the future use of the building had been explored in its current location it was decided to re-locate the building. Options to secure the future of this listed building formed the subject of detailed discussions between the owners, the local planning authority and English Heritage over an extended period. Those discussions concluded, exceptionally, that the option to dismantle and reconstruct the listed building in a new location provided the only appropriate and viable means of securing the future of this nationally important heritage asset in the long-term. The removal of the building from its historic location would have a harmful impact upon its significance. However, as a position of last resort, this course of action is in preference to the building’s total loss.
- 6.6 English Heritage have accepted the principle of the proposed dismantling and reconstruction of the building with some regret.
- 6.7 As all reasonable alternative solutions have been explored for the preservation of the building it is considered that the proposed deconstruction, relocation and reconstruction (off site) of the building would be in accordance with policies GD1, BE1 and BE4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
- 6.8 The Process of Deconstructing, Relocating and Reconstructing the Grade II Listed Tow Law Auction Mart
- 6.9 Full details of the dismantling and reconstruction of the Auction Mart building have been set out in a method statement dated May 2010. Further detail is provided in an historic appraisal and dismantling assessment dated June 2009. The details of these method statements are considered to be acceptable and robust. The building shall be deconstructed, transported and reconstructed by a specialist contractor with experience of historic structures; the works shall be overseen by an independent historic building specialist.
- 6.10 The Auction Mart building is to be dismantled into a large number of individual sections which shall be numbered to allow for a full documentary record of which pieces require repair and to inform the reconstruction process. The building shall be transported by lorry and shall be stored for a short period of time. Full details of transit and storage shall be a condition of the listed building consent to ensure the protection of the listed building during these processes.
- 6.11 The obligation to reconstruct the building to the correct standard on the third party owned site shall be controlled by a legal agreement.

6.12 Principle of the Housing Development

- 6.13 Following the removal of the Tow Law Auction Mart the site will be redeveloped for housing. The housing development will form the final stage of the Valley Rise development. The site is a brownfield site located within the settlement limits for Tow Law as identified in the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The site is located in a primarily residential area not allocated for any specific use. Tow Law is identified as an area where development will be directed to under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
- 6.14 National Planning Policy guidance applies a presumption in favour of securing sustainable development by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services within walking distance of the site. Tow Law is also serviced by good public transport links. Therefore the site is considered acceptable for residential development and generally conforms to PPS3 'Housing'.
- 6.15 The principle of development of the site has already been established to an extent by virtue of planning permission 3/2007/0288 which proposed the development of 13 no. dwelling houses on the site along with the retention of the auction mart. The site is part of a larger development site, the majority of which has now been constructed. This final phase of the development could be considered to be the most important phase of the development as it involves the dismantling and re-location of the grade II listed building and the construction of the street scene which will face onto the main thoroughfare through Tow Law, the A68.
- 6.16 It is considered that the development site is in a sustainable location where new development is currently directed to and the proposal would improve the environmental quality of the area by providing a street frontage along this section of Tow Law and through the preservation of the Tow Law Auction Mart, a building of historic significance. The proposal is considered to be acceptable in principle and in accordance with GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPS1, PPS3 and general sustainable development principles.

6.17 Design

- 6.18 The proposed new dwelling houses would be constructed in materials which tie in with the materials already utilised in earlier phases of the development. The corner plots on the site would be occupied by a double fronted house type which would add interest to corners and contribute to the character and appearance of the site. Features such as lintels above windows and doors would add interest to front elevations. Three double detached garages would be incorporated into the street scene and would be screened by landscaping. The development would have an area of landscaping along the site frontage at Castle Bank and Church Lane, which would soften the impact of the development on the surrounding area and aid its absorption into the built form of Tow Law and adjacent established residential areas.
- 6.19 The proposed contemporary design of the development, and the ensuing streetscene it would create, is considered to be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

6.20 Residential Amenity

6.21 The overall Valley Rise development sits between two established housing developments; therefore the residential development of this site has been a logical use with potentially the most limited impact on surrounding land uses. Within the application site each of the proposed new dwellings would meet minimum privacy distances of 21 metres separation distances between windowed elevations and 15 metres separation distances between windowed elevations and opposing gable walls.

6.22 Each of the new dwelling houses would have a private enclosed rear or side garden and each of the dwellings would have a small amount of amenity space to the front of their properties. It is considered that the development would provide adequate private amenity space for each of the dwelling houses.

6.23 Affordable Housing

6.24 Normally, for schemes of 15 or more dwellings on sites within the Wear Valley Area inclusive of Tow Law, having regard to PPS3 and the Strategic Housing Market Assessment, it would be appropriate for the local planning authority to request a minimum of 20% affordable housing. The developers have provided an affordable housing appraisal which demonstrates that affordable housing would not be viable on the site. Durham County Council's forward planning team have assessed the affordable housing appraisal and have confirmed that they can find no reason to dispute its findings. In view of this outcome the forward planning team have discharged the obligation to provide affordable housing. A condition has been recommended to review affordability periodically if the development is not started immediately.

6.25 Recreational Provision

6.26 A Section 106 Agreement for a financial contribution towards play and recreational provision within the area was signed for the previous planning permission 3/2005/0673, this permission included this site within its red line boundary. The agreement has been completed and all of the financial contributions have been received. Therefore there is no requirement for any further financial contributions from the developer for play and recreational space in the area in respect of this site.

6.27 Parking and Access

6.28 Access to the site would be taken from Church Lane; this is the main access for the Valley Rise development. The estate road would be extended to serve this final phase of the development. The proposal would provide 21 parking spaces for 15 dwellings, which is a parking rate of 1.4 spaces per unit. Durham County Council's Highways Authority raised no objections to the previous application for the site which was approved. It is considered that the proposed access and parking details for the scheme would be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

7.0 CONCLUSION

7.1 The proposal is considered to be acceptable as it is in accordance with policies GD1, H3, H24, BE1, BE4 and T1 of the Wear Valley District local Plan as amended by the Saved and Expired Policies September 2007 as well as national planning policy guidance in PPS1, PPS3, PPS5 and PPS22 and Regional Policies 2, 4, 32 and 39 of the North East of England Plan Regional Spatial Strategy to 2021 as it:

1. The removal of the building from its historic location would have a harmful impact upon its significance. However, as a position of last resort, this course of action is in preference to the building's total loss. It is against this background, but with some regret, that the principle of the proposed dismantling and reconstruction of the building has been accepted. The development is considered to be in accordance with policies GD1, BE1 and BE4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPS1 and PPS5.
2. Would represent effective and efficient use of brownfield land.
3. Would be situated in a sustainable location within walking distance to services and facilities and public transport links.
4. The site is located within a settlement where new housing will be directed to in accordance with national and local planning policy.
5. Would be suitably designed in terms of layout and appearance of the dwellings.
6. Would offer suitable levels of amenity and security within the development as well as preventing harm to the living conditions of neighbouring properties.
7. Would provide adequate amenity space for each unit.
8. Would be acceptable in terms of highway safety, access and parking.
9. It is acknowledged that the removal of the listed building from its historic location would have a harmful impact upon its significance. However as a position of last resort, this course of action is in preference to the building's total loss.

