



Area Planning Committee (South and West)

Date Thursday 23 June 2011
Time 2.00 pm
Venue Council Chamber - Barnard Castle

Business

Part A

1. Declarations of Interest
2. Minutes of the Meeting held on 19 May 2011 (Pages 1 - 6)
3. Applications to be determined
 - a) Application 6/2011/0101/DM - Eastlea, Cotherstone (Pages 7 - 12)
Erection of single storey extension to side elevation
 - b) Application 6/2011/0030/DM - Land to the Rear of Station Terrace, Cotherstone (Pages 13 - 24)
Erection of 2 no. detached dwellings
 - c) Application 6/2011/0090/DM - East Cottage, Front Street, Winston (Pages 25 - 32)
Erection of two storey rear extension (revised scheme)
 - d) Application 6/2010/0311/DM/LB - The Bowes Museum, Barnard Castle (Pages 33 - 40)
Application for listed building consent for creation of new gateway in boundary wall
 - e) Application TP/3/2011/0007 - Cherry Tree House, Wolsingham (Pages 41 - 46)
Application to fell 1 no. Norwegian spruce tree (T1)
 - f) Application 7/2011/0108/DM - 29 Primrose Drive, Shildon (Pages 47 - 52)
Conversion of garage into kitchen

- g) Application 7/2011/0088/DM - Morrisons Supermarket, Shildon
(Pages 53 - 58)

Installation of 2 no. internally illuminated fascia signs to front elevation

4. Appeals Update (Pages 59 - 64)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
15 June 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, CIVIC CENTRE, CROOK on THURSDAY 19 MAY 2011 at 2p.m.

PRESENT:

COUNCILLOR M DIXON

Chair

Members of the Committee:

Councillors D Boyes, M Campbell, K Davidson, P Gittins, A Hopgood, E Paylor, G Richardson, J Shuttleworth, P Taylor, R Todd, E Tomlinson and J Wilkinson

An apology for absence was received from Councillor M Williams

Officers:

John Byers (Development Management Team Leader), Chris Simmonds (Legal Adviser), Adrian Caines and Andrew Inch (Principal Planning Officers), Steve Teasdale (Planning Officer) Neil Thompson and Dave Stewart (Highways) and Delyth Roberts (Democratic Services)

A1 Declarations of interest

There were no declarations of interest.

A2 Minutes

The Minutes of the meeting held on 21 April 2011 were confirmed as a correct record and signed by the Chair.

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

6/2011/0038/DM – Application for renewal of extant planning permission 6/2008/0086/DM for erection of detached dwelling at Brookside Hall, Evenwood (deferred from last meeting for a site visit)

The Principal Planning Officer (A Caines) 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 the previous day.

The Committee was addressed by Mrs Stout (objector), who claimed that the issue of sewage had not been considered at the time of the original application in 2008 and that the sewerage system could not cope with another dwelling – in fact there were already problems following the erection of 'Joss House'. Environmental Health Officers had been called out on numerous occasions following flooding/sewage overflow incidents. She queried who would be responsible if such incidents continued/worsened should an additional property be built. In addition Mrs Stout expressed concern over access to services (gas, telephone, electricity), which were located beneath the application land.

The Chair referred members to a condition regarding foul and surface water drainage that was recommended if planning permission was granted and reminded them that the Principal Planning Officer had confirmed that there had been no significant change in material considerations since planning permission was originally granted in 2008.

Members queried whether it was possible to strengthen the condition relating to foul and surface water drainage and whether the re-routing of services could be conditioned. They were advised that, whilst it would be possible to do the former, the latter was a private matter between the respective land/property owners and a matter for agreement between any prospective developer and the statutory service providers.

Councillor Richardson noted that, in his opinion, the original planning application should not have been approved and that renewal would only perpetuate that mistake.

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

RESOLVED:

That the application be approved subject to the conditions detailed in the officer's report to the Committee, including the amendment of condition 8 (foul and surface water drainage) as suggested by the Legal Adviser.

3/2011/0063 – Change of use of farmhouse and outbuildings to create multi-functional facility for residential, educational, recreational, office, training and contact centre purposes, with new access and parking provisions at Bildershaw Grange, Bildershaw

The Principal Planning Officer (A Caines) 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 the previous day.

The Committee was addressed by Mr P Ray (Etherley Parish Council), who noted that the Parish Council objected to the application primarily on road safety grounds as the A68 was subject to the national speed limit and carried a lot of traffic, including many HGVs; the property was located just after a bend in the road and the Council was concerned for the safety of people accessing/leaving the property, especially as a number of children would be using the facility.

Mr P Ryman (an objector) then addressed the Committee; he echoed the previous speaker's concerns about road safety and also queried how many children and staff would be accommodated at any one time. As the application gave no indication of numbers he wondered whether additional accommodation, perhaps in the form of caravans, would be required. He felt that the development would be in contravention of RSS Policies 7 & 8 (Connectivity & Accessibility and Protection/Enhancement of the Environment). With regard to the current and proposed vehicular accesses to the property, he pointed out that the reference to '*the most northerly existing access*' should read '**most southerly**'. Mr Ryman cited problems caused by other developments in the local area and noted that the total of 5 objections actually represented all those likely to be affected in this rural area.

The Committee also heard from Mr J Lavender (applicant's agent), who claimed that this property was uniquely suitable to the applicant's needs. The proposed use would not be intensive but would bring together all facets of the organisation. He confirmed that the road safety concerns had been recognised at an early stage and negotiations had resulted in the current proposal. He did not believe that the change of use would impact on neighbours and urged members to approve the application.

The Highways Officer emphasised that the property could be used for a number of things without requiring planning permission – uses that could generate as many or more vehicle movements than the proposed use. He noted that the two existing accesses were not to be used and that the new access would be further from the bend than either of them; he believed that this would be safer than the existing accesses. He referred to current accident statistics for this stretch of road (3 personal injury accidents since 2007), all but one of which involved single vehicles. He suggested that the safety team would investigate whether a change in the surfacing material for the road might help.

Councillor Hopgood moved that the application be approved subject to the conditions detailed in the officer's report to the Committee; she was seconded by Councillor Todd.

RESOLVED:

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

6/2010/0316/DM – Change of use from agriculture to a mixed use of agriculture and equestrian and erection of American Barn (stables) at Field House, Lartington

The Principal Planning Officer (A Caines) 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 the previous day.

The Committee was addressed by Mr Hammond (Lartington Parish Council), who detailed the Parish Council's objections on the grounds that the development would be inappropriate for the Conservation Area in terms of scale, material and character; that the building would be too large and not commensurate with the associated land; that the building would be alien in the environment and that trees and archaeology might be damaged (although it was accepted that the Council's Archaeologist had indicated that the development would not pose a significant risk to the archaeological features referred to and that suitable conditions had been suggested in mitigation). Mr Hammond also acknowledged that the Council was satisfied by the proposed condition with regard to the safeguarding of trees, although he suggested that a condition requiring hedge planting instead of fencing should also be imposed. Whilst not objecting to the erection of a stable in principle, the Council was also still concerned about the impact of the proposed development on the Conservation Area; he noted that residents of Lartington took great pride in their village. He referred to the parish plan produced a few years ago, which included requirements for the use of traditional materials, and to a number of new buildings which had been constructed of local stone since then; a timber building would not enhance the Conservation Area and he asked the Committee to refuse the application.

Members then had an opportunity to comment on the application; the Chair referred to the site visit and noted that the site was well screened by trees and that the building would not be prominent in the landscape. However, it was suggested that an additional condition be imposed requiring that a landscaping/screening scheme be submitted and agreed. On being put to the vote, however, this was rejected.

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

RESOLVED:

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

6/2011/0055/DM – Application for renewal of extant planning permission APP/M1330/A07/2040536 for residential development (outline application) on land north east of High Street, Byers Green

The Planning Officer presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. He noted that policy would now require 20% of the dwellings to be affordable units and this would need to be conditioned.

The Committee was addressed by Mrs Lupton (objector), who considered that the proposed realignment of the highway involved in this proposal would in fact be dangerous, especially as it was in close proximity to a children's play area. She did not believe that the development was sustainable as there were few jobs or services in the village. She suggested that the sewage system would be unable to cope and that the application land was subject to subsidence. She claimed that residents had many unanswered questions arising from the proposed development, including over issues such as who would pay for any remedial works that might be required; whether the war memorial would be affected; the safeguarding of children and the play area and whether any additional parking would be provided.

The Committee then heard from Mr J Lavender (applicant's agent), who emphasised that only the current economic climate had delayed implementation of the extant permission and that all the matters referred to had been considered when the original application was made. In the circumstances he urged members to approve the application.

Whilst sympathising with the objector in this case, and urging any prospective developer to engage with the local community, members agreed that, in the circumstances, the application should be approved.

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 and to the prior completion of an acceptable agreement under Section 106 of the Town & Country Planning Act 1990 to secure 20% affordable housing within the scheme.

7/2011/0054/DM – Application for renewal of extant planning permission 7/2007/0703/DM for the construction of access and remediation works at the former Greyhound Stadium, Merrington Lane, Spennymoor

The Planning Officer submitted a report on the above application.

Councillor Hopgood moved that the application be approved subject to conditions; she was seconded by Councillor Davidson.

RESOLVED:

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

7/2011/0105/DM – Replacement of 2 UPVC windows with 2 UPVC bow windows to front elevation at 7 St David's Close, Spennymoor

The Planning Officer submitted a report on the above application.

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

RESOLVED:

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

A4 APPEALS UPDATE

The Committee considered a report regarding the following appeal:

**APPEAL REF. NO. APP/X1355/A/10/213614/WF
LPA REF. NO. 7/2010/0168**

Appeal against the refusal of planning permission for change of use of open space land to domestic curtilage and erection of fence at 3 Gibbon Street, Bishop Auckland

The Inspector had dismissed the appeal.

RESOLVED:

That the report be noted.

NOTE: Members agreed that, in future, site visits should be held on the morning of the day of the Committee meeting.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0101/DM
FULL APPLICATION DESCRIPTION:	Erection of single storey extension to side elevation
NAME OF APPLICANT:	Mr W. Mann
ADDRESS:	Eastlea Cotherstone Barnard Castle, Co. Durham. DL12 9PT
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Adam Williamson Planning Officer 01388 761970 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site consists of a semi detached property located in Cotherstone. To the north of the application site is the adjoining dwelling. The dwellings are constructed from red brick to the ground floor, whilst the first floor is pebbledash rendered. To the highway is a 500mm high dwarf stone wall with attractive boundary planting. There is a driveway serving the dwelling, which runs along the southern elevation of the dwelling. To the south of the site is a grassed track, owned by Cotherstone Parish Council. The site lies within Cotherstone Conservation Area.
 2. Planning permission is sought for the erection of a single storey extension to the southern elevation of the above address. The proposed extension would measure 3.8 metres in width at the front, 5.3 metres in width to the rear, 7 metres in length, 2.5 metres to the eaves, and 4.5 metres to the ridge. The proposed extension would follow the shape of the southern boundary of the property, while retaining boundary planting, and would be constructed from materials to match the host dwelling.
 3. This application has been reported to the Committee as Cotherstone Parish Council has objected to the proposal. It is noted that the scheme of delegation has since been amended; however, this objection was received before the amended scheme of delegation was approved by Cabinet.
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PLANNING HISTORY

4. There is no planning history for the application site.

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.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and carries the full weight of forming part of the development plan for the area, and at a County level, replaces the County Durham Structure Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self-reliant, ambitious and outward-looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. The following policy is considered relevant:

Policy 8 (Protecting and Enhancing the Environment) seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.

LOCAL PLAN POLICY:

GD1 General Development Criteria: sets out the general design principles for development.

H11 Extensions and alterations to existing dwellings: sets out design and amenity issues to consider for residential extensions.

BENV4 Development within and/or adjoining a conservation area: this policy provides criteria for new development to adhere to, so that it preserves and enhances the Conservation Areas.

