



Area Planning Committee (South and West)

Date Wednesday 27 July 2011
Time 2.00 pm
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest
2. Minutes of the Meeting held 23 June 2011 (Pages 1 - 6)
3. Applications to be determined
 - a) 7/2011/0071/DM - Whitworth Hall Country Park Hotel, Whitworth, Spennymoor. (Pages 7 - 20)
Erection of 10 No. Chalets for Holiday Accommodation.
 - b) 7/2010/00367/DM - Land north of Rose Street, Trimdon Grange. (Pages 21 - 38)
Erection of 52 No. Dwellings.
 - c) 3/2011/0128 - Whitegates Caravan Park, Lands Bridge, Westgate. (Pages 39 - 46)
Replacement of Static Caravan with Chalet.
 - d) 3/2011/0221 - Land at Jobson Terrace, Stanley, Crook. (Pages 47 - 54)
Substitution of House Types to Plot 7 and 8 from Two Semi-Detached Dwellings to One Detached Dwelling of Planning Approval 3/2007/0552.
4. Appeals Update (Pages 55 - 56)
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

19 July 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

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Barnard Castle on **Thursday 23 June 2011 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

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

Apologies:

Apologies for absence was received from Councillors D Burn and A Hopgood

Also Present:

J Byers –Team Leader (South and West)
A Inch – Principal Planning Officer (South and West)
C Baxter – Senior Planning Officer (South and West)
C Simmonds – Legal Adviser

1 Declarations of Interest

Councillor G Richardson declared a personal and prejudicial interest in application 6/2011/0030/DM - erection of 2 no. detached dwellings on land to the rear of Station Terrace, Cotherstone and withdrew from the meeting during consideration of the item.

Councillor E Tomlinson declared a personal and prejudicial interest in application 6/2010/0311/DM/LB – application for listed building consent for creation of new gateway in boundary wall and withdrew from the meeting during consideration of the item.

2 Minutes of the Meeting held on 19 May 2011

The Minutes of the meeting held on 19 May 2011 were confirmed as a correct record and signed by the Chair.

With the agreement of the Committee the order of business on the Agenda was amended to allow those applications with registered speakers to be considered first.

3 Applications to be determined

3a Application 6/2011/0101/DM - Eastlea, Cotherstone Erection of single storey extension to side elevation

It was noted that this application had been withdrawn.

3b Application 6/2011/0090/DM - East Cottage, Front Street, Winston Erection of two storey rear extension (revised scheme)

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation which included photographs of the site.

Mr Taylor, an objector to the application addressed the Committee. He stated that East Cottage was one of 3 adjoining cottages which were some of the oldest properties in the village. The buildings reflected the character of the village and he considered that any extension should not detract from this.

He felt that it was misleading to refer to Deneside which had permission granted for a much larger extension as it was a modern development. He also noted that Sunnyside had not been referred to. This development provided family accommodation whilst still managing to retain the character of the village.

If the application was approved he believed it would dominate the adjacent properties. A single storey extension would be acceptable as it would be in keeping with the area.

In response to Mr Thompson's comments concerning Deneside, J Byers clarified that the applicant had made reference to this development in her statement. It had not been referred to by Planning Officers.

Following a question from a Member, J Byers explained that the proposed extension would project further forward than the adjoining property and would reach to the existing ridge height. The extension would also be sunk 0.53m into the ground and was 1-1.5m lower than proposed in the previous application which had been refused.

A Member referred to the photographs shown as part of the presentation and noted that the view from a window in the adjoining property would be restricted by the extension. J Byers advised that this window had obscure glazing and did not serve a habitable room.

RESOLVED:

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

**3c Application TP/3/2011/0007 - Cherry Tree House, Wolsingham
Application to fell 1 no. Norwegian spruce tree (T1)**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation on the application which included photographs of the site. It was noted that a site visit had taken place that day.

Mr Thompson, the applicant stated that the report described the tree as having a high aesthetic and amenity value, however he was of the view that it 'stuck out like a sore thumb'. He accepted that he had planted it 26 years ago and was therefore responsible for the problems he was experiencing.

The tree was in a prominent position and restricted the view of the oldest house in the village. The coach house adjacent to it was a listed building. The tree was now a nuisance and was affecting the lawn in the garden. The house dated to 1720 yet the tree was only 26 years old and situated in a very old village garden. The track between his property and the garden was originally the main road through the village.

He was grateful to Councillor Savory for her support of his application. With regard to the wall adjacent to the public footpath he advised that he had not stated that it was in a state of collapse, but had asked who would be responsible for its maintenance as the tree continued to grow and cause damage.

The tree had grown 6 feet in 3 years and now stood at around 35 – 40 feet. He used to be able to put Christmas tree lights on it but it was now too high. It also restricted the view from the main road and the garden was going to become a sterile area because of the tree canopy. Nothing was growing around it and he believed that if no action was taken now the tree would become more difficult to fell.

He was also concerned that Officers did not consider that the tree caused loss of light to his property and stated that lighting was badly affected, particularly in the spring and winter months.

He concluded by stating that an attractive house was being dominated by the tree and that if the application was approved he intended to plant a replacement.

In response to questions from Members, Mr Thompson confirmed that he had not realised how high it would grow and that he was not able to lop the branches as this had been a condition of the TPO.

Following further Member questions J Byers explained that the tree contributed to the street scene because of its prominence, however did agree that it was of an unusual type to be the subject of a TPO. Spruce trees were generally found in woodland and were farmed commercially.

In considering the application Members were concerned that loss of light had not been a consideration as it clearly had an impact on Mr Thompson's property. In addition Members felt that its contribution to the street scene was irrelevant as, being only 26 years old the tree was a relatively new addition to a conservation area.

RESOLVED

That the application be approved subject to a condition requiring the applicant to replace the tree, with details of its replacement to be submitted to and agreed in writing by the Planning Authority.

The reasons for the decision are as follows:-

1. The tree is reaching an unsustainable height inappropriate for a residential area and is becoming a nuisance;
2. The tree's amenity value is diminishing as it increases in height and its increasing prominence in the street scene is having a negative impact on light levels and the character and appearance of the Conservation Area.

Prior to consideration of the following application Councillor Richardson withdrew from the meeting.

3d Application 6/2011/0030/DM - Land to the Rear of Station Terrace, Cotherstone Erection of 2 no. detached dwellings

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation on the application which included photographs of the site.

RESOLVED:

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

Councillor G Richardson returned to the meeting.

Prior to consideration of the following application Councillor E Tomlinson left the meeting.

3e Application 6/2010/0311/DM/LB - The Bowes Museum, Barnard Castle Application for listed building consent for creation of new gateway in boundary wall

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation on the application which included photographs of the site.

It was noted that the Committee had refused planning permission for new access, gate and pathway on 13 May 2010 but permission was subsequently granted by the Planning Inspector at appeal on 4 March 2011 for the reasons outlined in the report.

Members were advised that the application was for listed building consent for the creation of a new gateway in the listed boundary wall leading from the museum grounds onto Birch Road.

RESOLVED:

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

Councillor E Tomlinson returned to the meeting.

**3f Application 7/2011/0108/DM - 29 Primrose Drive, Shildon
Conversion of garage into kitchen**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

RESOLVED:

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

**3g Application 7/2011/0088/DM - Morrisons Supermarket, Shildon
Installation of 2 no. internally illuminated fascia signs to front elevation**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

RESOLVED:

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

4 Appeals Update

Consideration was given to a report regarding the following appeals:-

**APPEAL REF: APP/X1355/1/11/2143423
LPA REF: 7/2010/0311/DM**

Appeal against the refusal of permission for the erection of 1 no. dwelling on land adjacent to 12 Eden Terrace, Kirk Merrington, Spennymoor

The Planning Inspector had dismissed the appeal.

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 Planning Inspector had dismissed the appeal.

RESOLVED:

That the report be noted.

At the close of business Members were advised that the Legal Adviser Chris Simmonds was leaving the Authority. The Committee conveyed their thanks for all his help and contribution, and wished him well for the future.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0071/DM
FULL APPLICATION DESCRIPTION:	Erection of 10no. chalets for holiday accommodation
NAME OF APPLICANT:	Mr A Lax
ADDRESS:	Whitworth Hall Country Park Hotel, Whitworth, Spennymoor DL16 7QX
ELECTORAL DIVISION:	Spennymoor and Middlestone Moor
CASE OFFICER:	Mark O'Sullivan Tel. 03000 261056 Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Whitworth Hall Country Park Hotel is a Grade II Listed building that lies within the Whitworth Park Conservation Area and Historic Parkland to the north of Spennymoor. The site is bordered to the north by Camp House (200m away and owned by the Guides association) and a small number of residential properties some 130m to the south west. Woodland and open countryside lies to the north and east.
2. Permission is sought for the erection of 10no. single storey chalets (8no. 2 bed and 2no. 1 bed cabins) to be used for holiday accommodation. The proposed chalets would be erected within a small clearing to the north of the hotel located among trees that is presently utilised as an informal overspill parking area for users of the park and hotel. An existing, large machinery store on this site is to be removed to facilitate the proposed development.
3. The 2 bed chalets would measure 11.7m x 5.25m with a ridge height of 4.89m (2.69m to eaves level). The 1 bed units would be of identical height with a floor area of 8.88m x 5.25m The chalets would be of timber boarded construction, assembled on brick plinths, with an outdoor decking area. No hard standing is proposed around the chalets, with the existing informal surfacing of this area to remain. Access to cabins would be via the existing estate access onto Whitworth Road from the south of the site.
4. This application would normally be determined under the Officer scheme of delegation but has been referred to committee owing to the controversial nature of the proposal.

PLANNING HISTORY

5. There is no specific planning history relating to the application site although there have been a range of previous submissions in other areas of Whitworth Hall Country Park that have sought to improve the economic viability of the park. These include the following:
 - 7/2008/0199/DM (Extension to existing orangery to provide improved access from reception and increase accommodation, listed building application) – REFUSED
 - 7/2008/0149/DM (Extension to existing orangery to provide improved access from reception and increase accommodation) – REFUSED
 - 7/2008/0148/DM (Erection of building to provide function hall and reception area) – REFUSED AND DISMISSED ON APPEAL

- 7/2007/0698/DM (Variation of existing planning permission 7/2006/0484/DM and 7/2007/0027/DM to permit retention of marquee all year round and to extend the period of consent from 3 years to 5 years, expiring on 26th September 2011) - REFUSED
- 7/2007/0027/DM (Extension to existing marquee) - APPROVED
- 7/2006/0484/DM (Retention of marquee) – APPROVED
- 7/2001/0094/DM (Erection of marquee during the months of April to September (inclusive) on an annual basis) - APPROVED
- 7/2000/0146/DM (Erection of marquee from 25th May 2000 to 30th September 2000) – APPROVED
- 7/1999/0313/DM (Erection of marquee for the holding of social functions) - APPROVED
- 7/1999/0312/DM (Variation of planning permission 7/1999/0008/DM to permit the playing of live music within previously approved marquee) – WITHDRAWN
- 7/1999/0008/DM (Erection of marquee during the months of April to September inclusive and December 1st 1999 to January 1st 2000) - APPROVED
- 7/1998/0221/DM (Erection of marquee, April - September inclusive on an annual basis) - REFUSED
- 7/1997/0384/DM (Change of use from residential to hotel including demolition of existing outbuilding, erection of extension to form kitchen and staff areas, erection of conservatory, erection of small kitchen extension to rear of existing library, creation of car parking areas and construction of access road) - APPROVED

PLANNING POLICY

6. National Policy:

- **Planning Policy Statement 1 (*Delivering Sustainable Development*)** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 4 (*Planning for sustainable economic growth*)** sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas, seeking to protect the open countryside for the benefit of all.
- **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 (*Sustainable development in rural areas*)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- **Planning Policy Statement 23 (*Planning and pollution control*)** is intended to complement the pollution control framework under the *Pollution Prevention and Control Act 1999* and the *PPC Regulations 2000*.
- **PPS25 (*Development and flood risk*)** sets out the Government's spatial planning policy on development and flood risk.

7. **Regional Policy:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 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.

