



Area Planning Committee (South and West)

Date Thursday 19 May 2011
Time 2.00 pm
Venue Council Chamber, Crook

Business

Part A

1. Declarations of Interest
2. Minutes of the Meeting held on 21 April 2011 (Pages 1 - 6)
3. Applications to be determined
 - a) Application 6/2011/0038/DM - Brookside Hall, Evenwood (Pages 7 - 18)
Application for renewal of extant planning permission 6/2008/0086/DM for erection of detached dwelling
 - b) Application 6/2011/0063/DM - Bildershaw Grange, Bildershaw (Pages 19 - 28)
Change of use of farmhouse and outbuildings to create multi-functional facility for residential, educational, recreational, offices, training and contact centre purposes, with new access and parking provisions
 - c) Application 6/2010/0316/DM - Field House, Lartington (Pages 29 - 38)
Change of use from agriculture to a mixed use of agriculture and equestrian and erection of American style barn
 - d) Application 7/2011/0055/DM - Land north east of High Street, Byers Green (Pages 39 - 48)
Application to renew planning permission APP/M1330/A07/2040536 for residential development (outline application)
 - e) Application 7/2011/0054/DM - Former Greyhound Stadium, Merrington Lane, Spennymoor (Pages 49 - 56)
Application to renew planning permission 7/2007/0703/DM for construction of access and remediation works

- f) Application 7/2011/0105/DM - St David's Close, Spennymoor
(Pages 57 - 60)

Replacement of 2 UPVC windows with 2 UPVC bow windows to front elevation

4. Appeals Update (Pages 61 - 62)

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
11 May 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, E Paylor, G Richardson, J Shuttleworth, P Taylor,
R Todd, J Wilkinson, M Williams 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, COUNCIL OFFICES, GREEN LANE SPENNYMOOR on THURSDAY 21 APRIL 2011 at 2p.m.

PRESENT:

COUNCILLOR M DIXON

Chair

Members of the Committee:

Councillors D Boyes, M Campbell, P Gittins, E Paylor, G Richardson, R Todd, E Tomlinson and J Wilkinson

Apologies for absence were received from Councillors D Burn, K Davidson, A Hoggood, A Laing, J Shuttleworth, P Taylor and R Yorke

Also present: Councillors C Walker (substitute for Cllr Davidson) and Andy Turner (substitute for Cllr Yorke); Councillors B Ord and K Thompson (local members – application 7/2011/0040/DM – Old Coal Depot, Westerton)

Officers:

Sarah Eldridge (Development Control Manager – Crook & Barnard Castle), Chris Simmonds (Legal Adviser), Andrew Farnie (Development Control Manager – Spennymoor), Neil Thompson and Dave Stewart (Highways) and Delyth Roberts (Democratic Services)

A1 Declarations of interest

Councillor Richardson declared a prejudicial interest in application 6/2010/337/DM (Lands Methodist Chapel, High Lands, Cockfield) as he was a member of the Bishop Auckland Methodist Circuit Committee, which took the disposal decision; he left the Council Chamber whilst the application was discussed and voted on.

A2 Minutes

The Minutes of the meeting held on 17 March 2011 were confirmed as a correct record and signed by the Chair. With regard to application 7/2011/0019/DM, the Chair confirmed that a condition with regard to a means of enclosure for the path had been agreed.

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

7/2011/0040/DM – Change of use of former coal stocking depot to storage of caravans, containers and B8 storage and distribution uses at The Old Coal Depot, Westerton

The Development Control Manager (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 McGill, on behalf of the applicant. He expressed disappointment that a number of additional documents submitted with the application were not mentioned in the officer's report. He believed that the site was not 'rural' as such – it was 'peri-urban', being close to a housing estate, petrol station, allotments etc. It provided a more substantial site than those available in an urban area and was close to the applicant's customer base. Having been a colliery and then a coal depot in the past, it had been in use as a storage facility for six years. During a short period when the site had not been in use it had become very untidy and if planning permission was refused then it could become an eyesore. Mr McGill pointed out that most of the site was well-screened by tree belts and that further fencing, landscaping and mounding were proposed; there were no objections from local residents and 44 letters of support had been received from the applicant's existing customers. He noted that an analysis of alternative sites had been undertaken but no suitable site had been identified. He acknowledged that the site might not entirely comply with current planning policy but it was the base for a thriving business. The applicant confirmed that 50 people worked on the site and storage facilities were being provided for some 500 customers. He also confirmed that some unauthorised roadside signage had been taken down and would not be reinstated.

Local members Councillors B Ord and K Thompson then addressed the Committee, expressing support for the application on the grounds that this was in effect an industrial site, that it was well maintained and provided employment for up to 50 people. As local members they had not received any adverse comments about the site; if planning permission was refused then some caravans could end up parked inappropriately in residential areas and a significant number of jobs would be put at risk.

In response the Development Control Manager referred to the Planning Inspector's decision to dismiss the appeal in 2010; he suggested that details of proposed landscaping and other mitigation measures should have been submitted at an earlier stage. He also suggested that, if the site was developed further it could become increasingly unsightly.

Members then had an opportunity to comment and ask questions; it was generally agreed that the site could be considered a brownfield site, that it was currently well run and provided considerable employment opportunities. Members also agreed that some screening would be required, particularly when viewed from the south.

With regard to the additional businesses currently operating at the site, the Legal Adviser confirmed that they would not have the benefit of planning permission even if the current application was approved; consideration would need to be given as to the appropriateness of taking enforcement action in respect of such unauthorised use of the site.

On the grounds that the site is previously developed land and offers numerous employment opportunities, thus benefiting the local economy, Councillor Boyes

moved that the application be approved subject to conditions; he was seconded by Councillor Richardson.

RESOLVED:

That the application be approved subject to conditions to be agreed by the Development Control Manager in consultation with the Chair and Vice-chair of the Committee.

3/2010/0548 – Outline application for 31 dwellings (including 9 affordable bungalows), A1 retail unit, parking and associated access on land at Park Road, Witton Park

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

The Committee was addressed by Mr Jacques (applicant); he emphasised the provision of the affordable housing element of the proposed development and claimed that all the houses would be considerably cheaper than those on other developments recently granted planning permission in Witton Park. He believed that the community of Witton Park wanted and needed this development and referred to a list of 71 people who had expressed support for the proposal. He also mentioned the forthcoming Localism Bill which would potentially give communities the ability to approve some developments independently of the formal planning system. He believed that Witton Park would be a sustainable location for this development and felt that development limits contained in the local plan should have been reviewed before now. He was prepared to comply with any conditions imposed and to change the road layout.

In response the Development Control Manager noted that this was an outline application and that details would be agreed at a later date if planning permission was granted; she also noted that 'affordable housing' had a specific definition in planning terms.

The Highways Officer confirmed that a satisfactory solution could be found in respect of the internal road geometry and residential parking arrangements.

Councillor Turner indicated that both he and the other local member, Councillor Yorke, supported the application and welcomed the affordable housing element and the shop in particular.

The Legal Adviser noted that a Section 106 Agreement would be required in respect of the type of housing to be provided and that the affordable housing element would need to meet standards set by a social landlord.

Councillor Campbell proposed that the application be refused; he was seconded by Councillor Wilkinson. On the vote being taken, however, this motion was lost.

On the basis that the proposed development would not prejudice the aim of achieving sustainable patterns of development in the local area, in accordance with policies GD1, H3 and ENV1 of the Wear Valley District Local Plan, as amended by Saved and Expired Policies September 2007; RSS policy 4 and national planning

guidance in PPS1, PPS3, PPS4, PPS7 and PPG13, Councillor Turner moved that the application be approved subject to conditions and to the prior completion of a Section 106 Agreement; he was seconded by Councillor Paylor.

RESOLVED:

That outline planning permission be granted subject to the prior completion of an acceptable Agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the payment of a commuted sum for the provision of off-site recreation and play facilities and the provision of affordable housing and subject also to conditions to be agreed in consultation with the Chair and Vice-chair of the Committee.

6/2010/0337/DM – Change of use of redundant chapel to 3 bedroom dwelling at Lands Methodist Chapel, High Lands, Cockfield

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

The Committee was addressed by Mr Wills, representing objectors to the proposal; he mentioned that at least 76 people had objected and noted that this was a significant percentage of the very small local community. The loss of this community building would be regrettable and he suggested that approving the proposal could prejudice any civil case against the Church with regard to its closure. He claimed that the Church had given the impression that the building was in some respects unfit for use/occupation in order to justify closure; he believed that this was not just a civil matter and that, if approved, the conversion would take place before the dispute over closure was resolved. He challenged the assertion that the criteria of Local Plan policies BENV 13 and 14 had been met and suggested that holiday use would be far more appropriate than permanent residential use. He reiterated that no decision should be taken until the dispute over closure had been resolved and asked members to refuse the application.

The Committee then heard from Mr Cundick and Rev. Phipps, representing the applicant; they emphasised that the Church had followed its own procedures correctly in arriving at the decision to close the chapel and had also complied with planning policy requirements when formulating and submitting the current application. They believed that the best, indeed the only, option was to convert the building to residential use.

The Legal Adviser confirmed that the ongoing dispute over closure of the chapel was a matter between the Church and the objectors; the planning system could not be concerned with other regulatory regimes.

Councillor Wilkinson moved that the application be approved subject to conditions; he was seconded by Councillor Tomlinson.

RESOLVED:

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

**6/2011/0038/DM – Application for renewal of extant planning permission
6/2008/0086/DM for erection of detached dwelling at Brookside Hall,
Evenwood**

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. She emphasised that objections had been considered at the time that the original application was approved and that matters should not be revisited where there was no significant change in circumstances.

The Committee was addressed by Mrs Stout (objector), who suggested that there had been a change in circumstances since permission was granted in 2008 – the development of an additional property on land adjacent to the application site had resulted in problems with the sewer system. She was concerned that these would only be exacerbated if a further dwelling was built. She was also concerned that prospective purchasers of the plot were not being advised that service providers would need to be involved in the re-routing of utilities; she suggested that members might wish to undertake a site visit.

The Development Control Manager confirmed that a condition relating to foul and service water drainage would be included if the application was approved and that an informative could be added with regard to the re-routing of services.

Councillor Richardson recalled the original application and was of the opinion that the site could not comfortably accommodate a dwelling; he also suggested that the development of the additional property had caused problems and moved that the application be refused but this was not seconded.

RESOLVED:

That consideration of the application be deferred pending a site visit.

A4 APPEALS UPDATE

The Committee considered a report regarding the following appeal:

**APPEAL REF. NO. APP/X1355/A/10/2137253
LPA REF. NO. 7/2009/0426/DM**

Appeal against the non-determination of a detailed planning application for residential development comprising the erection of 105 dwellings with public space and associated infrastructure on land off High Road, Bishop Middleham

The Inspector had dismissed the appeal.

RESOLVED:

That the report be noted.

The meeting closed at 3.40pm

CHAIR

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0038/DM
FULL APPLICATION DESCRIPTION:	Application for renewal of extant planning permission 6/2008/0086/DM for erection of detached dwelling
	Brookside Hall, Evenwood
NAME OF APPLICANT:	Mr J Beadle & Miss E Foster
ADDRESS:	The Wynds Mount Pleasant Cockfield Bishop Auckland Co Durham DL13 5EW
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Matthew Gibson Planning Officer 03000 260826 matthew.gibson@durham.gov.uk

1 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 Members will recall that this application was deferred from the previous meeting pending a site visit.
 - 1.2 The application site forms part of the domestic curtilage of Brookside Hall (formerly 'Liosean') which is close to the centre of the village of Evenwood. The site is opposite and directly east of the Church of St Paul. Currently the site is an untidy and unkempt piece of land directly in front of Yewden Cottage and adjacent to nos. 11 and 11a Brookside and measures 444 square metres.
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- 1.3 A key feature of the site is a centrally located mature tree that is the subject of a preservation order.
- 1.4 Permission is sought to renew the existing planning permission for the erection of a detached dwelling.
- 1.5 This application is reported to committee because of an objection from Evenwood Parish Council.
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2 PLANNING HISTORY

2008/0086 – Previous application approved

2003/0416 – A previous scheme for the conversion and extension of existing outbuildings to form a dwelling was approved.

