



Area Planning Committee (South and West)

Date Thursday 15 December 2011
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Declarations of Interest
2. Minutes of the Meeting held on 17 November 2011 (Pages 1 - 4)
3. Applications to be determined
 - a) 7/2011/0440/DM - Land Adjacent to 50 Station Road, Sedgfield (Pages 5 - 14)
Erection of 1 no. 2.5 storey dwelling
 - b) 6/2011/0178/DM - Oakwood, Redford, Hamsterley (Pages 15 - 24)
Part-retrospective application for the change of use from residential to a mixed use of residential and keeping of animals with associated hardstanding, fencing and outbuildings. Erection of lean-to extension to dwelling
 - c) 6/2011/0301/DM - The Countryman Public House, Bolam (Pages 25 - 38)
Provision of 30 no. pitches for touring caravans and camping with associated toilet and shower block
4. Appeal Update (Pages 39 - 40)
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
7 December 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

Contact: Jill Errington

Tel: 0191 370 6250

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Council Offices, Spennymoor on **Thursday 17 November 2011 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

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

Apologies:

Apologies for absence were received from Councillors M Campbell, P Gittins, A Hopgood and J Shuttleworth

Also Present:

J Byers – Area Planning Team Leader (South and West)
A Caines – Principal Planning Officer
N Carter – Legal Officer
C Guskin – Legal Officer
D Stewart – Highways Officer

1 Declarations of Interest

There were no declarations of interest to received.

2 Minutes of the Meeting held on 20 October 2011

The Minutes of the meeting held on 20 October 2011, a copy of which had been circulated were agreed as a correct record and were signed by the Chair.

3 Applications to be determined

**3a 3/2010/0213 - Fleming Way, Low Willington
Substitution of House Types and Additional 18 no. Properties**

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

A Caines, Principal Planning Officer gave a detailed presentation which included photographs of the site.

In discussing the application a Member sought an assurance that, as the application was to erect additional properties on the site, this would not result in them being smaller in size, particularly the semi-detached houses.

The Principal Planning Officer advised that the majority of the properties were detached, with approximately 6 semi-detached properties proposed. The design of the dwellings were typical of other developments of this type and the bedrooms would be able to accommodate a double bed.

RESOLVED

That the application be approved as outlined in the report, subject to the completion of a revised Section 106 Legal Agreement and to the following amendments to conditions:-

- (i) condition number 6 be amended to include a timescale for the completion of the scheme of landscaping;
- (ii) Condition number 9 be withdrawn.

3b 3/2011/0394 - Plots 1 and 2 Jobson Meadows, Stanley Crook Substitution of House Types for Plots 1 and 2 of Original Approval Ref: 3/2007/0552 from 3 Storey Dwellings to 2 Storey Dormer Bungalows

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 and to the inclusion of the following conditions which were attached to the original consent:-

- (i) The garages hereby approved shall be retained for the accommodation of private motor vehicles and shall not be converted to additional accommodation; no trade or business shall be carried out therein
- (ii) Before the development hereby approved is commenced wheel washing equipment shall be provided at all site egress points to ensure that mud etc is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works
- (iii) Prior to the commencement of development, plans showing improved footways, carriageway and street lighting, designed in accordance with current adoption standards shall be submitted to and approved in writing by the local planning authority. These works shall be constructed in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.

**3c 3/2011/0349 - Land South East of William Street, Auckland Park, Bishop Auckland
Outline Application for the Erection of 20 Dwellings (including 4 affordable bungalows)**

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

A Caines, Principal Planning Officer gave a detailed presentation which included photographs of the site.

Mr S Hesmondalgh, the applicant's agent stated that the land was situated between housing on 3 sides. The access was deemed acceptable by Highways and had recently been upgraded.

He reassured Members that although this was an outline application the developers were committed to providing 4 affordable bungalows and that 20 dwellings would be the maximum number of properties built on the site.

In deliberating the application Members acknowledged that there were other sequentially preferable sites located in the settlement boundary which had been identified within the SHLAA, but accepted that this development would not prejudice the delivery of housing in these other locations.

A local Member welcomed the proposal for this much-needed new housing, adding that the recreation ground in the location was currently being improved and would be overlooked by properties. This would help to ensure the safety of children playing there.

RESOLVED

That the application be approved, subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement which detailed the delivery of 4 affordable units, and included a £10k contribution to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

**3d 3/2009/0426 - Former Cemex Concrete Batching Plant, St Helen Way, St Helen Auckland, Bishop Auckland
Proposed Redevelopment of Former Concrete Batching Plant for the Construction of New Housing (Outline)**

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

A Caines, Principal Planning Officer gave a detailed presentation which included photographs of the site.

J Lavender, the applicant's agent stated that the site had stood derelict for a number of years. It had proved difficult to attract developers to the site and he

believed that the removal of the requirement to provide affordable homes would kick start interest.

Whilst he welcomed this, he noted that a mechanism to review the viability of the site was proposed, and he was concerned that this may cause uncertainty for developers, particularly in terms of securing finance.

Each application should be considered on its own merits and there were already affordable properties for sale in this location which would cost less to purchase than it would cost a developer to build on the Cemex site. There were also a number of affordable properties in the area standing empty.

The Committee discussed the application at length and gave consideration to the recommendation that the provision of 20% affordable housing be removed from the scheme. Members felt that when the outline application had been approved in January 2010 there had already been a downturn in the housing market and that it was known at that time that there would be site remediation costs.

With regard to the proposal for a mechanism in the Section 106 agreement to review the viability of the site, Members acknowledged that this was not unusual on sites where affordable housing requirements had been relaxed. They also expressed their concern that the report did not include any details of the viability assessment which supported the removal of affordable housing from the scheme.

Consideration was given to the merits of imposing a condition which would require a lower percentage of affordable units to be included in the scheme, and accordingly a minimum of 10% affordable provision was proposed. This proposal was rejected by Members.

Having taken these factors into account, the Committee concluded that affordable housing was much needed on this site and that it should be provided at a minimum of 20%.

RESOLVED

That the application be approved, subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement requiring:-

- (i) A financial contribution of £93,900 to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality
- (ii) A minimum 20% affordable housing provision.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 7/2011/0440/DM

FULL APPLICATION DESCRIPTION: Erection of 1no. 2.5 storey dwelling

NAME OF APPLICANT: Mr S Towler

ADDRESS: Land adjacent to 50 Station Road, Sedgefield, Co Durham

ELECTORAL DIVISION: Sedgefield

CASE OFFICER: Mark O'Sullivan, Planning Officer
03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises undeveloped garden land serving no.50 Station Road, Sedgefield, located above an abandoned water main. Located within the settlement limits for Sedgefield Village as defined on the adopted Local Plan Proposals Map and outside of the Sedgefield Village Conservation Area, this is a north facing plot which fronts onto Station Road and the Sedgefield Cricket Club beyond. To the east, south and west lie neighbouring residential properties, with vehicular access taken from the north.
2. Planning permission is sought to erect a three bedroom detached, 2.5 storey dwelling on this infill plot, with associated vehicular access onto Station Road. 1no. tree is to be removed to the front of no.50 Station Road in order to facilitate a separate drive access for the adjacent dwelling, independent from the proposed dwelling access.
3. This new dwelling would occupy a footprint measuring approximately 10.5m x 10.5m and 8.5m in ridge height (5m to eaves level). It would be of painted render and brickwork appearance with clay pantiles and white upvc window frames.
4. The application has been referred to committee at the request of an Electoral Ward Councillor and Sedgefield Town Council.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

6. *Planning Policy Statement 1 (Delivering Sustainable Development)* sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 3 (Housing)* underpins the delivery of the Government's strategic housing policy objectives.
8. *Planning Policy Statement 9 (Biodiversity and geological conservation)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.