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

- **Policy 2 (Sustainable development)** - requires new development proposals to meet the aim of promoting sustainable patterns of development.
- **Policy 8 (Protecting and enhancing the environment)** - requires new development to maintain local distinctiveness.
- **Policy 11 (Rural areas)** - proposals should support development of a vibrant rural economy whilst protecting the Region's environmental assets from inappropriate development.
- **Policy 16 (Culture and tourism)** - promotes culture and tourism and supports the development of a vibrant rural economy that makes a positive contribution to regional prosperity.
- **Policy 32 (Historic environment)** - planning proposals should seek to conserve and enhance the historic environment. Opportunities of heritage led regeneration should be used in a constructive way to achieve social / economic regeneration and encourage its potential for business, education and tourism

8. **Local Plan Policy: Sedgefield Borough Local Plan:**

- E2 (*Preservation and enhancement of historic parklands*)
- E15 (*Safeguarding of woodlands, trees and hedgerows*)
- E18 (*Preservation and enhancement of Conservation Areas*)
- L8 (*Development of Whitworth Country Park*)
- L20 (*Hotels and visitors accommodation*)
- L21 (*Caravan, chalet and camp sites*)
- D1 (*General principles for the layout and design of new developments*)
- D3 (*Design for access*)

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

CONSULTATION AND PUBLICITY RESPONSES

9. EXTERNAL/STATUTORY RESPONSES

- **Spennymoor Town Council** – Has no objections to the proposal.
- **The Coal Authority** – Raised initial objections because of the absence of a Coal Mining Risk Assessment report with the application. This matter has since been resolved following the submission of a report and there are no concerns subject to the imposition of a planning condition to ensure mitigation works outlined within the report are followed during development.
- **The Environment Agency** – Has no objections to this proposal based upon the additional drainage details submitted.
- **Northumbrian Water Ltd** – Has no objections to this proposal.
- **Natural England** – Has no objections to this proposal.
- **Highways** – Has no objections to this proposal, subject to a condition requiring the widening of the main access road to the front of the proposed car parking spaces. Since these comments were received, amended plans have been submitted showing the removal of the parking area extension and it is noted that the road modification would not be needed.
- **The Ramblers** – Has no objections to this proposal.
- **Police Architectural Liaison Officer** – Has no objections to this proposal but notes that consideration should be given to the security of individual cabins.

10. INTERNAL CONSULTEES

- **Public Rights of Way** – Has no objections to this proposal.
- **Planning Policy** – Has no objections to this proposal.
- **Design and Conservation** – Have expressed some reservations about the proposed scheme which is not considered sufficiently detailed to allow a comprehensive assessment of the overall impact upon the immediate setting of the listed building. It is felt that further professional analysis of the scheme should be sought to address the relative levels of significance that should be applied to the integrated heritage asset.
- **Contamination and Environmental Health** – Has no objections to this proposal.
- **Low Carbon Officer** – Requested information regarding the construction materials and sustainability aspects of the build although he has stated that this detail can be conditioned if the application is approved.
- **Arboriculture Officer** – Objects to the proposal because of the perceived decline of the tree stock and the possible removal of healthy trees for displaced parking. It is considered that the scheme would neither protect nor enhance the setting of the Conservation Area.
- **Landscape Architect** – Objects to the proposed chalet development as it is submitted in isolation, unsupported by a Conservation Plan or Master plan. The application is not considered to acknowledge the impact of the proposals on the significance of the landscape asset as a whole and fails to identify the opportunity to potentially restore this landscape and conserve any hidden landscape features. However, it is acknowledged that the proposed development would be sited an area of this historic setting where the least damage is likely to occur due to existing screening and topography.

- **Ecology** – Has no objections, subject to further conditions if approved relating to site lighting and informatives relating to the protection of great crested newts and bats.

11. PUBLIC RESPONSES

The application has been advertised by means of site notice, press notice and by neighbour notification letters. 6no. letters of objection were received in response to this exercise and those making representations have continued to contact the Local Planning Authority, raising further concerns during progression of the application. A summary of the main areas of concerns are as follows:

- The validity/accuracy of the application and supporting statements,
- Perceived impact on trees,
- Possible presence of bats,
- Flood risk and drainage,
- Chemical and domestic waste removal,
- Removal of storage shed and its re-siting,
- Highway safety, access and parking demand,
- Increased electrical supply demand,
- Safeguarding of children using this site,
- Impact on Mine workings and associated water contamination,
- Lack of care and maintenance to parkland and deer herd questions future maintenance of proposed huts,
- Trespassing of adjacent land,
- Impact of development on views and vistas,
- Impact on residential amenity,
- Concern about the Design, appearance and eco- friendliness of cabins,
- Impact on historic parkland setting,
- Request for committee decision,

APPLICANTS STATEMENT

12. The applicant has submitted a detailed planning statement in support of this application, highlighting the following key points:

- “The application is submitted in response to economic pressures to maintain the viability of the hotel and to make it more attractive to guests and in-particular for functions”.
- “The proposal is intended both to support the hotels’ continued use but also sensitive future improvements and alterations to ensure that the hotel remains a long term viable proposition employing local people and attracting tourists and visitors to the area”.
- “The applicant has already invested heavily in improvements to both the hotel and its grounds which were in an almost derelict state at the time it was purchased by him”.
- “Currently the hotel cannot provide for families who are often attending functions. The proposal will provide a solution, improving the services provided to customers”.
- “The development proposed offers significant economic benefits locally and regionally, as well as enhancing the accommodation available to visitors in the area”.
- “Economic benefits include employment, sustainable local businesses, continued maintenance of listed buildings and their parkland setting, and continued public access”.
- “A funding mechanism must be found for the continued upkeep of listed structures which are not income generating in their own right”.
- “The proposed development would only be visible in the immediate vicinity of the site. Longer range views from the east being obscured by distance, topography and trees”.

- “The proposed development does not materially affect the setting of the hall, being on a separate and distinct parcel of land, well screened and removed from the more formal setting to the south and west”.
- “It is the intention of the applicant to continue the improvement and enhancement of the estate through the successful economic operation of his business. The proposed development is indicative of his continued aspirations to do so”.

PLANNING CONSIDERATIONS AND ASSESSMENT

13. 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 are:
- Principle of development,
 - Impact on Heritage assets,
 - Impact on trees,
 - Visual and residential amenity,
 - Highway safety,
 - Pollution and public health,
 - Sustainability and business case,
14. ***Principle of development:***
National and regional policy in PPS4 and the RSS support the principle of diversification in rural areas and promotion of new employment opportunities and tourism. The DCLG ‘*Good Practice Guide on Tourism*’ (2006) also identifies the benefits of tourism in terms of improving revenue, job creation, community well being and improvements to natural and physical environments.
15. There exist no specific policies saved at the local level relating to extensions to existing hotel uses. However Adopted Sedgefield Borough Local Plan Policy L20 seeks to permit new hotels and visitor accommodation within countryside locations in exceptional circumstances, with adopted Policy L21 seeking to permit caravan and camp sites for seasonal use where the site is adequately screened and where the layout and scale of development is sensitive to its settings and surrounding uses.
16. Adopted Policy L8 also encourages the development of outdoor recreational facilities within Whitworth Park Estate, with policy E2 recognising the importance of preserving and enhancing the historic character of historic areas such as Whitworth. The overall benefits of this development are argued to enhance the character and setting of this area to the wider benefits of its future users and inhabitants.
17. Hotel use on the Whitworth Hall site has been established for a number of years and the proposals relate to the extension of hotel facilities on an area currently used as overspill parking. The principle of such works is considered acceptable having regard to the nature of the proposals, planning history and overall policy framework for the site.
18. ***Impact on Heritage assets:***
The application site is located within a Conservation Area and Historic Parkland setting. The site also falls in close proximity to a number of Grade II Listed features, most notably the adjacent Whitworth Hall Hotel. PPS5 acknowledges the importance of such heritage assets as a non-renewable resource which should be conserved in a manner appropriate to their significance.
19. Adopted Sedgefield Borough Local Plan Policies E2 and E18 set out guidelines to preserve and enhance the character and appearance of Conservation Areas through preventing development which would detract from these settings. Proposals must not be detrimental to the historic landscape of the area, with buildings to be sited sensitively and of a scale and design sympathetic to the existing character of the area.
20. The chalets would be erected within an existing clearing to the rear of the hall, on an area presently used for informal, overspill car parking purposes. This site contributes little to the

setting of the historic assets in its current form. The proposed chalets would be few in number and introduced on a phased basis and would not be at odds with the character and appearance of the wider site in terms of scale and design. Furthermore; an existing metal storage building is to be removed to facilitate the development, which would be of some visual benefit.

21. Whilst acknowledging the sensitivity of the Parkland setting and the desire from the design and conservation perspective for further analysis of the proposals it is not considered that this is necessary in this case. A heritage analysis outlining on-site listed features and the resulting impact on views and vistas has been submitted that is proportionate to the scale of the development and sufficiently detailed to assess its affects and relative significance within the parkland surroundings
22. The proposed scheme would not have a significant affect on the heritage assets surrounding this site and would incorporate sufficient measures to minimise any adverse impacts. Indeed it can be argued that there would be some wider heritage benefits from increased investment in the site and the associated contribution to the upkeep of the Park and buildings. The proposals would therefore accord with Policies E2 and E18 of the Local plan, as well as PPS5, which seek to preserve or enhance the character and setting of Conservation Areas and Historic Landscape areas.
23. **Impact on trees:**
Adopted Sedgefield Borough Local Plan Policy E15 seeks to ensure development proposals retain areas of woodland and important groups of trees. 2no. trees (numbers 67 and 68 within the Arboriculture Impact Assessment accompanying the application) would be removed as part of the proposal and a further tree would need to be pruned. In considering the affect of this tree loss, the submitted Arboriculture Impact Assessment states that the trees to be removed are not stand alone, and do not make a significant contribution to the group they form part of. It is concluded that their removal would have “negligible impact on the appearance of the site, and wider area”. Furthermore, the crown of Tree 79 is considered to be heavily asymmetrical, with pruning works necessary to accommodate one of the proposed cabins.
24. The value of these trees is not queried by the County Arboriculture Officer but some concerns have been raised over a perceived decline in tree stock which may be accelerated by the proposed development, as well as the removal of healthy trees to facilitate displaced parking. No firm evidence has been provided in support of these comments and the position remains inconclusive in the absence of any method statements within the application. However, the proposal has been amended to help alleviate the potential impact on nearby trees and it is no longer intended to create an additional parking area off the access road. and disturb the land around the trees.
25. The proposed works would be undertaken by a qualified tree surgeon, working to current best practice and any approval can be conditioned to ensure protection measures are implemented for the wider group of trees. Mitigation measures are set out within the submitted arboriculture report and a management plan would be submitted to safeguard and sustain tree cover in this area going forward. Subject to the implementation of these steps it is considered that the impact of the development on trees would not be significant and the proposal would accord with adopted policy E15.

26. **Visual and residential amenity:**

The application site is well contained and is predominantly seen from areas within the parkland itself. Taking into account the topography of the site, size and appearance of proposed units, and the substantial natural screening that would remain, it is considered that the development would have limited visual impact within the wider landscape.

27. The site is also relatively isolated, with the nearest residential properties located some 130m to the south west beyond an area of woodland. Access would be secured via the existing private road through the estate that is located away from these properties. As the proposed chalets would be related to the main use of the hotel it is not considered that there would be any significant new impacts in terms of noise, disturbance or traffic resulting from this development. Furthermore, there would not be any loss of privacy or amenity to nearby dwellings owing to the

degree of separation between the buildings and presence of existing planting. The proposal would therefore accord with the principles of adopted Sedgefield Borough Local Plan Policy L21 in this respect, which seeks to promote such uses that do not have a significant harmful effect on the living conditions of local residents.

28. Highway safety:

The site would continue to be accessed via the existing private road that links with Whitworth Road in the south western corner of the hotel grounds. There are no highways objections to the use of this route or to the proposed parking arrangements, which are considered satisfactory taking into account the proposed use. This application is considered to satisfy the principles of adopted Sedgefield Borough Local Plan Policy D3.

29. It is also possible to access the site from a small service road to the west that also serves residential properties. The main access to the site is clearly signposted and there is no intention to use this alternative route. However, it is suggested that the applicant is reminded by way of an informative of the need to utilise this access as opposed to the rear service entrance.

30. Pollution and public health:

Details submitted in support of the application identify how foul drainage and waste is to be removed from the site. Neighbour concerns have been raised about this and also over the perceived impact of flooding to their properties arising directly from the proposed development. The site is not located in an area that is sensitive to flooding in terms of the flood zone classification (Flood Zone 2 or 3) and no objections have been raised by the Environment agency, NWL or Environmental Health team, which are satisfied with the details which have been submitted. The application is therefore considered to satisfy the requirements of national Planning Policy Statements 23 and 25 with regards to flood risk and pollution control.