8.0 RECOMMENDATION

8.1 That the applications be APPROVED subject to the following conditions and a Section 106 Agreement:

Conditions 3/2009/0252LB

1. The development should not be begun later than the expiration of 12 months from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

3/2009/0252

Plan Ref No.	Description	Date Received
	Site Location Plan	27/05/2010
	Tow Law Auction Mart Building, Tow Law Dismantling and Re-Erection Method Statement May 2010	02/06/2010
	Tow Law Auction Mart, Tow Law Historic Appraisal and Dismantling Assessment June 2009	27/05/2010

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3. Development shall not commence until a detailed programme of photographic recording is undertaken in accordance with a brief to be provided by the local planning authority, such works shall include the recording of both the interior and exterior of the building. On completion of the work a copy of the report which shall be fully annotated shall be deposited with the local planning authority.
 4. Development shall not commence until details of the method, location, protection and security arrangements for storage of the structure are provided in writing and agreed by the local planning authority. The development shall be undertaken in accordance with the approved details.
 5. Development shall not commence until details of the method, times and procedures for the transport of the structure are submitted in writing to and agreed by the local planning authority, such details shall include an identified route to the reconstruction site. The development shall be undertaken in accordance with the approved details.
 6. Development shall not commence until a detailed method statement is developed which identifies the nature and extent of repairs, this shall include details of any new fixing which will be required to facilitate the reconstruction. This information shall be submitted to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 7. Development shall not commence until details of all new services, including materials, fixings and locations to be brought in to or fixed to the structure are provided to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 8. Development shall not commence until samples of all replacement materials to be used in the reconstruction and repair of the structure are provided to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 9. Development shall not commence until a full specification for the new ground slab to receive the structure shall be provided to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
 10. Development shall not commence until details of the colour finish of any wood stain to be used are submitted to and agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reasons 3/2010/0252LB:

1. 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. To define the consent 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 Saved and Expired Policies September 2007.
3. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. To safeguard the character of the listed building in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Conditions 3/2009/0253FUL

1. The development should not be begun later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

3/2009/0253

Plan Ref No.	Description	Date Received
	Site Location Plan	27/5/2010
SD07-Argyll	Argyll house type	27/5/2010
SD07-Pinewood	Pinewood house type	27/5/2010
SD07-Redwood	Redwood house type	27/5/2010
SD07-Walden	Walden house type	27/5/2010
SD07-Walden (type 2)	Walden (type 2) house type	27/5/2010
SD07-G05	Standard garages single garage	27/5/2010
SD07-G22	Standard garages double garage	27/5/2010
SD07-G22H	Standard garages hipped double garage	27/5/2010
	Wall & fence details	1/7/2010
	Street scenes	1/7/2010

WF/D21	Wall & railing detail fronting plot no's 15-18	27/5/2010
WF/D11	Wall and fence details	1/7/2010
	Roof plans	27/5/2010
	Proposed materials schedule	27/5/2010
001/1	Engineering layout	27/5/2010

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
4. 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.
5. Notwithstanding the details submitted with the application, prior to the commencement of the development a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection.
6. All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
7. The development hereby approved shall achieve a Code for Sustainable Homes rating of level 3 or above. Evidence shall be provided to the Local Authority that:
 - a. Prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3 or above; and
 - b. Prior to the occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3 or above, or alternative as agreed in writing by the Local Planning Authority.
8. Prior to commencement of development details showing the measures to be taken to produce a minimum of 10% of the total energy requirements of the development hereby approved by means of renewable energy sources shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented prior to first occupation of the development and retained operational in perpetuity.
9. Before the development hereby approved is commenced wheel washing equipment shall be provided and retained at all egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheel washing equipment shall be used on all vehicles leaving the site during the period of construction works throughout all development activities on any part of the site.

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10. The garages hereby approved shall be used for purposes incidental to the enjoyment of the dwelling houses only, and shall not be used for any trade or business purposes.
 11. Before the occupation of any building, the estate roads, footways and footpaths, turning spaces and parking areas relating to that building, shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority.
 12. The grade II listed Tow Law Auction Mart shall be protected during on site construction works, its de-construction, relocation, reconstruction and any periods of storage. Details of the protection measures shall be submitted to and approved in writing by the local planning authority. Thereafter works shall be in accordance with the approved details.
 13. Development shall not commence on site until 6 weeks after the grade II listed Tow Law Auction Mart has been relocated as per planning permission 6/2009/0240 and reconstructed as per Tow Law Auction Mart Building, Tow Law. Dismantling and Re-Erection Method Statement May 2010.
 14. Following commencement of the development hereby approved, the applicant shall at a date not later than 3 years from the date of this planning permission submit to the Local Planning Authority an assessment of the need for, and viability of the provision of affordable housing within the scheme. The assessment shall be in accordance with Planning Policy Statement 3 (Housing) or any successor national policy document and shall apply only to dwellings where foundations have not been laid at the time of the assessment. For so long as the approved development remains incomplete, further assessments shall be made at intervals no longer than 3 years from the date of the previous assessment in accordance with national policy in force at that time and shall apply only to the remaining number of dwellings where foundations have not been laid. Subsequent to any assessment, any affordable housing shall be provided in full accordance with a scheme to be agreed in writing beforehand by the Local Planning Authority.

Reasons 3/2010/0253FUL

1. 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. To define the consent 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 Saved and Expired Policies September 2007.
3. 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.
4. 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. 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.
6. 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. In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS3 and PPS22, as well as policy GD1 of the Wear Valley District Local Plan as Amended by Saved and Expired Policies September 2007.
8. In the interests of environmental sustainability and reducing the effects of climate change as supported in PPS1, PPS3 and PPS22, as well as policy GD1 of the Wear Valley District Local Plan as Amended by Saved and Expired Policies September 2007.
9. In the interests of traffic safety and general amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. In the interests of residential amenity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
11. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. To protect and preserve the listed building and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. To protect and preserve the listed building and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. To ensure that the need for and viability of providing affordable housing reflects the market and economic changes during development of the site in accordance with Planning Policy Statement 3.