REGIONAL PLANNING POLICY

9. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. 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.
10. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:
 11. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
 12. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
 13. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
 14. *Policy 24 (Delivering sustainable communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

LOCAL PLAN POLICY:

15. *E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
16. *H8 (Housing development in villages)* promotes new housing development within Sedgefield Village provided there is no conflict with the provisions of the plans environmental, open space or design policies.
17. *H17 (Backland and infill housing development)* sets criteria for new backland and infill housing development.
18. *H18 (Acceptable uses within housing areas)* establishes acceptable uses within housing areas.
19. *D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
20. *D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
21. *D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
22. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *The Highway Authority* raises no objections to this proposal in highway terms.
24. *Northumbrian Water Ltd* has no objections to this proposal. An abandoned water main runs directly through the proposed site.
25. *Sedgefield Town Council* object to the proposal, raising concerns over the scale and design of the development, the perceived negative impact on the character of the surrounding area, over development of the site and the proposed roof height which would be out of keeping with surrounding street scene. In light of the concerns raised, it is requested that this matter be presented to the Planning Committee for consideration.

INTERNAL CONSULTEE RESPONSES:

26. *Planning Policy Section* have no policy objections in principle to the development of this site for a single dwelling subject to the case officer being satisfied with the finer points of contextual fit within the streetscape, scale and design, including ensuring satisfactory amenity for existing residents and future occupiers.

27. *The Design and Historic Environment Section* advises that the proposed two storey dwelling would be sited on a current gap in the street scene and is of a scale that mimics adjacent properties. The amended scheme has simplified the design of the front elevation and improved the references to the established architectural style on Station Road. Only the front elevation will be visible from the adjacent conservation area. As such, they raise no objection to the proposal, subject to a condition requiring the prior approval of all building materials.
28. *The Ecology Section* raises no objections to the proposal subject to the imposition of an informative relating to impact on breeding birds.
29. *The Arboriculture Officer* has no objections to the proposal.

PUBLIC RESPONSES:

30. The application has been advertised by means of site notice and by neighbour notification letters. Five letters of objection have been received from local residents, all raising concerns regarding the privacy and amenity of adjacent occupiers, the scale and form of the proposed development and its resulting impact on the character of the area, housing density, biodiversity and perceived conflict with Planning Policy Statement 3 regarding Greenfield development and adopted Local Plan Policy H17.
31. In addition, a petition has been received containing the signatures of twenty three nearby residents, objecting to the proposed development for the aforementioned reasons.
32. A further consultation exercise has been undertaken following the submission of amended plans, however, at the time of writing there have been no additional responses received.

APPLICANTS STATEMENT:

33. The application site on Station Road has not previously been developed due to the now obsolete land drain crossing the site. This drain was originally used to service the land behind Station Road prior to being developed for housing.
34. The plot proportions along Station Road reflect a linear development which has grown over previous years. No50 Station Road site proportions are equivalent of two plots, due to the land drain, which has left a gap in the street scene.
35. The design of the dwelling has been carefully considered to reflect the local character of surrounding dwellings in terms of size, massing and selection of proposed materials. Therefore we would state that the scale of the development and size of site is in keeping with the adjacent dwellings and reflects the urban grain of Station Road.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

36. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key issues are the principle of the development, impact on character of the area, impact on residential amenity, highway safety and ecology.

The principle of development

37. Planning Policy Statement 3: Housing (PPS3) sets governments overarching objectives for the delivery of sustainable housing development in suitable locations which are well designed and built to a high standard, taking into account housing need in an area, and proximity to local services, community facilities, jobs, key services and infrastructure. On 9th June 2010, the Government amended PPS3 to exclude private residential gardens from the definition of previously developed land in order to prevent overdevelopment of neighbourhoods and 'garden grabbing'.

38. In terms of 'garden grabbing', PPS3 explains how it is for Local Authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas. The amendment therefore does not prevent housing development in garden curtilage but places the emphasis on the Local Planning Authority and community to decide whether the contextual fit, scale and design are appropriate for the location.

39. PPS3 makes clear that whilst it is considered to be important that sufficient housing is delivered, it should not be at the expense of quality. Garden developments can lead to efficient use of resources and enable good integration. It can help to meet the key objectives for housing as set out in PPS3, provided that it is of good design and does not compromise the character of a neighbourhood, lead to a significant loss of biodiversity or contribute to flood risk.

40. Whilst PPS1 has no specific reference to garden development, it states that Local Planning Authorities should seek to place developments where they minimise the need for travel by car, promote the best use of existing infrastructure and promote social cohesion whilst supporting the needs for biodiversity.

41. RSS Policies 2 and 4 also set out sustainable housing objectives, paying regard to a sequential approach to site selection in the delivery of new housing across the region, biodiversity, geodiversity and sustainable construction techniques.

42. Policies H17, H18 and D5 of the Sedgefield Borough Local Plan support new residential development in existing residential areas where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwelling and existing adjacent dwellings and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. Furthermore such development must not significantly harm the living conditions for nearby residents.

43. In assessing this application, it is noted that this development would be constructed onto undeveloped, 'Greenfield' garden land within the curtilage of an existing dwelling house. However, the application site is located within an established residential settlement, in close proximity to the commercial centre of Sedgefield Village and the range of goods and service available there, whilst also offering excellent transport linkages to nearby settlements. It is therefore considered that the

proposed development would be located in a sustainable location with regard to PPS3 and RSS Policies 2, 4 and 24, which establish sustainable housing objectives and a sequential approach to site selection in achieving sustainable communities. Furthermore, the sustainable nature of this centralised site within an established settlement would satisfy RSS Policy 7 in relation to connectivity and accessibility in new development. In summary, the principle of an additional, infill dwelling within this established residential settlement and in an entirely sustainable location is considered acceptable.

Impact on the character of the area

44. The proposed dwelling is considered to be of a scale and design commensurate with surrounding residential properties in this location. It is noted that there is no uniform house type in this area, with a range of building designs and forms evident. The proposed dwelling is considered to respect existing forward and rear building lines, whilst being only 300mm taller than immediately neighbouring property. This difference is considered marginal and would not significantly detract from the character of this street scene enough to justify any refusal.
45. A number of objections have been received concerning the design of the scheme as submitted. Many of the concerns raised have been addressed through the submission of amended plans, with the exception of the detached nature of the property, the 2.5 storey height and the inclusion of an integral double garage. However, with regard to these individual elements, the planning merits of this scheme are, on balance, considered acceptable.
46. Significant consideration has been put into delivering a scheme which although does not exactly replicate existing development in this area, does borrow specific elements which integrate well with their surroundings without significantly detracting from the local setting of the site. The amended scheme incorporates building features from the surrounding street scene such as bay windows and chimneys, whilst the dormers windows originally proposed to the front elevation have been removed, with rear facing dormers amended to incorporate a more acceptable 'cat slide' roof design rather than a flat roof appearance. The pitched roof appearance of the main dwelling respects existing property to the immediate east, with large front and rear garden spaces sympathetic to the remainder of properties on this street scene.
47. A number of objectors have also raised concern over the density of this development which is argued to represent a cramped form of infill development. However, given the scale of the site and the proposed side separation distances to be maintained from immediately adjacent dwellings, it is considered that this development would fit well into the wider streetscape, with the 12.8m wide plot width comparable to the plot widths of adjacent dwellings without resulting in any cramped infill development. It is further noted that such gaps within the linear form of this street scene represent an anomaly in this area, with the proposed development to satisfactorily infill this gap, thereby retaining the character and form of this street scene without detrimentally affecting housing density.
48. As explained, this proposal would also involve the removal of a tree to the front of 50 Station Road in order to create an independent access. No objections have been raised by the Arboriculture Officer over the loss of this tree which is not considered to have any significant resulting impact on the character of this area, and the proposals do not therefore conflict with Policy E15 of the Local Plan.