31. Sustainability and business case:

Planning Policy Statement 4 recognises the importance of promoting economic development in rural areas. RSS policy 16 also acknowledges the importance of encouraging cultural and tourism developments which benefit the local economy, people and the environment without diminishing the attractiveness of the place visited.

32. The applicant states that the existing park facility employs 70 staff (25 of which are full time) and that this figure is doubled during the busier summer months. A further 6 jobs would be created to service the proposed chalets. These are required because the existing hotel facility currently has insufficient family accommodation, which can be problematic when there are private functions and events held on the site. The proposed cabins are expected to meet this need whilst also allowing for a self-catering style of living. In doing so they would help to improve viability of the site, allowing for future investment and continued management and maintenance of assets.

33. In addition to the provision of jobs the hotel also makes indirect contributions to the local economy in terms of supporting other businesses that provide services and products and from visitor spend in the area. It is also a leisure facility that is used by local people. The continued viability of the site would therefore have wider benefits within the surrounding area.

34. Other considerations:

A range of issues and concerns have been raised by local residents. Some of these including the perceived impact on views, lack of maintenance, and the impact of increased electrical supply on existing properties are not material planning considerations.

35. Concerns have also been raised over trespassing and the perceived impact of future visitors on this site and their relationship with adjacent uses including the nearby Girl Guides facility. Whilst public safety is an issue of paramount importance, there is no evidence to suggest that future users of this site would present any more of a threat to neighbouring uses than the existing park facility which remains open for public use. It also cannot be assumed that users of the proposed chalets, (which are geared towards family occupation and linked to the hotel use) would compromise safety in and around the site

36. It is noted finally that although the Park is in private ownership the applicant has maintained an 'open access' policy in terms of public use of the grounds. It is acknowledged that recent events leading up to the consideration of this application by the Planning Committee has resulted in the removal of this permissive use from some individuals. However, this is a private matter between the parties concerned and should have no bearing on the planning determination of the proposals.

CONCLUSION

37. Whitworth Hall Country Park Hotel is an established tourism and leisure facility set in an area of acknowledged historic and visual importance. The proposals are directly related to the main use of the site and would upgrade and expand the hotel facilities that are available to better cater for visitor need and demand and help to secure the viability of the business.

38. In considering the specific elements of the scheme, it is acknowledged that the proposal would have some local affect on the immediate landscape. However, the development would take place in an area presently used as informal parking to the rear of the site that contributes little to its wider protected setting. Furthermore, the proposed chalets would be of limited scale and suitably screened, allowing them to be satisfactorily integrated into their surroundings. The loss of 2 existing trees would be regrettable but this would have no significant visual impact and appropriate mitigation and management measures would be put in place to maintain overall cover.

40. Despite some public opposition to the proposal and the concerns of some consultees it is considered that the scheme raises no substantive planning issues that cannot be satisfactorily addressed.

42. In conclusion therefore it is considered that the proposed development is acceptable in planning terms and would help to secure the long term future of this historic site and its landscape setting. In doing so it would satisfy the requirements of Planning Policy Statements 1, 4, 5, 7, 23 and 25, RSS Policies 2, 8, 11, 16 and 32, as well as adopted Sedgfield Borough Local plan Policies E2, E15, E18, L8, L20, L21, D1 and D3.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. T001 (Time limit – FULL)

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

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

2. NS01 (Approved plans)

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 2586/01 (Site location plan)
- 2586/02 rev A (Block plan as existing)
- 2586/03 rev F (Block plan and cabin drawings as proposed)
- 2586/05 rev B (North site elevation)
- 2586/06 rev A (Building siting in response top root protection area)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. NS02 (Materials and energy efficiency)

Notwithstanding any details of materials submitted with the application, no development shall commence until details of the make, colour and texture of all walling and roofing materials, plus the efficiency and sustainability aspects of the build, have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy E18 (Preservation and enhancement of Conservation Areas)

4. L001 (Landscaping details)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.

5. L002 (Landscaping implementation)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.

6. NS03 (External lighting)

No external illumination, including additional security equipment, shall be erected at the site until specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these agreed details.

Reason: Policy E18 (Preservation and enhancement of Conservation Areas)

7. NS04 (Chalet limits)

All 10no. chalets hereby approved shall be occupied for holiday purposes only. No chalet approved by this planning permission shall be occupied as a person's sole or main place of residence. The operator's of the site shall maintain an up-to-date register of the names of all occupiers of individual chalets and of their main home addresses and shall make such information available at all reasonable times to the Local Planning Authority, upon request

Reason – To ensure the caravans remain in use for holiday purposes only

8. NS05 (Removal of PD rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls, fences or other means of enclosure around each chalet and any satellite dishes to be erected on any chalet shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of safeguarding the visual amenity of the area.

9. NS06 (Coal mining risk assessment)

No development shall take place unless in accordance with mitigation works outlined within section 6 of the submitted Coal Mining Risk Assessment report (project no: EES11-068, 16 June 2011).

Reason: The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining.

10. NS07 (Tree protection plan)

Prior to commencement of any development, a Tree Management Plan which concentrates on the preservation of root systems of nearby trees both during and after construction must be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in full accordance with this plan thereafter.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodlands, trees and hedgerows).

11. NS08 (Tree works – Notification)

The Local Planning Authority must be given 7 days notice of commencement of works within identified Root Protection Area, and operations must not commence without the attendance of a member of the Landscape Team.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodlands, trees and hedgerows).

12. NS09 (Root Protection Areas)

The root protection area of nearby trees shall not be disturbed, compacted, removed or excavated without the prior written consent of the Local Planning Authority. Any such works must be the subject of a site specific method statement submitted to and approved in writing by the Local Planning Authority. The Method Statement must include, but not confined to, site levels before and after construction, product details and specifications, a plan of works and porous surface for any construction within the RPA.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodlands, trees and hedgerows).

- INFORMATIVE

Great crested newts are protected by both UK and European legislation. Should great crested newts be discovered at any stage during the development, work must stop immediately and urgent advice be sought from Natural England. Failure to do may result in an offence being committed, regardless of planning consent.

- INFORMATIVE

The granting of planning permission does not absolve the developer from complying with the relevant law in respect of Protected Species, including obtaining and complying with the terms and conditions of any licenses required under Part IV B of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

- INFORMATIVE

Building Regulations Consent may be required for the proposed works. Please contact a member of the Building Control section for further assistance with this matter (03000 261061).

- INFORMATIVE

The applicant is hereby reminded that vehicular access to these chalets should be gained via the main site access to Whitworth Hall and not the service access to the rear of the site. Patrons should be directed to the use of this access where possible, subject to further planning controls regarding the erection of signage.

- INFORMATIVE

The Durham County Police Architectural liaison Officer reminds the applicant of the need to carefully consider site security issues. Please contact this officer (Steven Drabik, 0192 375 2175) for further assistance with this matter.

- INFORMATIVE:

The Coal Authority provide the following advice in relation to this application:

General Information for the Applicant

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's Page 17 website at: www.coal.gov.uk/services/permissions/index.cfm

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

- **INFORMATIVE**

The Environment Agency provide the following advice in relation to this application:

Advice to Applicant

The re-siting of the package treatment plant should be done in such a way that no effluent can escape from the tank. We would prefer the tank to be sited as far away as possible from the watercourse at the eastern edge of the site, to avoid any pollution getting into the watercourse.

You should ensure that the existing package treatment plant is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any increase in flow and loading which may occur as a result of this proposal.

Please note that under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less or 2 cubic metres per day to ground may be eligible for an exemption and will need to register before they commence making the discharge.

An Environmental Permit from the Agency is normally required for discharges above this volume. It is illegal to discharge sewage effluent without either an exemption registration or an environmental permit.

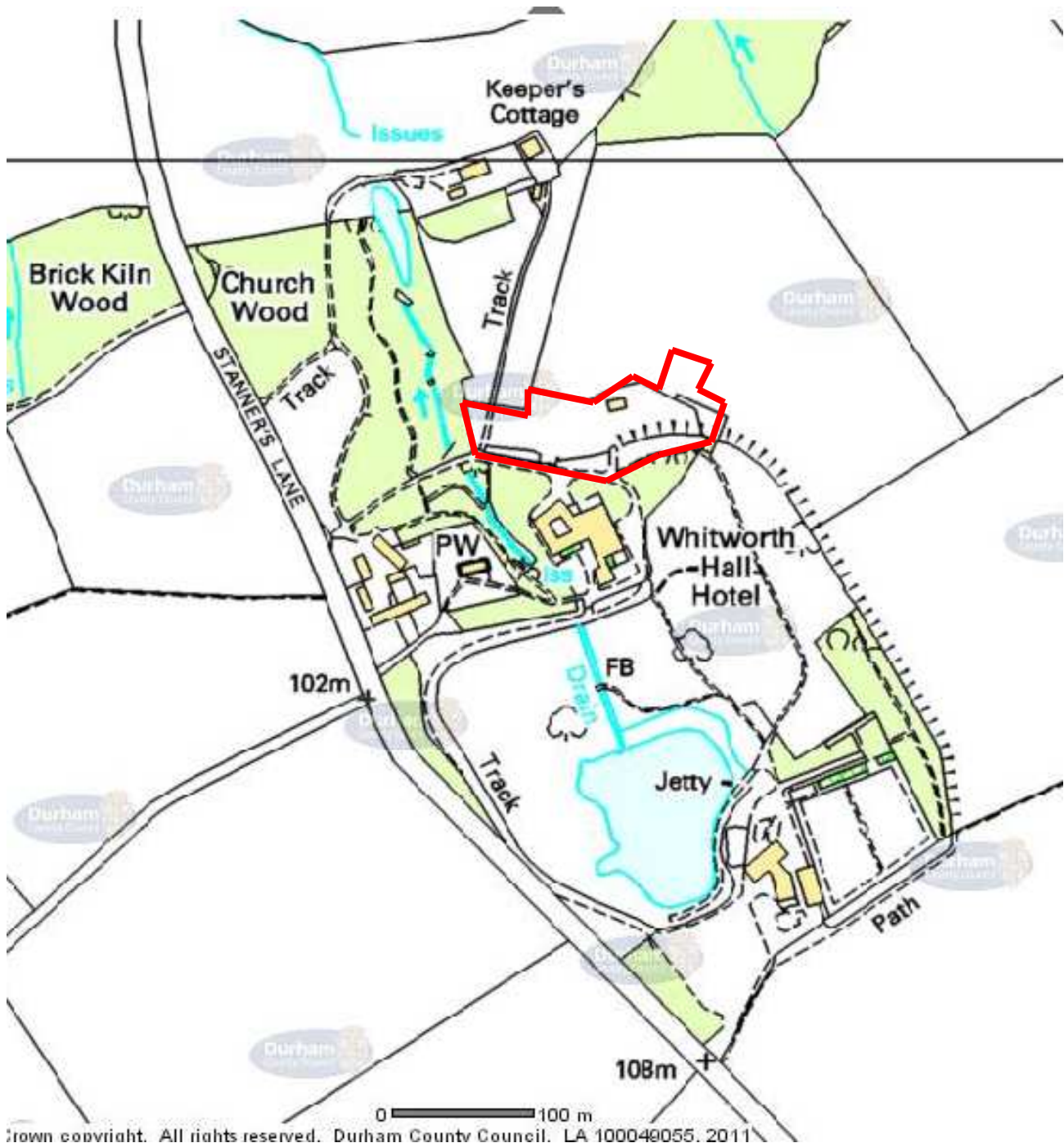
In addition, the site must be drained by a separate system of foul and surface water drainage, with all clean roof water and surface water being kept from foul water. Further information on general surface water drainage issues can be found on our website at: <http://www.environment-agency.gov.uk/research/planning/82584.aspx>.