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:

Cotherstone Parish Council object to the proposals, considering them to be over-development of the plot, as the proposed extension would be constructed right to the boundary of the plot. If the proposed development were to proceed, the owners would require access to land on the other side of the boundary, which is owned by the Parish Council. We do not consider that we would be able to guarantee such access.

Northumbrian Water Limited has raised no objection.

INTERNAL CONSULTEE RESPONSES:

There have been no internal responses.

PUBLIC RESPONSES:

Occupiers of neighbouring properties have been notified in writing and a site notice has also been posted. The application has also been advertised in the press.

One letter of objection has been received from a property to the south of the application site. They are concerned that the extension will have an impact on their property as they have windows overlooking the site. The impact will be dependent upon whether the hedgerow along the boundary is retained. In addition, they are concerned that they will lose some of their view.

APPLICANTS STATEMENT:

The applicant has chosen not to provide a statement.

*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. The key issues for consideration are the principle of development, the impact upon residential amenity, and whether the design and external appearance would preserve or enhance the character and appearance of the conservation area.

Principle of Development

6. The application site seeks planning permission for a single storey pitched roof extension to the southern elevation of the host dwelling. The proposed would be carried out within the curtilage of the dwelling, and is therefore acceptable in principle, in accordance with policies GD1 and H11 of the Teesdale District Local Plan.

Residential Amenity

7. The application site is a semi detached dwelling. The proposed single storey extension would be sited to the southern boundary and as such would be sited away from the attached neighbouring dwelling. The nearest dwelling to the south would be some 6m from the gable of the proposed extension, which being single storey and having only a high level window serving a shower room, would neither result in privacy loss or have an overbearing impact upon the adjacent occupiers. Furthermore, as raised by an objector, the hedgerow along the southern site boundary will be retained, thereby minimising the impact of the extension for neighbouring properties. It is therefore concluded that the proposal would not significantly adversely affect the amenity of surrounding residential occupiers. In addition, the proposed extension would utilise substantially less than 50% of the curtilage, ensuring sufficient useable private amenity space is retained to serve the property. It is therefore considered that the proposal would not harm residential amenity

and would therefore comply with policies GD1 and H11 of the Teesdale District Local Plan.

Design and external appearance

8. The proposed extension would be constructed from materials to match the existing dwelling. The proposal would be relatively small scale and as such would be considered to be subordinate to the existing dwelling. Cotherstone Parish Council has objected as they consider the proposal constitutes over development as it would be constructed right to the site boundary. The proposed extension would have a footprint measuring approximately 26 square metres, and would constitute an increase in the floor area of the dwelling of approximately 19%. It is considered that this level of extension would not constitute over development of the site, and being positioned up to a site boundary is not in itself a reason to resist an otherwise acceptable proposal. The proposed extension is of an appropriate design and appearance, and would not appear alien within the wider street scene and would therefore preserve the character and appearance of Cotherstone Conservation Area, in accordance with policies GD1, BENV4 and H11 of the Teesdale District Local Plan.

Other issues raised

9. A neighbouring property to the south of the site has objected to the proposal in terms of loss of view. Loss of view is not a material planning consideration, and as such this does not form a material planning objection. The Parish Council advise that they own the land to the south of the site and that they would not guarantee access for construction works to take place. This would be a private matter between the applicant and the Parish Council and not one which would be afforded weight in planning terms.

CONCLUSION

10. In summary, the building is situated adjacent the settlement limits for Cotherstone, where the principle of a residential extension is acceptable. The objection from the Parish Council and neighbouring resident have been given due consideration, however, the main planning issues in respect of the principle, the impact upon the character and appearance of the conservation area, and the protection of residential amenity have been addressed and found on balance not to warrant refusal of the application. The proposals are therefore considered to accord with local, regional and national planning policy, and as such, the application is recommended for approval, subject to conditions including the retention of the hedgerow.

RECOMMENDATION

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

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

Reason: Required to be imposed pursuant to Section 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 Ref No.	Description	Date Received
	Red Line site plan	30.03.2011
2826/11 2	Proposed floor and roof plan	30.03.2011
2826/11 3	Proposed elevations	30.03.2011
2826/11 4	Proposed section	30.03.2011

Reason: To ensure that a satisfactory form of development is obtained in accordance with policies GD1, H11 and BENV4 of the Teesdale District Local Plan.

3. The hedge along the southern boundary of the site shall be retained.

Reason: In the interest of visual amenity. In accordance with policy GD1 of the Teesdale District Local Plan.

REASONS FOR THE DECISION

1. The recommendation to grant planning permission has been made having regard to the policies and proposals in the North East of England Plan – Regional Spatial Strategy to 2021 and the Teesdale District Local Plan including the policies referred to below, and to all relevant material considerations, including Supplementary Planning Guidance, and the particular circumstances below:

Teesdale District Local Plan Policies:

GD1 General Development Criteria

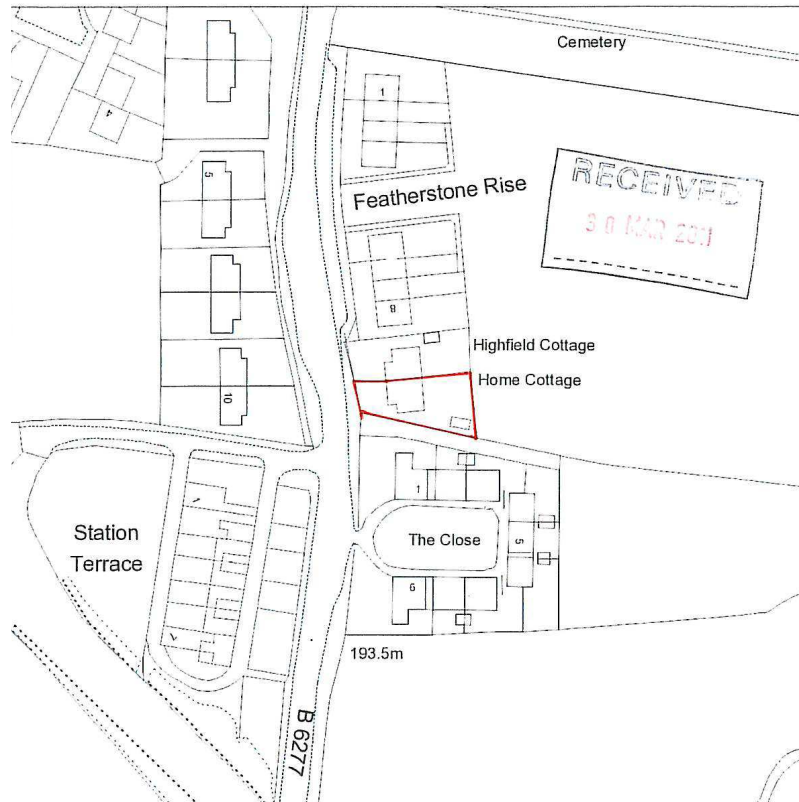
H11 Residential Extensions

BENV4 Development within and/or adjoining a conservation area

2. The scale of the development can be achieved in this location without having an adverse impact on the residential amenity of surrounding occupiers, and is of an appropriate design which preserves the character and appearance of Cotherstone Conservation Area.
3. The concerns and objections of both the Parish Council and nearby resident have been fully taken into account, but are considered to not be overriding in this case.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements, PPS1, PPS5
- Responses from County Highways, Northumbrian Water
- Response from Cotherstone Parish Council
- Public Consultation Response





Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0030/DM
FULL APPLICATION DESCRIPTION:	Erection of 2no detached dwellings Land to the rear of Station Terrace, Cotherstone
NAME OF APPLICANT:	Teesdale West Durham Land Trust
ADDRESS:	C/o 24 Parklands Drive Darlington County Durham DL39DU
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Charlie Colling Planning Officer 03000 260834 planningbarnardcastle@durham.gov.uk

1. DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 The site is located to the rear of Station Terrace, which is a terrace of former Local Authority Houses. It has an area of approximately 1,900 sq metres. The land currently has an un-kempt appearance with some of the land being used for parking and accommodates in part an area of hardstanding that has been used for parking purposes. To the north and south of the site are open fields and to the west of the site is a residential property. An existing vehicular access from Road B6277 serves the site and also the adjacent residential properties of Station Terrace. The site is within the settlement limits of the village and the village conservation area.
- 1.2 The proposal is to erect 2no. two storey, four bedroom detached dwellings. Both would be L-shaped and have a small porch to the front. The dwellings would run at a right angle to the end of the existing terraced dwellings. Each dwelling would be constructed in natural stone, with a slate roof. The windows would be constructed in timber with a painted finish. Both dwellings would have straight gabled pitched roofs, typical of the traditional detailing of other housing within the village. Vehicular access would be taken from the existing access.

1.3 This application has been brought before members as Councillor George Richardson is one of the Directors of the Teesdale West Durham Land Trust, who are the applicants for this application. The land subject to this application was gifted to the trust by the former Teesdale District Council.

2. PLANNING HISTORY

2.1 The only planning history on the site is for sawing and storage of logs:

6/1982/0261/DM - Renewal of consent for use of land for sawing and storage of logs.
(approved)

6/1980/0292/DM - Retrospective application for use of land for sawing and storage of logs
(approved)

2.2 There is no relevant residential planning history for the site.

3. PLANNING POLICY

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.
- **Planning Policy Statement 3:** Underpins the delivery of the Government's strategic housing policy objectives.
- **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.
- **Planning policy Statement 9:** sets out planning policies on protection of biodiversity and geological conservation through the planning system.

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 of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Policy 2 – Supporting sustainable development through planning proposals.

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 11 - Supporting planning proposals that have a positive contribution to the rural economy whilst protecting the Region's environmental assets.

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

Policy 33 – Protecting the Region's ecological and geological resources.

LOCAL PLAN POLICY:

- GD1 General Development Criteria
- H4 Small scale housing development on sites less than 0.4 Hectare
- H12 High standards of design in new house and housing sites.
- BENV4 Development within and/or adjoining a conservation area
- ENV1 Protection of the Countryside
- ENV3 Area of High Landscape Value
- ENV8 Development affecting a protected wildlife species

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (www.durham.gov.uk)

4. CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

Parish Council has said: *“We have no grounds for objection subject to the rainwater goods being of cast iron and the windows of timber. As the design stands currently both are against the recommendations of the Cotherstone Village Design Statement, which forms part of the Cotherstone Parish Plan and which has been accepted as additional planning guidance. “*

Natural England has no objections subject to a conditions and an informative in respect of Great Crested Newts and Breeding Birds.

Northumbrian water has no objections.

4.2 INTERNAL CONSULTEE RESPONSES:

Highways raise no objections to this proposal from the highways aspect subject to the following requirements:

“The existing access must be improved to incorporate 6.0m entry radii and a 4.8m wide access road designed and built to an adoptable standard, to a point 15m back from the edge of the existing carriageway. Plans showing details of the improvements must be submitted and approved prior to the commencement of the proposed development.

The proposed dwellings shall not be occupied until the roads have been constructed in accordance with the submitted and approved plans.”

It is also noted as an informative that it will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways.

Landscape has no objection to the proposal, but would like to see a tree protection plan which assesses the Root Protection Area of the existing trees and shows the position of protective fencing for those that are to be retained, as well as for the hedge that is to be retained, all as per British Standard 5837:2005 Trees in relation to construction. In addition the silver birch that is located near the centre of the site has a significant lean, and the

developer is advised to obtain an arboricultural opinion on the advisability of retaining this tree.

A full specification, to include species mix, plant size and planting density, for the proposed new hedging should be provided.

Planning Policy has no objection as the proposal for residential development on this site complies with policy H4 of the Teesdale Local Plan.

Design and Conservation is satisfied that the development now respects the character and appearance of the conservation area and should the proposal be approved there will be no adverse impact.