2003/0415 – Approval was given for the erection of a dwelling on the site adjacent.

2002/0180, 2002/0077, 2992/0075, 2001/0267 – These are various applications relating to both the sites as mentioned above, all of which were initially refused.

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 3: Housing:** sets out the principles of new housing development.
- **Planning Policy Statement 7: Sustainable Development in Rural Areas.**
- **Planning Policy Guidance 13:** Sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- **Greater flexibility for planning permissions (Guidance):** A document providing practical guidance on the use of measures which have been introduced following consultation. It sets out the key features and statutory requirements for each procedure, provides a practical guide to their use, and explains how they differ from existing procedures.

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 Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the

High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

TEESDALE LOCAL PLAN POLICY:

- GD1 General Development Criteria
- H4 Small scale housing development on sites less than 0.4 Hectare
- ENV10 Avoidance of unreasonable harm to important trees and hedgerows.
- H12 High standards of design in new house and housing sites.

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>

3 CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Evenwood Parish Council – Request that their objections to the original scheme are carried forward. The objections were:

- Site does not warrant a four bedroomed property.
- The possibility of housing to the rear of Shirley Close combined with this will envelop Yewdon Cottage.
- Possible loss of privacy and “denied its aesthetic values”.
- Access route will be reduced.

There were also two points made that related to utility services within the site and the possibility of depreciation of value of Yewdon Cottage.

Highways – No objection subject to previous comments and requirements.

INTERNAL CONSULTEE RESPONSES:

None received

PUBLIC RESPONSES:

One letter of objection was received from the neighbouring property as a result of the public consultation. The letter included the following concerns:

- Sewerage system – The capacity of the mains system is full meaning sewerage is constantly overflowing and running onto the main street.
- Yewden Cottage Services – The services for Yewden Cottage are located underground across the development plot adjacent to the shared drive. These services may need to be repositioned and any purchaser would need to be aware of a legal right to access these at all times.
- Tree Preservation Order – There is a large sycamore tree in the centre of the site which is the subject of a TPO. The objectors feel the development is too close to the tree and will impact on its root system thus affecting the health and stability of the tree. There may also be pressure from the occupiers of the new dwelling to have the tree removed due to its proximity to the house.

APPLICANT'S STATEMENT:

The points raised by Mr & Mrs Stout and the Parish Council in March 2011 are generally the same as the points raised by them in February / March 2008 and considered by the planning committee when planning permission was granted in April 2008.

However, in order to allay any concerns I can confirm below: -

1. Sewerage System. I will consult with the water board and building regulations before and during construction to ensure adequate foul water drainage is provided. I would note that any issue there has been with Joss House has been blown out of all proportion in Mr & Mrs Stout's letter.
2. Yewden Cottage Services. I will consult with the service providers to re-route any services if necessary.
3. Tree Preservation Order. The layout of the building is designed in such a way to accommodate and accentuate the tree. The tree will be cordoned / fenced off during construction and the council will be consulted at all times.

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=19848>

4 PLANNING CONSIDERATIONS AND ASSESSMENT

- 4.1 This application is submitted under the procedure to apply for 'extensions to the time limits for implementing existing planning permissions'. The procedure was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI 2009 No.2261) and the Planning (Listed Building and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No.2262).
- 4.2 The advice from Central Government includes that "LPAs 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."
- 4.3 The original permission was granted in 2008 at a planning committee of the former Teesdale District Council. As the statutory development plan for the area was adopted in 2002, the local policy considerations remain the same and therefore in this regard the proposal is considered acceptable.
- 4.4 The Government recently made an alteration to the wording of Planning Policy Statement 3: Housing, which removed former or existing garden land from the definition of previously developed land. As such, this site would no longer be considered previously developed and an assessment would be required as to the sustainable credentials of the site and the potential impact of the development on the character of the area. The site is considered to be in a sustainable location close to existing services and facilities within the village of Evenwood. In addition, the site is surplus garden land that was formerly attached to the property known as Brookside Hall. Past development within the site has restricted the use of the site as a garden

and since the demolition of the former outhouses on the site, the plot lends itself to residential development. Therefore, the principle of residential development on the site remains unchanged in accordance with policy and subject to the additional considerations of the previous application.

- 4.5 A copy of the original committee report has been included as an appendix to this report for members information.
- 4.6 Evenwood Parish Council has maintained its original objection to the application. In addition, an occupier of the property directly adjacent to the proposed site has expressed concern. As members will appreciate from the original officer report the issues raised by the Parish Council and the neighbour regarding the access, tree and services were fully assessed at that time and accepted as satisfactory.
- 4.7 The issues regarding sewerage are common when new development is proposed. To reflect this issue a condition was included with the original permission requesting details of foul and surface water drainage prior to the commencement of development. This would allow Northumbrian Water to assess the existing system and ensure that the proposed drainage systems for the property can be fully and safely integrated.

5 CONCLUSION

- 5.1 The proposal to extend the time limit for planning permission number 6/2008/0086/DM for the erection of a detached dwelling is considered acceptable when assessed against both the relevant policies and the recent guidance.
- 5.2 Taking into account the objections received the principle of development remains acceptable as there have been no alterations to the development plan and no physical changes to the site that would indicate a change in material considerations that would lead to the application no longer being treated favourably.

6 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.

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

2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1.

3. 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 (as amended) 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.

In the interests of visual and residential amenity in accordance with Policies GD1 and H4 of the Teesdale District Local Plan 2002

4. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone with pointing to match and the roofs of natural slate. Prior to the commencement of the building works a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building shall be erected on site for inspection. The written approval of the Local Planning Authority for the sample panel and slates shall be received prior to the commencement of the building works and the sample panel shall be retained for reference on site throughout construction. The development shall be constructed in accordance with the approved details.

In the interests of the appearance of the area and to comply with Policy H12.

5. All trees and shrubs to be retained on site [as shown on drawing number 08007-2] shall be protected for the duration of the construction of the development by appropriate protective fencing minimum 1 metre in height. Protection to trees will be positioned around the crown spread to prevent access to, disturbance or contamination/compaction within the rooting zone.

To ensure the protection of existing trees in accordance with Policies GD1 and ENV10 of the Teesdale District Local Plan 2002.

6. No development shall take place until there has been submitted to and approved in writing by the Local Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

To protect visual and residential amenity in accordance with policy GD1 of the Teesdale District Local Plan 2002.

7. Prior to the construction of the dwelling hereby approved, the existing vehicular access shall first be widened to a minimum of 4.1 metre and improved in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety and in accordance with policy GD1.

8. Prior to the commencement of the development hereby approved, details of foul and surface water drainage runs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with such details as may be approved.

To ensure an adequate means of sewage disposal/drainage for the proposed development in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

7 REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -
 - GD1 General Development Criteria
 - H4 Small scale housing development on sites less than 0.4 Hectare
 - ENV10 Avoidance of unreasonable harm to important trees and hedgerows.
 - H12 High standards of design in new house and housing sites.
2. In particular the development was considered acceptable having regard to consideration of principle, visual impact, impact on neighbouring properties and highway safety.
3. The objections received were not considered sufficient to lead to refusal of the application as the issues have previously been considered as part of the existing permission and were considered acceptable at that time. There have been no alterations to the development plan or the material considerations that would indicate otherwise.

8 BACKGROUND PAPERS

- Submitted Application Forms.
- Teesdale District Local Plan 2002
- The North East of England Plan - Regional Spatial Strategy to 2021
- Planning Policy Statements / Guidance, PPS1, 3,7, 13 and 15
- Responses from consultees
- Public Consultation Responses

APPENDIX A

PLANNING COMMITTEE

Wednesday 30th April 2008

This application is reported to Members because Evenwood and Barony Parish Council objected to the application.

Case Officer - Mr Matthew Gibson

EVENWOOD & BARONY - 6/2008/0086/DM

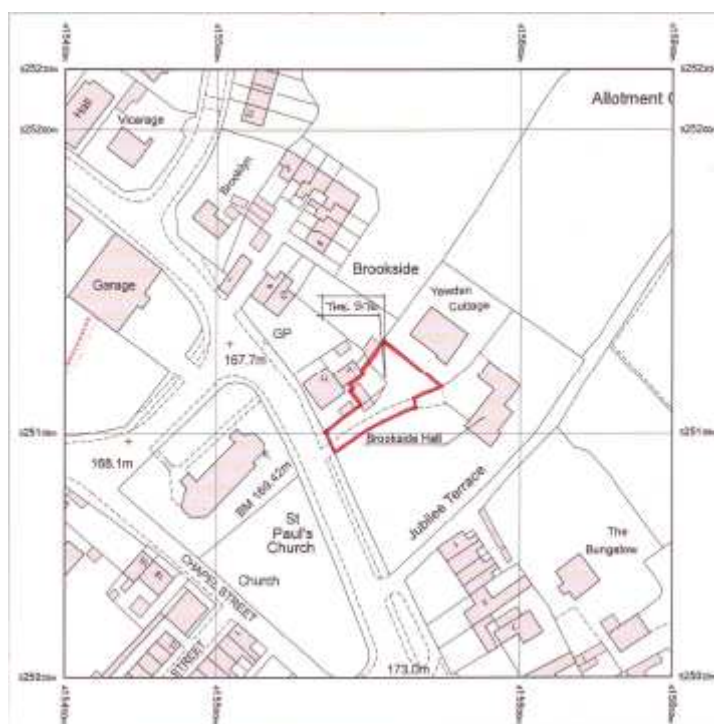
Members will recall that this application was deferred pending at site visit at the Planning Committee meeting on the 3rd April 2008. The officers recommendation remains the same and members should now be in a position to determine the application.

Erection of detached house in part garden area of Brookside Hall, Evenwood at Brookside Hall, Brookside, Evenwood for Mr J.R. Beadle (22 February 2008).

THE SITE:

The application site forms part of the domestic curtilage of Brookside Hall (formerly 'Liosean') which is near the centre of the village of Evenwood. The site is opposite and directly east of the Church of St Pauls. Currently the site is an untidy and unkempt piece of land directly in front of Yewden Cottage and adjacent to nos. 11 and 11a Brookside and measures 444 square metres. Immediately adjacent to the application site there is a further site currently with planning permission and under construction for one dwelling.

A key feature of the site is a mature tree that is the subject of a preservation order.



THE PROPOSAL:

This application seeks approval for the erection of a single dwelling on land to the North of the existing private driveway serving Brookside Hall. The proposed dwelling is two storey double fronted with an additional element to the north west corner which will form an eventual 'L' shaped building.

The proposed materials include random stone brought to courses for the external walls with natural stone heads and cills and a blue slate for the roof. White pvc vertical sliding sash windows are proposed. The majority of windows that will serve habitable rooms are proposed for the South and East Elevations.

PLANNING HISTORY:

2003/0416 – A previous scheme for the conversion and extension of existing outbuildings on this site was approved.

2003/0415 – Approval was given for the erection of a dwelling on the site adjacent.

2002/0180, 2002/0077, 2992/0075, 2001/0267 – These are various applications relating to both the sites as mentioned above, all of which were initially refused.

PLANNING POLICY:

GD1 General Development Criteria

H4 Small scale housing development on sites less than 0.4 Hectare

ENV10 Avoidance of unreasonable harm to important trees and hedgerows.

PPS3 Planning Policy Statement 3 – Housing (PPS3)

REPRESENTATIONS:

Statutory and Internal Consultants:

Evenwood & Barony – Refuse, for the following reasons:

- Site does not warrant a four bedroomed property.
- The possibility of housing to the rear of Shirley Close combined with this will envelop Yewdon Cottage.
- Possible loss of privacy and “denied its aesthetic values”.
- Access route will be reduced.