REASONS FOR THE RECOMMENDATION

- The proposal represents development that would not be detrimental to the Conservation Area, Historic Parkland or Listed building and its setting. This proposal is also considered acceptable in terms of its impact on the living conditions of local residents, ecology and highway safety, being of a sensitive scale, layout and design. The objections received were not considered sufficient to lead to refusal of the application as, on balance, the positive economic benefits of the tourism proposal out weight the potential negative impacts on the landscape and heritage assets at this particular location.
- The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
 - E2 (*Preservation and enhancement of historic parklands*)
 - E15 (*Safeguarding of woodlands, trees and hedgerows*)
 - E18 (*Preservation and enhancement of Conservation Areas*)
 - L8 (*Development of Whitworth Country Park*)
 - L20 (*Hotels and visitors accommodation*)
 - L21 (*Caravan, chalet and camp sites*)
 - D1 (*General principles for the layout and design of new developments*)
 - D3 (*Design for access*)

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Sedgefield Borough Local Plan 1996
 - Planning Policy Statement 1 (*Delivering Sustainable Development*)
 - Planning Policy Statement 4 (*Planning for sustainable economic growth*)
 - Planning Policy Statement 5 (*Planning for the Historic Environment*)
 - Planning Policy Statement 7 (*Sustainable development in rural areas*)
 - Planning Policy Statement 23 (*Planning and pollution control*)
 - Regional Spatial Strategy
 - E2 (*Preservation and enhancement of historic parklands*)
 - E15 (*Safeguarding of woodlands, trees and hedgerows*)
 - E18 (*Preservation and enhancement of Conservation Areas*)
 - L8 (*Development of Whitworth Country Park*)
 - L20 (*Hotels and visitors accommodation*)
 - L21 (*Caravan, chalet and camp sites*)
 - D1 (*General principles for the layout and design of new developments*)
 - D3 (*Design for access*)
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Application No.	7/2011/0071/DM
Location:	Whitworth Hall Country Park Hotel, Whitworth, Spennymoor, DL16 7QX
Description:	Erection of 10no. Chalets for holiday accommodation and creation of car park to serve hotel

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 7/2010/00367/DM
 FULL APPLICATION DESCRIPTION: Erection of 52 No. Dwellings
 NAME OF APPLICANT: Persimmon Homes
 ADDRESS: Land north of Rose Street, Trimdon Grange, Co. Durham.
 ELECTORAL DIVISION: Trimdon
 CASE OFFICER: David Walker Snr. Planning Officer
 Tel. 03000 261054
 Email. David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. The application site comprises an irregularly shaped parcel of land measuring approximately 1.5 hectares fronting Rose Street which is situated at the northern edge of Trimdon Grange.
2. The vast bulk of the application site is a brown field site and contains a small cleared site between Salter's Lane (B1278) and the Methodist Church and existing garage – MK Motors. A larger section of the application site is located to the east and north of the church and garage and this contains a large detached dwelling Rose Cottage and a range of industrial buildings occupied by Kemp Plant Hire.
3. The area to the north and east contains a mix of woodland and agricultural land whilst a car parking area, area of amenity open space and the former Aged Miners Homes at Galbraith Terrace are located to the south of the application site. Trimdon Grange Industrial Estate is located immediately to the west of Salter's Lane.
4. This application seeks planning permission for the construction of 52 dwellings within the site. Seven dwellings would be located in the area of land between Salter's Lane and the existing Methodist Church; vehicular access would be taken directly from Rose Street. The remaining 45 properties would be accessed via an internal estate road served from Rose Street and located immediately to the east of the MK Motors garage site.
5. The submitted scheme includes a mix of house types containing terraced housing, semi-detached and detached housing varying in size from 2-4 bedrooms. An area of amenity open space measuring approximately 1500 square metres is located within the application site adjacent to, and east of, the entrance to the larger eastern section of the site.
6. During the course of this application a second revised layout showing a reduced number of units totalling 47 dwellings has been prepared illustrating how the layout could potentially be amended. However, this proposal has not been the subject of

public consultation and this does not form part of the planning application currently under consideration.

7. The application has been submitted with a range of supporting information including a Design and Access Statement, Planning Statement, tree report, flood risk assessment, extended phase 1 and protected species survey, statement of community involvement, geotechnical and ground contamination desk top review, affordable housing statement and site waste management plan.
8. This application is reported to committee as it falls within the definition of a major development.

PLANNING HISTORY

9. This site has a complex planning history a summary of which is outlined below for Member's consideration.
10. Several planning applications were submitted and approved in relation to the Kemp Plant Hire operations at this site including the erection of a building for a plant hire depot in 1985 (App. No. 1985/1012) and change of use from workshop and sale room to workshop (App. No. 1986/ 0143). Planning approval was also granted to change the use of part of the highway at Rose Street and landscaped area adjacent to form a staff car park to serve the adjoining commercial business (App. No. 1993/0069).
11. An application seeking retrospective consent for a storage building and an extension to another the storage building in connection with the established plant hire business and agricultural activities, construction of a sunken generator house and 2.4 m high boundary wall (App. No. 1998/0348) was also approved.
12. A planning application for a swimming pool and garage extension to the existing residential property at Rose Cottage was also approved (App. No. 1989/0156).
13. An outline planning application for residential development on this site was submitted in 2006 (App. No 2006/0069) this was recommended for conditional planning approval subject to the applicant entering into a legal agreement to provide a minimum of 10% affordable housing, management and maintenance of open space, a design code for the development (including a mix of house types) and the provision of a 1.8m wide footpath along the northern side of Rose Street from the junction with the B1278 to the entrance to the development site. However, it would appear that the legal agreement was never completed.

PLANNING POLICY

6. National Policy:

Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Climate Change sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. The key principles including ensuring high quality development through good and inclusive design, and efficient use of resources.

Planning Policy Statement 3 (PPS3) Housing sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

This also states that the priority for development should be previously developed land, in particular vacant and derelict sites.

Planning Policy Statement 9 (PPS9) Biodiversity and Geological Conservation: sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance 13 (PPG13) Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Statement 23 (PPS 23) sets out the relationship between pollution control and the planning process under the overall heading of Sustainable Development. This Policy statement requires that local authorities must be satisfied that planning permission can be granted on land use grounds following consultation with the relevant pollution control authority. The Local Planning Authority should, in its assessment of a planning application, satisfy itself that the potential for contamination and any risks arising are properly assessed and the development incorporates the necessary remediation and management measures to deal with unacceptable risk. It should not, however, replicate the role of other relevant authorities.

Planning Policy Guidance 24 (PPG24) Planning and Noise guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

7. Regional Policy

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 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 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

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

Policy 24 - Delivering Sustainable Communities - all development within the Region should be designed and located to deliver sustainable communities. Proposals should assess the suitability of land for development and the contribution that can be made by design in relation to 16 detailed criteria, including concentrating development in urban locations, reducing need to travel, proximity to infrastructure, health and well-being, biodiversity and crime prevention/community safety.

8. Local Plan Policy:

As this application is located within the former Sedgefield Borough Council area the Local Plan Policies are contained within the Sedgefield Borough Local Plan (1996).

Policy H8 (Housing Development in Villages) presumption in favour of residential development within defined larger villages, including Trimdon Grange, and establishes a settlement boundary for those villages.

Policy H11 (Housing development in the Countryside) states that the extension, infilling or redevelopment of ribbons or of sporadic groups of houses outside of the towns and villages listed in Policy H8 will not normally be approved.

Policy H19 (Housing for Particular Groups) encourages developers to provide a variety of house types and sizes, and where a need is demonstrated, affordable housing.

Policy L1 (Provision of Open Space) seeks to ensure that sufficient open space is provided to meet the needs of the former Sedgefield Borough.

Policy L2 (Open Space in Housing Developments) sets standards for provision of open space and play facilities within new residential developments.

Policy D1 (Design Principles) sets out principles which should normally be applied to the layout and design of all new developments.

Policy D3 (Designed with pedestrians, cyclists, public transport) aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.

Policy D5 (Layout of New Housing Developments) sets out principles which should be applied to new housing developments to ensure they provide a safe and pleasant environment in which to live with access routes that are safe and accessible for all users.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY /EXTERNAL RESPONSE

9. **Trimdon Parish Council** has not commented upon this application.

10. **Highways Authority** has made a number of detailed comments in relation to the submitted layout, particular concern was raised that the layout did not include a 1.8m wide footway on the northern side of Rose Street between the site entrance and Salter's Lane. The scheme also includes 7 properties which are shown to be served by a private shared driveway this arrangement is unacceptable in highway terms as the maximum number of dwellings served by a private drive is 5.

11. It was also suggested that the private driveway to several plots would need to be revised, that the proposed layout be amended to improve the inter relation between the housing and the allocated car parking within the scheme. It was also requested that additional on site car parking provision be accommodated in order to reflect the characteristics and size of house types proposed within this proposal.

12. **Police Architectural Liaison Officer** has raised no issue regarding the proposed layout but has suggested that those plots backing onto open space be protected with a 2m high close boarded fence re-inforced with low defensive planting and that the width of the proposed garaging be increased from 2.5m to 3.0 in order to encourage greater use of the garages for storing vehicles.
13. **Environment Agency** has no objections to the proposal but have recommended that planning conditions be attached requiring the submission of details in relation to surface water disposal and land contamination prior to the commencement of work on site.
14. **Northumbrian Water Limited** has raised no objection to the proposal subject to the imposition of planning conditions being attached restricting the commencement of development until a detailed scheme has been submitted and agreed regarding the diversion of the existing public sewer within the site and in relation to the disposal of surface water.
15. **Natural England** has no objection to the proposal but has stated that this proposal may affect Bats which are a European protected species. As such, it was advised to consult Natural England's standing advice regarding this matter.
16. **Northern Gas Networks** have raised no objection to this proposal but have provided details of their apparatus within the site.

INTERNAL CONSULTEE RESPONSES

17. **Forward Plans section** has provided detailed comments in respect of this proposal. These comments are outlined in detail within the Planning Considerations and Assessment section of this report.
18. **County Ecologist** is satisfied with the methodology used within the Phase 1 and Protected Species Survey and has recommended that the mitigation measures detailed within the above report regarding the provision of satisfactory alternative roost space are provided in advance of any works commencing on the original roost building. It was also recommended that a lighting strategy be developed and submitted to the LPA prior to any works commencing on site, that a planning condition be included to prevent vegetation clearance and /or building demolition during the bird breeding season.
20. It was suggested that a new hedgerow alongside the northern and eastern boundary of the site be included in order to create bio-diverse green linkages through the site and to form a natural boundary within the rural landscape beyond. It was also pointed out that it is an offence to plant or otherwise cause these species to grow in the wild a number of Cotoneaster species. As such, it was suggested that the Cotoneaster horizontalis referred to in the planting schedule be replaced with a more appropriate wildlife friendly shrub.
21. **Sport & Leisure Services** have stated that this area of Trimdon is currently well served by children's play sites it was, therefore, suggested that instead of providing additional play equipment on site a commuted sum be utilised to upgrade the existing facilities within this area.
22. **The Environmental Health Officer** has stated that it is recognised as Best Practice for a noise assessment to be conducted when a residential development is proposed close to existing noise sources, such as an industrial estate and road network. A noise assessment was considered necessary in this case because of

the close proximity of the proposed housing to the existing industrial premises adjacent to the application site. It was also stated that there is potential for short term effects to occur to existing nearby residential receptors during the construction phase of the development of the site. It was, therefore, suggested that the applicant submit a report detailing how noise and dust would be controlled during construction to prevent disturbance to surrounding residential properties.

23. Notwithstanding the Desk Top study and geo- technical report already provided in support of this application it was suggested that a planning condition be attached requiring the submission and approval of a Phase 2 Site Investigation report. This report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures. After remediation measures are implemented at the site, a final validation statement shall be submitted to the local planning authority.
24. **The Senior Low Carbon Officer** has stated that this scheme would need to satisfy the RSS requirement of 10% renewable energy within this development proposal.

PUBLIC RESPONSES

25. This planning application has been advertised via a press notice, the posting of site notices and via direct neighbour notification. As a result 3 written representations were received in respect of this proposal.
26. The owner of MK Motors which operates from Rose Street and would be bounded to the north and east by the proposed development has objected to this proposal. It has been pointed out that at the time that he purchased the existing garage in 2007 the previous owner declared that he had enjoyed *unrestricted access since 1980 along Rose Street ... and along the unmade road to the west of the property serving the rear of the property*. The submitted layout would, however, include proposals to build two private garages and three rear gardens upto the rear of the existing garage building and over the existing rear service yard.
27. One local resident from Enneffar raised no objection to this proposal but sought reassurances that no vehicular or pedestrian access serving the proposed development would be taken from the existing private vehicular access to the east of his property. Clarification was also sought that the existing sewer to the rear of Galbraith Terrace was capable of sustaining the additional flows generated by this proposal.
28. The minister of Trimdon Grange Methodist Church also wrote in on behalf of her congregation. Whilst the construction of houses in this area was welcomed concern was raised regarding the close proximity of the proposed housing to the west of the church building. It was pointed out that the aging Church building will need to be the subject of ongoing maintenance and structural repair in the future. As the congregation are *anxious to maintain the building in a safe state of repair for ourselves and the occupants of the new houses*.