Impact on residential amenity

49. The design of the proposed dwelling has been carefully considered, with the majority of windows to be front and rear facing only. Whilst noting the objections from adjacent residents regarding overlooking and privacy loss, it is considered that sufficient separation distances are maintained from opposing dwellings in both directions, which are well in excess of the 21m stipulated within SPG3 and in accordance with Policy D5 of the Local Plan.
50. Only one side facing window is to be installed into east facing gable elevation. This would serve a bathroom and any approval would be carefully conditioned to ensure this is obscured in design and controlled in terms of how it can be opened. This is to ensure maximum privacy to the adjacent property.
51. As this dwelling house would respect existing building lines, there would be no staggered layout which could otherwise result in loss of privacy or overbearing effects for neighbouring residents.
52. During an initial site visit it was noted that a rear conservatory projection at no. 48 Station Road to the east does contain side facing windows overlooking this site. Although no specific concerns have been raised over the perceived impact on this conservatory resulting from building closer to these windows, the applicant has confirmed the erection of 1.8m high vertically boarded timber fencing surrounding the entire rear garden space, with 1.2m high timber fencing to the front. Such means of enclosure are considered sympathetic to the surrounding street scene whilst also protecting the amenity of neighbouring properties.
53. Any argument that the development of this infill site would overshadow neighbouring property is poorly grounded given the footprint occupied by neighbouring property and the fact that rear projections at neighbouring property to the east benefit from unaffected rear facing windows.
54. In view of the foregoing, this proposal satisfactorily achieves sufficient private amenity space to the front, rear and sides, and without resulting in any substandard separation distances between dwellings. In this respect, this application is considered to accord with SPG3 and Policy D5 of the Local Plan regarding the layout of new dwellings.

Highway Safety

55. The Highway Authority has raised no objection to this proposal, with both the proposed dwelling and the existing adjacent dwelling to benefit from satisfactory in-curtilage vehicle turning facilities within the front garden areas allowing safe access and egress onto Station Road. This application is considered to satisfy Local Plan Policy D3 in this regard.

Ecology

56. The Ecology Section has raised no objections to this proposal, subject to an informative relating to impact on breeding birds. Although objectors have raised concerns regarding the impact on biodiversity, it is considered that subject to adherence to the suggested informative, the proposals would not have significant affects on biodiversity and the application would be considered to satisfy the provisions of PPS9.

CONCLUSION

57. The principle of infill residential development within an established residential settlement is considered acceptable given its sustainable location, offering good access to amenities and public transport. The proposed scale and design of the development is considered sympathetic to surrounding development without detracting significantly from the local street scene or character of the area. Furthermore, with no perceived impact upon highway safety, ecology or neighbouring privacy/amenity, this proposal is considered acceptable.
58. The proposed development is therefore considered to accord with relevant national, regional and local plan policies, and subject to the imposition of conditions, approval of the application is recommended.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
1118-11-001 rev C (Existing and proposed block plans)
1118-11-002 rev A (Proposed floor plans, option 1)
1118-11-003 rev A (Proposed elevations, option 1)
1118-11-007 (Site location plan)
1118-11-008 rev A (Proposed street elevations)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority, together with details of render colour and texture, and further details of all windows, doors, roof lights dormer windows and balcony (at scale 1:20). 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 D1 the Sedgefield Borough Local Plan.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the first floor side facing bathroom window adjacent to number 48 Station Road shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local planning authority. Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy H17 of the Sedgefield Borough Local Plan.
5. Notwithstanding any details submitted with the application, the proposed first floor side facing bathroom window adjacent to number 48 Station Road shall be fixed with only a top hung panel openable. Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy H17 of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable infill housing development in terms of its location within the settlement framework, and in terms of its impact upon the character of the area, access, parking, and the privacy and amenity of surrounding residents.
2. The decision to grant planning permission has been taken having regard to Policies 2, 4, 7, and 24 of the RSS for the North East and Policies H8, H17, D1, D3 and D5 of the Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.
3. In arriving at this recommendation, all objections and other views expressed have been considered, however, on balance, they are considered to not be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Amended Plans

Planning Policy Statements 1, 3 and 9

Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation responses from Highway Authority, Sedgefield Town Council and Northumbrian Water Limited

Internal responses from Planning Policy, Design and Historic Environment, Ecology and Arboricultural Sections

Public responses from neighbouring residents



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Planning Services

Erection of 1no. 2.5 storey dwelling at land adjacent to 50 Station Road, Sedgefield, Co Durham

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Comments

Date 6 December 2011

Scale 1:4500



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | 6/2011/0178/DM |
| FULL APPLICATION DESCRIPTION: | Part- retrospective application for the change of use from residential to a mixed use of residential and keeping of animals with associated hardstanding, fencing and outbuildings. Erection of lean-to extension to dwelling |
| NAME OF APPLICANT: | Mr Stephen Grinham |
| ADDRESS: | Oakwood, Redford, Hamsterley, Co Durham DL13 3NL |
| ELECTORAL DIVISION: | Hamsterley |
| CASE OFFICER: | Adam Williamson, Planning Officer 03000 260826 adam.williamson@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site consists of a detached bungalow located within Hamsterley Forest, and is part of a small row of dwellings which previously housed Forestry Commission workers. The dwellings are accessed via a forest road, with a turning head at the end of the 'street'. To the north of the site, the neighbouring dwelling, 'Pikestone' is approximately 21 metres from the northern boundary of the site. To the south of the site, the neighbouring dwelling known as 'Brownlaw' is approximately 10 metres from the southern boundary of the site.
2. The dwellings at Redford are characterised by their large east facing rear gardens with the forest beyond.

The proposal

3. The applicants keep 16 Siberian Huskies, as well as 6 pet dogs, goats, miniature sheep, chickens, and various other smaller pets including ferrets and rabbits.
4. The application seeks retrospective planning permission for the mixed use concrete hard standing, the kennels, the chicken houses and wooden sheds. Three sheds including the lean-to attached to the dwelling would also be demolished and a replacement lean-to extension to the dwelling provided to house goats. The proposed lean-to extension has not yet been constructed and as such planning permission is sought for this element.

5. The proposed extension would measure 4.2 metres in width, 6 metres in length, and 2.5 metres to the highest point. The plans indicate that the proposed extension would be constructed from rendered blockwork with a steel sheet roof.
 6. The applicant has stated that the animals at the site are kept as a hobby, with the Siberian Huskies being raced and the chickens are showed.
 7. This application has been reported to the Committee at the request of Councillor Hugill.
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PLANNING HISTORY

8. The applicant has lived at the site since 14.07.2008. Since this time, both the Public Protection team and the Planning Enforcement Officer have been in discussions with the applicant in respect of disturbance and planning issues at the site. Following these discussions, this application has been submitted to regularise the site in its current form.
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PLANNING POLICY

NATIONAL POLICY

9. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* – sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system.
10. *Planning Policy Guidance 24 (PPG24): Planning and Noise* - outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

REGIONAL PLANNING POLICY

11. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. 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.
12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies. The Localism Act has been passed, however Regional Spatial Strategies have not yet been revoked.
13. None of the policies are considered relevant;

LOCAL PLAN POLICY: (Teesdale District Local Plan)

14. *Policy GD1 General Development Criteria*- Sets out the General Development Criteria against which applications are determined.
15. *Policy ENV1 Protection of the Countryside* Seeks to protection of the countryside from inappropriate development.
16. *Policy ENV3 Areas of High Landscape Value* Seeks to protect areas of special landscape character.
17. *Policy H11 Residential Extensions* states extensions to residential properties should respect the amenity of adjoining properties and should not be detrimental to the character of the existing building or surrounding properties.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. None requested.

INTERNAL CONSULTEE RESPONSES:

19. *Public Protection* recommend that the site is operated according to the Site Management Plan, produced by George F White, dated May 2011, in order to prevent potential impact upon nearby receptors. Any revision or amendment of this document shall be submitted for consideration.
20. With regard to noise issues from the site, Environment Protection currently have no on-going noise investigations relating to dog barking or noise from other animals that are present on the site. Previous noise complaints have been investigated by officers within the team and the existence of a statutory nuisance has not been established. It has been identified within the site management plan to control feeding times as this is the predominant time when dog barking can occur. Waste control is acceptable.