4.3 PUBLIC RESPONSES:

The proposal has been publicised by neighbour consultation letters, a site notice and an advert in the local press. Four objections have been received raising the following concerns;

Highways

- There are no plans provided for the remainder of the land including the access from the main road and the land immediately around Station Terrace.
- The gradient of the access is dangerous particularly in winter with cars skidding onto the main road.
- The width of the road adjacent to the highway is not suitable for an increased traffic load and the track condition should be improved.

Others -

- Protected species should be given consideration.
- Access and right of way along the access track should be maintained throughout the building period.
- The proposed detached garage is too close to the rear of Station Terrace.

4.4 Applicant Statement

The applicant is a Land Trust whose aims are to further the provision of affordable housing in the West Durham area. The success of the Trust is dependent upon the success of this application, since the site was gifted by the former Teesdale District Council to the Trust with the purpose of kick starting it financially. There are a number of abnormal development costs on the site, and so the monies obtained from the sale of the land will be used to purchase land suitable for the development of affordable housing.

The CIC's mission is to help to create additional affordable housing for the benefit of the communities of Teesdale and West Durham. The endowment (land at Station Terrace) used to create the CIC came from Teesdale Council so there is a moral obligation to deliver benefits to the people of Teesdale. The CIC also seeks to deliver benefits to all people in the rural areas and smaller communities of Durham.

The applicant has made every effort to work with local residents and the Council with a view to arriving at a scheme which is sensitive both to its surroundings as well as its neighbours.

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 key issues for consideration are:

- Principle of development,
- Design and impact on the Conservation Area
- Highways
- Impact on the living conditions of neighbours,
- Impact on protected species

Principle of development

5.2 Policy H4 of the Teesdale Local Plan allows for the development of sites within the settlement limits of the village for housing, subject to the land constituting brownfield land and being under 0.4 hectares in size.

5.3 The application site is within the settlement limits of the village of Cotherstone and has an area of just under 0.2 hectares. It currently has the appearance of un-kept land, with some areas appearing to be used as additional informal garden space for Station Terrace, but there is also an area of hardstanding which is used for parking. The site can therefore be considered as land that has been previously developed.

5.4 It is therefore considered that the site is suitable in principle for residential development and the proposal is in accordance with policy H4 of the Teesdale Local Plan.

Design and impact on the Conservation Area

5.5 This proposal has undergone amendments during the course of the application to improve design of the dwellings and their location within the site. The layout has been simplified to complement the linear pattern of the village and design treatment has also been simplified. Accordingly, a more rational building line would now be followed at right angle off the existing terrace and the simplified elevation treatments would be more in keeping with the local vernacular than originally proposed. The proposed materials of stone, slate and timber windows would be appropriate for the locality but the precise details must still be agreed subject to a number of suggested planning conditions. Both plots 1 and 2 would have front and rear gardens, offering a generous amount of outside amenity space to both properties. Following the amendments, the design and conservation officer has no objections to the proposal.

5.6 The site contains a number of small trees, some hedging, and remnants of a stone boundary wall. It is proposed to remove the trees from within the site, but retain the hedging to the northern boundary. The trees within the site are not considered to be of particular merit and do not make a strong contribution towards the appearance of the conservation area. A landscaping scheme is proposed that would ensure that replacement planting is provided. This can be secured by planning condition, as can the provision of protective fencing around the trees and hedge to be retained.

- 5.7 Having successfully addressed issues of design and siting, it is considered that the proposal would not have a detrimental effect on the character and appearance of the Conservation Area. This is in accordance with policies GD1, H12 and BENV4 of the Teesdale Local Plan, as well as national planning guidance in PPS1 and PPS5.

Highways

- 5.8 Vehicular access to the site would be taken from the existing access track leading to the B6277 and which currently serves Station Terrace and another property known as The Station.
- 5.9 The highways officer has taken into account issues of the safety of the access road and suitability of the access to accommodate the additional generated traffic movements from the proposed development. It has been concluded that subject to requirements to incorporate a 6.0m entry radii and improvements to provide a 4.8m wide access road, designed and built to an adoptable standard, to a point 15m back from the edge of the existing carriageway, that the proposal would be acceptable in highway safety terms.
- 5.10 These suggested improvements, which can be secured by planning conditions, are considered to adequately address the public objections raised in respect of highway safety.

Impact on the living conditions of neighbours

- 5.11 The proposal has also been amended during the course of the application to omit a detached garage from plot no.2 and also altering the design of this property to reduce any potential impact on the adjacent residents of Station Terrace.
- 5.12 At its closest point the gable of the proposed dwelling on plot 2 would now be approximately 14m from the front elevations of Station Terrace. There would be no windows in the gable of this proposed dwelling so there would be no loss of privacy from that elevation for the residents in Station Terrace. The dwelling would have a two storey rear projection with windows serving principle rooms, however those windows would be approximately 20.5 metres away from the terrace. These separation distances are considered to be acceptable and would afford a sufficient level of amenity to both the occupiers of the existing terrace and those of the new dwellings in accordance with policy GD1 of the Teesdale Local Plan.
- 5.13 The proposal in this respect is considered to accord with both policies H4 and GD1 of the Teesdale Local Plan.

Protected Species

- 5.14 The presence of protected species such as bats and barn owls is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations, which involved the setting up of licensing regime administered by Natural England. Under the requirements of the

Regulations it is criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.

5.15 The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:

- The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative and;
- Favourable conservation status of the species must be obtained.

Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 3(4) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

5.16 A protected species report has been submitted with the application specifically focused around Great Crested Newts. Great Crested Newts are a protected species. The site has been identified as being within 500 metres of 7 ponds. Natural England has been consulted on the application and has advised that a European Protected Species License is required in relation to the small population of Great Crested Newts found at the site. Natural England has not raised any objection to the proposal but has recommended two conditions. One of which relates to Great Crested Newts and the other to Breeding Birds, both of which have been included with the recommended conditions schedule. Subject to these conditions and suggested mitigation, the proposals are considered to accord with local plan policy ENV8 and national planning guidance in PPS9.

Other Matters

5.17 Issues of highway safety and neighbour impact, which were raised in the objections, have been addressed in the report.

5.18 In addition the suggested removal of permitted development rights would ensure that future alterations are fully assessed so that neighbouring occupiers are not unduly affected.

6. CONCLUSION

6.1 The proposed dwellings would be erected on a site within the development limits of Cotherstone and on land which is previously developed in part. The site is considered to be acceptable in principle for small scale residential development.

-
- 6.2 Amendments to the proposal have resulted in adequate privacy and amenity distances being achieved so that the relationship with neighbouring properties would be acceptable.
- 6.3 Design amendments have been achieved to ensure the development would not detract from the character or appearance of the conservation area.
- 6.4 No objections have been received from statutory consultees, including the highways officer who is satisfied that the access is suitable for the development subject to the suggested conditions.
- 6.5 The objections from nearby residents have been given due consideration and amendments made to the scheme to afford those properties closest to the proposed dwellings a greater level of amenity. The scheme is therefore considered to accord with the relevant local and national planning policies.

7. RECOMMENDATION

That the application be APPROVED subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:-

Plan Reference Number	Date received
ST1	31/1/11
10045-4	31/1/11
10045-1A	31/1/11
10045-1B	25/5/11
10045-3C	3/5/11
10045-2C	3/5/11
10045-5A	3/5/11

3. 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.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, planting schedules and the position of protective fencing to safeguard the health of trees and the hedging along the northern boundary

during construction.

5. Notwithstanding the provisions of Part 1, Classes A, B, C, D, E, F, G and H of The Town and Country Planning (General Permitted Development) Order 1995 (or in any statutory instrument revoking or re-enacting that Order with or without modification) 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.
6. The existing access must be improved to incorporate a 6.0m entry radii and a 4.8m wide access road designed and built to an adoptable standard, to a point 15m back from the edge of the existing carriageway. Plans showing details of the improvements must be submitted and approved prior to the commencement of the proposed development. The proposed dwellings shall not be occupied until the roads have been constructed in accordance with the submitted and approved plans.
7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
8. Notwithstanding the information shown on the submitted plans full joinery details of the windows, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.
9. Details of the colour finish of all external timber work shall be provided to and approved in writing by the local planning authority prior to the commencement of development and thereafter retained as such.
10. All gutters and downpipes used in this development shall be cast iron and thereafter retained as such.
11. Any works on-site and vegetation clearance should avoid the bird breeding season (March to August inclusive), unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to works.
12. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Great Crested Newt Survey Results and Mitigation Strategy, land at Station Terrace, Cotherstone, County Durham December 2010 Durham Wildlife Services, 'including but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods.

8. REASONS FOR THE DECISION

- 8.1 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
 - H12 High standards of design in new house and housing sites.

-
- BENV4 Development within and/or adjoining a conservation area
 - ENV1 Protection of the Countryside
 - ENV3 Area of High Landscape Value
 - ENV8 Development affecting a protected wildlife species

8.2 In particular the development was considered acceptable having regard to consideration of visual impact, affect on conservation area, amenity, design, highways and protected species.

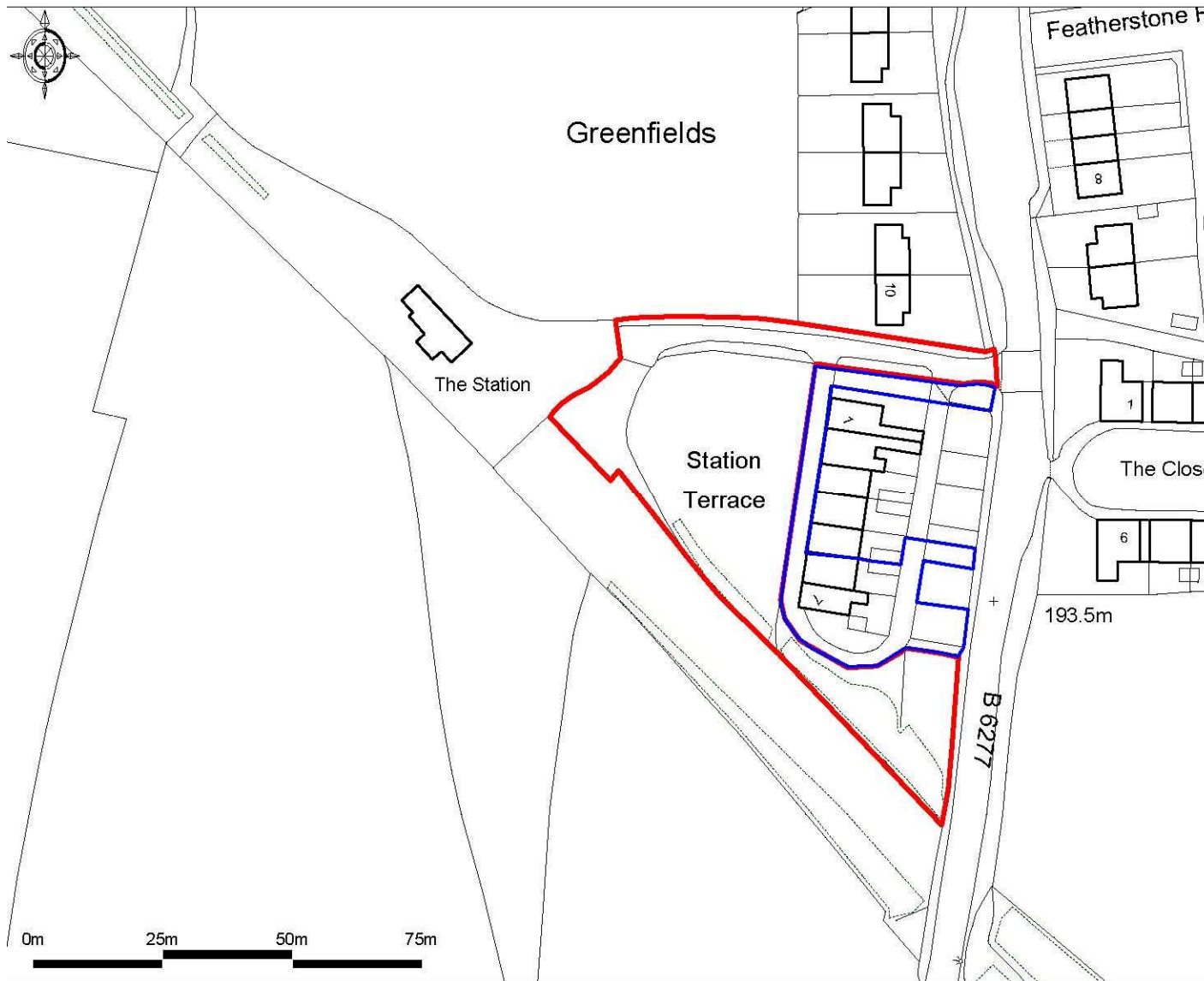
8.3 The objections which have been received, have been given due consideration. On balance the scheme is considered to be acceptable and without objection from the council's conservation officer or highways officer. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

9. BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS5, PPS7 and PPS9.
- Responses from County Highways, County Conservation, Northumbrian Water and Natural England
- Public Consultation Responses



Proposed development, land to the rear of Station Terrace



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Site location plan 1:1250



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0090/DM
FULL APPLICATION DESCRIPTION:	Erection of two storey rear extension (Revised Scheme) East Cottage, Front Street, Winston
NAME OF APPLICANT:	Mrs K Botham
ADDRESS:	Park House Ravensworth Richmond North Yorkshire DL11 7ET
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Charlie Colling Planning Officer 03000 260834 planningbarnardcastle@durham.gov.uk

1. DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 East Cottage is a mid terraced, single storey stone built property with a pantile roof. The property adjoins a similar cottage to the east and a two storey property to the west.
 - 1.2 Planning permission is sought for a revised scheme following a previous refusal for the erection of an extension to the rear of this property. The extension has been described as being two storeys; however the first floor would be partially accommodated within the roofspace. It would have a footprint of approximately 6.2m x 8.1m and would provide a living room and kitchen to ground floor with a bedroom and bathroom above. The extension would be constructed in stone with a pantile roof to match the materials of the existing property.
 - 1.3 The application has been brought before members as the parish council have raised
-

an objection to the proposals on the grounds that the proposal is inappropriate for the area concerned, along with party wall and drainage concerns.

2. PLANNING HISTORY

2.1 The property has had two previous applications for rear extensions.

6/2010/0406/DM - Erection of two storey rear extension – Refused for the following reason: “The proposed extension exceeding in part the height of the host dwelling would not be subordinate in appearance and would have an unacceptable impact upon the character and appearance of the dwelling contrary to Policies GD1 and H11 of the Local Plan.”

6/2006/0353/DM - Erection of single storey rear extension and construction of mezzanine floor (approved)

3. PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

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 of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Not applicable to this proposal.

Local Plan Policy

- GD1 General Development Criteria
 - H11 Extensions and alterations to existing dwellings.
-

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (www.durham.gov.uk)

4. CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

Parish Council raises strong objections on the grounds that the extension is inappropriate for

the area and dwelling. Concerns also about drainage and party walls. The Parish Council recommends that the application is refused.

Northumbrian water has no objections

4.2 INTERNAL CONSULTEE RESPONSES:

None received

4.3 PUBLIC RESPONSES:

Neighbouring properties were consulted. Three letters of objection have been received. The concerns in summary are:

- Bulking of the extension is excessive and obtrusive.
- Overlooking from First floor gable window.
- Lowering of ground level may damage neighbours foundations.
- Drainage may not be workable.
- Restricted light and vision to east gable of Bridgewater House.
- Not in character.

4.4 Applicant Statement

The property is a small one-bedroomed cottage occupying a generous site with a long rear garden.

The cottage in its current configuration does not provide guest or family accommodation which can easily be accommodated by extending into the rear garden, replacing the existing outbuilding and taking little away from the rear garden area.

The window to the rear elevation at first floor level serves a bathroom and is to be fitted with frosted glass to prevent any overlooking of any neighbour's gardens to the rear of East Cottage, although it should be noted that the window does not directly overlook adjacent gardens.

The property occupies a mid terraced position typical for an old village cottage. Other cottages within the terrace including the cottage attached to East Cottage and further west in Front Street have been successfully extended. Very recently Deneside has had permission granted for a much larger extension in a very similar manner as that proposed at East Cottage.

It is not considered that the proposed extension is at odds with Planning Policy and provides much improved living accommodation in a modest manner which is not visible from Front Street and barely visible from the A67.

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=19967>).

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, The key issues for consideration are:

- Impact on the character and appearance of the dwelling and surrounding area
- Impact on the living conditions of neighbours

Impact on the character and appearance of the dwelling and surrounding area

- 5.2 This is a revised scheme following a previous refusal. This proposal has been amended so that the roof height would be level with that of the existing dwelling as opposed to the last refused application which showed the roof of the extension higher than the existing roof. The proposed extension would still comprise of two floors of living accommodation, however, some of the first floor would be accommodated within the roof space of the extension. It is also intended to excavate approximately 0.3m of earth from the rear of the property to accommodate the proposed extension. In this respect the height of the proposed extension is now considered acceptable as it would no longer dominate the existing dwelling in height terms and the visual impact would now be confined to the rear of the property where the impact on the character of the surrounding area would be very limited and not harmful.
- 5.3 In terms of the length of the proposed extension it should be noted that an extension of comparable length has already been erected to the rear of the adjoining cottage to the east. It is accepted that the neighbour's extension has a lower ridge height than that proposed, however it is still considered to be of a similar nature, and provides a context for similar sized schemes. In any event, the visual impact of the proposed extension would be confined to the rear where the impact on the character and appearance of the dwelling and surrounding area would not be unacceptable.
- 5.4 The general design of the extension is considered to be in-keeping with the character of the property, with straight gables, pitched roofs and materials to match the existing dwelling.
- 5.5 It is considered that this application has successfully overcome the previous reason for refusal and is therefore in accordance with Teesdale Local Plan Policies GD1 and H11 in terms of scale and appearance.

Impact on the living conditions of neighbours

- 5.6 There is a single existing frosted window in the gable of the adjacent property Bridgewater House, along the common boundary with this site. Whilst any extension in this location is likely to have some impact upon the light to this window, the property already has had permission for a single storey extension to the rear and it would be possible in any case for the applicant to erect a fence/wall up to 2 metres in height in front of this window without the need for any planning permission, thereby still obscuring the window. In addition the frosted window is not a primary window serving habitable accommodation. Accordingly, it is considered that any impact upon this window would not warrant refusal of this application for that reason.
- 5.7 There would be a single first floor window in the rear gable end of the proposed extension. However, this window would serve a bathroom rather than habitable accommodation and is shown on the plans to be frosted. A condition to ensure that this would be obscurely glazed is therefore suggested and as such there would be

minimal harm to neighbouring amenities from loss of privacy to the rear. This is in accordance with Policies H11 and GD1 of the Teesdale Local Plan.

Other Matters

- 5.8 The objections received relating to design, character and living conditions have been discussed in the report. Other objections relating to drainage and potential foundation issues would not be considered as material planning considerations and would need to be controlled through the Party Wall Act and building regulations approval.

6. CONCLUSION

- 6.1 In summary, the amended proposal comprises of a rear extension that would accommodate both ground and first floor living accommodation, but without exceeding the ridge height of the original property and would be constructed in materials to match the existing property.
- 6.2 The general design of the proposed extension is considered to be in-keeping with the character of the existing property.
- 6.3 The potential loss of some light to a neighbouring property's secondary obscured kitchen window is not sufficient grounds on which to refuse the application, especially when permission has already been previously granted for a single storey rear extension and the applicant could build in front of this window under permitted development.
- 6.4 There would be minimal harm to neighbouring amenities from loss of privacy to the rear.

7. RECOMMENDATION

That the application be APPROVED subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:-

Plan Reference Number	Date received
P2661/01	18/3/11
P2661/05	18/3/11
P2661/100	18/3/11
P2661/101A	18/3/11
P2661/102B	18/3/11

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and

size.

4. The first floor bathroom window in the north elevation shall be fitted with obscure glazing of Pilkington level 3 or higher and retained thereafter.
-

8. REASONS FOR THE DECISION

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

- GD1 General Development Criteria
- H11 Extensions and alterations to existing dwellings.

8.2 In particular the development was considered acceptable having regard to consideration of design and residential amenity.


8.3 The objections which have been received, have been given due consideration. On balance the scheme is considered to be acceptable. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

9. BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1.
- Responses from Northumbrian Water and The Parish Council
- Public Consultation Responses





 HARRISON & JOHNSON CHARTERED BUILDING SURVEYORS . ARCHITECTURAL SERVICES RICS	project title EAST COTTAGE, WINSTON	drawing title SITE LOCATION PLAN	scale 1:1250
	81 Bondgate . Darlington . Co Durham . DL3 7JT . telephone 01325 488488 facsimile 01325 488991 .		

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2010/0311/DM/LB
FULL APPLICATION DESCRIPTION:	Application for listed building consent for creation of new gateway in boundary wall The Bowes Museum, Newgate, Barnard Castle
NAME OF APPLICANT:	Mr Matt Leng
ADDRESS:	The Bowes Museum Newgate Barnard Castle Co Durham DL12 8NP
ELECTORAL DIVISION:	
CASE OFFICER:	Matthew Gibson Planning Officer 03000 260834 planningbarnardcastle@durham.gov.uk

1. DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 Listed building consent is sought for the creation of a new gateway in the listed boundary wall leading from the museum grounds onto Birch Road.
 - 1.2 The application site relates to land mostly within the grounds of the Bowes Museum which are grade II listed. The museum building itself is grade I listed and is considered to be amongst the most important buildings in the country. The grounds of the museum are a mixture of walls, picturesque gardens, leisure facilities and wooded areas set out between 1869 and 1876 and were designed as a public amenity space and to provide the setting of the Bowes Museum.
 - 1.3 The whole site is within the Barnard Castle Conservation Area and the new access through the existing museum boundary wall, which is grade II listed, is in close proximity to the prominent and important feature that is the Artillery Barracks Gateway and Lodge.
-

1.4 The application is reported to the Committee because of an objection from the Barnard Castle Town Council.

2. PLANNING HISTORY

2.1 There is an extensive history of works both internal and external, but of most relevance to this proposal is the companion full application 6/2010/0080 to this listed building application. The development Control Committee refused planning permission for new access, gate and pathway on 13 May 2010, but permission was subsequently granted at appeal 4 March 2011.

2.2 The Inspector was satisfied that the proposal would not compromise road safety; would likely be of benefit to the overall commercial activity of the town; would not damage trees or hedges and importantly, would not detract from the main entrance which would remain the principal and most impressive entrance to the museum and would also enhance the stretch of wall and character of the Conservation Area.

3. PLANNING POLICY

3.1 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.
- **Planning Policy Statement 5:** Provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. It explains the role played by the planning system in their protection.

3.2 REGIONAL POLICY:

Not applicable

3.3 LOCAL PLAN POLICY:

BENV1	Alterations, extensions and changes of use to a Listed Building
BENV3	Development affecting the character of a Listed Building or its setting.

The above represents a summary of those policies considered most relevant in the Development Plan

4. CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

Barnard Castle Town Council object on the same grounds as the planning application which has been allowed at appeal.

- a) The gateway deflects pedestrians away from the main entrance.
- b) The footpath is inadequate for the increase in pedestrian use.
- c) Potential consumers will be deflected away from retail units along Newgate.
- d) The footpath requires unnecessary felling of healthy trees.

Note: None of these issues are relevant in the consideration of the listed building application.

English Heritage have advised that it is not necessary for the application to be notified to English Heritage.

4.2 INTERNAL CONSULTEE RESPONSES:

Design and Conservation have no objection. The proposal has evolved through pre-application advice. The breaching of the wall will not adversely affect the significance of the heritage asset and would not detract from the setting of the listed building.