9.0 REASONS FOR THE RECOMMENDATION

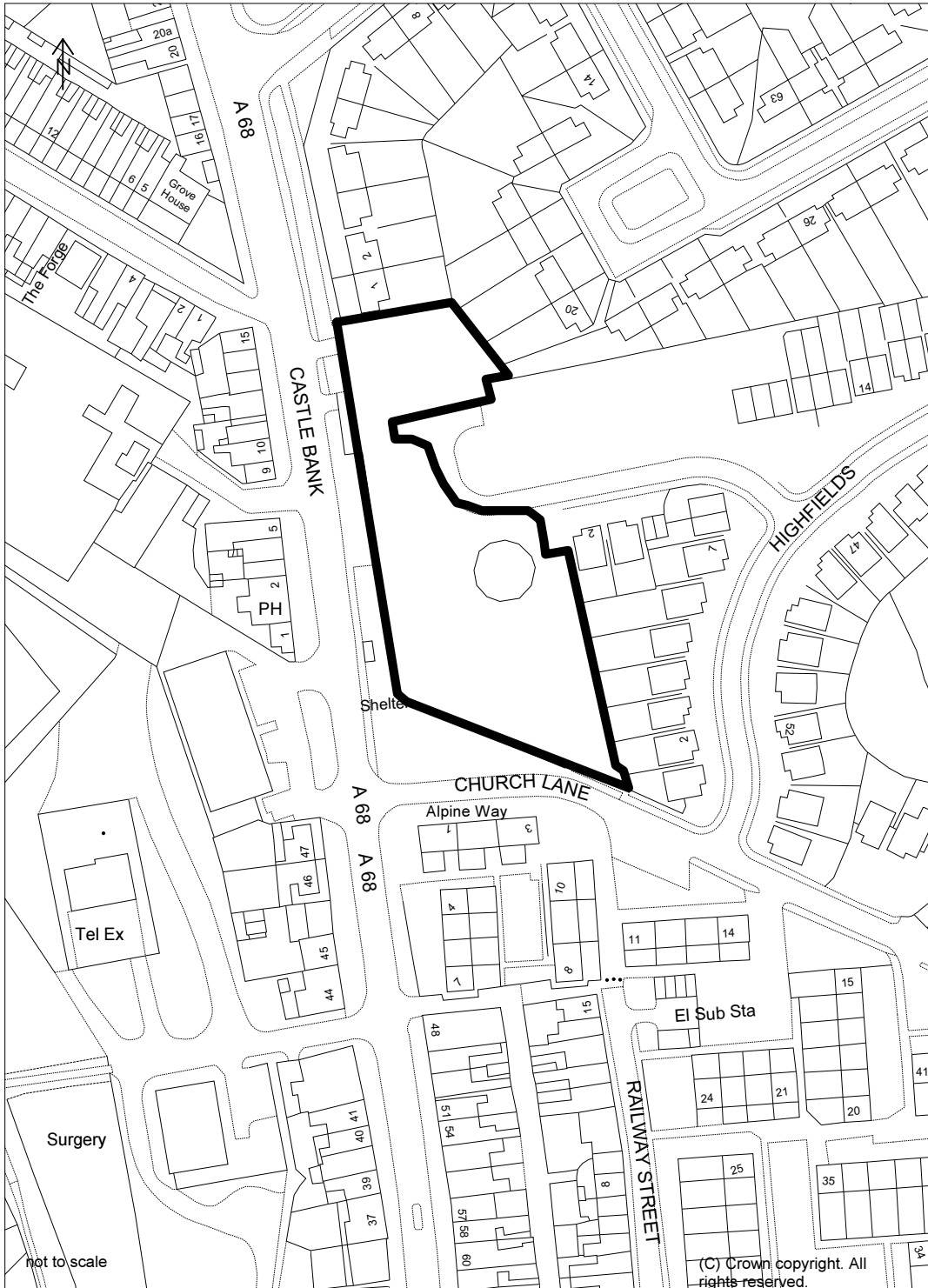
- 9.1 The proposal is considered to be acceptable as it is in accordance with policies GD1, H3, H24, BE1, BE4 and T1 of the Wear Valley District local Plan as amended by the Saved and Expired Policies September 2007 as well as national planning policy guidance in PPS1, PPS3, PPS5 and PPS22 and Regional Policies 2, 4, 32 and 39 of the North East of England Plan Regional Spatial Strategy to 2021 as it:
1. The removal of the building from its historic location would have a harmful impact upon its significance. However as a position of last resort, this course of action is in preference to the building's total loss. It is against this background, but with some regret that the principle of the proposed dismantling and reconstruction of the building has been accepted. The development is considered to be in accordance with policies GD1, BE1 and BE4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPS1 and PPS5.

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2. Would represent effective and efficient use of brownfield land.
 3. Would be situated in a sustainable location within walking distance to services and facilities and public transport links.
 4. The site is located within a settlement where new housing will be directed to in accordance with national and local planning policy.
 5. Would be suitably designed in terms of layout and appearance of the dwellings.
 6. Would offer suitable levels of amenity and security within the development as well as preventing harm to the living conditions of neighbouring properties.
 7. Would provide adequate amenity space for each unit.
 8. Would be acceptable in terms of highway safety, access and parking.
 9. It is acknowledged that the removal of the listed building from its historic location would have a harmful impact upon its significance. However as a position of last resort, this course of action is in preference to the building's total loss.

10.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS5, PPS22
- RSS Policies 2, 4, 32, 39
- Consultation Responses
- Public Consultation Responses

3/2010/0252LB AND 3/2010/0253 - LISTED BUILDING CONSENT FOR DE-CONSTRUCTION (RELOCATION OF THE TOW LAW AUCTION MART BUILDING OFF SITE) AND RESIDENTIAL DEVELOPMENT OF 15 NO. DWELLING HOUSES AT TOW LAW MARKET AUCTION RING, CASTLE BANK, TOW LAW FOR MCINERNEY HOMES



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3I

APPLICATION DETAILS

APPLICATION NO: 3/2010/0477

FULL APPLICATION DESCRIPTION: REPLACE EXISTING WOODEN SASH WINDOWS WITH UPVC SASH

NAME OF APPLICANT: MR FRED MCDONALD

ADDRESS: CLANNOCH, 12 THE CLOSES, EDMUNDBYERS, CONSETT, DH8 9NH

ELECTORAL DIVISION: WEARDALE

CASE OFFICER: Joy Whittington
joy.whittington@durham.gov.uk
01388 761628

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 This application seeks permission for the replacement of all existing timber sash windows with UPVC alternatives.
- 1.2 The application site is located within the Conservation Area as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007 and within the North Pennines Area of Outstanding Natural Beauty. There are neighbouring dwellings to either side of the application site. The property is stone built and of a traditional style and character. There are neighbouring properties to either side of the properties constructed from similar materials.
- 1.3 This application has been called to committee by County Councillor John Shuttleworth.