PUBLIC RESPONSES:

21. Occupiers of neighbouring properties have been notified in writing and a site notice was also posted.. 5 letters of objection have been received from neighbouring residents. These object to the dog barking, especially at meal times, which is said to detract from the tranquillity of country living they expect in this location. There are also concerns about the smell of dog waste, the effect of seepage into the fresh water spring which supplies water to all the properties at Redford, the capacity of the water supply to sustain the extra demand from the hydro pool, hosing down the kennels and supplying water to the animals, as well as an increase in vermin and flies associated with all the animals on the property. The small holding character of the property is also considered to be out of keeping with the other residential properties.

APPLICANTS STATEMENT:

22. The applicant's have 16 Siberian Huskies, as well as pet dogs, goats, miniature sheep, chickens and various smaller pets. They are all kept as a hobby; the Siberian Huskies are raced and the chickens are shown at competitions.
23. The application is to regularise the site in its current form, which would allow the Council to attach conditions that control future development. The use of the site is as a hobby and is not commercial in any way.
24. Following discussions with the Council, a Site Management Plan has been submitted with the application to mitigate against any potential amenity issues.
25. The development has been demonstrated to comply with the requirements of local policies as there is no adverse impact on the character of the area or residential amenity.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at. <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=20184> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

26. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon the landscape, and the impact upon its surroundings.

Principle of development

27. The keeping of a small number of animals at a residential property for the personal enjoyment of the occupier would not normally constitute a material change of use of that property. Dogs are kept both in the house and a significant part of the rear garden. The dogs themselves are generally significant in size. At what point a material change of use takes place is a matter of fact and degree, and regard must be had to the size of the property and to whether a change in the character of the premises has occurred.
28. However, in this case there are 16 Siberian Huskies, as well as pet dogs, goats, miniature sheep, chickens and smaller pets including ferrets and rabbits kept at the property, and it is considered that this exceeds the number of such animals that one might normally expect to be found at a residential property for the personal enjoyment of the occupier.

29. Furthermore, the fact that such substantial buildings are needed to house the dogs and other animals on the site and that there have previously been complaints to Environmental Health Officers on the grounds of noise nuisance caused by the dogs barking, supports the view that this level of activity goes above and beyond what might be accepted as an everyday residential use. It is therefore considered that a material change of use of the property has occurred in this case. The acceptability of the development depends whether any potential impact on the amenity of occupiers of neighbouring properties can be controlled and whether the proposal is visually acceptable.

Impact upon the landscape

30. The application site lies within the open countryside in an area of High Landscape Value as identified under policy ENV3 of the Teesdale District Local Plan. Ordinarily, the structures that have been erected on the site to the rear of the property constitute permitted development, and therefore would not normally require planning consent. However in this instance, given the number of dogs kept on the site, the residential unit is considered not to hold any “incidental” rights, as it is now a mixed residential use in nature. As such they require planning consent.
31. The buildings at the property are well screened from any public vantage points, and are part screened from the highway by the existing boundary treatment. As the buildings are located within an enclosed garden, they are not visually detrimental to the setting or appearance of the open countryside, nor are they detrimental to the area of high landscape value. Visually, the character of the property is not so out of keeping with other neighbouring properties, that the degree of harm in this respect is significant. The proposed extension would be acceptable. This accords with policies GD1, ENV1 and ENV3 of the Teesdale District Local Plan.

Impact upon surroundings

32. Concerns have been raised from neighbouring residents in respect of the noise disturbance from the keeping of dogs on the site, although it appears this concern is mainly in respect of feeding times. This is a valid concern considering the current size of the husky pack (16 dogs) and size of the dogs themselves. However, significant weight must be given to the fact that the Council's Environment Protection team have advised that they currently have no on-going noise investigations for the site relating to dog barking, or noise from other animals that are present on the site. Previous noise complaints have been investigated by officers within that team and the existence of a statutory nuisance has not been established. The Public Protection Officer has confirmed that there have been no further complaints about the site since 11th October 2010.
33. It is noted that barking by the husky dogs at feeding times has been considered and identified within the submitted Site Management Plan, which seeks to control feeding times and supervision, as well as ensuring the Huskies follow a structured day in order to minimise any noise disturbance.

34. The Site Management Plan has been drawn up following discussions with Environmental Protection Officers who are satisfied that providing the site is operated according to this document, there will be no harmful impact upon nearby residential receptors. Environment Protection are also satisfied with the waste disposal arrangements and that there are no unacceptable issues with smell or vermin. These are in any case matters that can be controlled by Environmental Protection outside the planning system if it ever became a problem.
35. Nevertheless, the number of dogs kept on this site, with neighbouring properties either side, is still considered to be more than one would normally expect on such a property and regard must be given to the isolation and otherwise tranquil nature of the area. This is something that has attracted many of the neighbouring residents to this area. Barking from such a large number of dogs could have some effect on the tranquillity of the area, even if infrequent.
36. The applicants are prepared to accept some level of control by the Local Planning Authority on the number of dogs to be kept on site. For them to carry on competing in husky racing they will require a minimum of 12 Huskies, which would be a reduction from 16. They are also prepared to reduce the number of house dogs from 6 to 2. All this would be achieved by natural wastage so that dogs would not have to be rehoused or destroyed. This should be achievable within only a few years. It is considered prudent to attach a condition to any granting of planning permission to this effect.
37. As previous noise complaints at the property have been investigated and found not to represent a statutory nuisance, the reduction over time in the number of dogs on the site would further help the situation with the neighbours, in addition to adherence to the Site management Plan. It is therefore considered that disturbance to the occupiers of neighbouring properties can be kept to an acceptable level and that subject to conditions the development would not undermine the objectives of policy GD1 of the Teesdale District Local Plan.

Other issues raised

38. Concerns have also been raised in respect of the impact on the private water supply. The use is already in existence and no evidence has been presented to suggest the use is having an impact on the quality and supply of water to the properties. The number of dogs is also going to be reduced. This is ultimately a private matter and little weight can be given to these concerns.

CONCLUSION

39. The Environment Protection team currently has no on-going noise concerns for the site relating to dog barking or noise from other animals that are present.
40. Previous noise complaints at the property have been investigated and found not to represent a statutory nuisance. It is considered that the implementation of the submitted Site Management Plan and some level of control by the Local Planning Authority on the number of dogs to be kept on site, would keep disturbance to the occupiers of neighbouring properties to an acceptable level.

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41. The structures on the site are well concealed and do not cause harm to the character or appearance of the surrounding area. The proposed extension would also be acceptable.
42. Regard has been given to the objections raised, however it is considered that these are not sufficient to warrant refusal of the application.

RECOMMENDATION

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

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

| Plan Ref No. | Description | Date Received |
|---------------------|---------------------|----------------------|
| | Red line site plan | 09.06.2011 |
| 2213/004A | Building elevations | 21.07.2011 |
| 2213/007A | Oaklea Elevations | 21.07.2011 |
| 2213/006 | Proposed block plan | 09.06.2011 |
| 2213/002 | Site elevations | 09.06.2011 |

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

2. This permission shall ensure for the benefit of Mr Stephen Grinham and Mrs Nicola Grinham only and not for the benefit of the land or any other persons having an interest therein. When the land ceases to be used by Mr Stephen Grinham and Nicola Grinham, the use hereby permitted shall cease and all materials, enclosures and buildings brought on to the land in connection with the use shall be permanently removed.

Reason: In the interests of visual amenity in accordance with Policy GD1 and ENV1 of the Teesdale District Local Plan.

3. Within 3 years of the date of this permission and subject to the provisions of condition 2, the number of dogs kept at the property known as Oakwood shall be no more than 14 in total.

Reason: In the interests of residential amenity in accordance with policies GD1 and ENV1 of the Teesdale District Local Plan.

4. Within 56 days of the date of this permission, details of foul and surface water drainage for the kennels shall be submitted to and approved in writing by the local planning authority, and shall be retained in accordance with the approved details.

Reason: In order to ensure that adequate drainage facilities are provided in the interests of the amenity of the surrounding area in accordance with policy GD1 of the Teesdale District Local Plan.