There were also two points made that would not form material planning considerations related to utility services within the site and a possibility of depreciation of value of Yewdon Cottage.

Public Responses:

This application was advertised and a total of 2no. objections were received and 1no. letter of support for the proposals.

The first letter of objection was based on the potential impact of the development on utility services which currently run through the site. Unfortunately this is not a consideration which can be considered material to the decision of this application.

The second letter of objection raises a number of points as follows:

- That the proposed development will interfere with the root system of the protected tree on the site and therefore be a threat to the health of the tree. There would also be future pressure for works to the tree should the development be allowed due to its proximity to the house.
- The development would constitute undesirable tandem development as a two storey dwelling. The difference in levels and size of the proposed property will cause significant loss of amenity and privacy to Yewden Cottage. The proposed scheme will bring the structure nearer Yewden Cottage thus having a greater impact than previously. Having windows in the east elevation which faces Yewden Cottage will overlook a number of habitable rooms.
- Issues were raised about the requirement to widen the access for vehicles. Utilities and services were mentioned again but again these reasons would not form material planning considerations.
- Issues of increased vehicular flow on to and off the private access road with moderate visibility and the possibility of use by 4 private residences; this would lead to an unacceptably high level of vehicular access.

The letter of support for the application raises the point that the proposed development will enhance the area local to Brookside Hall. Also the removal of windows in the gable closest to Brookside Hall and Yewden Cottage has meant that any possibility of overlooking has been removed.

PLANNING CONSIDERATIONS:

The site is within the development limits of the village of Evenwood and is considered previously developed as it is within the curtilage of Brookside hall and currently contains outbuildings which are to be removed. This ensures that the site is suitable when making an assessment of the proposals with regard to the provisions of Policy H4 of the Teesdale District Local Plan and also is in line with guidance suggested in Planning Policy Statement 3 regarding the reuse of previously developed land.

The site currently benefits from an existing planning permission approved in 2003 for the conversion and extension of the existing outbuildings into a dwelling. This permission was for a smaller dwelling on a similar footprint. This proposal has been re-sited from the boundary with nos. 11 and 12 Brookside which brings the whole development slightly further forward on the plot but the gable in the east elevation that would project nearest to Yewden Cottage has been reduced slightly to maintain the separation distance at this point. There are no windows proposed for this gable to prevent overlooking. There is however a first floor window proposed which will serve what will be the master bedroom. This window will be a distance of over 20 metres from the nearest habitable room in the front elevation of Yewden Cottage which is considered to be an acceptable distance to avoid any loss of privacy or amenity to the occupiers of Yewden Cottage. The further windows in this elevation will serve a kitchen at ground floor level and a landing. There are no first floor windows proposed for the north elevation and the two windows arranged on the west elevation are to serve a bathroom and ensuite and are to be obscurely glazed. The majority of windows are proposed for the south elevation, there are ample distances between this property and the neighbouring property that is currently under construction to prevent loss of privacy in accordance with Policy GD1 of the adopted Local Plan. The comments of objectors in this respect are fully understood and it is acknowledged that there will be an impact on Yewden Cottage but the distances are considered to be sufficient to maintain the

provisions of policy GD1 and would not constitute sufficient reason to sustain a refusal in this respect.

Previous refusals and appeals have been upheld purely because of the potential loss of a protected tree. This application, as with the previous approval (2003/0416), has considered the retention of the tree and the position of the house and the eastern gable has been designed to allow this. The specialist advice received from the Landscape section of Durham County Council remains, that so long as the development is carried out in accordance with good practice, the development would not endanger the continued well being of the tree. The presence of a Tree Preservation Order on this tree will eradicate any uncertainty surrounding any possibility of future work to the tree.

The design of the proposed dwelling is considered acceptable in its setting in terms of material and style. The use of traditional materials and principles of design will ensure that the character of the area will be preserved and enhanced and the quality of visual amenity will be upheld.

Issues surrounding access have been addressed via condition and the reason this has not previously been carried out is due to the fact the existing permission was never implemented.

The concerns expressed regarding drainage have been accepted but Northumbrian Water has submitted no objections to the scheme. It is to be conditioned that details are submitted prior to commencement regarding drainage to ensure acceptability.

RECOMMENDED: That Full Planning Permission be granted conditionally

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

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. Notwithstanding the provisions of Article 3 and Classes A and E of Part 1 and Class A 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 protect the residential amenity of neighbouring properties in accordance with policy GD1 of the Teesdale District Local Plan 2002.

3. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved samples.

To protect the visual amenity of the surroundings and the character of the building in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

4. A sample panel of stonework of minimum size one metre by one metre shall be constructed at the site, approved in writing by the Local Planning Authority prior to commencement of walling works and thereafter retained until completion of the development hereby approved. All stonework relating to the development hereby approved shall match the approved sample panel of stonework.

In the interests of the visual amenity of the area and in accordance with Policy GD1 of the Teesdale District Local Plan.

5. All trees and shrubs to be retained on site [as shown on drawing number 08007-2] shall be protected for the duration of the development by appropriate protective fencing minimum 1 metre in height. Protection to trees will be positioned around the crown spread to prevent access to, disturbance or contamination/compaction within the rooting zone.

To ensure the protection of existing trees in accordance with Policies GD1 and ENV10 of the Teesdale District Local Plan 2002.

6. No development shall take place until there has been submitted to and approved in writing by the Local Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

To protect visual and residential amenity in accordance with policy GD1 of the Teesdale District Local Plan 2002.

7. Prior to the construction of the dwelling hereby approved, the existing vehicular access shall first be widened to a minimum of 4.1 metre width and improved in accordance with the details which shall be submitted for the written approval of the Local Planning Authority.

In the interests of highway safety and in accordance with policy GD1.

8. Prior to the commencement of the development hereby approved, details of foul and surface water drainage runs shall be submitted for the written approval of the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with such details as may be approved.

To ensure an adequate means of sewage disposal/drainage for the proposed development in accordance with Policy GD1 of the Teesdale District Local Plan 2002.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0063/DM
FULL APPLICATION DESCRIPTION:	Change of use of farmhouse & outbuildings to create multi functional facility for residential, educational, recreational, offices, training & contact centre purposes, with new access & parking provisions
	Bildershaw Grange, Bildershaw
NAME OF APPLICANT:	SWIIS Foster Care Ltd
ADDRESS:	4th Floor 1 Harewood Place London W15 1BU
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Matthew Gibson Planning Officer 03000 260826 matthew.gibson@durham.gov.uk

1 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 Bildershaw Grange is a former farmsteading, with a substantial farmhouse and associated outbuildings, standing on the southern side of the A68 main road some 1.5 miles south-east of West Auckland.
- 1.2 In addition to the farmhouse the site includes a block of 5 stables, a detached single garage, a steel frame Dutch Barn and adjacent outbuilding, an area of hardstanding to the rear, and a small field to the south of the house which is outside of the application site boundary.
- 1.3 This application seeks permission for the change of use of the former farmhouse and outbuildings to provide a base for a foster care business to carry out its range of activities associated with the care, welfare and development of children and young people.
- 1.4 The site would incorporate an office base for 4 staff together with the current staff

who work remotely across the region. In addition, the premises includes the opportunity to integrate additional activities and facilities within the one location which would include a contact centre for supervised parent/children contact, a location for foster children and prospective families to meet, facilities for overnight and weekend stays to participate in activities and training and to provide a summer school centre for children and young people.

- 1.5 This application is being reported to committee because of an objection from the Parish Council, which has concerns regarding road safety and recommends refusal based on the proposed access onto the A68.
-

2 PLANNING HISTORY

None relevant

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:** Sustainable Development in Rural Areas sets out the national policies specific to planning in rural areas.
- **Planning Policy Guidance 13:** Sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

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.

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS.

Policy 7 – Connectivity and Accessibility: Seeks to promote internal and external connectivity within the region. It specifically promotes travel by alternative means other than by private vehicles.

Policy 8 - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

LOCAL PLAN POLICY:

GD1 General Development Criteria

ENV1 Protection of the Countryside

BENV13 Changes of use or conversion of buildings in the countryside

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>

<http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies;

http://www.gos.gov.uk/gone/planning/regional_planning for RSS policies

4 CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Etherley Parish Council – Recommends refusal on highway safety grounds in terms of the access onto the A68 highway.

Highways – The proposals will introduce several new users to the site however, the property currently includes two garage/workshop areas and stabling for five horses. The existing property could, without the need for planning permission, generate a significant volume of traffic.

The submitted proposal shows the creation of a new access to the north of the existing accesses. This new access significantly improves visibility and is acceptable from the highways aspect.

There is no requirement for a second ‘emergency access’ on the site therefore a condition should be included to permanently stop up the most northerly existing access.

INTERNAL CONSULTEE RESPONSES:

None received

PUBLIC RESPONSES:

This application was advertised and as a result a total of 5 objections were received. The following represents a summary of the concerns:

- The site is within half a mile of our property and we would not like an activities centre for children on our doorstep as it would put an end to the peaceful location and jeopardise local property value.
- The access onto the A68 is dangerous, especially in bad weather.
- There is no street lighting or paths near the property.
- The application does not set out numbers of clients or how the accommodation will be used.

- The proposals could lead to further applications for residential facilities.
- All journeys would need to be by car

APPLICANT'S STATEMENT:

It is considered important to clarify that it is not the intention that Bildershaw Grange becomes some form of institutional use. It is a low key proposal in terms of impact, offering an attractive environment for the main role of SWIIS Care in managing fostering and caring for children, with the added opportunity for small groups of children to stay at the property from time to time, supervised by staff either on 'waking duty' or accommodated on sofa beds if not on duty. An intensive or larger scale use would be contrary to the benefits and opportunities offered by the property to SWIIS Care. Further, whilst Bildershaw Grange is not to be an activities centre as such, it will offer educationally-based activity opportunities, as well as very occasional events to bring the organisation's members and children in its care together for a day or weekend. All activities undertaken are fully risk assessed, and this is particularly pertinent to comments which have been made about pedestrian activity adjacent to the A68, as there would not be walking by staff and children alongside the highway.

Indeed highway safety and access was recognised at an early stage as being a primary issue in the proposal, and consequently on-site pre-application discussions were undertaken with Neil Thompson of the Council's highways section. These discussions resulted in agreement on the appropriate new access arrangements, significantly improving on those existing at present, and in his response to the formal application consultation, Mr Thompson has confirmed the acceptability of the proposals with recommendations attached concerning closing off the more northerly of the existing access points, with which the applicant wholly concurs.

The reality is that in planning terms it is considered that the proposed use of Bildershaw Grange will not detrimentally impact on the rural nature of the area, or on other, albeit dispersed, properties along the A68, and that any objections which have been made to the application are not reasonably founded.

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=19905>.

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, impact on neighbouring properties, design of the extension and highway safety represent the principal material planning considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the statutory Development Plan unless material considerations indicate otherwise.

Principle

- 5.3 Planning permission is sought for the change of use of a former farmstead, including farmhouse, to create a multi-function facility for a foster care business which would provide offices, training space, a contact centre, residential and educational facilities and recreational space. The proposals also include the erection of a new glazed link extension to the rear of the property providing circulation space and the provision of a new access from the A68.
- 5.4 Policy BENV13 of the Teesdale Local Plan sets out that the change of use of buildings in the countryside will be permitted for other uses provided that the structure and proposal comply with a number of criteria. Although the proposed use which is the subject of this application is not specifically mentioned it can be accepted that the main functions set out within the application broadly fit within the examples contained in the policy such as 'employment uses'.
- 5.5 Although recognised sustainability principles usually direct new office accommodation to existing urban areas, this proposal is individual in its composition as the use relates to other activities and functions that are ideally suited to the location. The application only proposes permanent office space for 4 staff. The remainder of the staff for the facility are remote and travel to clients around the region. The use of the site for functions such as training, recreational and educational visits and as a contact centre are well suited to a more intimate and flexible location. This site, being approximately 1.5 miles from West Auckland, has ample space within and surrounding the buildings to bring the different functions of the organisation into one location whilst maintaining a link to the urban centre of Bishop Auckland. The flexibility of the site with the associated stabling and outside space could not be provided within a traditional office development.
- 5.6 The use of a room within the facility for overnight stays is broadly in line with the current use of the building and should present no additional issues to either the sustainability of the business or the amenity of neighbouring residents.
- 5.7 Therefore, subject to further assessment, the proposals are considered acceptable in principle in accordance with policy.