2.0 PLANNING HISTORY

- 2.1 3/1996/0473 – Erection of 5 Dwellings – Approved.

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 5** – Planning for the Historic Environment sets out the Government's objectives to ensure the protection and enhancement of the Historic Environment.

3.2. The North East of England Plan Regional Spatial Strategy to 2021.

3.3. Policy 32 – Historic Environment – This policy outlines strategies which seek to conserve and enhance the historic environment of the region.

3.4 LOCAL PLAN POLICY:

3.5 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.

3.6 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.

3.7 Policy BE5 (Conservation Areas): The character of each Conservation Area will be protected from inappropriate development.

3.8 Policy BE6 (New Development and Alterations in Conservation Areas): The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:

- i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
- ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
- iii) the proposal satisfies the General Development criteria set out in Policy GD1.

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://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.2 None.

4.3 INTERNAL CONSULTEE RESPONSES:

- 4.4. Durham County Council Design and Conservation Officer: Strongly objects to the proposed scheme due to the detrimental impact on the Conservation Area.
- 4.5 Durham County Council Ecology Officer: No objections subject to appropriate informative.

4.6 PUBLIC RESPONSES:

- 4.7 A site notice has been posted and the occupiers of adjacent dwellings have been notified in writing, The application has also been advertised in the local press. No letters of observation have been received.

5.0 APPLICANT'S STATEMENT

- 5.1 The applicant provided the following details:

Painted timber is affected by changes in temperature and moisture.

Paint/timber and glass contract at different rates which causes the paint to loosen and flake.

There is considerable difference between the front of the property and the rear.

The front of the property is affected greater by changes in temperature and moisture.

The rear of the property is shaded from the sun and is not as affected by change and is probably about 3 to 4 years behind the front in terms of deterioration.

Some windows are so bad that there is no timber to fix to and nothing left to paint.

Moisture goes down behind the glazing beads & becomes trapped causing the timber to rot.

This also has an effect on the double glazed units which break down and fill up with condensation between the panes of glass which need replacing (11 current).

This means replacing glazing beads, breaking whatever paint seal there was and the whole process starts again.

Currently only 6mm air space between the panes of glass.

I cannot afford to be changing window every 7 to 10 years.

Our choice of window has already been used within the village and has been approved and used within conservation areas.

The vast majority of window within the village are UPVC (not sash).

Our first choice of colour would be cream which is a soft cream.

The new double glazed units will be 24mm Argon filled.

I am a time served cabinet maker & joiner & have 42 years experience manufacturing in wood.

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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 6.1 The main issues for consideration are:
- 6.2 Design and Impact on surrounding area.
- 6.3 The proposed development would replace traditional timber windows with modern upvc alternatives. It is considered that the use of non traditional materials would detract from the character of the host property and the immediate area.
- 6.4 The property itself forms part of a late twentieth century development which was designed to create an unified piece of townscape, the key to this development is the use of co-ordinated design and materials. In order to protect the special design features and materials of the development the Permitted Development Rights were removed to prevent incremental alterations which would erode the special character of the area and without exception the immediate properties on the north side of The Closes have an uniform appearance.
- 6.5 The replacement of the timber windows with upvc would have an adverse visual impact on the host dwelling and the properties within the immediate area. The windows proposed would appear different by virtue of their profile, jointing and reflective qualities and in particular the pronounced artificial wood graining. Graining in a standard timber window with a painted finish actually has little if any grain.
- 6.6 The use of uPVC will erode the character of the dwelling, The Closes development and the wider Conservation Area. Timber windows with long and robust guarantees can now be obtained which offer a superior alternative to the current proposal.
- 6.7 The proposed scheme does not conform to the objectives of Planning Policy Statement 5 or Policies GD1, ENV2, BE5 and BE6 of the Wear Valley District Local plan as amended by Saved and Expired Policies September 2007.

7.0 CONCLUSION

- 7.1 The use of the proposed windows would erode the character of the individual property and the wider development and would establish the use of non traditional materials in an important area. The application should be refused on the basis that it would be detrimental to the character and appearance of the Conservation Area and the surrounding Area of Outstanding Natural Beauty.

8.0 RECOMMENDATION

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

The proposed development would establish the use of non traditional materials which would be detrimental to the character of the dwelling and the wider Conservation Area.

The proposal does not conform to policies GD1, ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 or the objectives of PPS5.

9.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPG2, PPS3, PPS5, PPS7, PPS9, PPS13, PPG16
- Consultation Responses
- Public Consultation Responses
- The North East of England Plan Regional Spatial Strategy to 2021