APPLICANT'S STATEMENT

29. The applicant has submitted a Planning Statement and a Design and Access Statement in support of this planning application.
30. These explain that the layout includes a variety of detached, semi-detached and terraced dwellings, the majority of which would be arranged around a 'T' shaped roadway leading from Rose Street. Seven dwellings are shown fronting onto, and directly accessed from Rose Street. All units would have good standards of amenity, including well-proportioned rear gardens. In addition the layout

demonstrates that all dwellings would have off-street parking as well as access to on site visitor parking.

31. The application site is an existing Brownfield site and contains a mix of light industrial units and for many years has been occupied by Kemp Plant hire. The site, although on rising ground, is well screened by existing surrounding screen planting.
32. Development will primarily consist of a mix of two and three storey detached, semi-detached and terraced properties of high quality design, sympathetic with its surroundings in terms of bulk scale and massing. In addition, access can be achieved through the existing highway infrastructure and the adjacent public footpath connections which border the southern boundary of the development site ensure that the creation of a new residential parcel within the locality not only compliments, but seamlessly integrates with the adjacent residential areas.
33. The layout is legible and simple, incorporating a wide mix of high quality design house types of varying sizes offering different accommodation ranging from smaller two bedroom starter units to larger family dwellings in the form of detached, semi-detached and terraced housing with the aim of developing an inclusive community. The range of house types breaks up the urban block structure creating a varied streetscape softened by structural landscaping.
34. Access to public transport is essential for social inclusion with this in mind the existing bus services which operate along the B1278 to the west and Peel Avenue and Galbraith Terrace to the south are within easy walking distance of the development. It is proposed that by maximising the potential to travel by public transport, bicycle or foot, the development will be in keeping with the local policies D3 and national objectives to create sustainable communities, less dependant on the motor car.
35. The development proposals incorporate a generous proportion of public open space which forms a 'Village Green' within the development. This creates an attractive focal point and usable area on site for recreational open space for residents. In addition, directly south of the development is a large area of amenity space, which when combined with the on site provision, creates a vast recreational green corridor between the application site and the Aged Miners' Homes situated on Galbraith Terrace.
36. It is stated that this proposal will provide attractive 'positive' frontages onto 'Rose Street' with front accessed dwellings and pedestrian links from the neighbourhood to ensure the development setting is protected and exploited to the best advantage.
 - Block structure of residential units fronting onto the main arterial access route to provide natural surveillance of the public realm.
 - Strong character mixed with a range of terraced, semi-detached and larger detached dwellings break up the urban form creating a varied and attractive streetscape.
 - Residential units pulled back from sensitive edges creating a 'back garden buffer' to reduce the impact of development on neighbouring land use and protect amenity.
 - Generous provision of on-site public open space, overlooked by residential units to provide natural surveillance. The site also links with the large area of amenity space directly to the south of the development, creating a vast, recreational green corridor through the north of Trimdon Grange.
 - The site is well positioned in relation to public transport links with existing bus

stops within easy walking distance as well as good links to the public right of way which runs along the southern site boundary.

37. Although the application site is located outside the residential framework of Trimdon Grange, as identified by the Sedgefield Borough Local Plan, it is pointed out that National Planning Policy is also a material planning consideration
38. The applicant has stated that this proposal would not cause material harm and that this would comply with guidance contained within PPS3. In that this scheme would provide-
 - A high quality design will be ensured via the DC process
 - Housing mix will demonstrate compliance with the SHMA findings
 - The sites suitability has been confirmed in the SHLAA whilst site specific sustainability will be ensured via the DC process
 - The DC process will ensure the site is used efficiently
 - The sites approval is in line with housing objectives, will meet need and demand, fully accords with the spatial vision for the area and will not undermine wider policy objectives
39. In relation to the above PPS 3 criterion, whilst the application site lies just outside the existing settlement boundary, its development for housing would, for the reasons set out above, represent a sustainable urban extension when considered against the main provisions of PPS3. The proposal would have the added benefits of sustaining existing shops and services within Trimdon Grange, and contributing towards the national target of at least 60% of new housing development being on Brownfield sites.
40. It is also considered that the proposal would help to consolidate the village to the north, and significantly improve the visual amenity of the locality. Rose Street has historically exhibited poor visual qualities through indiscriminate outside storage of materials and the general poor quality of buildings. The opportunity here for environmental improvement is significant. These material considerations are considered to outweigh the normal presumption against development outside the settlement envelope under Policy H8 of the Sedgefield Borough Local Plan.
41. Furthermore, the development in fully in accordance with paragraph 54 of PPS 3 states that to be considered deliverable, sites should:
 - Be available – the site is available now
 - Be suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable mixed communities.
 - Be Achievable – there is reasonable prospect of this site coming forward within five years.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

- * Principle of Development
- * Layout and Design
- * Affordable housing
- * Open Space
- * Access and highway issues
- * Noise
- * Impact on Wildlife

* other issues raised during application.

Principle of Development

43. Whilst the proposed site is outside of the existing settlement boundary as defined by Policy H8, its development for housing would represent a sustainable urban extension to Trimdon Grange. Housing will occupy previously-developed land that is located to the north of the village.
44. Although not an overriding factor, additional housing will help to sustain existing shops, services and facilities within Trimdon Grange.
45. The scheme would contribute towards the national target that by 2008, at least 60% of additional housing should be provided on Brownfield land. The regional target (as set out in Policy 29 of the RSS) is 65% and the scheme would contribute to this target.
46. New dwellings on the site would not be unduly intrusive and in many ways would consolidate the village to the North.
47. It is considered that the proposal represents an opportunity to redevelop this site and improve the visual amenity of the immediate area generally.
48. Taking the above circumstances into consideration the Council's Planning Policy section are of the opinion that there is sufficient justification for giving favourable consideration to the redevelopment of this edge of village Brownfield site in principle provided that the issues relating to design, highways, open space provision, noise and ecology can be satisfactorily resolved.

Layout and Design

49. PPS1 Sustainable Development states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. It is therefore of key importance that new development should be of a high quality of design.
50. These sentiments are re-iterated in Policy 8 of the Regional Spatial Strategy which seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.
51. Policies D1, D5 and SPG 3 of the Sedgefield Borough Local Plan seek to ensure the layout and design of new developments are in keeping with the surrounding area and achieve satisfactory privacy and amenity of the neighbouring residents.
52. The overriding principles of the design policies of the Local Plan requires new housing development to have an attractive appearance, be durable, function well for their users and be designed to relate well to the surroundings of the site and the landscape setting.
53. Notwithstanding the comments contained within the applicant's Planning Statement and Design and Access Statement it is felt that the proposed design and layout of this scheme is somewhat disappointing and fails to maximise the opportunities presented within the site and does not reflect the design principles outlined in Best Practice such as CABI Building for Life Standards.

54. The scheme relies heavily on the use of standard house types and with the exception of a small number of dual fronted houses they appear to lack a coordinated design which provides a sense of place or individuality. Nor does the current proposal appear to reflect the characteristics of the older or more distinctive buildings within this area.
55. The design of the current layout also fails to provide key focal points or strong building lines. The lack of a strong building line is particularly noticeable for several plots which are located on the smaller but more prominent section site adjacent to Salter's Lane. Nor does this appear to take into account the topography of the site which falls sharply towards the eastern edge of the application site and is in part cut into the existing embankment to the north of the site.
56. The rear gardens of several plots are extremely limited. In some cases the rear gardens are approximately 6.5-7.0m in length a factor further exacerbated by the relationship between the rear gardens and the existing retaining walls.
57. The inter relationship between the proposed housing and the existing industrial unit was also a cause for concern because of concerns regarding both overshadowing, fumes and noise. The issue of noise is considered in a later section of this report.
58. Although the site does benefit from a significant degree of screening provided by off site planting to the north west and south. Further potential exists to improve the setting of the development further by introducing hedgerow planting along the north eastern and eastern perimeter of the development.
53. In conclusion, the layout and design of the proposal is considered to be unsatisfactory in that it fails to provide a quality of development which provides a sense of place. The high number of units within the proposal is considered to represent an over development of the site which has led to several of the plots being located in close proximity to adjacent buildings or retaining walls resulting in a cramped appearance. As a result it is considered that several of the proposed properties are likely to have sub standard levels of amenity. The proposals are, therefore contrary to Policies D1, D5 and SPG 3 of the Sedgefield Borough Local Plan and Policies 8 and 24 of the Regional Spatial Strategy.

Affordable Housing

54. The provision of affordable housing within this development site was considered to be a significant positive benefit arising from the proposed development of the site when the outline planning application to develop this site was first considered in 2006 (App. No. 2006/ 0069).
55. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for a 20% requirement for affordable housing across the (former district) Sedgefield area.
56. However, recent High Court judgments have underlined the need to consider factors such as economic viability in formulating policy targets, in accordance with Government guidance. The viability of the site was previously considered in relation to the earlier outline scheme (App. No. 2006/0069) where after taking into account the remediation costs of the site the level of affordable housing to be provided on this site was reduced from 20% to 10%.
57. The applicants have demonstrated that the inclusion of affordable housing will make their scheme unviable; this has been independently tested by County Council officers.

Access and Highway Issues

58. The proposed layout and access arrangements have been examined by the Highway Authority who found that the proposed layout was unsatisfactory in highway safety terms in that this did not include a 1.8m wide footway on the northern side of Rose Street between the site entrance and Salter's Lane. This lack of a direct and safe pedestrian access route from the application site to Salter's Lane was deemed to be contrary Policies D1, D3 and D5 of the Sedgefield Borough Local Plan in that fails to provide a safe, convenient and attractive environment.
59. It was also felt that the internal road layout was inadequate in that 7 properties are to be served by a private shared driveway and the car parking arrangements were in sections found to be unsatisfactory, contrary to Policies D1 and D3 of the Sedgefield Borough Local Plan.

Provision of Open Space and Play Areas

60. Policy L2 of the Borough Local Plan stipulates that housing developments should provide for open space at a minimum rate of 100 sqm of informal play space and 500 sqm of amenity space for every 10 dwellings. Plus a contribution towards the provision of new or improved equipped play areas and outdoor sports facilities to serve the development.
61. PPS3 which is more up to date generally, promotes higher housing densities, and it is rarely possible to meet the Policy L2 standards.
62. To assess the degree of open space that should be provided on this site, due regard has to be given to requirements of PPS3, to current planning policy on open space, and also to the Council's Open Space Needs Assessment (OSNA). Paragraph 16 of PPS3 states that when assessing the design quality of a developers proposed housing scheme, Local Planning Authorities are to consider the extent to which the proposed development provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
63. The Open Space Needs Assessment has demonstrated that Trimdon Grange is well provided for in terms of open space provision.
64. Whilst the quantity of open space is important it is also important to take into account the location of the existing open space within this settlement, the accessibility of this open space from the proposed development site and the actual needs arising from the development itself. With this in mind, the applicant is proposing to provide an area of amenity open space at the entrance of the site so that this can provide easily accessible informal play provision; this also provides a natural linkage to the existing amenity open space south of Rose Street. Opportunities also exist to provide additional play equipment in existing recreational areas off site.
65. Bearing in mind the good current level of existing provision within the Trimdon Grange area it is considered that a contribution of a commuted sum by the developer could be put to good use to enhance existing facilities within the area which would be beneficial not only the occupants of the new dwellings, but also the existing residents within this area.
66. However, in spite of this shortfall being identified the applicant has failed to either increase the area of open space within the site nor have they agreed to enter into a

Section 106 agreement in relation to the commuted sum to compensate for the under provision on site and pay towards the provision of play equipment off site.

67. It is considered that this proposal is contrary to the provisions of Policies L1, L2 and D5 of the Sedgefield Borough Local Plan.

Noise

68. Planning Policy Guidance 24 outlines Government advice as to how Local Planning Authority's should assess site noise with considering planning applications. Para. 2 of PPG 24 recognises that *'the impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations. It will be hard to reconcile some land uses, such as housing ... With the activities which generate high levels of noise but the planning system should ensure that wherever practical, noise sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development)'*.

69. It is recognised that a number of measures can be utilised to mitigate the impact of noise including engineering including the protection of surrounding noise sensitive buildings (e.g. by improving sound insulation in these building and / or screening them by purposes built barriers) and by altering the layout so that adequate distance between source and noise sensitive buildings or area, screening by nature barriers, other buildings or non critical rooms in buildings.

70. Para. 14 states that 'early consultation ...about the possible use of such measures is desirable and may enable them to be incorporated into the design of the proposal before it is formally submitted for determination'. This application was not subject to any pre-application discussions and although these concerns were raised with the applicant no noise assessment has been submitted to date.