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5. The development hereby approved shall be carried out in strict accordance with the Site Management Plan prepared by George F White, dated May 2011, unless otherwise agreed in writing. In the event that any amendments to the Site Management Plan are necessary, the development is carried out in accordance with the approved amended Site Management Plan.

Reason: In the interests of residential amenity in accordance with policies GD1 and ENV1 of the Teesdale District Local Plan.

REASONS FOR THE RECOMENDATION

- I. The proposed considered acceptable having regard to policies GD1, ENV1, ENV3 and H11 of the Teesdale District Local Plan.
 - II. It is considered that the implementation of the submitted site management plan and that the applicants are prepared to accept some level of control by the Local Planning Authority on the number of dogs to be kept on site, disturbance to the occupiers of neighbouring properties can be controlled and kept to a minimum.
 - III. The buildings at the property are well screened from any public vantage points The buildings are located within an enclosed garden, and are not visually detrimental to the setting or appearance of the open countryside, nor are they detrimental to the area of high landscape value.
 - IV. The objections which have been received have been given due consideration, however the issues raised do not provide sufficient justification for refusal of the application. On balance the scheme is considered to be acceptable. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions
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BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1,
- Responses from Public Protection
- Public Consultation Responses





Planning Services

Part retrospective application for the change of use from residential to a mixed use of residential and the keeping of animals with associated outbuildings. Erection of lean-to extension to dwelling at Oakwood, Redford, Hamsterley 6/2011/0178/DM

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Comments

Date 5th December 2011

Scale 1:1750

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION NO: | 6/2011/0301/DM |
| FULL APPLICATION DESCRIPTION: | Provision of 30no. pitches for touring caravans and camping with associated toilet and shower block |
| NAME OF APPLICANT: | Mr Paul Stabler The Countryman Public House Dunwell Lane |
| ADDRESS: | Bolam Nr Darlington County Durham DL2 2UP |
| ELECTORAL DIVISION: | Barnard Castle East ED |
| CASE OFFICER: | Paul Martinson paul.martinson@durham.gov.uk 03000 260823 |

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is an enclosed field located to the rear of the Countryman Public House, Bolam. The land is currently laid to grass with the boundaries to the north, south and east defined by a hedgerow interspersed with several mature trees. The pub and associated beer garden are located to the west of the application site with the edge of the beer garden being delineated by a 2m high close boarded fence. Open agricultural land borders the site to the north, south and east. The closest residential properties are located to the south west of the site.
2. The application site abuts the boundary of the Bolam Conservation Area, and the whole site is located within the Area of High Landscape Value. The Countryman Public House is set back from the main road through the village with a large car park located to the front. There are two public footpaths to the south of the site, one of which provides access to Leggs Cross, a Scheduled Ancient Monument and Grade II* Listed structure which is located north east of the application site adjacent to the cross roads junction with the B6275.

The proposal

3. The application seeks planning permission for the provision of 30no. pitches for touring caravans and tents in the existing field to the rear of the Public House. This would involve the creation of a surfaced access road through the centre of the field, siting of a toilet and shower block and water treatment plant to the south west,, installation of 2no water points and landscaping and native planting around the perimeter of the site.

4. The proposed pitches would be sited in two rows to the north and south of the proposed access road. The proposed toilet and shower block would consist of a flat roofed pre-constructed demountable building measuring 5.08m x 2.9m x 2.57m high with two doors located in the south elevation. The water treatment plant would be sited in the far south western corner of the site to the south of the proposed toilet block. A landscape impact assessment accompanies the application and proposes perimeter planting adjacent to the existing field boundaries in order to provide screening of the site.
5. The application is reported to Committee at the request of Councillor James Rowlandson who requested that Members discuss the impact of size of the development on the conservation area and the access to the proposal.

PLANNING HISTORY

6. The pub has previously received planning permission for two single storey extensions and in 2010 planning permission was granted for the erection of a bedroom block in the existing beer garden to the rear. The bedroom block would occupy the majority of this area and would be physically detached from the public house. This permission has yet to be implemented and expires in February 2013.
7. The field to the rear of the site is currently used on a seasonal basis for up to 5 caravans operating under a licence outside of planning permission as part of Schedule I of the Caravan Sites and Control of Development Act 1960.

PLANNING POLICY

NATIONAL POLICY:

8. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
9. *Planning Policy Statement 5 (PPS5): Planning for the Historic Environment* sets out the Government's planning policies on the conservation of the historic environment.
10. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
11. *Planning Policy Guidance 13 (PPG13): Transport* sets out the objectives to integrate planning and transport at the national, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
12. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development.

REGIONAL PLANNING POLICY

13. *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.

14. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are considered relevant;
15. *Policy 2 – Sustainable Development*
Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
16. *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.
17. *Policy 32 – Historic Environment:*
Planning proposals should seek to conserve and enhance the historic environment
18. *Policy 33 – Biodiversity and Geodiversity:*
Proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.

LOCAL PLAN POLICY: (Teesdale District Local Plan 2002)

19. The following policies of the Teesdale Local Plan are considered relevant in the determination of this application:
20. *Policy GD1 (General Development Criteria):*
All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
21. *Policy BENV3 (Development Affecting Listed Buildings)*
Development which would adversely affect the character or the setting of a Listed building will not be permitted.
22. *Policy BENV4 (Development Within or Adjacent to Conservation Areas):*
Requires new development to respect the quality and character of conservation areas. Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.
23. *Policy BENV11 (Archaeological Interest Sites):*
Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of archaeological sites of national importance, whether scheduled or not, will not be approved.
24. *Policy ENV1 (Protection of the Countryside):*

Within the countryside development will be permitted for the purposes of agriculture, forestry and other appropriate uses. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

25. *Policy ENV3 (Areas of High Landscape Value):*
The Proposals Map defines an area where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character.
26. Policy ENV8 (Protected Species)
Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted.
27. *Policy TR3 (Camping, Caravans and Chalet Development):*
Within the countryside permission will be granted for camping, and/or caravan sites and chalet development where, the proposal does not harm the character of the area; is adequately screened; scale design and materials are appropriate to locality; services designed to suit the location; is served by adequate infrastructure; does not adversely affect residential amenity; and the proposal is not at risk of flooding.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. *The Highway Authority* offers no objections to the proposal subject to the submission of further details relating to the circulatory movements of vehicles to and from the site. It is requested that separate accesses for vehicles leaving and entering the site are installed.
29. *Bolam Parish Council* acknowledge the need for diversification and the importance of tourism in the area but raise issues regarding the size of the caravan park which could create a disproportionate balance within the village. The Parish Council also raise the issue of health and safety and the danger of tourists entering the adjacent fields with livestock. It was considered that, if approved, the proposed infrastructure should be in place prior to the development being implemented.

INTERNAL CONSULTEE RESPONSES:

30. The *Landscape* section objects to the proposal as the whole of the application site lies within an Area of High Landscape Value and within the setting of the Conservation Area. It is not sufficiently well screened to avoid detracting from the landscape quality of the area, contrary to Policy ENV3 or to avoid detracting from the character of the area, contrary to Policy TR3. Furthermore TR3 requires the site to be screened by "local topography or existing tree cover" and this is clearly not the case. The landscape is valuable not just in its own right but as the setting of the Leggs Cross Scheduled Ancient Monument the Conservation. It is therefore sensitive to inappropriate development and caravans and tents would be highly visible. The native hedgerow planting mitigation proposed does not follow the DCC Guidelines and would not achieve adequate screening. This is contrary to Planning Policy ENV3 and TR3 and the County Landscape Strategy.