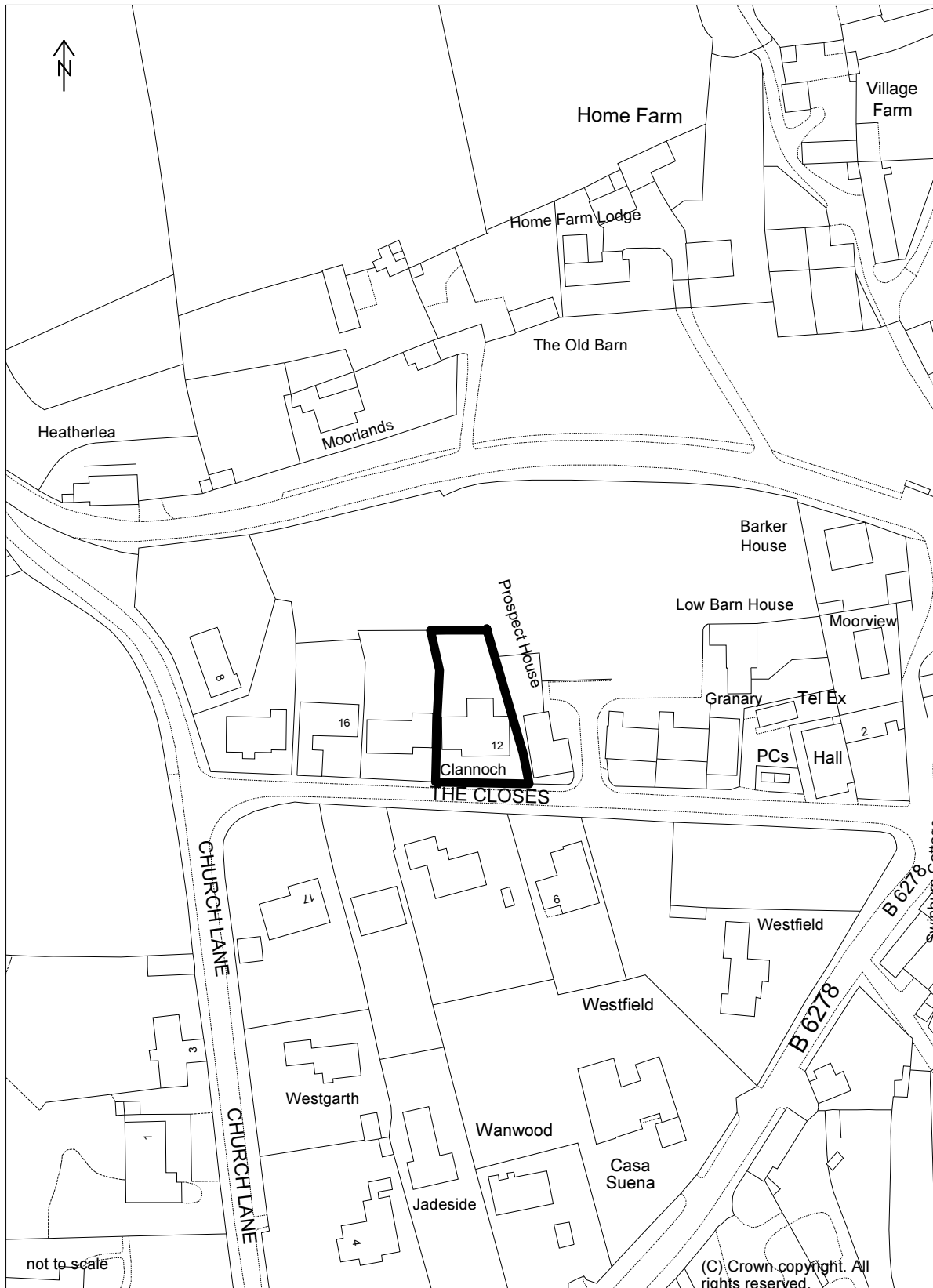
Informative

Ecology

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection. Should bats or evidence of bats be discovered at any stage during the development and its associated activities, work **MUST** stop immediately and urgent advice be sought from the Ecology Team, County Hall. Failure to do so may result in an offence being committed. This is regardless of whether planning permission has been acquired.



3/2010/0477 - REPLACE EXISTING WOODEN SASH WINDOWS WITH UPVC SASH AT CLANNOCH, 12 THE CLOSES, EDMUNDBYERS FOR MR. FRED MCDONALD



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3J

APPLICATION DETAILS

APPLICATION NO: 3/2009/0566

FULL APPLICATION DESCRIPTION: PROPOSED CONSTRUCTION OF A LIGHT STEEL FRAMED STRUCTURE, PART BLOCKWORK AND PART CLADDING TO SECURE SMALL ITEMS OF PLANT, MACHINERY AND SMALL TOOLS

NAME OF APPLICANT: MR GORDON PROCTOR

ADDRESS: LAND TO THE NORTH EAST OF NEW ROW, OAKENSHAW, CROOK

ELECTORAL DIVISION: WILLINGTON

CASE OFFICER: Adam Williamson
adam.williamson@durham.gov.uk
01388 761970

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. Context

1.2. The application site consists of a parcel of land adjacent New Row, Oakenshaw. The parcel of land originally was part of a larger field, but has become subdivided in recent years to form smaller plots. The site lies immediately adjacent but outside the development limits of Oakenshaw and is therefore in the open countryside for planning policy purposes. To the east and south of the site is woodland, to the west are the dwellings that form New Row, whilst to the north is open land. The site is bounded to New Row by a 1 metre high agricultural style timber fence. The land slopes away to the east.

1.3 Description

1.4 Planning permission is sought for the erection of a storage building for the applicant's horticultural business. The proposed building would measure 18 metres in length by 9.1 metres in width, 3.4 metres to the eaves and 4.4 metres to the ridge. The building would be constructed from a cellular block wall to 2 metres in height, with grey sheets to the upper walls and roof. The building would be used to store items of machinery used in conjunction with the applicant's horticultural business.

- 1.5 This application has been reported to Committee as Greater Willington Town Council has objected to the proposal.
-

2.0 PLANNING HISTORY

- 2.1 None
-

3.0 PLANNING POLICY

3.1 National Policy:

- 3.2 Planning Policy Statement 1: (PPS1) Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

- 3.3 Planning Policy Statement 4: (PPS4) Industrial, Commercial Development and Small Firms** – Takes a positive approach to the location of new business developments. Planning permission should normally be granted unless there are significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. Locational requirements of business are a key consideration.

- 3.4 Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas** - Sets out the Government's planning policies for rural areas. The key objectives are for continued protection of the open countryside and to promote more sustainable patterns of development by focusing most development in, or next to, existing towns and villages. Re-use of existing rural buildings for economic purposes is encouraged.

3.5 Regional Policy:

- 3.6 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 2004 to 2021.

- 3.7 Policy 4 Sequential Approach to Development** – Priority is normally given to development of previously developed land in the most sustainable locations, avoiding areas at risk from flooding.

- 3.8 Policy 11 Rural Areas** – Support for the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets.

3.9 LOCAL PLAN POLICY:

- 3.10 ENV1 Protection of Countryside** - Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.

- 3.11 GD1 General Development Criteria** - New development should among other things be well designed, appropriate to the setting, not conflict with adjoining uses, deter crime, protect and enhance the environment, have safe vehicular access and adequate parking, not create levels of traffic that exceed the local road network.
-

3.12 H3 Distribution of Development - Identifies the settlement limits of the towns and villages within which new development should be directed.

3.13 T1 General Highways Policy - Developments which generate additional traffic must provide adequate access and not exceed the existing highway capacity.

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://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.2 Highways Engineer: Visibility from the site access is acceptable. Access construction is adequate for the proposed use of storage of small items, although inadequate for a large commercial use.