71. Noise is considered to be of particular concern in this case because of the close proximity of the proposed housing - in particular plot Nos. 7-12 to the existing garage premises located at Rose Street. The submitted layout shows that rear gardens of Plot Nos. 8, 9 and 10 to immediately abut the existing garage building with the houses themselves being located only 8.5m to the north. The front garden of the house at Plot. No. 11 also abuts the commercial garage and the front corner of the pair of semi-detached houses at Plot Nos. 11 and 12 is approximately 4m from the existing garage.

72. Bearing in mind that a noise assessment has not been carried out to measure the noise level that the dwellings may experience the Local Planning Authority is unable to judge whether the proposed dwellings and / or gardens and the proposed amenity space would be detrimentally affected by the close proximity of the existing industrial businesses in this area, nor is it able to assess whether the proposed layout is acceptable or is in need of review and refinement. The applicant however has not been prepared to withdraw the application to enable a noise assessment to be undertaken. In the absence of a noise assessment the Local Planning Authority have insufficient information to enable a fully informed decision to be made.

73. It is considered that this proposal is contrary to the provisions of Policies D1 and D5 of the Sedgefield Borough Local Plan and PPG24.

Impact upon Wildlife

74. PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
75. The application subject of this report has been accompanied by both an extended phase 1 and protected species survey which included a detailed bat survey. Both the County Ecologist and Natural England have advised that the survey undertaken was adequate subject to a condition to secure the mitigation identified in the survey in view of its findings. These measures included that the bat mitigation works were carried out in accordance with the mitigation scheme submitted in support of the planning application with a replacement roost being erected in advance of the demolition of the existing roost. It was also suggested that planning conditions be attached in respect of the timing of demolition and vegetation clearance so as to avoid the bird nesting and breeding season and the landscaping scheme being amended to remove the *Cotoneaster horizontalis* referred to in the planting schedule and the introduction of hedgerows along the northern and eastern perimeter of the site.
76. The existing buildings on site have been surveyed and the existing residential property Rose Cottage was found to hold a large common pipistrelle maternity roost and a roost of brown long eared bats. The demolition of the building will therefore result in the loss of a bat roost for a period of time, and without mitigation, would result in the permanent loss of the roost. A European Protected Species (EPS) license will therefore be required from Natural England. Local planning authorities responsibilities in respect of European protected species has recently been clarified in a Judicial Review judgment in the case of Woolley vs Cheshire East Borough Council. This judgement makes clear that planning authorities, in exercising their planning and other functions, must have regard to the requirements of the EC Habitats directive, as prescribed by Regulation 9 of the Conservation of Habitats and species Regulations 2010.
77. The development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and, favourable conservation status of the species must be maintained. Neither Circular 06/2005 or indeed PPS9 provide any detailed advice on judging whether a development could be considered favourably against such tests.

Test 1: preserving public health/safety or other imperative reasons of overriding public interest

78. The development proposed is not required for any interests of public health or public safety. Natural England considers in its statement following the aforementioned judicial review case that overriding public interest would include those of social or economic nature and beneficial consequences of primary importance for the environment. There would be no public economic or social benefits provided by a private housing scheme of this nature. Beneficial consequences of primary importance for the environment however, may arise. The existing dwelling has been substantially extended to such a degree that this does little to contribute to the character and appearance of the area. Furthermore the existing dwelling and its curtilage form a significant part of the proposed development site were this to be excluded it is considered that the remaining plant hire site which contains a range of large but unattractive buildings and a significant degree of vehicle and plant storage

which is rather unsightly. It is considered that there is sufficient merit in the scheme as a whole that it satisfies the first of three derogation tests.

Test 2: there must be no satisfactory alternative

79. The only satisfactory alternative which would see the retention of the roost would be the retention of the building. However, the building has been substantially extended to meet the particular requirements of the owner and it is felt that a building of this size and layout in close proximity to the existing commercial plant hire business would not be suitable for retention as an alternative use. The retention of the building in the longer term would not represent a satisfactory alternative, and as any development proposal involving the demolition of the existing building where the roost is present would result in the loss of the roost. It is, therefore, considered that there is no satisfactory practical alternative available, and the second test is consequently met in this particular circumstance.

Test 3: favourable conservation status of the species must be maintained

80. The demolition of the building will result in the loss of the identified roost, however, mitigation is proposed which provides for the creation of new alternative roost sites in the roof structures of two garages within the site and for the creation of a further creation of alternative roof sites in 10 of the proposed dwellings. Such mitigation is considered to be acceptable by Natural England and should ensure that favourable conservation status is both maintained during and following the implementation of the development proposed, and as such the third and final derogation test is considered to be met.

Other issues raised by respondents

81. The owner of MK Motors, a commercial repair garage at Rose Street, has expressed concern that this proposal would involve development on land immediately to the rear of the garage over which the garage has a longstanding right of access. This issue of concern has been forwarded to the applicants, however, this matter is considered to be a private matter between the parties concerned. The inter-relationship of the proposed housing and the garage premises themselves is a material planning consideration which has been considered in detail within the Layout and Design and Noise sections of this report.
82. The local resident from Enneffar sought re-assurances that no vehicular or pedestrian access serving the proposed development would be taken from the existing private vehicular access to the east of his property (the vehicular access to the proposed development is shown to be taken from Rose Street and no proposed pedestrian access has been shown over the area concerned).
83. Northumbrian Water was formally notified in respect of this planning application and in response no objection has been raised subject to the imposition of appropriate planning conditions.
84. The minister of Trimdon Grange Methodist Church also expressed concern regarding the close proximity of the proposed housing to the west of the church building. It was pointed out that the aging Church building will need to be the subject of ongoing maintenance and structural repair in the future. This concern has been forwarded to the applicant, however, the submitted drawings show a retained gap of approximately 1.0 m between the gable end of the existing church and the gable end of the nearest residential property. It is considered that such a retained separation distance would be sufficient to allow construction of the new property and allow access to the church to satisfy future maintenance requirements. It should also be noted that although the industrial building previously on this site was

situated approximately 9.5 m to the west, consent of the land owner would technically still have been required to access their land whilst carrying out maintenance or repair works. In any event, this is a private law matter between the parties.

CONCLUSION

85. In conclusion, whilst the site is located outwith the residential framework of Trimdon Grange it is considered that residential development of this Brownfield site for residential use is considered acceptable in principle.
86. However, the proposal as submitted is considered to be unacceptable in that the design and layout represents an over development of the site which does not take into account the relationship of the proposed housing to the topography of the site and adjacent commercial uses and would lead to a cramped form of development leading to a substandard level of amenity for future occupiers.
87. The layout is unacceptable as this fails to provide a satisfactory pedestrian link along the northern section of Rose Street to the existing footpath network at Salter's Lane and does not provide a satisfactory internal access and car parking arrangements to highway standards.
88. The submitted scheme does not include on site open space provision in accordance with Local Plan Policy L1,L2 and D5 nor does it make provision for a commuted sum to be paid to enhance off site leisure or recreational facilities.
89. It is also considered that the applicant has failed to demonstrate that the residential amenity of future occupants would not be detrimentally affected by noise arising from the existing garage premises at Rose Street and / or the industrial premises at Trimdon Industrial Estate.
90. The applicant has been given the opportunity to withdraw the application which would have enabled further discussions to take place to secure improvements to the layout and design of the scheme and overcome those outstanding issues outlined above. The applicant however has not been prepared to withdraw the application in the full knowledge that officers would be recommending that the application be refused.

RECOMMENDATION

That the application be refused for the following reasons


1. In the opinion of the Local Planning Authority, the design and layout is considered to be unacceptable in that this represents an over development of the site which does not take into account the relationship of the proposed housing to the topography of the site and adjacent commercial uses and would lead to a cramped form of development leading to a substandard level of amenity for future occupiers. This is contrary to Policies D1 and D5 of the Sedgfield Borough Local Plan and Policies 8 and 24 of the Regional Spatial Strategy.
2. In the opinion of the Local Planning Authority, the layout is unacceptable as this fails to provide a satisfactory pedestrian link along the northern section of Rose Street to the existing footpath network at Salter's Lane and does not provide a satisfactory internal access and car parking arrangements. This is /or would be contrary to Policies D1 and D3 of the Sedgfield Borough Local Plan.

3. In the opinion of the Local Planning Authority the submitted scheme fails to make suitable on site open space provision nor does this make provision for a commuted sum to be paid in lieu in order to enhance off site leisure or recreational facilities. This is contrary to Policies L1, L2 and D5 of the Sedgefield Borough Local Plan.
4. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the residential amenity of future occupants would not be detrimentally affected by noise arising from the existing garage premises at Rose Street and / or the industrial premises at Trimdon Industrial Estate. This is contrary to Policies D1 and D5 of the Sedgefield Borough Local Plan and Planning Policy Guidance note 24: Planning and Noise.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement, Planning Statement, tree report, flood risk assessment, extended phase 1 and protected species survey, statement of community involvement, geotechnical and ground contamination desk top review, affordable housing statement and site waste management plan.
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Sedgefield Borough Council Local Plan 1996
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS9, PPG13, PPS23 and PPG24,
- Responses from Statutory / external consultees, internal consultees and members of the public.



 <p>PERSIMMON HOMES</p>	
<p>Rose Street Tindon Grange Location Plan</p>	
<p>Scale: 1/1250@A3</p>	
<p>DATE: 07/04/10</p>	<p>DATE: 07/04/10</p>
<p>MR</p>	<p>MR</p>
<p>TC-000</p>	<p>TC-000</p>
<p>1/1250@A3</p>	<p>1/1250@A3</p>
<p>WAITING DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE. ALL DIMENSIONS AND DISCREPANCIES REPORTED IMMEDIATELY.</p>	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2011/0128

FULL APPLICATION DESCRIPTION: REPLACEMENT OF STATIC CARAVAN WITH CHALET

NAME OF APPLICANT: MR ALAN BELL

ADDRESS: WHITEGATES CARAVAN PARK, LANDS BRIDGE , WESTGATE, BISHOP AUCKLAND, DL13 1SN

ELECTORAL DIVISION: WEARDALE

CASE OFFICER: Adam Williamson
adam.williamson@durham.gov.uk
01388 761619

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1. Planning permission is sought for the replacement of an existing static caravan with a "Park Home" chalet at the above site. The proposed chalet would still be for the purposes of holiday accommodation. The proposed chalet would be a Wessex Homes 'Hardy' chalet and would measure 12.2 metres in length by 6 metres in width, 2.9 to the eaves and 4.1 to the ridge. The proposed chalet would have a rendered finish with a tiled roof.
- 1.2. The application site lies approximately 500 metres south east of Westgate in the open countryside and within the North Pennines Area of Outstanding Natural Beauty. It is known as Whitegates Caravan Park, which appears to have been used for the siting of caravans since the 1960s. The site currently contains just 1 static caravan, which is in a poor state of repair. Adjacent and to the east of the site is another existing static caravan park, containing 5 caravans. The site is bounded to the highway by a 1 metre high stone wall, with a 5 bar gate to the access. To the northern boundary are mature trees which screen the existing caravan on the site. The nearest neighbouring dwelling is Lands Farm, which is approximately 80 metres to the north.

- 1.3 This application has been reported to Committee as the applicant is a County Councillor.

2.0 PLANNING HISTORY

- 2.1 In 1961 the site was granted a site licence for 4 caravans. Planning application 1GX13/274 (1961) was returned as the local planning authority considered that there was already an established caravan use on the site and therefore planning permission was not required for the 4 caravans.

3.0 PLANNING POLICY

- 3.1 NATIONAL POLICY:
- 3.2 **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- 3.3 **Planning Policy Statement 7: Sustainable Development in Rural Areas** sets out the national policies specific to planning in rural areas.
- 3.4 **Good Practice Guide on Planning for Tourism:** Sets out the national guidance on applications and documents related to the tourism industry.
- 3.5 REGIONAL POLICY:
- 3.6 **The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008**, sets out the broad spatial development strategy for the North East region for the period 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.
- 3.7 **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. Members should be aware that the Rt Hon Eric Pickles MP (Secretary of State for Communities and Local Government) wrote to all Local Planning Authorities on 27th May 2010, advising of his intention to abolish Regional Spatial Strategies. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS.
- 3.8 LOCAL PLAN POLICY:
- 3.9 **Policy GD1 (General Development Criteria):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
- 3.10 **Policy ENV1 (Protection of the Countryside):** The District Council will seek to protect and enhance the countryside of Wear Valley.