Impact on neighbouring properties

- 5.8 A number of objections have been received relating to the potential of the proposed use to cause disturbance to neighbouring properties. The site, including the proposed recreational space, is well contained and screened within an existing enclosed farmstead surrounded by high, mature hedging. The nearest property is a sufficient distance from the application site, separated by agricultural fields, which should prevent any unacceptable transfer of noise from either the circulation of vehicles or the use of outside space for any activity.
- 5.9 In addition, the supporting information does not suggest that the use of the site for outside activities would either be frequent or for large groups of people. As such, there is no indication that the proposals would be unacceptable or lead to unacceptable levels of noise or disturbance.

- 5.10 Therefore, the new use is considered acceptable as it would not cause unacceptable levels of disturbance to the amenity of nearby properties in accordance with policies GD1 and BENV13.

Design of the extension

- 5.11 The application proposes the erection of a glazed link extension to the rear of the property. The extension would be erected between two existing rear extensions and will provide a covered walkway between the two sides of the property without passing through the main house. This would allow a more functional use of the spaces when discreet accommodation is required and to provide improved circulation throughout the ground floor of the building.
- 5.12 The link has been designed in a conservatory style, being constructed of dark uPVC and glazing. The link would be 9 metres long by 2.24 metres in depth, with an overall height of 2.6 metres.
- 5.13 The extension is considered appropriate in terms of scale and design and will not detract from the overall appearance of the building. Being located to the rear the extension is enclosed and not visible unless from within the site so will ensure the retention of the traditional farmhouse appearance to the front elevation.

Highway Safety

- 5.14 The property subject of this application is located on the busy A68 approximately 1.5 miles to the south east of West Auckland. The site is also located close to the side of the road on a bend which restricts visibility, exacerbated by the vehicle speeds being a de-restricted road.
- 5.15 The current site, being a farmstead, has the potential to generate a significant level of traffic without the requirement for planning permission. With this in mind, no objection can be raised to the potential traffic generation of the proposed use.
- 5.16 The applicant has acknowledged the issues surrounding the existing access arrangements and proposes to seal and lock the two existing accesses and create a new vehicular access to the north of the site. The application proposes the retention of the two existing accesses for emergencies, however the Council's Highways Officer has deemed this excessive and requests the most northerly existing access be permanently stopped up prior to first occupation. The new access is considered to 'significantly improve visibility' and is considered acceptable from the highways aspect.
- 5.17 The objections surrounding the lack of footpaths and street lighting are not a concern as the site will be accessed by vehicles and the movement of pedestrians from the site is not anticipated. Any outside activity will be supervised and take place to the rear of the property therefore the safety of users of the site should be ensured at all times.

6 CONCLUSION

- 6.1 In summary, the proposals are considered to be appropriately sited and designed and, on balance, the provision of a facility with public benefit in this location, and the associated benefits of the location for the functions of the business, would outweigh the level of impact on the amenity of neighbouring properties.
- 6.2 Highway safety is an important consideration in relation to this application and it is considered that, in conjunction with consultees, the provision of a new access with a safe parking area is acceptable and should prevent any additional highway safety issues.
- 6.3 Subject to appropriate conditions in respect of the access arrangements, the development would accord with Local Plan Policies and the principles of PPS7.

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.

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

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

Plan Reference Number	Date received
1705/01 - Existing elevations	24/02/11
1705/02 - Existing floor plans	24/02/11
1705/03 - Proposed elevations	24/02/11
1705/04 - Proposed floor plans	24/02/11
1705/05 - OS map and proposed site plan	24/02/11
1705/06 - Existing and proposed stable block details	24/02/11

To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1.

3. As soon as the new vehicular access has been constructed in accordance with the approved plans the existing most northerly vehicular access to the site from the A68 shall be closed, in accordance with details which shall have been first submitted to and approved in writing by the local planning authority.

In the interests of highway safety and to comply with policy GD1.

4. The change of use to the buildings hereby permitted shall not be occupied until the approved access has been constructed in accordance with the approved plans.

In the interests of highway safety and to comply with policy GD1.

8 REASONS FOR THE RECOMMENDATION

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

GD1 General Development Criteria

ENV1 Protection of the Countryside

BENV13 Changes of use or conversion of buildings in the countryside

RSS Policies 7 and 8

2. In particular the development was considered acceptable having regard to consideration of principle, highways safety, design and impact on neighbouring properties.
3. The objections received were not considered sufficient to lead to refusal of the application as, on balance, the positive use of the site and its suitability for the proposed use out weight the potential impacts on highway safety and residential amenity at this particular location.

9 BACKGROUND PAPERS

- Supporting Statement
- Teesdale District Local Plan 2004
- The North East of England Plan - Regional Spatial Strategy to 2021
- Planning Policy Statements / Guidance, PPS1 ,7,13
- Responses from County Highways and the Parish Council.
- Public Consultation Responses



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 6/2010/0316/DM

FULL APPLICATION DESCRIPTION: Change of use from agriculture to a mixed use of agriculture & equestrian & erection of American style barn
Field House, Lartington

NAME OF APPLICANT: Mr David Heartfield

ADDRESS: 13 Front Street
Staindrop
Darlington
Co Durham
DL2 3LZ

ELECTORAL DIVISION: Barnard Castle West

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

DESCRIPTION OF THE SITE AND PROPOSALS

The site is a field to the north of a property known as Field House. The property is situated within Lartington. This settlement does not have development limits, however it is classified as a Conservation Area. There is a private access lane to the east and St Lawrence church to the west. A number of mature trees surround the site and access is taken from Lartington Green Lane.

Planning permission is sought for the erection of a stable building, in the style of an 'American barn'. This style of building essentially accommodates everything under a single roof. The building would have an external timber board finish and a felt roof. The footprint of the building would be 10.2m x 6.07m. The height would be 2.03m to eaves and 3.37m to ridge. There would be windows to all elevations, except the west elevation which would contain a large double sliding door. The building would be used for stabling and hobby farming. The use of the land associated with this building would be changed from agriculture to a mix of equestrian and agriculture.

This application is reported to committee as the parish council has objected to the proposals.

PLANNING HISTORY

There is no planning history relating to this property.

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 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.

Policy 32 – Historic Environment, seeks to conserve and enhance the historic environment.

LOCAL PLAN POLICY:

- GD1 General Development Criteria
 - ENV1 Protection of the Countryside
 - ENV3 Area of High Landscape Value
 - BENV4 Development within and/or adjoining a conservation area
 - ENV10 Avoidance of unreasonable harm to important trees and protected hedgerows
 - BENV11 Known or potential site of archaeological Interest
-

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

STATUTORY RESPONSES:

Lartington Parish Council – Raises objections to the proposals on the following grounds:

- Development is inappropriate in both scale, material and character of the Conservation Area.
- Building too large and not commensurate with the associated land.

- Alien building to the environment.
- Trees and Archaeology may be damaged.

Northumbrian Water – no objections

INTERNAL CONSULTEE RESPONSES:

Design and Conservation Officer - The proposed use of the land is in keeping with the dominant uses of the area and will have no adverse impact on the character of the village.

The building, whilst large, is something which you would expect to see in this particular setting and as such I have no objection to the proposal. A condition requiring agreement of the finished colour may be appropriate in order to ensure it sits as comfortably as possible in the landscape.

Archaeology – I am aware that objections have been raised with regards to the lack of archaeological field evaluation in support of the application. I am aware of the size and extent of the earthworks in the field where the development is proposed and their location viz a viz the proposed barn. It is my considered opinion, on the basis of the additional information, that the proposed barn will not pose a significant impact to the archaeological features such that it cannot be mitigated by a condition for archaeological monitoring. With regards to the comment in the objections from the Parish Council regarding the potential impact on the earthworks by horses during wet weather, I must admit to not having thought about the impact of poaching. It is a real concern which must be considered as this can have a highly detrimental effect on earthworks which can lead to severe damage. The earthworks are not protected (i.e. scheduled) but the planning authority must ensure that they are not going to be unduly damaged by the change of grazing pattern and density.

The following two conditions are recommended if planning consent is granted:

CONDITION 1

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, as defined in a brief prepared by the County Durham Archaeology Team, has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii. Post-fieldwork methodologies for assessment and analyses.
- iv. Report content and arrangements for dissemination, and publication proposals.
- v. Archive preparation and deposition with recognised repositories.
- vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

REASON: To comply with policy BENV11 of the Teesdale Local Plan as the site may potentially contain features of local archaeological importance.

CONDITION 2

Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

REASON: To comply with policy HE12.2 - 12.3 of PPS5 to make the information as widely accessible to the public as possible.

PUBLIC RESPONSES:

Neighbouring properties have been consulted, a site notice posted and an advert placed in the local press with one objection received. Concerns in summary are:

- Scale is too large
- Doesn't reflect character of Lartington
- Materials or design should be changed

APPLICANT'S STATEMENT:

- The American Barn is to be used to house a small pony and horse with the rest of the barn used for storage as we have to bring feed into the property as the field is not large enough to graze the above animals. We feel an area which is covered in and sheltered is better for both the animals and our grandchildren who will be helping with the care of the horse and pony, one of our grandsons being quite severely autistic and needing a confined area to stay safe and be supervised. He is, of course, fully statemented and attends a special school and we can provide all details if necessary.
- The positioning of the barn is such that it is out of the way and not interfering with the beautiful oak trees and landscape, which we wish to preserve and have consulted an arborist to that end.
- We propose to plant natural hedgerows to replace fencing that has been erected with very little care or control previously. We are going to apply for a grant towards the cost of this.
- Consideration has and will always be given to the surroundings in which we live when catering for our own needs. This will always include the preservation of existing natural habitat, along with further establishment of trees and hedgerows within our small area.

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=19563>). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

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 and conservation area, archaeology and residential amenity represent the principal material planning considerations.

It is proposed to erect a building with a footprint of 10.2m x 6.07m. The walls would be finished in timber boarding and the roof in felt. The height of the building would be approximately 2.03m to eaves and 3.37m to ridge. To the south of the building is the applicant's property, to the east is a private access and to the west is St Lawrence Church. The land associated with this application would currently be considered as agricultural land.

It is proposed to change the use of this to a mix of agriculture and equestrian.

Principle

The proposed barn would be used as a stable and to support the applicant's hobby farming. The application site includes a field to the north of the applicant's property, which also accommodates the access to the property.

The site is not within any settlement limits and the nearest residential property, other than the applicant's is approximately 50m away. The site would currently be considered as agricultural land and it is common for dwellings within the countryside, where they have some land associated with them, to erect a stable or similar type of building. The principle of having a stable on this land is considered to be acceptable, given the rural nature of the location and the distance away from nearby residential properties. The use of this field as a mix of equestrian and agriculture is considered to be reasonable, given the similar uses within the locality, and the rural nature of the site.

Design

The proposed building would be of a simple design, finished with timber boarding to the exterior and felt to the roof. There would be functional windows around the building and to the west elevation there would be some large sliding double doors. The council's design and conservation officer has advised that, whilst the proposed building is large, it is something that you may expect to see in this particular setting, and has raised no objection subject to a condition being attached to agree the external finish of the building.