4.3 The access track is 4 metres wide. This is almost wide enough to accommodate two way traffic and could certainly accommodate large commercial vehicles. Entrance to the building is via a 3 metre high by 3 metre with roller shutter door. Due to the lack of employment associated with the site the proposed uses must, presumably, be personal to the applicant.

4.4 The size of the compound area is unclear. It appears to extend over the entire levelled area. I can see no other reason to level such a large part of the site. Despite the description the submitted scheme has the appearance of an industrial building with a compound.

4.5 Greater Willington Town Council: Object to the proposal as it lies outside the settlement limits, with no agricultural justification or other mitigating circumstances.

4.6 INTERNAL CONSULTEE RESPONSES:

4.7 Ecology: No comments to make.

4.8 PUBLIC RESPONSES:

4.9 Occupiers of neighbouring properties have been notified in writing and a site notice has also been posted.

4.10 55 letters of objection have been received, the details of which are set out below:

- a) The site is in the open countryside, and as such the development would be contrary to overarching policies for the protection of the countryside.
 - b) The development is not related to any compatible countryside use.
 - c) The building is utilitarian in design and the scheme has a long access track across an open field.
 - d) The building will have a negative visual impact.
 - e) The proposed development would jeopardise the flourishing state of the nature reserve. The noise, security fence and security lighting would disrupt movements of wildlife.
 - f) The site in question is located between Oakenshaw Wildlife reserve and the front elevation of the houses in Oakenshaw.
 - g) The nature of the business dictates that there would be intrusive noise disturbance from the site.
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- h) The entry/exit to the site would be at the narrowest point of the only through road through the village.
- i) The unit could increase anti social behaviour in the area by providing a shelter for drinking/drugs/litter.
- j) This change will set a dangerous precedent as the proposed development is not on the built up side of the village.
- k) The building would have a visually detrimental impact on the surrounding area.
- l) We have seen rabbits and foxes on this land.
- m) There could be foundation damage to our houses by the movement of heavy plant during and after construction.
- n) Mr Procter could use vacant industrial units in Willington, his family's land at Stanley Crook or his friends farm to store his machinery.

4.11 8 letters of support have also been received, the details of which are set out below:

- o) Why would an agricultural building jeopardise funding for village improvements?
- p) We don't believe that a one man business would create significant noise or extra traffic.
- q) Local businesses should be supported.
- r) There are a number of similar structures in the surrounding area outside the village.

5.0 APPLICANT'S STATEMENT

- 5.1 My client resides at 18 New Road, Oakenshaw and manages a small business from his home.
- 5.2 The proposal would be placed in the most discrete area of my client's field, and would ensure that my client's plant and equipment could be stored in a central location, increasing security.
- 5.3 My client's business is a Limited company and employs himself and his wife who looks after the administration aspect of the business. The Council should encourage enterprise when small businesses are doing their utmost to prevail against budget constraints.

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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

6.1 The key issues for consideration are:

- Principle of development
- Impact on the character and appearance of the surrounding area
- Highway safety
- Impact upon protected species

6.2 Principle of development

6.3 The key underlying aim of national, regional and local planning policy is to create sustainable patterns of development. In this respect preference is given to development of suitable sites within or adjacent to the development limits of towns

and villages which have adequate services to support new development. Normally new development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses. Positive consideration must however be given to employment uses where the development would not seriously undermine the aims of creating sustainable patterns of development, there would be no significant amenity objections, and particularly where there is reuse of existing buildings for economic purposes.

6.4 In this case the site is immediately adjoining the development limits of Oakenshaw. While not a farm diversification business, the business is nevertheless directly related to agriculture in the sense that it involves the storage of horticultural machinery including a tractor, plough, rotavator and other horticultural machinery. The plant and machinery at the site is therefore of the type that would normally be found on farms in the countryside, albeit at a significantly intensified scale that needs controlling. Because of the agricultural nature and character of the business, it is reasonable to expect such a business to be located in a rural setting. In addition, it is unlikely that a more suitable and large enough site with direct access onto a main road could be found within Oakenshaw and where the disturbance to surrounding residential properties would be limited. The site is therefore considered appropriate for the type of agriculture-related business, but would not be appropriate for industrial use. The use of the site should be restricted to the use applied for as general B8 and B1 uses would not have the same agricultural character and would be contrary to location policy.

6.5 The strong link to agriculture (as long as this remains the case), along with the physical relationship of the site to the main settlement, is considered to render the principle of development acceptable in this case. The proposal would not undermine the wider overarching aims of achieving sustainable patterns of development in the local area. This accords with the general principles in PPS1, PPS4 and PPS7, as well as RSS policy 11.

6.6 Impact on the character and appearance of the surrounding area

6.7 The current appearance of the site, because of the uncontrolled dividing up of the land into smaller plots with small scale shed buildings, disused rail carriages and outside storage areas to the north of the site, significantly detracts from the character and appearance of the surrounding area and therefore the consideration of how to limit the visual impact has been of primary concern. Public views of the site from New Row are particularly important in this respect and the effect on the general character of the area and in respect of neighbouring land uses has been given consideration.

6.8 To this effect, the application proposes no external storage and would provide screening by locating the building to the eastern boundary of the site, set down by one metre from current land levels and landscaping around the perimeter of the building. The proposed building would be portal framed agricultural style building with profile steel walls and roof. The building would be typical of a modern agricultural building in design and appearance and similar buildings are found near the site, including along the roadside on Stockley Lane to the north of the site. It is proposed to condition that the colour of the profile steel sheets should be dark green or brown to sit comfortably in the rural landscape and reflect typical agricultural buildings.

6.9 It is considered that the appearance of the building itself would not be harmful to the character and appearance of the surrounding area and would importantly provide effective concealment of equipment within the building. This, together with proposed

screening, would be sufficient to reduce the level of visual impact of the external storage as seen from New Row, stored items are related to agriculture only and the site is screened as soon as possible. In this respect it would be appropriate to condition that if the screening is not in place within a reasonable time period then there should be no outside storage at the site.