4.3 PUBLIC RESPONSES:

This application was advertised in the press, a site notice was posted and letters were sent to neighbours. Two objections were received. The following represents a summary of the relevant comments that relate specifically to this listed building application:

- The grade II listed wall, with its attractive curve, should be retained and not blemished in any way.
- This is an ancient wall and creating a gateway will visually detract from the whole.

Other issues raised in terms of highway safety, affect of the path on trees, suitability of the new pedestrian route and impact on the town centre are outside of the remit of this listed building application

4.4 APPLICANT'S STATEMENT:

The introduction of a new pedestrian gateway is historically in keeping with entrances added in the early 20th century along the northern boundary to satisfy the developing needs of the museum. The path has no impact on the setting of the listed structures within the museum grounds.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.

5. PLANNING CONSIDERATIONS AND ASSESSMENT

5.1 Taking into account the development plan and material planning considerations, the key

issue for consideration is:

- Impact on the special historic character of the listed buildings.

Impact on the special historic character of the listed buildings

5.2 This application seeks Listed Building consent for the creation of a new pedestrian gateway within the grade II listed boundary wall of the Bowes Museum. The planning application for the same has already been allowed at appeal. The planning application considered the impact on the setting of the listed wall and Bowes Museum, as well as the issues of highway safety, trees and impact on the town centre – all of which were considered acceptable by the Inspector.

5.3 The key issue for consideration in this application is the impact of the new gateway on the special historic character of the grade II listed wall only. In this respect, the policy considerations relating to this development are Teesdale Local Plan policies BENV1 and BENV3, as well as national planning guidance in PPS5 in respect of protection of listed buildings. Policy BENV1 sets out that alterations to listed buildings or structures will only be permitted if the proposals are in keeping with the character and appearance of the building. Policy BENV3 seeks to prevent development which would adversely affect the character or setting of a listed building.

5.4 Extensive pre application advice has been offered on this application and the design has evolved since its original conception in consultation with the Council's Design and Conservation Officer. Originally, the new gateway was to form a significant breach of the boundary wall which has been revised to a more secondary access point with a new lintel and retained wall structure and coping above. There is an established history throughout the site of the introduction of new secondary entrance points around the perimeter although it is accepted that none before have been in such a prominent location. It is considered that what is currently proposed is an appropriate solution and would not harm the character or appearance of the listed wall.

5.5 The proposed gates would be highly decorative, however given the fact that they would provide access to the museum and follow the very well established image of the museum it is considered that they would create a new focal point and a new piece of positive townscape. This would not impact on the main entrance which will remain the primary and most impressive entrance to the museum. This was a view echoed by the Inspector in the allowed planning appeal.

5.6 The Council's Conservation Officer has offered no objection on listed building grounds to the proposal. It is considered that the breaching of the wall would not adversely affect the significance of the heritage asset. The grade I listed museum building is sufficiently detached from the access point so that its setting would not be adversely affected.

5.7 Overall this is a proposal which had the potential to have significant impacts on a wide number of heritage assets, but as a result of careful thought and design it is considered that this potential impact has been minimised and would result in a scheme which responds to a modern requirement, makes a statement in its own right, but is also subtle and respects its surroundings.

5.8 Therefore, the proposals are considered to be acceptable and adequately respect the

special character of the listed structures in accordance with policies BENV1 and BENV3, as well as national guidance in PPS5.

Other Matters

5.9 Objections have been raised on grounds of highway safety, affect of the path on trees, suitability of the new pedestrian route and impact on the town centre, however these are planning matters, which are outside of the remit of this listed building application and were considered acceptable by the Inspector in allowing the planning appeal.

6. CONCLUSION

6.1 It is only possible in this listed building application to consider the impact of the proposed opening and gate on the historic interest of the listed wall and museum. Full planning permission has already been granted at appeal where issues raised in the objections of highway safety, affect of the path on trees, suitability of the new pedestrian route and impact on the town centre were considered acceptable. These issues have no bearing on the consideration of the listed building application.

6.2 Taking into account the conclusions that the breaching of the wall and new gate would not adversely affect the significance of the heritage asset in the form of the wall and setting of the grade I listed museum building, it is considered that the proposal would be in accordance with policies BENV1 and BENV3 of the Teesdale Local Plan, as well as national guidance in PPS5.

7. RECOMMENDATION

That the application be APPROVED subject to the following conditions;

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

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

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

Plan Reference Number	Date received
BCBL09.09 - Site location plan	05/10/11
P252/01 rev D - Plans, elevations and details	05/10/11

To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy BENV3.

3. No development shall be carried out until a method statement detailing the method of demolition and remediation works to install the new opening including the construction

details of the gates, their method of fixing and colour finish and a detailed specification of the new etched lintel has been submitted and samples of all supplementary materials to be used have been supplied and confirmed in writing. The construction shall then be carried out in accordance with the approved details.

To ensure the protection of the listed heritage asset in accordance with policy BENV3.

8. REASONS FOR THE DECISION

The decision to grant permission has been taken having regard to the policies and proposals in the Teesdale District Local Plan including the policies referred to below, and to all the relevant material considerations, including Supplementary Planning Guidance and the particular circumstances below:

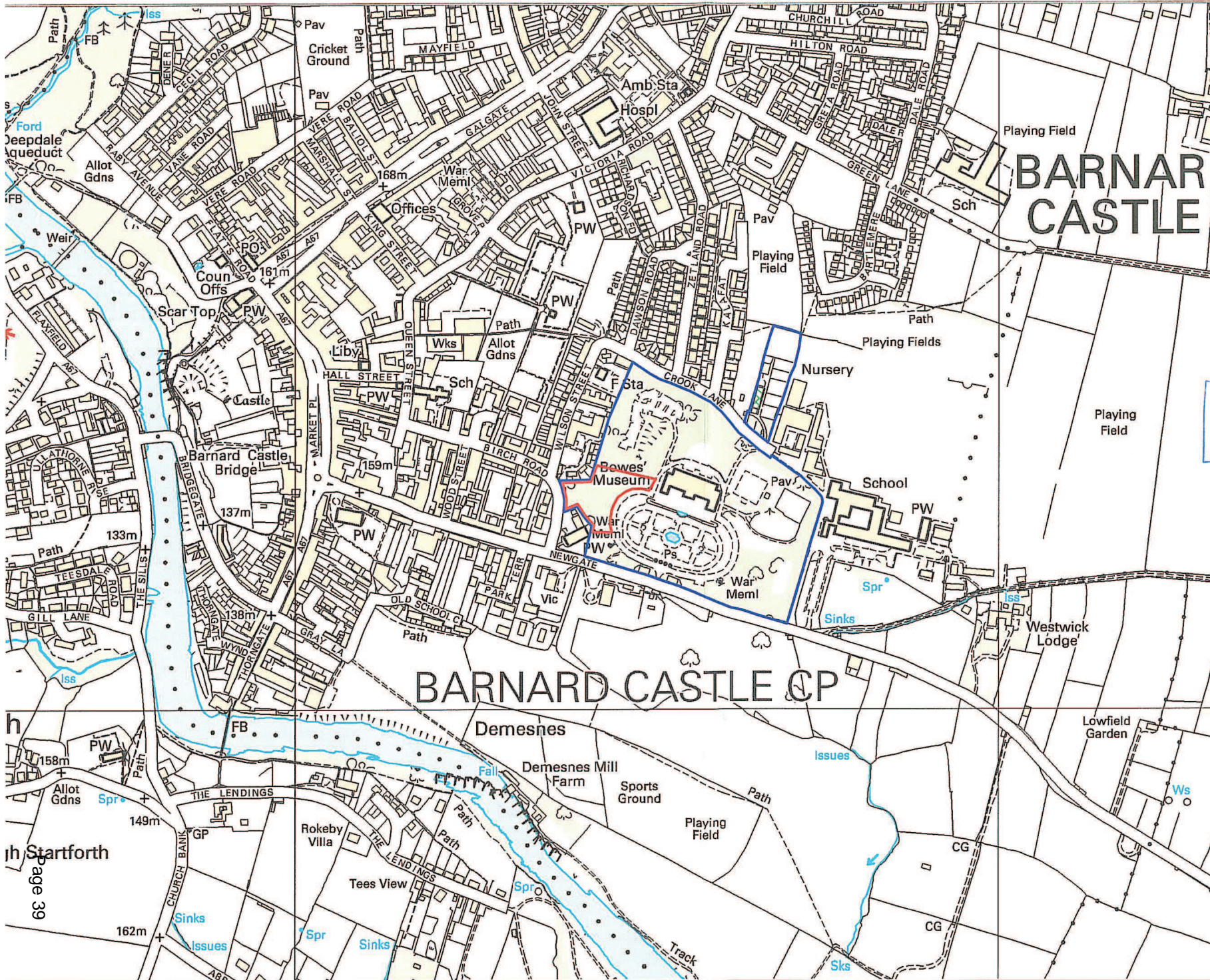
BENV1 Alterations, extensions and changes of use to a Listed Building
BENV3 Development affecting the character of a Listed Building or its setting.

The proposals are considered acceptable having regard to the relevant policies, specifically the impact of the gateway on the listed wall.

9. BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS5
- Consultation Responses
- Public Responses





Key
 application boundary
 land owned by applicant

RECEIVED
 - 5 OCT 2010

Scale: 1:2,500 @ A1
 Date: 24/07/09
 Drawn: JHD
 Checked: CB
 Eng No: BCBL09.09

Date	Drawing Details	Revision

CHRIS BURNETT
 LANDSCAPE ARCHITECTS

Client: Barnard Castle Vision
Project: Bowes Museum Link
Title: Proposed Museum Link Path: Plan 1a - Location Plan

Page 39

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: TP/3/2011/0007

FULL APPLICATION DESCRIPTION: FELL NO. 1 NORWEGIAN SPRUCE TREE (T1)

NAME OF APPLICANT:

MR JAMES THOMPSON

ADDRESS:

**CHERRY TREE HOUSE, 68 WEST END,
WOLSINGHAM, BISHOP AUCKLAND, DL13 3AP**

ELECTORAL DIVISION: WEARDALE

CASE OFFICER: Paul Martinson
paul.martinson@durham.gov.uk
01388 761987

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 The tree that is the subject of this application is a Norwegian Spruce growing in the front garden area of no. 68 West End, Wolsingham. The tree is a semi mature specimen and the applicant states that it is 26 years old. It is in good health and there are no visible signs of any disease. The garden in which the tree is located is intersected by an access road serving the properties on West End. The A688 and main road through Wolsingham is located immediately to the south of the site. The tree is highly prominent from this road and within the streetscene in general which forms part of part of the Wolsingham Conservation Area.
- 1.2 This application seeks consent to fell a tree covered by a Tree Preservation Order. The Order was imposed on 23/06/2008 and was confirmed at Committee on 21/10/2008. The reasons for making the order were:
- The tree is a healthy semi mature tree of high aesthetic and amenity value.
 - The tree is not causing an actionable nuisance with the wall and therefore should be retained and protected.
- 1.3 The application states that the tree's removal is sought as it has outgrown its usefulness and amenity, the roots are destroying the lawn, it is tilting to the left, is causing a loss of light into the rooms of the dwelling, reduces quality of views from the house and the retaining wall is collapsing.
- 1.4 This application has been referred to Committee by Councillor Anita Savory on the
-

grounds that the applicant planted the tree but it is now creating a dangerous problem which the public see as a danger.

2.0 PLANNING HISTORY

- 2.1 TCA/2008/0013 – Notification of intent to fell a fir tree in the Conservation Area. Tree Preservation Order Imposed. Served on 23/06/2011.

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- **Tree Preservation Orders: A Guide to the Law and Good Practice (2006)**

3.2 LOCAL PLAN POLICY:

- Policy BE5 (Conservation Areas): The character of each Conservation Area as designated in the Local Plan Proposals Maps will be protected from inappropriate development.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

- 4.2 None.

4.3 INTERNAL CONSULTEE RESPONSES:

- 4.4 Tree Officer – Objects to the felling of this tree as the tree is not causing an actionable nuisance, is in good health and makes an important contribution to the visual amenity of the area.