31. The *Design and Conservation* section objects to the proposal on the grounds of the harm to the character, appearance, setting and significance of the Bolam Conservation Area and the Grade II* Listed and Scheduled Ancient Monument of Leggs Cross. The proposal would be highly visible in the landscape setting of Bolam which is identified as of key importance to the significance of the Conservation Area. It would also affect views from Leggs Cross, which form part of the character and significance of the Grade II* Listed structure and Scheduled Ancient Monument. .
32. The *County Ecologist* objects to the proposal on the grounds of potential harm to Protected Species, specifically great crested newts. The Risk Assessment that accompanies the application is not compliant with the recognised Risk Assessment process for ponds which may have great crested newts. The application should have included a Habitat Suitability Index assessment carried out by a licensed great crested newt ecologist. It is noted that there are three ponds within 500m of the caravan site and all should at least have been mentioned in the risk assessment.
33. The *County Archaeologist* objects to the proposal on the grounds of the impact on the significance of designated heritage assets. The site lies within a historic landscape with evidence of rig and furrow in the surrounding fields and within the setting of the Scheduled Ancient Monument and Grade II* Listed structure of Leggs Cross. The proposal would contribute to cutting Leggs Cross off from the traditional and historic context of the fields and cultivation terraces of Bolam village.

PUBLIC RESPONSES:

34. Occupiers of the neighbouring properties were notified in writing of the proposals and a site notice was posted. The application was also advertised in the local press. 25 letters of objection and 5 letters of support were received.
35. The letters of objection are summarised as follows:
 - i.) The proposal would lead to additional noise and disturbance to the neighbouring properties which is already a problem from the existing 5 no caravan pitches and the pub itself.
 - ii.) The proposal would harm the character of this unspoilt village with its historic rural setting.
 - iii.) The proposal would lead to additional problems with parking in the village with no additional parking area proposed.
 - iv.) The proposal would result in a significant increase in the amount of traffic within the village, which is likely to be particularly problematic with a large number of vehicles using the cross roads which are notoriously dangerous with a blind summit which limits visibility. There are also likely to be problems with the vehicles driving past the Countryman and reversing as it is located around a tight bend.
 - v.) Holidaymakers using the caravan park could potentially trespass on neighbouring land, allowing their dogs to worry livestock. The additional noise and disturbance would also cause stress to livestock
 - vi.) There is some confusion over the proposed 'site rules' that accompanied the planning application. These relate to Camping and Caravanning sites of 5 caravans and under and not the proposed large 30 caravan site over which the Camping and Caravanning Club have no jurisdiction. Consequently the site appears to have no rules. It is suggested that any proposed rules are agreed before issuing any approval.
 - vii.) The water treatment plant would be sited too close to neighbouring residential properties and could create cause smells and noise through the employment of a generator to pump water uphill.

- viii.) The caravan park is too large for the village, doubling its population which at present is around 60. This is not taking into account the proposed bedroom block at the rear of the Countryman which was recently approved.
 - ix.) Bolam is an inappropriate location for a new caravan park as it has no other services apart from the pub and this would mean any tourists would have to access facilities outside of the village, increasing the number of car journeys.
36. The letters of support including 2 from employees of the pub are summarised as follows:
- i.) There is concern about the loss of employment at the pub if the application is not approved.
 - ii.) There is not experience any excessive noise associated with the existing use of the pub.
 - iii.) The proposal would not have a detrimental impact on highway safety and the example of another caravan site in a similar location is referred to.
 - iv.) It is considered that the proposal would have an economic benefit.
 - v.) The Countryman is outside of the Conservation Area boundary.

APPLICANTS STATEMENT:

37. The Countryman is proposing to increase its certified 5 caravan site to a 30 caravan site. My 5 van site is situated on 3 acres of land to the rear of the pub. The site is very popular and attracts many tourists from all around. I do know from working with Visit County Durham how important tourism is and I know I have their full support with this application. I also attend local council meetings that which are again working to attract more tourism to the region. The Countryman has letters of support from residents of Bolam and also the chairman of Bolam Parish Council who all believe that it is important to encourage tourism to the area. I also have the support of Chief Executive Melanie Sensicle of Visit County Durham and was very interested in the proposals for a larger site. I also have been granted planning permission for a larger bedroom block to the rear of my property. The revenue from the caravan site can assist me in the development of my rooms. I have also had a couple of rallies up to 15 vans and they were hardly noticed by residents. My site will and does have restrictions and rules for arrival and departure from the site and these are always adhered to.

As I am a pub in the countryside my aim is for my business to succeed as many pubs have been forced to close. I believe that the proposed extension of my site will bring visitors and extra trade and also increase employment. As there is an increase in caravanners looking for a quality site to stay on, my site is in a beautiful quiet field, with lovely countryside surroundings. The site has been a success with many visitors recommending us to family and friends. I have tourists who come into our pub and pick up leaflets on the area. In the long run I can predict more tourists visiting our area and visiting my site which can only be a good thing for this country. On attending council meetings and working with Visit County Durham I know that this country has and still is struggling to attract tourists to the area and that is why it can only be a good thing to have more larger sites like may own which is close to Bowes Museum, Barnard Castle and Shildon Museum and many other attractions and walks for tourists.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

38. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development; landscape impact; affect on designated heritage assets; residential amenity; conservation of protected species and highway safety.

Principle of the Development

39. PPS7 supports the development of caravan and static sites in the countryside but seeks a balance between providing adequate facilities and sites and the need to protect landscapes and environmentally sensitive sites. This is reiterated by the Tourism Good Practice Guide. PPS4 supports diversification for business purposes that are consistent in their scale and environmental impacts with their rural location. Policy TR3 of the Teesdale Local Plan also supports the principle of the development of camping and caravan sites in situations where it does not detract from the character of the area; is adequately screened by local topography or existing tree cover; is served by adequate infrastructure; site services are limited to site occupants only; and does not adversely affect the amenities of the neighbouring properties. The Countryman is a rural enterprise and diversification of this facility is therefore encouraged however this needs to be considered against the potential landscape impact of the proposal.
40. The existing 5 caravan site overseen by the Camping and Caravanning Club operates outside of planning permission under an exemption as part of Schedule I of the Caravan Sites and Control of Development Act 1960. The existing pitches therefore have therefore not yet been considered against the key considerations below such as landscape impact and impact on the setting of the Conservation Area..

Landscape Impact

41. The application lies wholly within the Area of High Landscape Value and within the setting of the Conservation Area, the boundary of which passes through the western part of the site. Policy ENV3 of the Teesdale Local Plan states that development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
42. Policy TR3 requires proposed caravan sites to be screened by local topography of existing tree cover. The site is in a relatively exposed location and as the adjacent highway (Brownside Lane) is located at a slightly higher level than the field itself, the existing topography actually increases the prominence of the site. The site would also be visible from two public footpaths to the north and one to the south and a further footpath to the east which links Bolam with Leggs Cross a Scheduled Ancient Monument and Grade II* Listed Structure. The Landscape Impact Assessment submitted with the application categorises the proposal's impact on views from the footpaths to the east and south as having a 'major negative impact'. The views from the two footpaths to the north are categorised as 'minor negative impact'. It is considered that these assessments are accurate.
43. Touring caravans are usually white in colour and tents can be in highly visible colours which would further increase the site's prominence. The existing field

boundary is defined by a hedgerow that provides little in the way of screening, particularly along the northern boundary where it is sparse and maintained at a relatively low height. There is also little evidence of evergreen species being present in the hedge and the level of screening is even less substantial in the winter months. The caravan site's prominence would therefore increase further during this period. This is of particular relevance as tourism is now a year round activity, as recognised by the Tourism Good Practice Guide, and the site would be likely to be used during holidays particularly during Easter when there would still be insignificant foliage to provide effective screening.

44. It is considered overall that the lack of existing screening and unhelpful local topography would result in caravans and tents on the site being highly visible from the main road into Bolam and the public footpaths to the north and south of the site, This would have a significantly detrimental impact on the surrounding landscape, harmful to the special qualities of the Area of Landscape Value and contrary to policies GD1, TR3 and ENV3 of the Teesdale Local Plan and the Council's adopted Landscape Strategy.
45. The applicant has submitted a Landscape Impact Assessment which includes planting mitigation that is intended to provide screening. Policy ENV3 of the Teesdale Local Plan requires landscaping proposals to pay particular attention to the existing landscape qualities of the area. The proposed landscaping scheme does not follow the Durham County Council planting guidelines, despite what is argued in the Assessment, and is considered unacceptable both in species density and species mix. The Council's Landscape officer have advised that the proposed tree and shrub planting, will not achieve adequate screening as a double or staggered row and as there is little evergreen material in the mixes, any screening would be ineffective before mid April. In the event of an appropriate landscaping scheme being submitted, it would take some time to establish and provide a sufficient level of screening of the caravans which would in the interim be highly visible and harmful to the surrounding landscape.