- 6.10 It is noted that access to the building is along a 90 metre long track. It is proposed that this track be gravelled and in order to minimise the impact of the track, its colour finish is of the utmost importance. As such the colour finish will be conditioned accordingly.
- 6.11 The proposed building would be sited over 100 metres from the properties on New Row. It is considered that this distance would ensure that the residential amenity of the occupiers of New Row would not be detrimentally affected by the proposed development in terms of noise and general disturbance.
- 6.12 It is considered that the erection of such a building would not encourage anti social behaviour in the area.
- 6.13 The effect on property values and future investment cannot be taken into consideration.
- 6.14 Subject to conditions, the proposal would not have an adverse impact on the character and appearance of the surrounding area in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6.15 Highway safety

- 6.16 The Highways Engineer has been consulted on the proposal. Visibility from the access is acceptable for the use and storage of small items. The building is not for an industrial use, rather the storage of agricultural machinery and plant. The building is served by a 3 metre by 3 metre door as the applicant owns a tractor which is 2.6 metres in height. As such the size of the opening is required due to the physical size of the machinery the applicant owns and operates. The applicant has also submitted an itinerary of the items to be stored in the building, which equate to a floor area of 152 sq. metres. The proposed building would have a floor area of 162 square metres. It is considered that the proposed building would not create traffic movements of a level that would cause a hazard to users of the highway.
- 6.17 It is considered that the proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6.18 Impact upon Protected Species

- 6.19 To the east of the site is a nature reserve which is on the site of the former open cast coal mine. The Ecology section has been consulted and no objection is raised to the proposal. It is considered that the proposed building would not have a damaging impact upon protected species, nor a detrimental impact upon the future of the nature reserve. It is considered that the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7.0 CONCLUSION

- 7.1 In summary, while not a farm diversification business, the business is nevertheless related to horticulture. The plant and machinery at the site is therefore of the type that would normally be found on farms in the countryside, albeit at a significantly intensified scale. In addition, it is unlikely that a more suitable and large enough site with direct access onto a main road could be found within Oakenshaw. The site is therefore considered appropriate for the type of agriculture-related business, but would not be appropriate for industrial use.
- 7.2 It is considered that the appearance of the building itself would not be harmful to the character, appearance or amenity of the surrounding area it is not considered that there are any reasons which would form sound material planning grounds for the refusal of this application.
- 7.3 The strong local objection has been given due consideration, however the main planning issues in respect of the protection of the open countryside, protection of amenity, and highways issues have been discussed within this report and found on balance to not warrant refusal of the application.
- 7.4 No objections have been received from statutory consultees other than the objection from Greater Willington Town Council, and the proposals are considered to accord with both local and national planning policy, as such the application is recommended for approval.

8.0 RECOMMENDATION

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

Conditions:

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

Plan Ref No.	Description	Date Received
09/446/01	Site Location Plan Detached storage building	17.12.2009
08/445/03	Proposed plan, Elevations and section	17.12.2009

2. The permission hereby granted shall be for the storage of machinery, plant, equipment and vehicles for horticultural purposes only B8 and for the other purpose falling within Class B8 of the Town and Country Planning Use Class Order 1987. No general storage, warehousing, wholesaling, distribution, repairs or sales shall take place from the site and there shall be no auction events at the site. The site shall not be used for the breaking, dismantling or burning of plant, machinery, vehicles or scrap materials.
3. The profile steel sheets to be used in the building hereby approved shall have an external colour finish of dark green or dark brown.
4. Materials, goods, plant, machinery, vehicles and/or equipment associated with the business hereby approved shall not be stored externally.

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5. The internal access road shall be constructed from a permeable surface.
 6. Prior to the commencement of the development details of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to first use of the building to which they relate.
 7. 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.
 8. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.
 9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

Reasons:

1. To define the consent and ensure that a satisfactory form of development is obtained.
2. The local planning authority would not be prepared to permit any activities not connected with agriculture on this site as it lies outside the development limits and in the countryside. In accordance with policies ENV1, GD1 and H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. In the interests of the visual amenity of the area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. Outside storage needs to be strictly controlled and any outside storage exceeding 4m in height would be unduly prominent. 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.
5. To prevent excessive surface water runoff onto New Row. In the interests of highway safety and to comply with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of the visual amenity of the area and to comply with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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7. 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. 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. 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.

9.0 REASONS FOR THE RECOMMENDATION

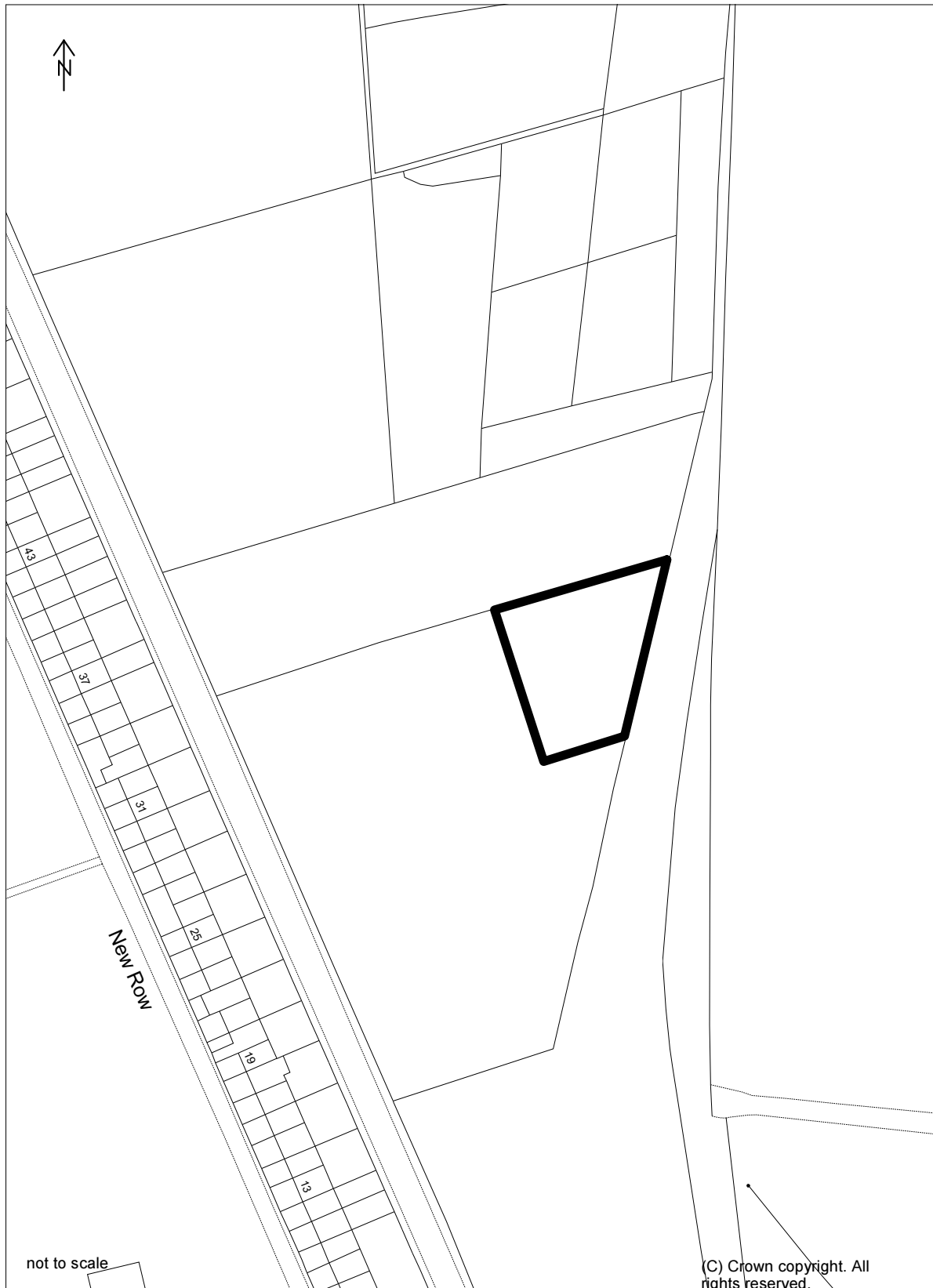
- 9.1 The development is considered to accord with policies GD1, ENV1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, RSS policy 11 and national planning guidance in PPS1, PPS4 and PPS7 as:
1. The proposal would not undermine the wider overarching aims of achieving sustainable patterns of development in the local area.
 2. The proposal would not cause unacceptable harm to the character and appearance of the surrounding area.
 3. The proposal would be acceptable in terms of highway safety.