4.5 PUBLIC RESPONSES:

- 4.6 Occupiers of the surrounding properties were notified in writing about the proposal and a site notice was also posted. The application was also advertised in the local press. 2 letters of support for the application has been received, the contents of which are summarised below:

1. The tree has now become overgrown and it is of no benefit to the locality;
 2. This may influence a sale and the occupier has lost their view;
 3. The garden is spoilt.
-

5.0 APPLICANTS STATEMENT

- 5.1 I wish to appeal to have the above order cancelled and be allowed to remove the tree for the following reasons:
1. Obviously since the order was made the size of the tree has become an intrusive nuisance, considering the dimensions of the plot in which it is situated, and has outgrown its usefulness as an amenity.
 2. The roots are spreading and destroying the quality of the lawn.
 3. The longer it is allowed to grow in the restricted area the greater will be the task when it inevitably has to be removed.
 4. It has developed a slight tilting to the left as seen from the house aspect and due to prevailing winds this will only get more marked, and could be a risk to power lines if and when it does come down.
 5. It is now causing loss of light into the rooms of the house and also reduces the quality of the views from the windows and thus could affect the appeal of what is a very attractive listed house of the village, together with it overshadowing the listed coach house situated in the garden.
 6. The retaining wall continues to deteriorate due to cracking and will no doubt eventually collapse.
 7. It is not without regret that I make this request but at the time that I planted it on the event of our daughter's first Christmas; she is now 26 years old. I feel that it has unfortunately outlived its usefulness and with age is becoming a greater nuisance the longer it is allowed to grow in its restricted environment.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

- 6.1 The Tree Preservation Order was made in 2008 in response to a notice to fell a tree in the Conservation Area. The reasons for imposing the TPO were that it was a healthy semi mature tree of high aesthetic and amenity value that was not causing an actionable nuisance with the wall and therefore should be retained and protected.
- 6.2 The tree remains in good health and stands adjacent to the A688, a busy road which is the main arterial road through the village and indeed through Weardale. The tree is an attractive specimen and given its prominence, its amenity value is very high. It also significantly contributes to the character and appearance of the Conservation Area.
- 6.3 The tree stands in a front garden that is physically detached from the dwelling (no. 68) and is some 10m away from the front elevation. The tree has been planted very close to the retaining wall and the Tree Officer considers that some very minor cracks in the wall may be attributable to root expansion although this could relate to frost damage. Nevertheless the wall is in good condition and structurally sound. There is no physical evidence to indicate that it is about to fall down as argued by the applicant and no structural survey has been submitted to support this statement.
- 6.4 The Tree Officer considers that as the tree has not attained the stature one would expect over its lifetime this points to a moderate growth rate. The root mass might therefore only slowly increase and there are many examples of mature trees coexisting with walls in close proximity. It is therefore not considered appropriate to remove a tree with such a high amenity value due to a minor impact on a wall which could equally be attributed to frost damage.

- 6.5 The applicant considers that the tree is an 'intrusive nuisance' and has out grown its amenity. However little has changed in this respect since the tree's amenity value was recognized. This was less than 3 years ago and the tree still makes a significant contribution to the visual amenity of the area and the character and appearance of the Conservation Area.
- 6.6 Any impact on the enclosed lawn and cost of removing the trees are private matters Any lean on the tree is negligible and the Tree Officer is satisfied that this does not have any consequence on stability.
- 6.7 The tree is situated to the south of the applicant's property and it is considered that the distance between the dwelling and the tree is sufficient so as not to result in a significant reduction in light levels. Like all other historic properties on this part of the street the house has smaller window openings which will affect the amount of light entering the dwelling at certain times. However this is not sufficiently compromised by the presence of the tree. As such the tree is not considered to have a harmful impact on the amenity of the occupiers of no. 68 West End.

7.0 CONCLUSION

- 7.1 The tree has significant amenity value and makes an important contribution to the character and appearance of the Conservation Area. This was recognised when the TPO was imposed and the situation has not changed.
- 7.2 The applicant's reasons for removal predominantly relate to minor nuisances which are significantly outweighed by the amenity value of the tree and its contribution to the character and appearance of the Conservation Area.
- 7.3 The tree is in good health and is not causing a danger to public safety.

RECOMMENDATION

That the application be REFUSED for the following reasons:

REASONS FOR THE DECISION

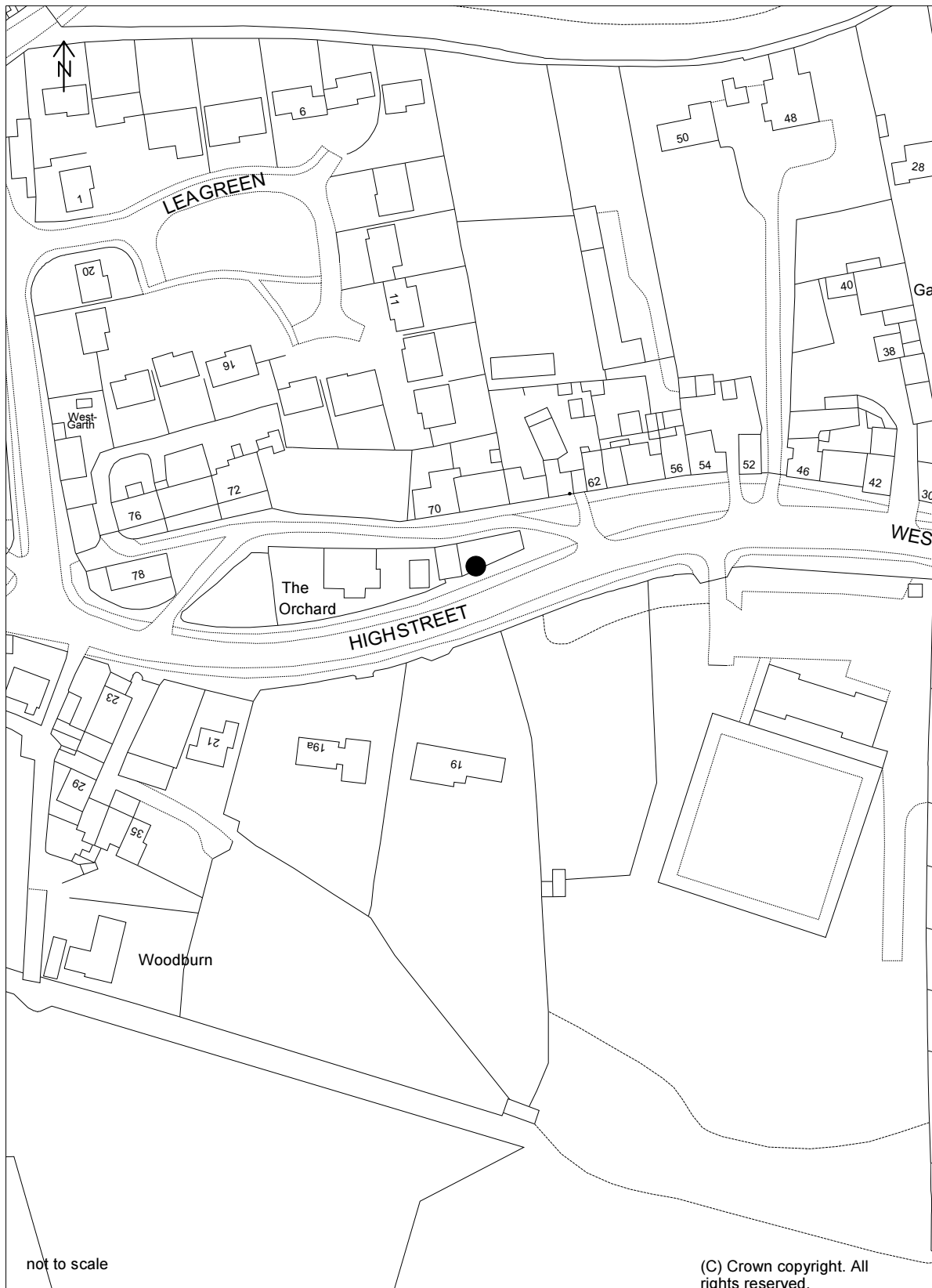
1. The tree has not grown significantly since the 2008 TPO and its amenity value has not altered during that time
1. The deterioration of the lawn is significantly outweighed by the amenity value of the tree;
2. The cost of removal is not a sufficient reason to remove a tree with significant amenity value such as this;
3. The tilt of the tree is negligible and does not have an impact on its stability;
4. The tree does not have a significant impact on light levels of the adjacent dwelling;
5. The tree is not causing significant harm to the retaining wall;
6. The tree has not outlived its useful life and still has significant amenity value and makes an important contribution to the character and appearance of the Conservation Area.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Reasons for Removal Letter
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Tree Preservation Orders: A Guide to the Law and Good Practice (2006)
- Consultation Responses
- Public Consultation Responses



TP/3/2011/0007 – FELL NO. 1 NORWEGIAN SPRICE TREE (T1) AT CHERRY TREE HOUSE, 68 WEST END, WOLSINGHAM FOR MR. JAMES THOMPSON





Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0108/DM
FULL APPLICATION DESCRIPTION:	Conversion of garage into kitchen
NAME OF APPLICANT:	Mr Barry Blewitt
SITE ADDRESS:	29 Primrose Drive, Shildon, County Durham
ELECTORAL DIVISION:	Shildon West
CASE OFFICER:	David Gibson, Planning Officer (03000) 261057, David.Gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a modern detached property within the town of Shildon. No. 27 Primrose Drive lies to the west of the site while No. 31 Primrose Drive lies to the east of the application site. This property benefits from an average sized front and rear garden.
2. The proposed development would involve the conversion of a garage into a kitchen. The proposed wall would be constructed in matching brickwork and the window to be used would match those in the existing property. Due to the minor nature of the development such proposals would not normally require planning consent; however Permitted Development rights were removed when the estate was granted planning permission in 2005. (App. Ref. no. 7/2005/0351/DM).
3. This application is being reported to Committee as the applicant is employed within The Regeneration and Economic Development Directorate

PLANNING HISTORY

4. There is no planning history for the site of direct relevance to the application.

PLANNING POLICY

NATIONAL POLICY:

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

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

REGIONAL 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 of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance to this application are the following policies:

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

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

LOCAL PLAN POLICY:

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

Policy H15 (Extensions to dwellings) states that extensions to dwellings will be acceptable provided the proposals do not have a negative impact on the amenity of the surrounding properties, the general character of the area or highway safety

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

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 ([link to webpage](#))

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Shildon Town Council has raised no objection to the proposed development.

INTERNAL CONSULTEE RESPONSES:

The Highway Authority have raised no objection to the development

PUBLIC RESPONSES:

The planning application has been publicised by way of individual letters to neighbouring residents. One response was received from a neighbouring property The occupiers of 27 Primrose Drive are concerned over where the applicants third car will be parked as this is now stored in the garage and two cars are already parked on the driveway.

APPLICANTS STATEMENT:

No supporting statement has been submitted as part of the 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. 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. In assessing the proposals against the requirements of the aforementioned planning policies, and having regard to all material planning considerations the main planning considerations in this case concern the impacts on neighbouring properties, the visual impact of the development on the surrounding environment and, the impact on highway safety.
7. The Residential Extension Supplementary Planning Document gives detailed advice regarding the design of residential extensions and alterations and emphasizes the need for good design which does not have an adverse impact on the host property or the streetscene.
8. Policy H15 of the Sedgefield Borough Council Local Plan states that extensions and alterations to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the property and there is no adverse effect on the amenity and privacy of surrounding properties.

Impact on amenity and privacy

9. The proposed development would replace a garage door with a window that would serve a kitchen. This window would replicate the views out from the main dwelling onto the public street and will not project any further forward from the building line of the property nor will it be closer to any of the neighbouring properties. The development would therefore not have an adverse impact on the privacy of the neighbouring properties.