Impact on Designated Heritage Assets

46. The application site lies within the setting of the Bolam Conservation Area and within the setting of the Leggs Cross Scheduled Ancient Monument and Grade II* Listed Structure. There is also evidence of rig and furrow earthworks in the surrounding fields which contributes to the application site's historic landscape setting.
47. The landscape and fields surrounding Bolam provide an important rural setting to the Conservation Area. The importance of the landscape setting is highlighted in the Bolam Conservation Area Appraisal. The historic field patterns and cultivation terraces add to the historic character of the village setting as well as the setting of the adjacent Grade II* Listed and Scheduled Ancient Monument Leggs Cross. The monument is located at a higher level than the application site and caravans and tents would be highly visible from this important public vantage point adversely affecting its setting and significance as well as being harmful to the setting of Bolam Conservation Area, the majority of which is visible from this location. The County Archaeologist considers that this proposal would contribute to cutting Leggs Cross off from the traditional and historic context of the fields and cultivation terraces of Bolam village. Caravans and tents are modern structures that are inappropriate in such prominent locations within the setting of the Conservation Area and within the setting of a Scheduled Ancient Monument and Grade II* Listed structure. The proposal would therefore be contrary to policies GD1, BENV3 and BENV4 of the Teesdale Local Plan as well as the guidance provided in PPS5.

48. The proposed toilet/shower block would be a modern prefabricated demountable building. This form of building is inappropriate adjacent to a Conservation Area and would have a detrimental impact on its setting contrary to policy BENV4 of the Teesdale Local Plan.

Impact on Residential Amenity

49. The application site is located to the rear of the public house and approximately 50 m from the rear of the closest dwellings Church Farm to the north and Township Farm to the south. The application site shares a boundary with the curtilage of both of these properties. The existing public house also shares a boundary with Church Farm and is located approximately 25m away from the next closest neighbour; West View. Concerns have been expressed by the occupiers of neighbouring properties that the proposal would result in them experiencing additional noise and disturbance. It is noted that these properties already experience disturbance from the public house, particularly during busy periods. Properties close to public houses can be expected to experience higher than normal level of comings and goings and the Countryman has been in operation for some time. The boundary of the caravan site is located further away than that of the public house and in reality the closest caravan would be located even further away. The access to the caravan site is adjacent to Church Farm, however no windows are located in this elevation and the edge of the curtilage is defined by a high *leylandii* hedge. It is unlikely that the access will be used late at night and therefore it is considered the impact of the access would be minimal. Consequently it is considered that the proposal would not create a level of noise or disturbance that would be harmful to neighbouring properties that would be over and above what can be expected from a public house.
50. The toilet/shower block would be approximately 55-60m away from the rear elevation of Township Farm and although people using the site would be likely to access this area on foot, it is not considered that this would generate a high level of disturbance given that the building contains only two showers and would be unlikely to be in use late at night. The water treatment plant would also not have a harmful impact on the adjacent property and if issues with smells arise, this would be a matter for the Council's Environmental Health section.
51. There have also been concerns that the proposal would be harmful to the views from the rear of the neighbouring properties. This is not a material planning consideration and cannot be given significant weight during the determination of this application.

Conservation of Protected Species

52. The applicant has submitted a Protected Species Risk Assessment which has been considered by the County Ecologist. The risk assessment is required as the proposal is considered to have a potentially harmful impact on Great Crested Newts which are protected by the Habitats Regulations 2010 and section 9(4)(b), (c) and (5) of the Wildlife and Countryside Act 1981(as amended). The presence of protected species such as bats and barn owls is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. All public bodies to have regard to the requirements of the Habitats

Directive in the exercise of their functions so where there is likely to be a disturbance to protected species, caselaw has established that local planning authorities must consider whether the Applicant might obtain a relevant licence from Natural England. This requires an examination of the derogation provisions. However, the Planning Authority must not usurp the functions of the Licensing body in this regard. It is for Natural England to decide licensing applications, the planning authority must only be satisfied that there is a possibility of a required licence being obtained.

53. The Risk Assessment that accompanies the application is not compliant with the recognised Risk Assessment process for ponds which may have great crested newts. No Habitat Suitability Index assessment has been carried out and the Risk Assessment does not appear to have been carried out by a licensed great crested newt ecologist. It is noted that there are three ponds within 500m of the caravan site which should have been referred to in the Risk Assessment. The application site falls within an area that is known to support great crested newts with the greatest density of the species in County Durham being located in the lowland areas around Darlington.
54. Given that the area is known to support great crested newts, there is likely to be a disturbance to a protected species but from the information submitted the level of impact on the great crested newt population cannot be ascertained. Consequently, the LPA is unable to discharge its duty under the Conservation of Habitats and Species Regulations 2010, contrary to policies GD1 and ENV8 of the Teesdale Local Plan and the requirements of PPS9..

Impact on Highway Safety

55. The applicant intends to utilise the existing parking area to the front of the public house for the parking of vehicles associated with the caravan park. It is not considered that this would result in a significant increase in the numbers using this car park and would not create additional demand for parking elsewhere within the village. The Highway Authority have raised no objections and it is considered that sufficient parking is provided.
56. Concerns have been expressed in the letters of objection that the existing road network that serves Bolam is inappropriate for this form of development and the proposed caravan site, if approved would exacerbate existing highway safety issues at the Leggs Cross crossroads and the bend on Brownside Lane adjacent to St. Andrews church on the approach into the village. It is not considered that the creation of a caravan site at the Countryman would significantly harm highway safety on the road network around the site and is unlikely to create congestion given that all 30 caravans are unlikely to be accessing the site at the same time and the traffic arising from the caravan site is likely to be staggered through the day. The Highway Authority has recommended that measures to limit vehicles and entering and leaving the site to specific accesses in order to increase visibility. Subject to the enforcement of this restriction the proposal would comply with policy GD1 of the Teesdale Local Plan.

Other Issues

57. The impact of the proposed caravan site on the health of livestock in neighbouring fields is not a material planning consideration and cannot be given significant weight during the determination. However if there are concerns in relation to security, trespass or stealing of livestock this would be a matter for the local police.

58. The Tourism Good Practice Guide considers that some tourism uses such as caravan parks are inherently car dependent and for small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments. As such given that the site is adjacent to a public house and Bolam is on a bus route it is not considered that the proposal would be significantly detrimental to sustainability principles.

CONCLUSION

59. Whilst there is general policy support for the diversification of rural enterprises and the development of caravan sites in appropriate locations it is considered that this proposal is deficient in a number of respects.
60. The proposal represents a significant increase on the number of pitches from the 5 pitches that are currently on the site and are exempt from planning permission. The caravans and tents and associated facilities would be prominent in the surrounding landscape and have a detrimental impact on the special qualities of the Area of Landscape Value. The proposed mitigation planting and local topography would not compensate for this and would fail to adequately screen the site
61. The proposal would also be highly prominent within the historic landscape setting of the Conservation Area and Leggs Cross, the Scheduled Ancient Monument and Grade II* Listed structure. It would effectively cut the Scheduled Ancient Monument off from the traditional and historic context of the fields and cultivation terraces. The proposed demountable prefabricated shower/toilet block would also be an inappropriate form of development adjacent to the Conservation Area and harmful to its setting.
62. it is likely that the proposal will result in the disturbance of a European protected species, namely great crested newts but the information submitted is insufficient in that it does not address the level of that impact, The LPA is therefore unable to discharge its duty under the Conservation of Habitats and Species Regulations 2010.
63. Notwithstanding that the scheme is otherwise unlikely to give rise to unacceptable residential amenity or highway safety issues, these considerations would not outweigh the overall harm that the proposal would create.