10.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS4, PPS7.
- RSS
- Consultation Responses
- Public Consultation Responses



3/2009/0566 - PROPOSED CONSTRUCTION OF A LIGHT STEEL FRAMED STRUCTURE, PART BLOCKWORK AND PART CLADDING TO SECURE SMALL ITEMS OF PLANT, MACHINERY AND SMALL TOOLS AT LAND TO THE NORTH EAST OF NEW ROW, OAEKSHAW FOR MR GORDON PROCTOR



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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 4

APPEALS UPDATE REPORT

APPEAL DECIDED

APPLICATION REF NO: APP/X1355/A/10/2136368/NWF

LPA REF NO: DC/3/2009/0063

1.0 APPEAL AGAINST THE REFUSAL OF DISCHARGE OF CONDITIONS APPLICATION IN RELATION TO CONDITION 2 (MEANS OF ENCLOSURE DETAILS) OF PLANNING PERMISSION 3/2009/0178

- 1.1 An appeal was lodged against a discharge of conditions application relating to planning permission 3/2009/0178. Planning permission 3/2009/0178 was granted for the change of use of open land to garden land at land to the rear of McMillan Drive, Crook, subject to the submission of details relating to means of enclosure (condition 2). The means of enclosure details submitted showed the retention of a one metre high fence along the south boundary which was considered unacceptable. Officers therefore refused the means of enclosure details relating to condition 2 for the following reason:

The retention of the 1 metre high fence to the south of the site would be visually unattractive and would be detrimental to the character of the residential estate, which would be contrary to policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

- 1.2 The Inspector has dismissed the appeal.
- 1.3 The Inspector stated in his appeal decision that the means of enclosure scheme was found to be unacceptable and the Council refused to discharge condition 2 because they considered that the retention of a 1m high fence along the southern edge of what was envisaged as a landscaped buffer to the south of the garden fencing would spoil the character of the adjacent estate. The Inspector continues, *it seems to me that substantial landscaping would be essential to soften the impact of that garden fencing on the outlook that residents of Sewell Court might reasonably expect to enjoy... in those circumstances, I am afraid that I find the continued retention of the 1m high fence beside the footpath wholly unacceptable.*
- 1.4 The appellant had argued that the retention of the 1m high fence would be a deterrent against littering and trespassing, however the Inspector disagrees by stating that he doubts the 1m high fence would be a particularly effective barrier against littering or trespass.

- 1.5 The Planning Inspector concludes by stating, *I agree with the Council that the retention of this 1m high fence beside the footpath would spoil the character of this estate, contrary to policies GD1 and H24.*

RECOMMENDED

That the inspector's decision in relation to the appeal be noted for future reference.

Report prepared by Chris Baxter, Senior Planning Officer.

APPEAL DECISION

APPLICATION REF NO: APP/X1355/D/10/214050903

LPA REF NO: 3/2010/0341

1.0 APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CONSERVATORY TO FRONT OF PROPERTY AT 5 HIGH ROAD, MIDDLESTONE VILLAGE, BISHOP AUCKLAND, DL14 8AE FOR MR HALL

- 1.1. Planning permission was sought for the erection of a conservatory to the front of 5 High Road, Middlestone Village, Bishop Auckland. The appeal property is an end of terrace, two bedroom, modest, bungalow. Planning permission was refused for the following reasons:

The proposal is contrary to policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS1 as:

1. The conservatory would appear incongruous, overdominant and unsympathetic to the host dwelling and surrounding area.
2. By virtue of its mass, scale, design and materials the conservatory would be detrimental to the character and appearance of the host property.

- 1.2 An appeal was made against the decision. The inspector has allowed the appeal for the following reasons:

- The proposed conservatory would enclose the central entrance door and one of the main front windows. Given its size and position, there is no doubt that it would be a prominent addition to the existing dwelling. Nonetheless, it seems to me that its transparent quality would allow the modest character of the original bungalow to continue to be readily apparent. Whilst the conservatory would sit forward of the existing dwelling, it would be seen in the context of the quite generous front gardens and the somewhat varied building line of the terrace. Moreover, additions to the front of properties are a feature of this particular village, probably as a result of the landform and the views available.
- Taking these matters into account, I consider that the conservatory would not appear unduly intrusive or incongruous and I conclude that it would not harm the character and appearance of the original house or the surrounding area. I find no conflict, therefore, with policies GD1 and H25 of the Wear Valley District Local Plan, which expect a high standard of design. Bearing in mind

the variation in the built form of High Road, I am also satisfied that the proposal would not be in direct conflict with that part of FPG5 which seeks to discourage extensions in front of the building line.

- For the reasons given above, I conclude that the appeal should succeed.
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2.0 RECOMMENDED

- 2.1 That the inspector's decision in relation to the appeal be noted for future reference.
- 2.2. Report prepared by Sinead Turnbull, Planning Officer.

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