Impact on Countryside and Conservation Area

The proposed building would be sited close to existing mature trees, and the applicant's property itself. In the siting of buildings such as this it is useful if they are positioned close to such features, to limit their visual impact upon the area in which they are sited.

It is considered that the proposed building would not be overly prominent within the locality and would not detrimentally impact upon this area of high landscape value, as the visual impact would be a local one. With regards to the local impact, the conservation officer is satisfied that the proposed building would not have any adverse impact upon the character and appearance of the conservation area. The proposals in this respect would therefore accord with local plan policies ENV3 and BENV4.

Archaeology

The proposed development is located within a field which shows signs of remnants of earlier crofts, which may potentially be medieval or early post medieval in date. Upon request of the council's archaeologist the applicant has provided a method statement and section drawings to show the extent of groundworks required to accommodate the proposed barn. In order to accommodate the proposed barn 150-200mm of top soli would need to be removed, 25-50mm hardcore laid with 100mm concrete slab above. Any exposed hardcore/concrete slab visible after construction would be covered with topsoil and grass seed sown. Excess top soil would be disposed of off-site and the northern end of the field cordoned off to avoid vehicle and pedestrian traffic through earthworks during construction.

The council's archaeologist has advised that the proposed barn would not pose a significant impact to the archaeological features such that it cannot be mitigated by condition for archaeological monitoring. Two conditions have been suggested to mitigate against any impact upon archaeological features in accordance with PPS5 and BENV11.

The council's archaeologist has also advised, along with the parish council that there is a concern that there is a potential impact from horses poaching the land in wet conditions. This may lead to damage of the earthworks. It is considered that there is some potential that these earthworks may be damaged should there be persistent use of the land within a particular location. However, this land could without any permission or change of use be grazed by animals, which is likely to have a similar if not worse impact upon the earthworks within this field. It is not considered reasonable that the application should be refused for this reason, although the threat is acknowledged.

Amenity

The proposed building would be sited approximately 50m away from the nearest neighbouring residential property. As such it is considered that given the nature of the proposals there is unlikely to be any unacceptable impact upon residential amenity in accordance with policy GD1. The use of the site could be conditioned to ensure that there is no commercial/business use carried out from here in order to protect neighbouring amenity.

Other Issues

Some objections have been received from the Parish Council, who has advised that the scale, material, design and impact on conservation area are unacceptable. These have been discussed in the report. It is considered that the design of the building is typical of this type of proposal. With regards to materials, it is noted that in some instances a building of stone construction may be more appropriate within a conservation area. However, given the scale of this building and its proposed use, it is considered that it would be unreasonable to insist that the building be constructed of stone. The design and conservation officer has raised no objections, and has commented that the proposal would not adversely impact upon the character of the village.

With regards to the comments in respect of the potential impact upon archaeology, the council's archaeologist has been consulted and the archaeological issues discussed within the report.

Concern has also been raised that the proposed building may require the removal of some mature trees and hedgerows. The application does not detail the removal of any of these. A condition will however be attached advising that no works to trees or felling is to take place unless this has been agreed with the LPA.

CONCLUSION

In summary the proposals are for a stable and hobby farming building with change of use of associated land to accompany this. The site is an existing field in a countryside location which is in principle considered to be an acceptable location for this development. No objections have been received from the design and conservation officer or the archaeology officer and the issues raised by the parish council and public consultation are not considered

to provide sufficient justification to refuse the application. The siting of the building is considered to be acceptable, being close to existing mature trees and the applicant's property, and would not have any unacceptable impact upon the area of high landscape value or the conservation area.

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
FH1	6/10/10
FH2	6/10/10
FH3	6/10/10
FH4	6/10/10
FH5	6/10/10
FH6	6/10/10
1485/001	3/3/11
1485/002	3/3/11
1485/003	3/3/11
1485/004	3/3/11

3. The stables hereby approved shall be for private use only and not for any commercial or livery use.
4. Details of the external finish of the timber boarding and roofing material shall be agreed with the local planning authority in writing prior to the erection of the building. The development shall then be carried out in accordance with the agreed details.
5. No removal of limbs of trees or other tree work shall be carried out unless approval has been sought and granted by the local planning authority. The development shall then be carried out in accordance with the agreed details.

In the interests of the visual amenity of the area and to comply with policy ENV10.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, as defined in a brief prepared by the County Durham Archaeology Team, has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
 - i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii. Post-fieldwork methodologies for assessment and analyses.
 - iv. Report content and arrangements for dissemination, and publication proposals.
 - v. Archive preparation and deposition with recognised repositories.
 - vi. A timetable of works in relation to the proposed development, including sufficient

-
- notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- The development shall then be carried out in full accordance with the approved details.
7. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.
-

REASONS FOR THE RECOMMENDATION

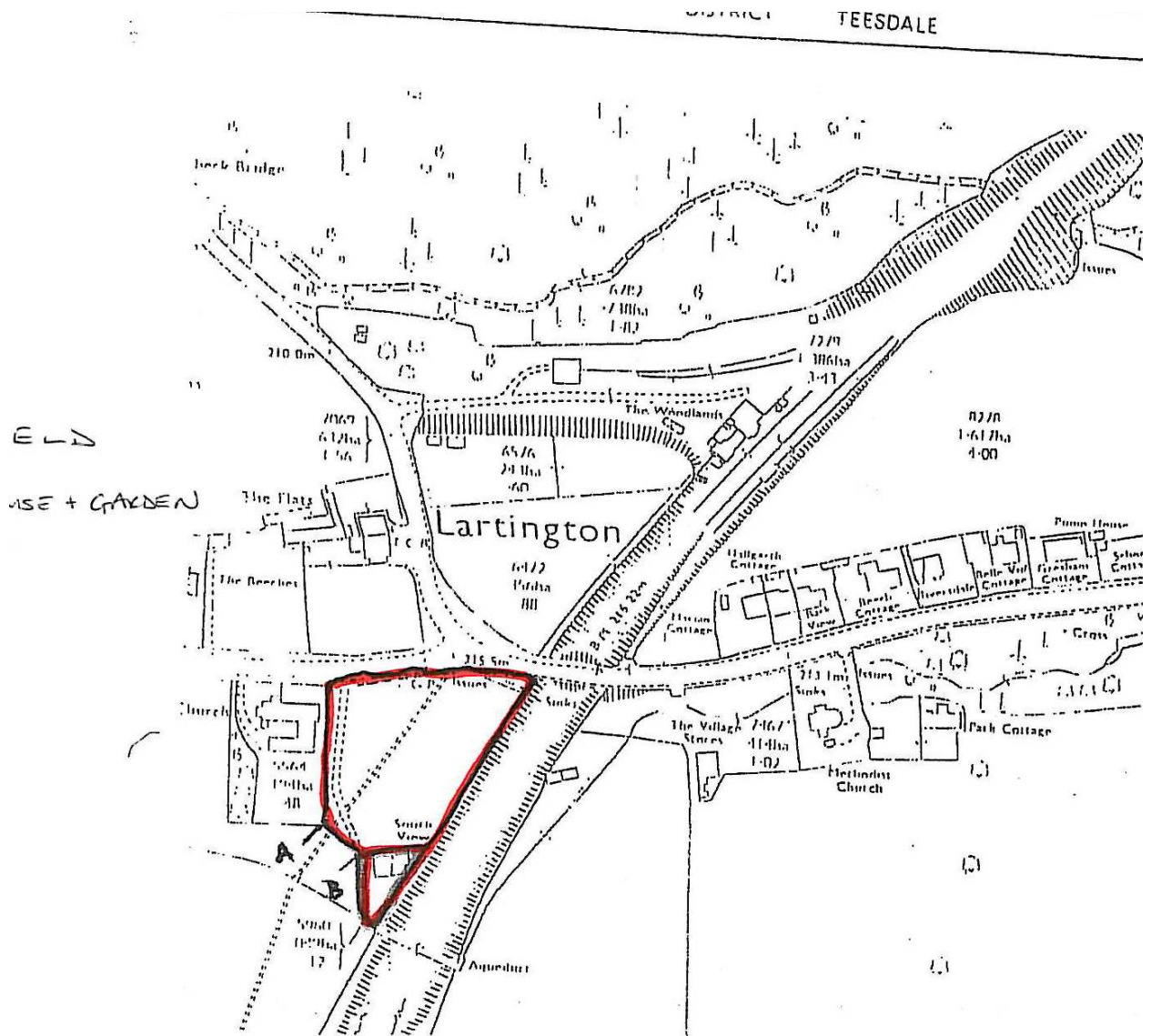
1. The development was considered acceptable having regard to the following development plan policies: -

GD1	General Development Criteria
ENV1	Protection of the Countryside
ENV3	Area of High Landscape Value
ENV10	Avoidance of unreasonable harm to important trees and protected hedgerows
BENV4	Development within and/or adjoining a conservation area
BENV11	Known or potential site of Archaeological Interest
 2. In particular the development was considered acceptable having regard to consideration of visual impact, affect on conservation area, archaeology, amenity and design.
 3. The objections which have been received, have been given due consideration. On balance the scheme is considered to be acceptable and without objection from the council's conservation officer or archaeology officer. 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 PPS7
- Responses from County Design and Conservation, Northumbrian Water
- Public Consultation Responses

Application Site



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0055/DM
FULL APPLICATION DESCRIPTION:	APPLICATION TO RENEW PLANNING PERMISSION APP/M1330/A07/2040536 FOR RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)
NAME OF APPLICANT:	MR. ALLEN WATSON
ADDRESS:	LAND NORTH EAST OF HIGH STREET, BYERS GREEN
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Steve Teasdale Planning Officer 01388 816166 x7758 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site lies to the north east of High Street, at the southern entrance to the village. The application site comprises an unused field that has an unkempt appearance, and additional agricultural land which lies beyond a mature hedgerow to the north east. The red line boundary also includes the existing access track onto High Street, the site of 132 High Street, and part of the existing highway, to allow significant highway junction improvements to take place. In all, the site extends to approximately 1.2 hectares.
 2. The proposal, for which this renewal of consent is sought is in outline only, and was granted following an appeal against the decision of the former Sedgefield Borough Council to refuse planning permission. This is explained in more detail in the planning considerations below.
 3. The current application does not propose any changes to the originally approved development.
 4. The application is presented to South & West Area Planning Committee because it concerns extending the time period for commencement of a major development.
-

PLANNING HISTORY

- 7/2006/0407/DM Residential development (Outline) – REFUSED
 - APP/M1330/A/07/2040536 Planning appeal - ALLOWED
 - 7/2006/0716/DM Residential development (Outline) (Smaller site area) - APPROVED
-

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 3: Housing** underpins the delivery of the Government's strategic housing policy objectives.
- **Planning Policy Statement 7: Sustainable Development in Rural Areas** 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 1 – North East Renaissance
 - Policy 2 – Sustainable Development
 - Policy 3 – Climate Change
 - Policy 4 – The Sequential Approach to Development
 - Policy 5 – Phasing & Plan, Monitor and Manage
 - Policy 6 – Locational Strategy
 - Policy 7 – Connectivity and Accessibility
 - Policy 8 – Protecting and Enhancing the Environment
 - Policy 10 – Tees Valley City-Region
 - Policy 11 – Rural Areas
 - Policy 24 – Delivering Sustainable Communities
 - Policy 28 – Gross and Net Dwelling Provision
 - Policy 29 – Delivering and Managing Housing Supply
 - Policy 30 – Improving Inclusivity and Affordability
 - Policy 38 – Sustainable Construction
-

Members should be aware that the Rt Hon Eric Pickles MP (Secretary of State for Communities and Local Government) wrote to all Local Planning Authorities on 27th May 2010 advising of his intention to abolish Regional Spatial Strategies. CLG has confirmed more recently that this is a material planning consideration in the determination of any planning application.