Impacts on character of the area

10. General guidance in Policy H15 states that extensions to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the host property.
11. The only external change to the appearance of the dwelling is the replacement of the

garage doors with a window that would match the existing windows on the front elevation in terms of design, size and proportion. This will not look out of place on Primrose Drive.

Highway safety

12. Policy D1 seeks to ensure that new development will not have an adverse impact on highway and pedestrian safety and to ensure that the development would not generate traffic or parking issues that would create significant impact on the conditions of the neighbouring properties. Traffic generated by a development is an important consideration in determining a planning application. A proposal that would be harmful to highway safety will not normally be permitted.
13. The driveway for this 3 bedroom home is an acceptable length and width to accommodate two parked cars. Some concern has been raised from a neighbouring property that the applicant has three cars and that this will lead to one car being parked on the road. As the property has two car parking spaces it would be unreasonable to refuse this development on highway grounds as it would be unreasonable to ask for an additional car parking space when it is over and above the national standard of 1.5 spaces per dwelling. The Highway Authority is satisfied that the development will not impact on the highway network and the proposal therefore accords with Policy D1 of the Adopted Local Plan.

CONCLUSION

14. It is considered that in conclusion this minor development accords with National and Regional Policies and Local Policies D1 and H15 of the Sedgefield Borough Council Adopted Local Plan and the policies contained within the RESPD in that the development will not have an adverse impact on the character of the host property or the surrounding area and would not detrimentally affect residential amenity.

RECOMMENDATION

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

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
DCC001
DCC002
3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

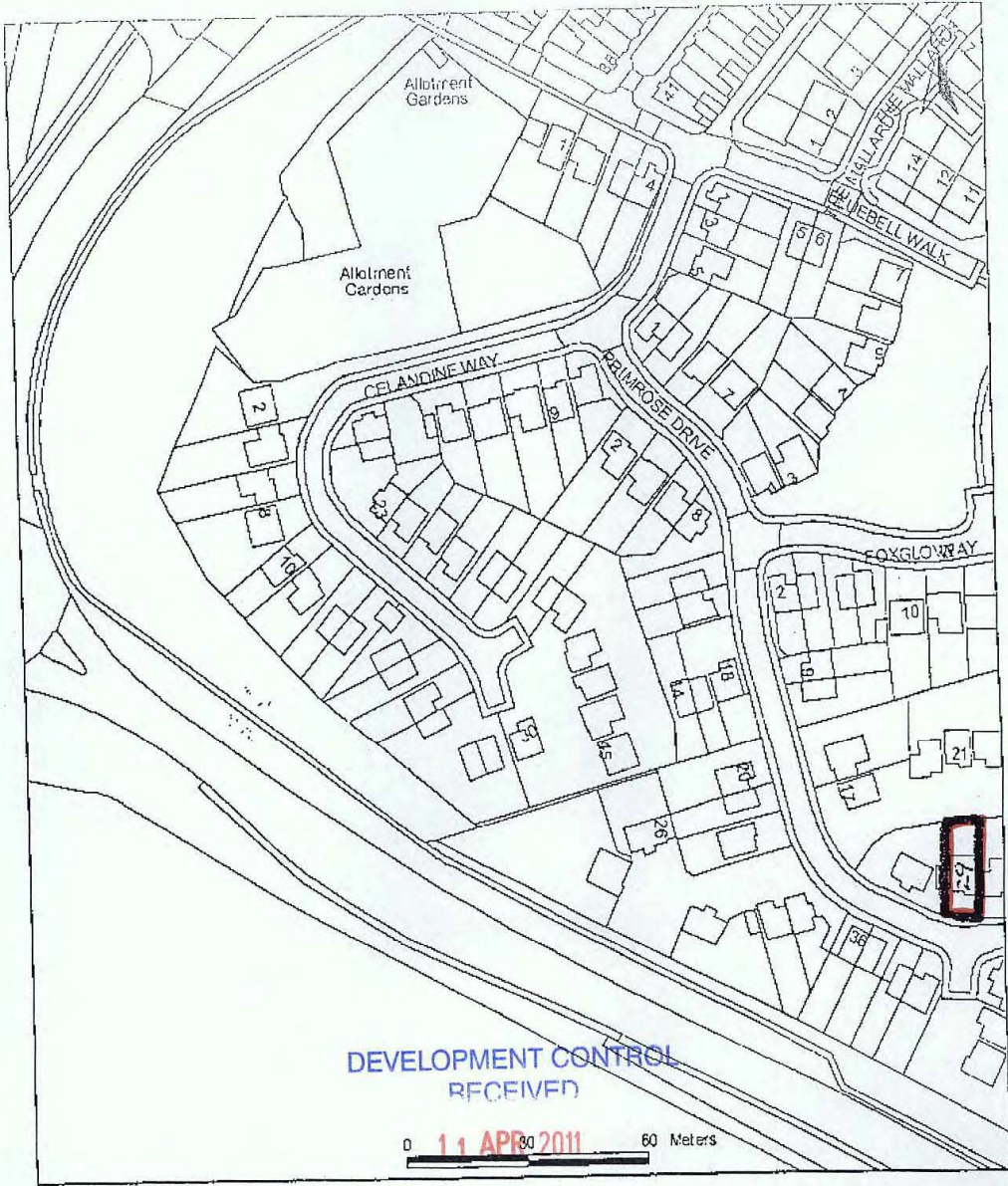
REASONS FOR THE RECOMMENDATION

In the opinion of the Local Planning Authority the proposed development is considered to accord with Policies D1 and H15 of the Sedgefield Borough Local Plan and the policies contained within the RESPD.

The main issues addressed include the appearance of the works on the character of the dwelling, highway safety and the objection from the neighbouring resident which was considered to not be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Sedgefield Borough Council Local Plan 1996
Planning Policy Statements / Guidance, PPS1,
Responses from County Highways
Public Consultation Responses





Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0088/DM
FULL APPLICATION DESCRIPTION:	Installation of 2 no. internally illuminated fascia signs to front elevation
NAME OF APPLICANT:	Morrisons Shildon
SITE ADDRESS:	Morrisons Supermarket, Unit 2 Church Street, Shildon, County Durham
ELECTORAL DIVISION:	Shildon
CASE OFFICER:	David Gibson, Planning Officer (03000) 261057, David.Gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a commercial property located within the town centre of Shildon. Residential properties are situated to the north and the east of the building.
2. Advertisement consent is sought for the erection and display of two internally illuminated signs to the front of the existing supermarket. The signs will be displayed either side of the store entrance with one facing north and one facing south. The signs are to replace the existing internally illuminated signs on the store as it has recently changed hands from a Netto to a Morrisons.
3. The application has been reported to the Committee as Shildon Town Council has objected to the proposal. It is noted that the scheme of delegation has since been amended; however, this objection was received before the amended scheme of delegation was approved by Cabinet.

PLANNING HISTORY

4. In March 2009 retrospective advertisement consent (7/2009/0012/DM) was granted for the display of an illuminated fascia sign and an illuminated totem sign.
-

PLANNING POLICY

NATIONAL POLICY:

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

Planning Policy Guidance note 19: Outdoor advertisement control aims to ensure that all outdoor advertisements are suitable for the area in which they are situated and do not have an unacceptable impact on the amenity or safety of the neighbouring residents.

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

REGIONAL 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 of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance to this application are the following policies:

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

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

LOCAL PLAN POLICY:

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

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://www2.sedgefield.gov.uk/LocalPlan1996/WrittenStatement/content2.htm>)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Sildon Town Council objects to the scheme if the development remains illuminated as it will cause nuisance to the residents of Dean Close and adds no commercial value as it is situated to the rear of the property.

INTERNAL CONSULTEE RESPONSES:

The Environmental Health Section has no objections to the proposed development.

PUBLIC RESPONSES:

One letter of objection has been received from the occupiers of 11 Dean Close who object to the proposals on the grounds that there is no need for an illuminated sign when it is on the rear of the building and that they will have to look at the sign from their property.

APPLICANTS STATEMENT:

No supporting statement has been submitted with the 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 (http://www2.sedgefield.gov.uk/planning_search/alldetails.php?ID=31920). 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. The main issues to consider are whether the proposed advertisements would be detrimental to the character of the building and surrounding area, and the amenity of neighbouring residents, in accordance with the requirements of PPG19 which states that advertisement consent will normally be granted except where an advertisement would be detrimental to amenity or public safety.
6. When determining this application, regard must be had in particular to the size and colour of the proposed signage, and that the intensity of the lighting should not be detrimental to the scale and design of the building on which it is located, or the visual amenity of the street scene, or the residential amenity of occupiers of nearby dwellings; and, that the intensity of the illumination is controlled, where appropriate.
7. In this case, it is recognized that the supermarket is located within an area surrounded by residential developments which may be detrimentally affected from the erection and display of new signage, particularly that which is illuminated, and this is highlighted by responses from both Shildon Town Council and a nearby resident. In addition, a compliant has been received from a neighbouring resident in the past with regards to illumination of the signage, particularly during the evening.
8. However, it is considered that as a result of the nearest directly facing dwellings to the north being over 60 meters from the proposed advert on the northern side of the store entrance, that the advert will replace one of a similar size, the lack of objection from Environmental Health and the fact that a condition can be imposed limiting the hours of illumination, that the proposals are acceptable.
9. It is therefore considered reasonable to condition that the fascia signs are only illuminated whilst the store is open. Due to its location away from the main street frontage no benefits can be gained from having the lights on all night. Such a condition would, it is considered address the adverse affects highlighted by both the Town Council and the neighbouring resident.
10. With such a condition in place it is considered that it is not appropriate to control the intensity of the illumination, and that the signs will still respect the character of the area

and the character of the building. It is considered that they are of a size, style and colour that will not have an adverse impact on the surrounding area.

11. Finally, in terms of public safety, it is not considered that the design and location of the signage will have any adverse impact upon highway safety or public safety generally.

CONCLUSION

12. In conclusion, it is considered that the proposed internally illuminated adverts would not cause detriment to issues of amenity in terms of surrounding residents or the character of the host building and surrounding area or to public safety, and as such the proposals accord with advice in PPG19 and Policy D1 of the Local Plan. Approval of the application is therefore recommended subject to the imposition of a condition to restrict the hours of illumination.

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: DCC001, DCC002, DCC003.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy D1 of the Sedgefield Borough Local Plan.

2. This consent to display the advertisements is for a period of five years from the date of this permission.

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

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

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

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

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

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5. The signage hereby approved shall only be illuminated between the hours of 8am and 8pm Monday to Saturday and 10am to 4pm on a Sunday.