- 3.11 **Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty):** Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
- 3.12 **Policy TM1 (Criteria for Tourist Proposals):** The Council will give encouragement to schemes which provide tourism facilities in the District provided they accord with criteria set out in the local plan.
- 3.13 **Policy TM2 (Tourism within the AONB):** Tourism development proposals within the AONB will be allowed only if they fulfil the criteria set out in the local plan.
- 3.14 **Policy TM6 (Redevelopment of Caravan Parks):** Within existing caravan sites the replacement of static caravans with chalets will be permitted providing it fulfils the General Development Criteria, Policy GD1.

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

4.0 CONSULTATION AND PUBLICITY RESPONSES

- 4.1 **STATUTORY RESPONSES:** Highways Authority state that in traffic generation terms there is no material difference between the proposed chalet and static caravan to be replaced, and therefore has no objection.
- 4.2 Environment Agency: Has assessed the application as having a low environmental risk.
- 4.3 **INTERNAL CONSULTEE RESPONSES:**
- 4.4 Ecology: No objection.
- 4.5 **PUBLIC RESPONSES:**
- 4.6 This application was advertised by site notice and letters were sent to neighbours. There has been 1 objection for the following reasons:
- Concerns over permanent occupancy. The proposal will invariably become a permanent dwelling.
 - Any new building should reflect the character of the area. This is a standard off the peg chalet.

5.0 APPLICANTS STATEMENT

- 5.1 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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

6.1 In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the principle of development, impact on the character and appearance of the surrounding area, and ecological impacts represent the principle material planning considerations.

6.2 Principle of development

6.3 Planning Policy Statement 7 and the Good Practice Guide on Planning for Tourism recognises that tourism and leisure activities are vital to many rural economies. Improving the standard of accommodation and appearance of tourist facilities is important in this respect. Saved policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 supports development in countryside locations for tourism and recreation related activities where the proposal conforms with other relevant policies in the Local Plan.

6.4 This site is already long-established as a caravan site. The proposal would simply replace one form of holiday accommodation (static caravan) for another upgraded form of holiday accommodation (proposed chalet), thereby improving the standard of accommodation and arguably the appearance of the site.

6.5 However, In order to ensure the chalet is used for holiday accommodation and not as the occupier's main residence, it would be appropriate to impose an occupancy condition restricting the use of the chalet to holiday accommodation only. This would be in accordance with the guidance contained in the Good Practice Guide on Planning for Tourism.

6.6 Subject to an up to date holiday occupancy condition to prevent permanent living accommodation, the principle of development is considered acceptable.

6.7 Impact on the character and appearance of the surrounding area

6.8 Saved policy TM6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 indicates that permission will be granted for holiday accommodation in the countryside where (amongst other things) it does not detract from the character of the area and is adequately screened by topography or existing trees within the control of/managed by the applicant. As the site lies within the North Pennines Area of Outstanding Natural Beauty the provisions of policy ENV2 also apply.

6.9 The proposed chalet would replace an existing static caravan. The existing static caravan is in a poor condition and is considered to detract from the overall appearance of the site and character of the area. The proposed chalet is larger than the existing static caravan but it is still a typical form of holiday accommodation and is commensurate in scale with the site. The type of accommodation proposed is by its nature temporary and this is reflected in the materials. It would not be appropriate to insist on the use of more typical local materials such as stone or brick as this would make the structure permanent. Notwithstanding the details of materials submitted, it is suggested that a condition has been included requiring the submission samples of materials proposed for the chalet for agreement to prevent the use of unacceptable materials.

6.10 The site does benefit from dense natural screening around all sides including the

relatively new planting on the southern and eastern boundary. It is however, currently visible for a brief time during the winter months. The natural topography of the site adequately screens the site from the main trunk road through Westgate (A689) and the nearby villages; and the combination of landform and landscaping creates an effective screen from long distance views. The dark roof materials of the proposed chalet would reduce the prominence of the chalet and once the chalet has 'weathered' the development should appear comfortable within its natural surroundings.

6.11 Therefore, it can be concluded that the site would be adequately screened by topography and trees and would cause no significant harm to the character or appearance of the surrounding area in accordance with policy TM6, ENV1 and ENV3 of the Local Plan

6.12 Other issues raised

6.13 The objection received relating to the permanent occupancy and design have been discussed in the report.

7.0 CONCLUSION

7.1 The proposal is to upgrade existing holiday accommodation on an established caravan site through the replacement of a static caravan in poor condition with a transportable Park Home chalet. The use of the site for holiday accommodation is therefore already established, and subject to the requirement for an occupancy condition to ensure the chalet would be used for holiday accommodation only, there are no objections in principle to what is intended.

7.2 In respect of any potential impact on the character and appearance of the surrounding area and AONB, it has been concluded that the scale of the proposal is acceptable and because the site would be adequately screened by topography and trees there would be no significant harm to the character and appearance of the surrounding area and AONB in accordance with saved policies TM6 and ENV2 of the Wear Valley District Local Plan.

8.0 RECOMMENDATION

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

Conditions:

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

Plan Ref No.	Description	Date Received
	Site Location Plan	13.04.2011
J**** - 0	Proposed elevations	13.04.2011

-
3. The chalet shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.
 4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reasons:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To define the consent and ensure that a satisfactory form of development is obtained.
3. In order to ensure that the timber chalets are used for holiday purposes only and are prevented from becoming a sole or main residence in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. In the interests of the appearance of the area and to comply with policies GD1, ENV1 and ENV2 GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

9.0 REASONS FOR THE RECOMMENDATION

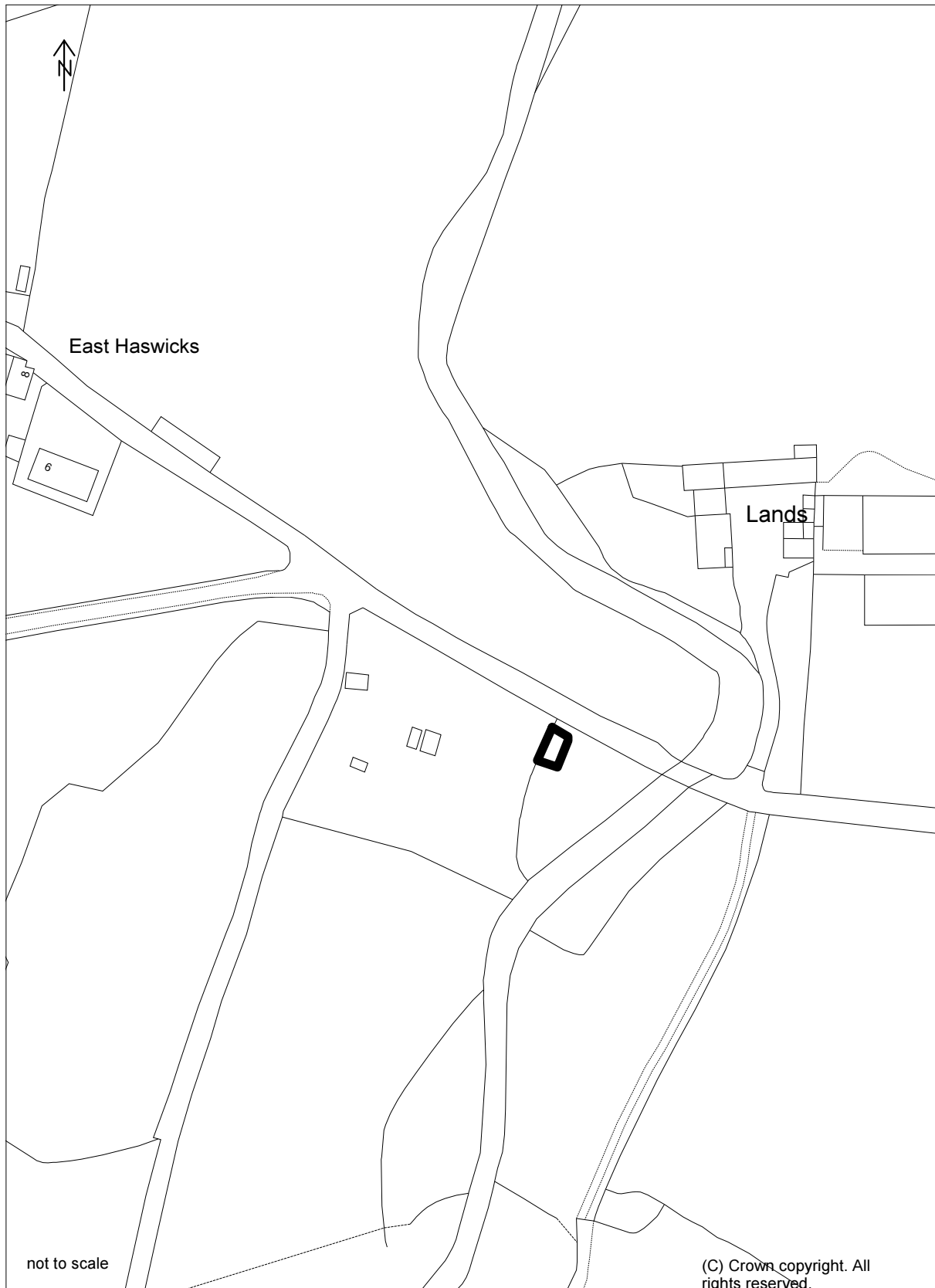
1. The development was considered acceptable having regard to the following development plan policies: -

GD1 (General Development Criteria):
ENV1 (Protection of the Countryside):
ENV2 (The North Pennines Area of Outstanding Natural Beauty):
TM1 (Criteria for Tourist Proposals):
TM2 (Tourism within the AONB):
TM6 (Redevelopment of Caravan Parks):
2. In particular the development was considered acceptable having regard to consideration the principle of development and impact on the surrounding area.
3. The objection received were not considered sufficient to lead to refusal of the application as, on balance, the positive visual tidying of the site and the element of increased tourism proposal out weight the potential negative impacts on the landscape at this particular location.

10.0 BACKGROUND PAPERS

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

**3/2011/0128 - REPLACEMENT OF STATIC CARAVAN WITH CHALET AT
WHITEGATES CARAVAN PARK, LANDS BRIDGE, WESTGATE FOR MR ALAN BELL**



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2011/0221
FULL APPLICATION DESCRIPTION:	SUBSTITUTION OF HOUSE TYPES TO PLOT 7 AND 8 FROM TWO SEMI-DETACHED DWELLINGS TO ONE DETACHED DWELLING OF PLANNING APPROVAL 3/2007/0552
NAME OF APPLICANT:	MR J WALKER
ADDRESS:	LAND AT JOBSON TERRACE, STANLEY, CROOK, DL15 9SN
ELECTORAL DIVISION:	CROOK NORTH AND TOW LAW ED
CASE OFFICER:	Chris Baxter chris.baxter@durham.gov.uk 01388 765555

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

- 1.1 The application site is currently laid out as plots on a building site located at Jobson Terrace, Stanley Crook. There are existing residential dwellings situated to the west on High Road and open land is directly to the north. Houses immediately to the east are currently under construction. The access road is immediately to the south of the site with a playground situated beyond.

PROPOSAL:

- 1.2 Planning permission is sought for the substitution of house types to plot 7 and 8 of planning approval 3/2007/0552. This was for a pair of semi-detached properties on plots 7 and 8, and this application seeks to substitute these for a single detached property. The proposed detached building would have a footprint of approximately 12.8 metres by 10.5 metres. The property would be of a two and half storey design with a height to eaves level measuring 5.6 metres and to the ridge level measuring 10.1 metres. The ground floor would include living room, dining area, kitchen/breakfast/day room and a utility room. Five bedrooms, two bathrooms, games room and a study would be provided over the first and second floors. The property

would be constructed from Ibstock Hadrian Antique brickwork to the walls and Marley Modern grey roof tiles. Upvc windows are proposed for the windows and doors. 1800mm and 1200mm close timber boarded fencing is proposed for boundary treatment along with tarmac and block paving for the hardstanding areas.

- 1.3 This application is reported to the Planning Committee as the applicant is a relation of an officer of the Regeneration and Economic Development Service.

2.0 PLANNING HISTORY

- 2.1 Outline planning permission (ref: 3/2006/0099) for residential development on this site was granted in April 2006. An application submitted in early 2007 for 8 No. dwellings on the site was withdrawn and subsequently resubmitted for 12 dwellings (ref: 3/2007/0552) and approved in October 2007. Two other applications for substitution of house types on plots 11 and 12 were approved in 2010 which involved the substitution of bungalows for two and a half storey houses.