LOCAL PLAN POLICY:

- **Policy H8** presumes in favour of development within defined larger villages, including Bishop Middleham, and establishes a settlement boundary for those villages.
 - **Policy D3** aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
-

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

STATUTORY RESPONSES:

Spennymoor Town Council – no objections

INTERNAL CONSULTEE RESPONSES:

DCC Policy Section – The applicable policies have not changed since the original planning considerations were made. Specified RSS policies are still applicable, but the appropriate amount of weight must be afforded to this part of the development plan in light of the Government's intention to abolish the RSS when the Localism Bill is introduced. The appeal decision clarifies that Policy H8 of the Local Plan, and the settlement boundary prescribed for Byers Green is still relevant. No objection to extending the life of that consent is made. There is a case for affordable housing if a new consent is granted, and this should be conditioned.

Highways Development Control Section – There is no change to the previously approved highway details, therefore there are no objections to the proposal.

DCC Ecology Section – No objections to the proposal, subject to specified mitigation measures being subject of a condition.

DCC Archaeology – No objections to the proposal, subject to imposition of a condition requiring archaeological survey and report before commencement of development.

DCC Landscape – Comments made about landscape sensitivity and importance of securing an adequate landscaping scheme.

PUBLIC RESPONSES:

Local Residents – Ten letters of objection have been received from the local community. The reasons for objection are summarized as follows:

- There would be a significant increase in traffic
- Hedgerows would be removed to accommodate the development
- The access is too close to an existing play area
- Development would cause disruption to the local community
- Wildlife and its habitat would be compromised
- Public transport in the village is limited
- There are no shops in the village
- There could be a reduction in privacy for existing residents
- Highway visibility and vehicle stopping distances are inadequate
- The natural boundary to the village created by the eastern hedgerow would be breached

APPLICANT'S STATEMENT:

5. The approved site has remained undeveloped as a result of the economic downturn experienced over recent years. Disappointingly for the owner of the land, a major house-building company had agreed to purchase the site not long after the appeal decision in 2008, but the offer was withdrawn due to economic conditions. Accordingly, it is now the intention of the owner to seek to renew the existing planning application.

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 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

PLANNING CONSIDERATIONS AND ASSESSMENT

6. This is an application to extend the life of a planning permission, a facility made permissible from the 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). The proposal is a straightforward extension of time to planning permission APP/M1330/A/07/2040536 that expired on 31st March 2011.

7. The application draws on the change to the legislation that allows applicants to apply to their LPA 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. The change in legislation has been introduced as a temporary measure in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. Only one such extension of time can be sought.

8. The Guidance on Greater Flexibility for Planning Permissions November 2009, explains that the procedure is for extension of time for the same development without changes. There can be no negotiation on alterations to the design, for example.

9. It is essential however to ensure that the development would still comply with any significant policy changes since the original consent was granted.

10. As previously mentioned, whilst the application site was within the Policy H8 settlement boundary, it was considered that the boundary had been prescribed to take account of an old planning permission which had long since lapsed. Officers felt at the time that the natural boundary created by an existing hedgerow was a more logical definition of the edge of the settlement, and the application was refused primarily for this reason. In considering the subsequent appeal, the Inspector did not agree that the Policy H8 settlement boundary was out of date or unreliable and upheld the appeal, granting outline planning permission.

11. Greater emphasis is placed on the Sedgefield Borough Local Plan in terms of its part of the development plan because of the more limited weight now afforded to the RSS. It is clear therefore that the current proposal continues to conform to Policy H8. There is in any event no apparent conflict with the applicable policies of the RSS.

12. The comments raised by the objectors have been considered:

- Highways and traffic: The viability of the proposal relies heavily on securing adequate vehicle access from High Street, and includes a comprehensive improvement of the existing junction, including demolishing an end of terrace house and realigning the main road. This scheme meets with the approval of the Highway Authority who have raised no concerns about traffic flows, highway safety or the safety of users of the play area.
- Loss of hedgerows, wildlife and habitat: The proposal has not met with adverse comments from the landscape architect or ecologist, and appropriate conditions are recommended in respect of mitigation works. Further control over landscaping can be exercised in any subsequent reserved matters proposal.
- Sustainability: Whilst it is recognised that there has been a decline in shops in the village over a number of years, Byers Green is located near to Spennymoor and is served by a reasonably good bus service. Furthermore, Policy H8 presumes in favour of residential development in 'larger villages' including Byers Green.
- Privacy: The outline application seeks planning consent in principle. Assessment of privacy can be examined at the reserved matters stage.
- Natural boundary to the village: This point is answered in the planning considerations above.

Policy changes

13. No regional policy was applicable to consideration of the original proposal, and it is therefore not applicable to this variation of the time limit for commencement.

14. The Planning Policy Section has pointed out that the Inspector did not consider the issue of affordable housing, and that there would now be a requirement for 20% of the dwellings to be affordable units as a result of the issue of the SHMA Strategic Housing Market Assessment in 2008. It is considered entirely appropriate, therefore, in effectively granting a new planning permission for this major residential development, that a relevant condition be imposed.

15. As previously mentioned in the report, the Archaeology Section consider that archaeological evaluation of the site ought to take place prior to any development occurring. The introduction of PPS5 (Planning for the Historic Environment) is cited as the reason for adopting a precautionary approach to the development of the site. Following consultation, an appropriate condition is recommended.

Other matters

Conditions

16. Conditions attached to the original consent are generally repeated for the purposes of any extended consent granted by the Council. Where appropriate, amendments can be made to those conditions where something has changed. In this instance, the following changes have been made:

- Deletion of condition 11 in respect of limiting the hours of construction work. This is more appropriately dealt with by an informative.
- Condition 13 in respect of renewable energy has been amended to reflect the current advice on reduction of carbon emissions.
- Insertion of condition 16 in respect of affordable housing.
- Insertion of condition 17 in respect of ecological mitigation.

CONCLUSION

17. This is an application to extend the time limit of planning permission APP/M1330/A/07/2040536 which is unimplemented and expired on 28th February 2011. The case for this development remains the same as in 2008 when planning permission was granted on appeal.

18. The proposal meets the requirements of the development plan and national planning policy expressed in PPS1, PPS3 and PPS7.

RECOMMENDATION

That the application be APPROVED subject to the following conditions, and subject to the prior completion of an acceptable agreement under Section 106 of the Town and Country Planning Act 1990 in order to secure 20% affordable housing within the scheme:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. No development comprising the construction of a dwellinghouse or associated site clearance and infrastructure works shall take place until the approved highway realignment and highway works at the access point off High Street have been completed in accordance with details to be submitted to and approved in writing by the local planning authority.

-
5. No development shall take place 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 scheme shall be completed in accordance with the details and timetable agreed.
 6. No development shall take place until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
 7. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, either directly or via soakaways.
 8. All trees and hedges to be retained shall be properly fenced off from those parts of the site to be demolished or redeveloped and shall not be removed without prior approval of the local planning authority. Details of the type and positioning of the protective fencing shall be submitted to and approved in writing by the local planning authority before any demolition works start.
 9. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved plans.
 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fence or other means of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved plans.
 11. No development shall take place until a detailed plan indicating the location of material storage and employee parking on site have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved plans.
 12. No development shall take place until a vehicle wheel washing facility has been installed at the main exit from the site in accordance with details, including siting, to be submitted to and approved in writing by the local planning authority. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.
 13. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.
 14. There shall be no site clearance or ground disturbance between the months of March and August inclusive unless it can be demonstrated to the local planning

authority by a suitably experienced person that no nesting birds would be adversely affected by the operations on the day that such clearance is due to take place.

15. No development shall be commenced until the developer has undertaken an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the planning authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within 6 months of the date of completion of the scheme hereby approved by this permission. The strategy shall include details of the following:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with a brief issued by the County Durham Archaeology Section; the evaluation is to be undertaken following the approval of planning permission,
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;
- iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

16. No development shall take place unless in accordance with the mitigation detailed within section 5 of the protected species report "*Ecology Report by Dendra Consulting Ltd dated 18th February 2011, reference no.*

PlanArch_Watson_001Eco_R1.1" including, but not restricted to:

- timing of vegetation removal to prevent impact on breeding birds;
- the timing of the demolition of the building to be undertaken outside the hibernation season (November to March inclusive);
- soft stripping of roofing materials;
- installation of a minimum of 4 Schwegler 1FR bat tubes within the fabric of the new buildings (taking into consideration recommended siting as detailed in the report); and
- the planting of new species rich hedgerows along the boundaries of the site.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposed development would be within the defined settlement boundary of Byers Green where there is a presumption in favour of residential development would provide a safe means of access to a future residential development site and would improve the environmental qualities of the area through remediation of contamination.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including PPS 1, PPS3 and PPS7.

POLICY H8 (RESIDENTIAL FRAMEWORKS FOR LARGER VILLAGES)

POLICY D3 (DESIGN FOR ACCESS)

INFORMATIVE

Be a considerate developer. In order to minimise any disturbance to adjoining or nearby properties, it is recommended that:

Site works (including deliveries and temporary site generators) should only be carried out during the following hours:

- Monday - Friday (08:00 to 18:00 hours)
- Saturday (09:00 to 14:00 hours)
- Sunday and Bank Holiday (Noisy work audible at site boundary should not be permitted).

INFORMATIVE

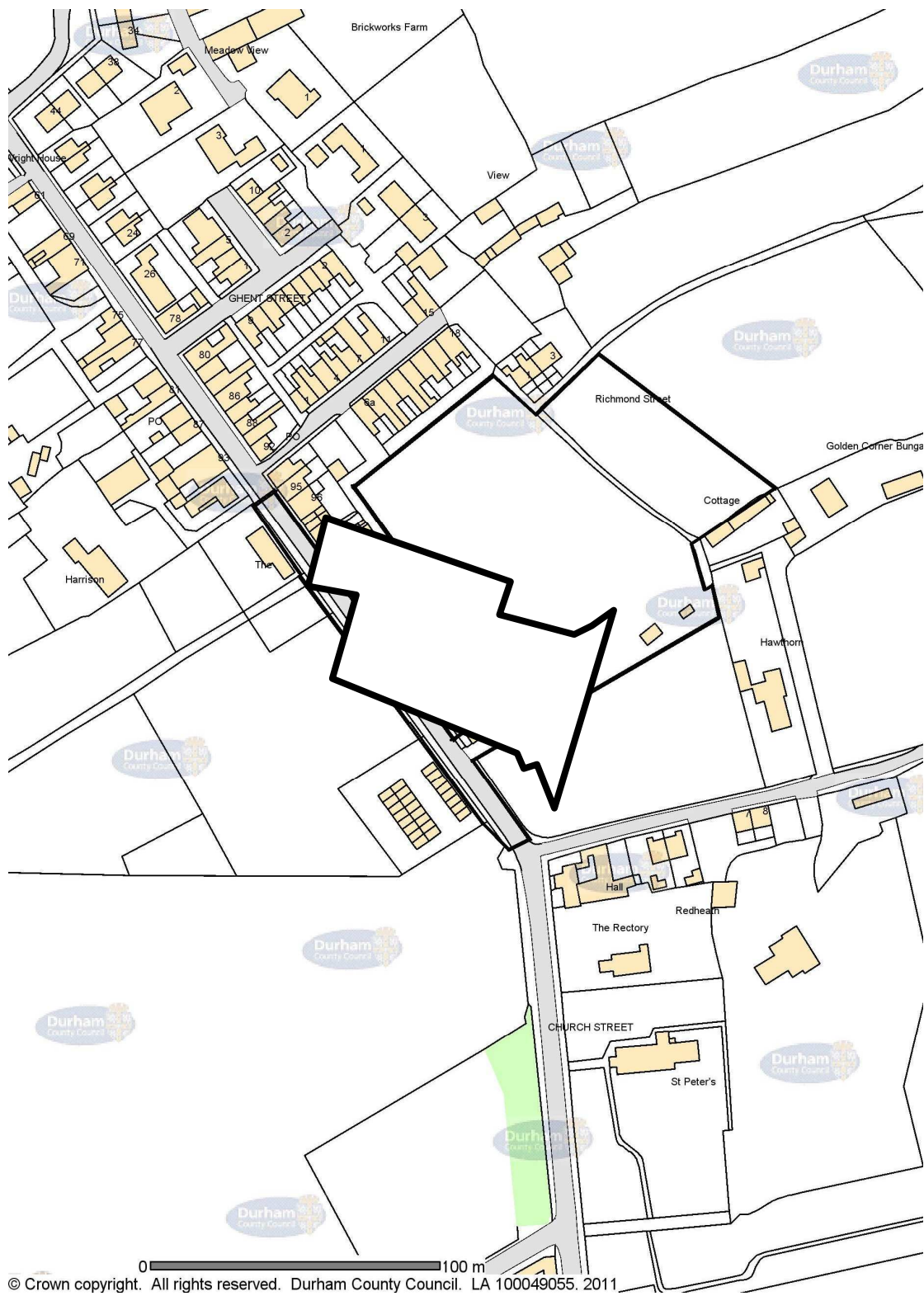
The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Sedgefield Borough Local Plan 1996
- Planning Policy Statements / Guidance, PPS1,3,5,7
- Responses from Highways Authority, Ecologist, Environmental Health, Policy Section, Landscape Architect





Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0054/DM
FULL APPLICATION DESCRIPTION:	APPLICATION TO RENEW PLANNING PERMISSION 7/2007/0703/DM FOR THE CONSTRUCTION OF ACCESS AND REMEDIATION WORKS
NAME OF APPLICANT:	WOODFORD LAND
ADDRESS:	THE FORMER GREYHOUND STADIUM, MERRINGTON LANE, SPENNYMOOR
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Steve Teasdale Planning Officer 01388 816166 x7758 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site lies between Merrington Lane and the A689 Spennymoor bypass. The former Greyhound Stadium was demolished several years ago after it became unused and dilapidated. The site benefits from a separate planning consent for residential development comprising 100 dwellings. The 2.35 hectare site is presently fenced, but has a generally untidy appearance due to remnants from its former use, such as concrete hard standings and rubble. A public right of way runs through the site, linking this area with the town centre via a pedestrian underpass.
 2. The proposal, for which this renewal of consent is sought, comprises the remediation of the site by removal of contaminants arising from earlier industrial uses and importation of clean soils to restore the existing site levels. An improved vehicular access to adoptable standard would then be constructed at the entrance to the site off Front Street.
 3. The current application does not propose any changes to the originally approved development.
 4. The application is presented to South & West Area Planning Committee because it concerns extending the time period for commencement of a major development.
-

PLANNING HISTORY

- 7/2007/0704/DM Erection of 100 dwellings (Outline) – APPROVED
 - 7/2007/0703/DM Construction of access and remediation works - APPROVED
-

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 23:** Planning and Pollution Control expresses policy considerations relating to making planning decisions on land affected by contamination.

REGIONAL POLICY:

None applicable to this proposal.

LOCAL PLAN POLICY:

- **Policy D3** aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.

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

STATUTORY RESPONSES:

Spennymoor Town Council – no objections

INTERNAL CONSULTEE RESPONSES:

DCC Policy Section – The applicable policies have not changed since the original planning permission was granted, therefore there are no objections to the current proposal.

DCC Highways Development Control Section – There is no change to the previously approved highway details, therefore there are no objections to the proposal.

DCC Ecology Section – No objections to the proposal, subject to details of translocated grassland being submitted and approved before development commences.

DCC Environmental Health Section – No objections to the proposal. Comments made about attenuation of environmental pollution during development.

PUBLIC RESPONSES:

Local Residents – no response.

APPLICANT'S STATEMENT:

The applicants have commercial reasons for not progressing the development at this stage, but the scheme will progress when economic conditions are more favourable. We ask for an extension of the application for a minimum of three years.

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 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

PLANNING CONSIDERATIONS AND ASSESSMENT

5. This is an application to extend the life of a planning permission, a facility made permissible from the 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). The proposal is a straightforward extension of time to planning permission 7/2007/0703/DM that expired on 31st March 2011.

6. The application draws on the change to the legislation that allows applicants to apply to their LPA 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. The change in legislation has been introduced as a temporary measure in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. Only one such extension of time can be sought.

7. The Guidance on Greater Flexibility for Planning Permissions November 2009, explains that the procedure is for extension of time for the same development without changes. There can be no negotiation on alterations to the design, for example.

8. It is essential however to ensure that the development would still comply with any significant policy changes since the original consent was granted.

Policy changes

10. No regional policy was applicable to consideration of the original proposal, and it is therefore not applicable to this variation of the time limit for commencement.

Policy D3 of the Sedgefield Borough Local Plan (saved policies)

11. Policy D3 is applicable to the access element of the proposal. The policy requires developments to make satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles. The access has been engineered to standards that satisfy the Council's highway engineers, incorporating adequate junction radii, carriageway

width and pedestrian footpaths. Whilst it is not envisaged that public transport would enter the site, any future residential development would be accessible to pedestrians, cyclists and car drivers by virtue of the access design.

12. Other material considerations comprise national policy guidance, primarily contained in PPS23 against which the original proposal was considered. Extending the life of the planning permission would continue to accord with the principles contained in PPS23 subject to imposing similar conditions and informatives as set out more fully in the original report.

Other matters

Conditions

15. Conditions attached to the original consent are generally repeated for the purposes of any extended consent granted by the Council. Where appropriate, amendments can be made to those conditions where something has changed. In this instance, an ecological risk assessment is included with the current application, and its reference has been added to condition 3 of the recommendation.

CONCLUSION

16. This is an application to extend the time limit of planning permission 7/2007/0703/DM which is unimplemented and expired on 31st March 2011. The case for this development remains the same as in 2007.

17. The proposal meets the requirements of the development plan and national planning policy expressed in PPS23.

18. The scheme is acceptable and if implemented would pave the way for housing development at a later date.

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. No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.
3. No development shall take place unless entirely in accordance with the conclusions of the *Penn Associates Report: Former Greyhound Stadium, Spennymoor Phase 1 Habitat Survey and Protected Species Risk Assessment March 2011*, and the mitigation detailed within the *Penn Associates Report: Former Greyhound Stadium, Spennymoor, Ecological Mitigation Feb 2008*. Prior to the commencement of development, the following reports shall be submitted to and approved in writing by the Local Planning Authority:
 - Biodiversity Aims and Objectives
 - Description of features to be retained, created and managed

-
- Ecological trends and constraints that may influence design and management
 - Appropriate design and management for achieving aims and objectives
 - Prescription for the protection of retained features during construction
 - Prescription for management actions for all retained and created habitats
 - Work schedule
 - Details of personnel responsible for implementing the plan which shall include the appointment of a Project Ecologist for the duration of the construction period
 - Survey and monitoring standards
 - Remedial/contingency measures triggered by monitoring

The plans shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority

4. The development hereby approved shall take place entirely in accordance with the Geoenvironmental Appraisal carried out by Sirius (Report C2563) dated January 2008.
5. The highway construction and improvement works hereby approved shall take place entirely in accordance with, and shall be restricted to the details shown in Drawing No. QD182-01-01 Revision 'A', received on 13th January 2008.
6. Upon completion of the remediation and highway works hereby approved, lockable gates sufficient to prevent vehicular access shall be installed at the entrance to the site from Front Street, in accordance with details to be submitted to and approved beforehand by the Local Planning Authority. The installed gates shall be kept locked at all times that vehicle access is not required by the landowner or his agents.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal would provide a safe means of access to a future residential development site and would improve the environmental qualities of the area through remediation of contamination.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including PPS23 (Planning and Pollution Control).

POLICY D3 (DESIGN FOR ACCESS)

INFORMATIVE

Be a considerate developer. In order to minimise any disturbance to adjoining or nearby properties, it is recommended that:

Site works (including deliveries and temporary site generators) are only to be carried out during the following hours:

- Monday - Friday (08:00 to 18:00 hours)
- Saturday (09:00 to 14:00 hours)
- Sunday and Bank Holiday (Noisy work audible at site boundary should not be permitted).

INFORMATIVE

The Environment Agency recommends that the developer should follow the

requirements of PPS23 (Planning and Pollution Control); and,

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- Refer to our website at www.environment-agency.gov.uk for more information.

INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

REASONS FOR THE DECISION

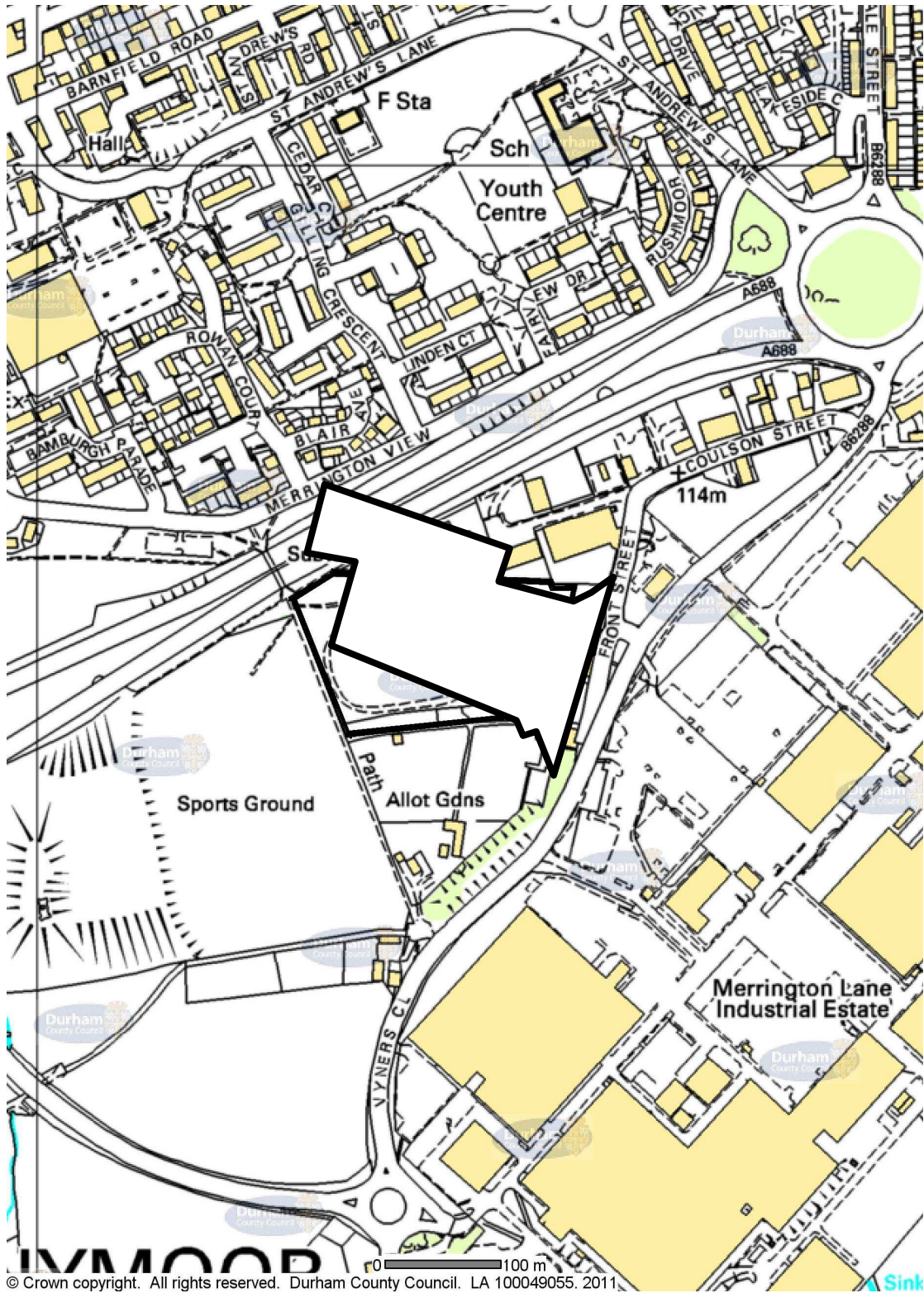
1. The proposal is considered acceptable having regard to the following development plan policies:

D3 - Design for Access

2. In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of making safe and satisfactory provision of access to future development land, and in terms of environmental improvement by way of removal of contaminants.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Sedgefield Borough Local Plan 1996
- Planning Policy Statements / Guidance, PPS23
- Responses from Highways Authority, Ecologist, Environmental Health, Policy Section



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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0105/DM
FULL APPLICATION DESCRIPTION:	Replacement of 2no. UPVC windows to 2no. UPVC bow windows to front elevation
NAME OF APPLICANT:	Mr James Graham
ADDRESS:	7 St Davids Close, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O'Sullivan Tel. 01388 816166 Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Application for the installation of 2no. forward projecting bow windows to be installed into the front (north west) facing elevation of this mid-terraced property, located within the Tudhoe residential settlement. Site surrounded to the north east, south west and east by neighbouring residential property. Property fronts onto large area of public open amenity space to the front with nearest main road in this direction some 50m away.
2. This application is presented to the Planning Committee in accordance with the Council's Scheme of Delegation which requires that those applications where a member of the Council has an interest in the property be determined by the planning committee. On this occasion, the applicant is the spouse of a local member.