Reason: In the interests of the amenity of the area in accordance with policy D1 of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposed development is considered to accord with Policy D1 of the Sedgefield Borough Local Plan.
2. The main issues addressed include the appearance of the works on the character of the building, and the impact on the amenity of neighbouring properties.
3. The objection from the neighbouring resident and Shildon Town Council were considered to not be overriding in this case and are addressed through the imposition of appropriate conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Sedgefield Borough Council Local Plan 1996

Planning Policy Statements / Guidance, PPS1, PPG19

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Response from Shildon Town Council

Response from Environmental Health

Public Consultation Responses





Planning Services

COMMITTEE REPORT

APPEALS UPDATE REPORT

APPEAL DECISION

APPEAL REF: APP/X1355/A/11/2143423

LPA REF: 7/2010/0311/DM

APPEAL AGAINST THE REFUSAL OF PERMISSION FOR THE ERECTION OF 1NO. DWELLING ON LAND ADJACENT TO 12 EDEN TERRACE, KIRK MERRINGTON, SPENNYMOOR, CO DURHAM

This appeal relates to an application for the erection of 1no. dwelling on land adjacent to no.12 Eden Terrace, Kirk Merrington. The application was refused on 30 November 2010 under delegated powers for the following reasons:

1. *In the opinion of the Local Planning Authority, the proposal constitutes unsustainable residential development in the open countryside, outside of any identified residential settlement boundary as defined under Sedgfield Borough local plan policy H8 (Residential frameworks for larger villages), and contrary to the established policy of restricting new residential development within the open countryside to that which is required by persons solely or mainly in agriculture or forestry for whom it is essential to live in close proximity to their place of employment in order to perform their duties. No such justification for the dwelling has been provided or proven in this case. The proposal is therefore contrary to the provisions of the RSS, PPS1 (Delivering sustainable development), PPS3 (Housing) and PPS7 (Sustainable development in rural areas) and adopted Sedgfield Borough local plan policy H8 (Residential frameworks for larger villages).*
2. *In the opinion of the Local Planning Authority the proposal would result in the removal of an important landscaped buffer strip to the east of the C113 highway which provides a high amenity value on the main approach road into the Kirk Merrington Conservation Area, detracting from the visual qualities of this locality and adversely affect the character and setting of the area, contrary to the adopted Sedgfield Borough Local Plan Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows).*

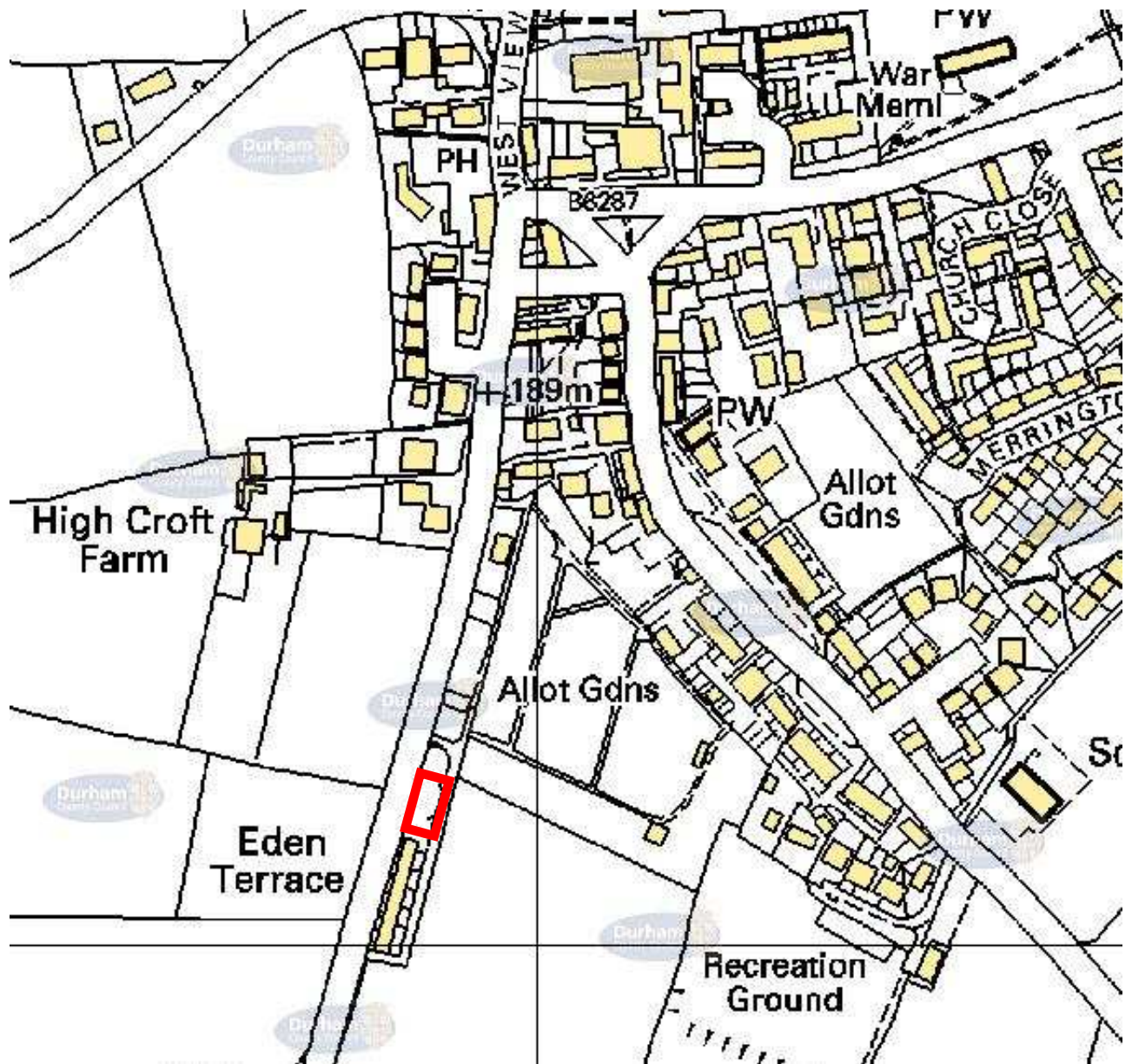
The Planning Inspector **dismissed** this appeal. In arriving at this decision, the Planning Inspector considered the following main issues:

- The location of the appeal site, falling outside of the residential framework for Kirk Merrington village;
- Conflict with established national government planning guidance and adopted local plan policies relating to sustainable development in rural areas;

- The lack of any evidence to suggest that this dwelling would be connected to rural activity;
- The setting of a potentially damaging precedent if approved;
- Perceived damage to an important landscape buffer which presently provides an attractive approach into the Kirk Merrington Conservation Area, contributing to the setting of the village; and,
- Development unlikely to contribute significantly to any shortfall in the availability of housing land.

The Inspector therefore agreed with both of the Local Planning Authority's reasons for refusal. No costs were awarded to either the appellant or the local authority. Copies of the Inspector's decision letter are available for inspection at the Spennymoor Area Office and can also be viewed online at The Planning Inspectorate's website.

Report prepared by Mark O'Sullivan, Planning Officer



APPLICATION NUMBER	7/2010/0311/DM
LOCATION	12 EDEN TERRACE, KIRK MERRINGTON, CO DURHAM
PROPOSAL	ERECTION OF DETACHED DWELLING

APPEAL DECISION

APPEAL REF: APP/X1355/C/11/2146824

LPA REF: 7/2010/0301/DM

APPEAL AGAINST THE REFUSAL OF PERMISSION FOR THE ERECTION OF A SHED AT 3 VILLAGE CLOSE, WOODHAM, NEWTON AYCLIFFE (RETROSPECTIVE APPLICATION)

The application was refused on 22 December 2010 under delegated powers for the following reasons:

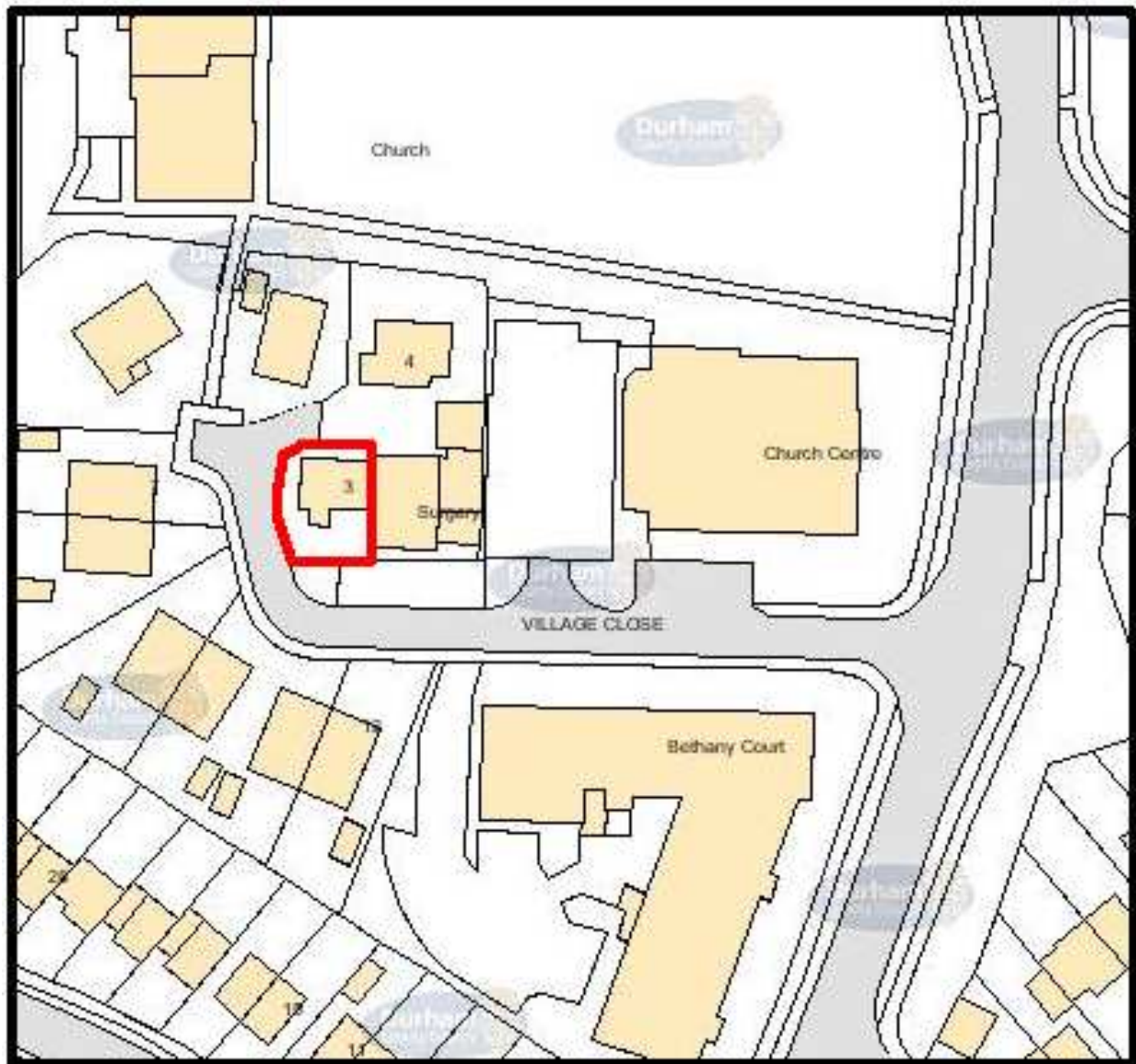
- 1. In the opinion of the Local Planning Authority, the impact of the retrospective shed will as a result of its size, siting and design, result in an incongruous and feature in the streetscene which would be detrimental to the appearance and character of the host property and Village Close. The proposed development would therefore be contrary to D1 (Design and Layout of new developments), the Residential Extensions Design Guide and PPS1 which seeks to promote good quality design in all new developments.*
- 2. In the opinion of the Local Planning Authority the proposal, if allowed, would set an undesirable precedent for further inappropriately designed buildings to host properties in this housing estate in particular and other estates elsewhere, to the detriment of the appearance of the host building and wider area contrary to D1 (Design and Layout of new developments), the Residential Extensions Design Guide and PPS1 which seeks to promote good quality design in all new developments.*

The Planning Inspector **dismissed** this appeal. In arriving at this decision, the Planning Inspector:

- Shared the Council's view that the development has an unacceptable visual impact in this residential street;
- The development is obtrusive and visually harmful;
- The size and design is not compatible with the host dwelling;
- The shed is not subservient to the host dwelling;
- The materials do not compliment the main dwelling; and,
- It is an oversized shed and completely out of place and in an inappropriate position in Village Close.

The Inspector therefore agreed with both of the Local Planning Authority's reasons for refusal. No costs were awarded to either the appellant or the local authority. Copies of the Inspector's decision letter are available for inspection at the Spennymoor Area Office and can also be viewed online at The Planning Inspectorate's website. Enforcement action will now be instigated to seek the removal of the unauthorised structure from the property.

Report prepared by David Gibson, Planning Officer



APPLICATION NUMBER	7/2010/0301/DM
LOCATION	3 VILLAGE CLOSE WOODHAM NEWTON AYCLIFFE
PROPOSAL	ERECTION OF SHED (RETROSPECTIVE APPLICATION)

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