3.0 PLANNING POLICY

NATIONAL POLICY:

- 3.1 **Planning Policy Statement 1: Delivering Sustainable Development (PPS1)** sets out the overarching planning policies on the delivery of sustainable development through the planning system.
- 3.2 **Planning Policy Statement 3: Housing (PPS3)** underpins the delivery of the Government's strategic housing policy objectives.
- 3.3 **Planning Policy Statement 22: Renewable Energy (PPS22)** sets out planning policies on protection of biodiversity and geological conservation through the planning system.

REGIONAL POLICY:

- 3.4 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. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
- 3.5 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration. The position is therefore that both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following RSS policies are considered relevant in the determination of this application.

3.6 Policy 38 (Sustainable Construction):

Planning proposals should ensure new buildings and developments minimise energy consumption, and encourage new developments to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes.

3.7 Policy 39 (Renewable Energy Generation):

Planning proposals should facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources, and aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020.

LOCAL PLAN POLICY:

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

3.9 Policy GD1 (General Development Criteria):

All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

3.10 Policy H3 (Distribution of Development):

New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.

3.11 Policy H24 (Residential Design Criteria):

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

3.12 Policy T1 (General Policy – Highways):

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

- i) provide adequate access to the developments;
- ii) not exceed the capacity of the local road network; and
- iii) be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.htm> 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

STATUTORY RESPONSES:

4.1 Highways Authority: No objections

INTERNAL CONSULTEE RESPONSES:

4.2 No internal consultee responses required for this proposal.

PUBLIC RESPONSES:

- 4.3 Neighbouring properties have been notified individually in writing on the proposal and a site notice was also posted. No representations have been received.

5.0 APPLICANTS STATEMENT

- 5.1 No applicant statement has been received.

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 Having regard to relevant guidance, local plan policies and all material planning considerations, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, visual impact, and access/parking issues.

Principle of development

- 6.2 It is acknowledged that the site is located outside the development limits of Stanley. However the principle of development has previously been established through earlier planning permissions which have now been implemented.

Residential amenity

- 6.3 The nearest neighbouring properties to the proposed property would be positioned to the east and west. As the primary windows of the proposed property would face north and south this would ensure that the residential amenities of these residents would not be adversely affected. Although the proposed house would be large, it would reflect the scale of the neighbouring properties and it is considered that the level of overshadowing created by the proposal would be acceptable. Sufficient levels of private amenity space would be created to the rear of the property.
- 6.4 A detached garage is proposed in the north west corner of the rear garden. Given the scale and position of the garage in relation to neighbouring properties it is not considered this building would have an adverse impact on the occupiers of adjoining properties. It is considered that the proposal would be in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Visual impact

- 6.5 Although the proposed detached property would be a large building. It would be in keeping with some of the house types that are currently been constructed on site. The design details and materials would also match neighbouring buildings which would help the proposed property blend in with the surroundings. An indication of the boundary treatment and hardstanding has been provided within the application but has not been fully detailed on plan. Therefore in order to ensure that the finished details does not compromise the overall development of the street, it is recommended that these are covered by planning conditions.

- 6.6 Given the above comments it is felt that the proposal would not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
- 6.7 Whilst it is accepted in visual terms that the substitution of two semi-detached properties for one detached property is satisfactory, it is noted that two other properties within the overall development were also substituted last year. The original planning application ref: 3/2007/0552 for the overall development of 12 plots provided a range of different house types including a mix of semi-detached houses, detached houses and bungalows. There are no longer any bungalows within the development and should Members be minded to grant permission for what is now proposed, there would be only one pair of semi-detached properties within the overall scheme. It is essential that a good range of different house types remains on this development and any future applications for substitution of house types should reflect this.

Access / parking issues

- 6.8 Access to the property is to be taken from the highway to the south of the site. The driveway would run along the west elevation of the property leading to a garage in the north west corner of the rear garden. Durham County Council Highways Officer have raised no objections to this access and parking arrangement. It is therefore considered that the access and parking arrangements would not be to the detriment of highway users. The proposal is therefore in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Other issues

- 6.9 The previous planning permission 3/2007/0552 had conditions attached in relation to landscaping and renewable energy measures.
- 6.10 To ensure that the landscaping proposed on this particular plot matches in with the rest of the development it is considered prudent to attach a landscaping condition for details to be submitted. PPS1 and PPS3 place an emphasis on achieving sustainable development. Climate change is high on the agenda and there is now a statutory requirement to reduce carbon emissions and promote renewable energy and energy efficiency measures in new development. This is also reflected in policies 38 and 39 of the RSS which requires new buildings and developments to minimise energy consumption. A condition is therefore recommended for details of energy efficiency measures within the development to be submitted and agreed by the local planning authority.

7.0 CONCLUSION

- 7.1 The proposed substitution of house type would not compromise the residential amenities of neighbouring occupiers in terms of loss of privacy or overshadowing impacts. In visual terms, the proposed property would not appear out of keeping within the street scene and would adequately blend in with neighbouring dwellings. There are no highway objections and it is considered that the proposed access and parking provision are acceptable. The submission of further details in relation to soft and hard landscaping, boundary treatment and renewable energy measures through the use of planning conditions would ensure that the property is constructed to a suitable standard. The proposal is considered to be in accordance with the relevant saved policies in the Wear Valley District Local Plan as amended by Saved and

8.0 RECOMMENDATION

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

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 Ref No.	Description	Date Received
	Site Location Plan	08/06/2011
07 07 06 D	Proposed Housing	08/06/2011
Proposed House Type	Proposed House Type	08/06/2011

3. Before the development hereby approved is commenced, a scheme of hard and soft landscaping, to include details of location and species of planting, and types of surfacing, shall be submitted to and approved in writing by the local planning authority.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all boundary treatment and means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the dwellings hereby approved are first occupied.
6. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

9.0 REASONS FOR THE RECOMMENDATION

9.1 The proposal is acceptable in relation to policies GD1, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, policies 38 and 39 of the RSS and guidance within PPS1, PPS3 and PPS22 for the following reasons:

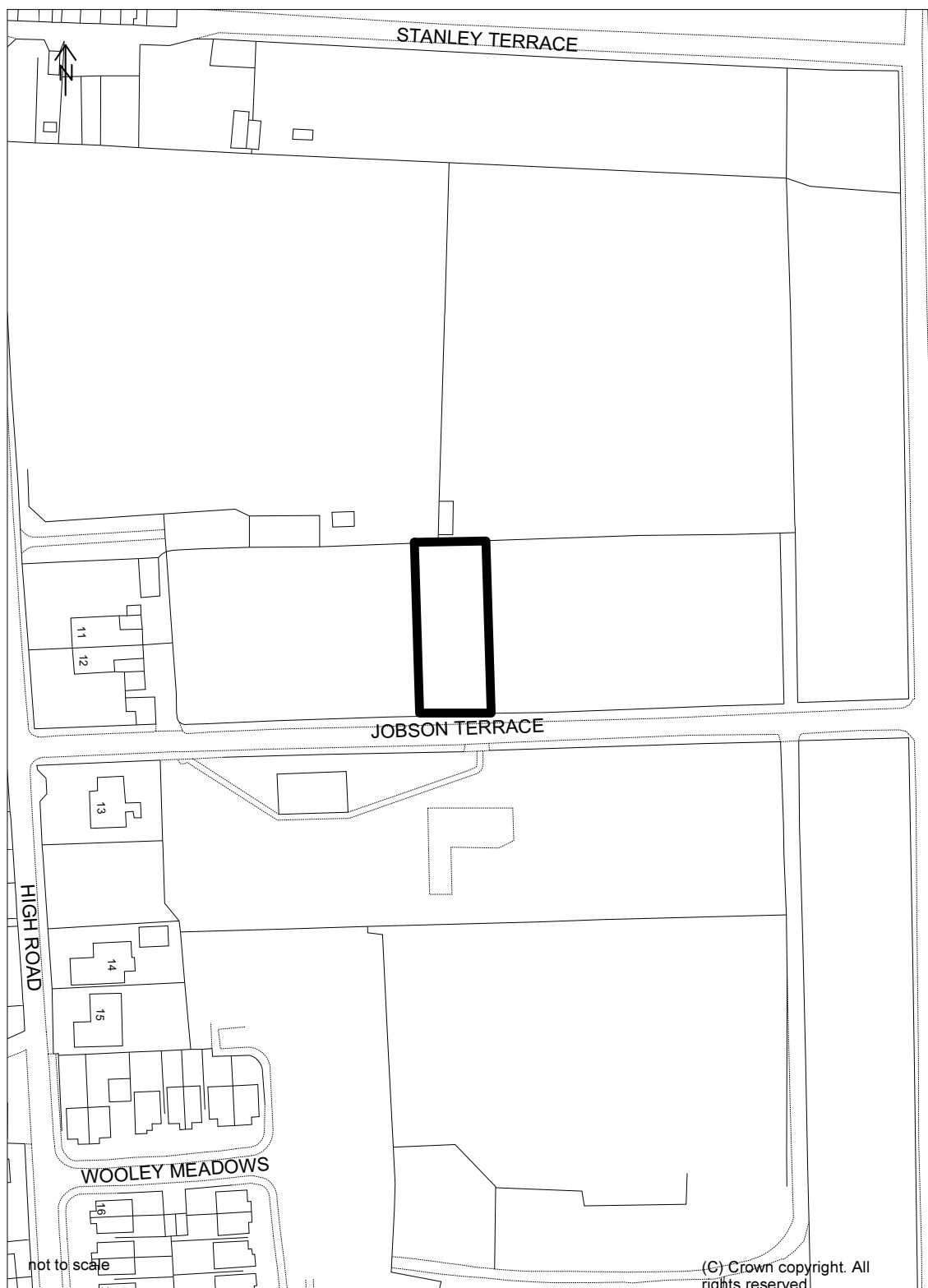
- Neighbouring amenities would not be adversely compromised.
- The property would not appear out of keeping within the street scene.
- Adequate access and parking provision would be provided.

10.0 BACKGROUND PAPERS

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



3/2011/0221 - SUBSTITUTION OF HOUSE TYPES TO PLOT 7 AND 8 FROM TWO SEMI-DETACHED DWELLINGS TO ONE DETACHED DWELLING OF PLANNING APPROVAL 3/2007/0552 AT LAND AT JOBSON TERRACE, STANLEY FOR MR J WALKER



APPEAL REF: APP/X1355/D/11/2154040

LPA REF: 7/2011/0043/DM

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE CREATION OF A NEW VEHICUALR ACCESS, DRIVEWAY AND ASSOCIATED HARD STANDING TO THE FRONT OF 65 WOOD LANE, FERRYHILL, CO DURHAM

This appeal relates to an application for the creation of a driveway and dropped kerb onto a classified road to the front of 65 Wood Lane, Ferryhill. The application was refused on 15 April 2011 under Delegated powers for the following reasons:

- 1. In the opinion of the Local Planning Authority, the proposed development would not achieve adequate forward highway visibility for drivers exiting the hard standing onto Wood Lane, to the detriment of highway safety. As such, the proposed development is contrary to Policy D3 (Design for Access) of the Sedgefield Borough Local Plan.*
- 2. The proposed development would result in the removal of the existing mature hedgerow along the entire frontage of 65 Wood Lane, resulting in fragmentation of a significant and important natural landscape feature which runs along a substantial length of Wood Lane. In the opinion of the Local Planning Authority this would have a detrimental impact upon the visual amenities of the street scene and the wider environment, contrary to Policies E15 (Safeguarding of Woodlands, Trees and Hedgerows) and D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan. In order to overcome the highway objections to the proposal, further hedgerow would have to be removed, exacerbating this conflict with these environmental and design policies of the Local Plan.*

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

- The existing hedgerow to be removed is an important feature in the overall street scene. Its removal would create a noticeable gap and adversely affect the character and appearance of the area;
- In order to improve junction visibility to an acceptable level in terms of highway safety, a significant stretch of hedging involving properties to both sides would need to be removed. This would require the consent and action of a number of other property owners;
- Any benefits to the appellant in terms of improved and more convenient parking arrangements are not sufficient to outweigh the harm to highway safety and the character and appearance of the area;
- The application is contrary to saved policies D1, D3 and E15 of the Sedgefield Borough Local Plan;

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



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APPLICATION NUMBER	7/2011/0043/DM
LOCATION	65 WOOD LANE FERRYHILL CO DURHAM
PROPOSAL	CREATION OF DRIVEWAY AND DROPPED KERB