PLANNING HISTORY

3. *Detailed applications:*

- 7/1987/0481/DM (Garage/kitchen extension to the rear) – APPROVED

Informal enquiries:

- P/2011/0161/DM (Installation of 2no. bow windows to front elevation) – Planning permission required. Will need to be referred to planning committee owing to the role of the applicant.

PLANNING POLICY

4. **National Policy:**

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

5. **Regional policy:**

- N/A

6. **Local plan policy: Sedgefield Borough Local Plan**

- H15 (*Extensions to dwellings*)
- H16 (*Extensions to the front of dwellings*)

- D1 (General principles for the layout and design of new developments)
- Residential Extensions Supplementary Planning Document (RESPD)

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

7. EXTERNAL/STATUTORY RESPONSE

- Spennymoor Town Council – No objections.

8. INTERNAL CONSULTEES

- N/A

9. PUBLIC RESPONSES

- No objections received.

APPLICANT'S STATEMENT

10. The applicant has not provided any statement in support of this application.

PLANNING CONSIDERATIONS AND ASSESSMENT

11. Planning permission is sought for the installation of 2no. ground floor bow windows to be installed into the front (north west) facing elevation of this mid-terraced dwelling house, located within the Tudhoe residential settlement. It is noted that the proposal has been partly implemented as a result of a misunderstanding of the requirement for planning permission.
12. Both bow windows are to be installed at the ground floor level only, replacing existing flat window openings and projecting only 175mm beyond the principal forward projection of the dwelling. This projection will not exceed the forward most projection of the porch entrance.
13. This application is considered to be in accordance with adopted Sedgefield Borough Local Plan Policies H15, H16 and D1 which together seek to permit forward extensions to dwellings which:
- Do not project forward of a common building line,
 - Do not affect the general character of the surrounding area,
 - Do not impact highway safety,
 - Do not impact the privacy/amenity of surrounding property,
14. This application is also considered to be in accordance with the Sedgefield Borough RESPD for residential extensions which seeks to ensure that such forward projections:
- Enhance the character and appearance of the dwelling and locality,
 - Do not unbalance a pair of semi-detached dwellings,
 - Justify exceptional circumstances,
 - Do not result in any problems of unreasonable overshadowing, over dominance, loss of privacy and loss of daylight to adjacent properties,
 - Do not project forward of a common building line,
 - Do not result in the unacceptable loss of off street parking,

15. On this occasion all of the above criteria are considered to be satisfactorily adhered to. The proposed works are considered extremely minor in scale, not projecting significantly from the forward elevation of this dwelling so as to significantly affect the appearance of this property or setting. The proposed works are generally consistent with the surrounding street scene in this respect, with other similar development having taken place elsewhere in St David's Close. Furthermore, no objections have been raised by local residents or statutory consultees in response to the consultation exercise for this application

CONCLUSION

16. In view of the foregoing, this application is considered to accord with all of the aforementioned planning policies. The works are considered extremely minor in scale and will have little impact upon the character or appearance of this street scene, or neighbouring privacy/amenity. This application is considered acceptable and is hereby recommended for planning approval.

RECOMMENDATION

That the application be APPROVED subject to the following conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
- 7StDavid/001 (*Existing*)
 - 7StDavid/002 (*Proposed*)

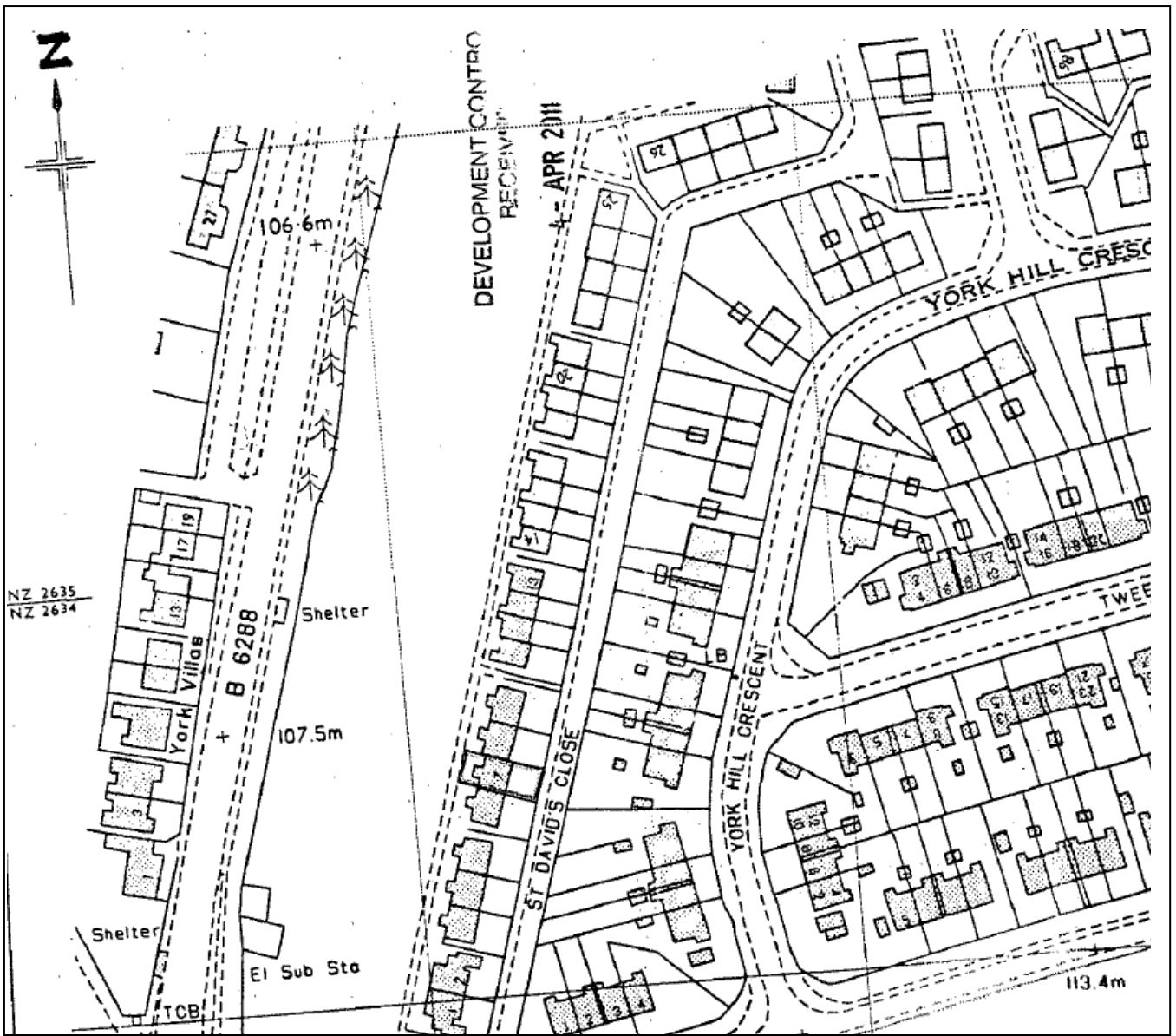
REASONS FOR THE RECOMMENDATION

18.

- **INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**
In the opinion of the Local Planning Authority the proposal is acceptable in terms of its scale, design and its impact upon privacy, amenity, highway safety and the general character of the area.
- **INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**
The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
 - H15 (*Extensions to dwellings*)
 - H16 (*Extensions to the front of dwellings*)
 - D1 (*General principles for the layout and design of new developments*)
 - Residential Extensions Supplementary Planning Document (RESPD)

BACKGROUND PAPERS

-
- **Submitted Application Forms and Plans**
 - **Sedgefield Borough Local Plan 1996**
 - **H15 (*Extensions to dwellings*)**
 - **H16 (*Extensions to the front of dwellings*)**
 - **D1 (*General principles for the layout and design of new developments*)**
 - **Residential Extensions Supplementary Planning Document (RESPD)**
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Application No.	7/2011/0105/DM
Location:	7 St David's Close, Spennymoor, Co Durham
Description:	Replacement of 2 no. UPVC windows to 2 no. UPVC bow windows to front elevation

Planning Services

COMMITTEE REPORT

APPEAL UPDATE

APPEAL REF. NO: APP/X1355/A/10/213614/WF

LPA REF. NO: 3/2010/0168

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CHANGE OF USE OF OPEN SPACE LAND TO DOMESTIC CURTILAGE AND ERECTION OF FENCE

1. This application relates to the refusal of planning permission for the change of use of open space land to domestic curtilage and erection of fence at 3 Gibbon Street, Bishop Auckland. Planning permission was refused at committee on 5th December 2008 for the following reason:

The proposed change of use of the land to garden, by reason of its width and enclosure by a 1.8m high fence, would result in an unacceptable loss of amenity and affect on the living conditions of neighbours by failing to make adequate provision for access by the elderly and disabled neighbours to the rear of their properties, and would increase the fear of crime for those neighbours by reason of the narrow width of the remaining access path. The proposal is therefore contrary to policy GD1 (v) (vi) (x).

- 1.1 The planning inspector has dismissed the appeal.
- 1.2 The inspector stated that the area of land adjacent to No.3 also provides access to the rear of other properties on Gibbon Street and Edward Street. The fence has been erected in a position that leaves a way through for these occupiers. However, the width of the passage is too narrow for easy use. This is especially so given that some occupiers affected need access for mobility scooters and have no alternative routes because their front entrances are approached up steps. Moreover, the tight nature of the access would make any user uncomfortable, especially at night. Taking these points together, the restriction of the access has had a harmful impact on the living conditions of nearby occupiers.
- 1.3 Policy GD1 of the Wear Valley District Local Plan seeks to ensure that, amongst other things, development provides adequate access, would not conflict with adjoining uses and has regard to issues around crime and personal safety. The development does not comply with these requirements.
- 1.4 The area to the side of No. 3 has been subject to fly-tipping, and it seems that people use it as a short cut and as an area to congregate. In that context, I can understand why the appellant would wish to improve security and I see no difficulty, in principle, with enclosing an area adjacent to No. 3 to achieve that. However, that does not justify the harmful impact of the fence as installed,

because there seems to be no good reason why a fence could not be erected that allowed nearby occupiers a less constricted means of access.

1.5 No applications were made for costs.

Report prepared by Sinead Turnbull, Planning Officer

RECOMMENDATION

That the decision be noted.