RECOMMENDATION

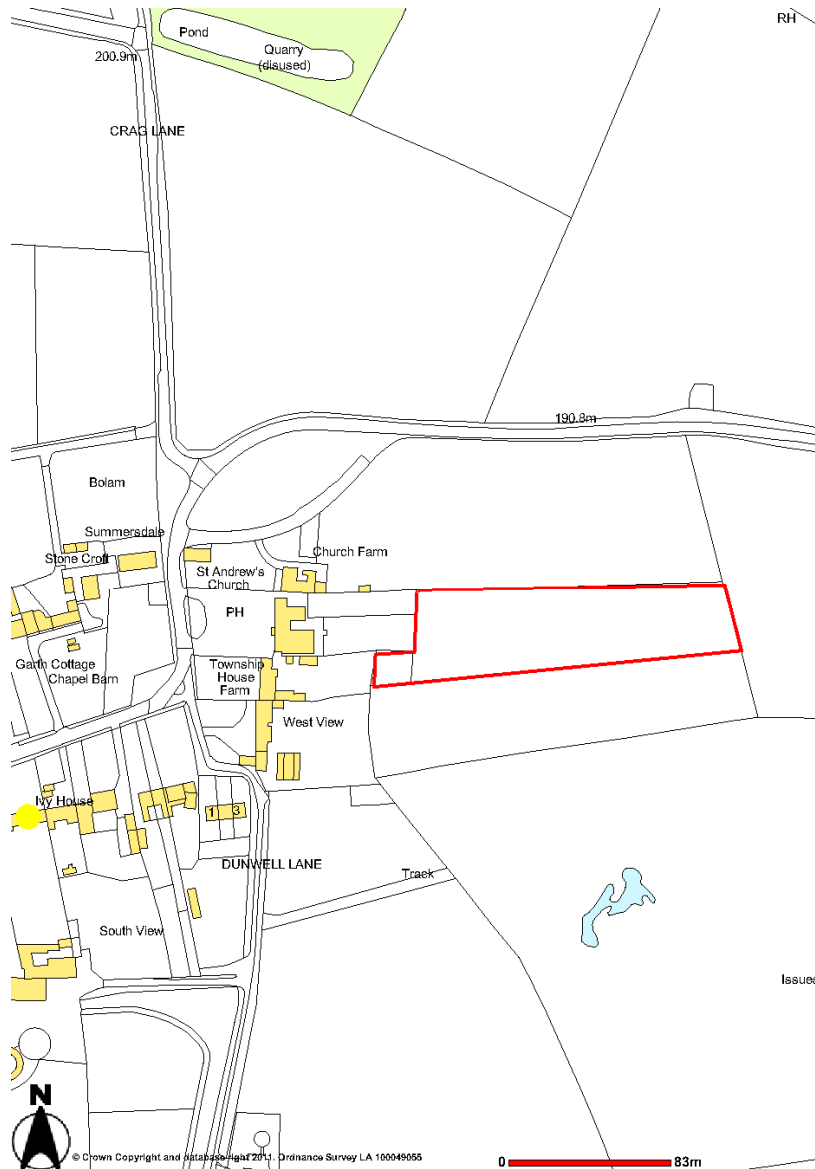
That the application be **REFUSED** for the following reasons;

1. A lack of existing screening combined with the local topography and inappropriate mitigation screening would result in caravans and tents on the proposed site being highly visible from the main road into Bolam and the public footpaths to the north and south of the site, having a significantly detrimental impact on the surrounding landscape and harmful to the special qualities of the Area of Landscape Value contrary to policies GD1, ENV3 and TR3 of the Teesdale Local Plan and PPS7.

2. The caravans, tents and amenity block would be highly prominent in views from the Leggs Cross, detrimental to the historic landscape setting of the Bolam Conservation Area and the setting of the Scheduled Ancient Monument and Grade II* Listed Structure contrary to policies GD1, BENV3 and BENV4 of the Teesdale Local Plan and PPS5.
3. Insufficient information has been provided to properly consider the impact of the proposal on Protected Species and consequently the LPA is unable to discharge its duty under the Conservation of Habitats and Species Regulations 2010, contrary to policy ENV8 of the Teesdale Local Plan and the requirements of PPS9.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Heritage Statement
- Landscape Impact Assessment
- Teesdale Local Plan Saved and Expired Policies
- Planning Policy Statements/Guidance, PPS1, PPS4, PPS7, PPS9
- Tourism Good Practice Guide
- Consultation Responses
- Public Consultation Responses



Planning Services

Provision of 25no. additional pitches for touring caravans and camping with associated toilet and shower block at The Countryman Public House, Dunwell Lane, Bolam, 6/2011/0301/DM

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Comments

Date 05 December 2011

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COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

Appeal by Mr V Carling

Site at 26, Louvain Terrace, Crook, Durham DL15 9PB

Planning Reference 3/2011/0252

Proposal: Single storey rear extension and single detached garage

1. The appeal was lodged against the Council's decision to refuse planning permission because of the impact of the proposed garage on the living conditions of the neighbour.
2. The appeal was dismissed with the Inspector agreeing that the garage would have an unduly overbearing effect on the use of the garden and outlook from the rear ground floor windows of the neighbour at no. 25, as well as causing overshadowing of the neighbour's garden.

Appeal by Mr C Harper

Site at West of Whorlton Grange, Whorlton, Barnard Castle, DL12 8XA

Planning Reference 3/2011/0252

Proposal: erection of a two storey detached dwellinghouse

3. The appeal was lodged against the Council's decision to refuse planning permission on the grounds that the site was unsustainable being greenfield land outside the development limits of Whorlton and the dwelling would have a harmful impact upon the character of the conservation area.
4. The Inspector dismissed the appeal and considered that even though the site was part of the garden of Whorlton Grange and immediately adjacent to the development limits of Whorlton, it was within the open countryside and a new dwelling should not be permitted unless it was essential to the needs of agriculture or forestry, which it was not. The Inspector noted that even though the site was only a few moments' walk from the centre of the village and its services, the site was unsustainable because the facilities in the village were extremely limited: a pub, a church, a village hall and a limited bus route; and therefore the development would not accord with national guidance that housing should be well located in relation to key services.
5. In addition the Inspector also agreed with the Council that even though the site was surrounded by mature trees, a substantial dwelling would still be seen through the bare trees in winter and the vehicular access would draw attention to its presence. The proposal would neither preserve nor enhance the character or appearance of the conservation area, which conflicts with local and national planning policy.

Appeal by Mr D. A. Dalton

Site at Melon Isle, Burtree Ford, Cowshill, Bishop Auckland, DL13 1DB

Planning Reference 3/2010/0554

Proposal: Alterations and change of use to form live/ work unit

6. The appeal was lodged against the Council's decision to refuse planning permission on the grounds of unsustainable development. This was on the back of a recently dismissed appeal at the site for conversion of the building to a dwelling.
7. The appeal was dismissed with the Inspector agreeing that in the light of the guidance in Planning Policy Guidance Note 13; *Transport* (PPG13) which identifies the objective of locating development so as to reduce the need to travel by car, Cowshill and Wearhead have relatively limited facilities and thus, despite the availability of grocery deliveries, most journeys would be likely to be made by car to access many day to day services. The Inspector took into account the appellant's claims that the work element would reduce travel to work journeys but because the proposal was speculative with no end work user there was no guarantee that this would be the case. There would also still be significant car journeys associated with the dwelling. The Inspector therefore found that the live/work unit was not a sustainable form of development in this location.
8. The Inspector also considered that the large area of parking proposed would detract from the rural character of this part of the Area of Outstanding Natural Beauty.

Appeal by Ferryhill Town Council

Site at footpath link between the Ferryhill Carrs Nature Reserve and Duncombe Cemetery, Ferryhill, County Durham

Planning reference 7/2011/0019/DM

Appeal reference: APP/X1355/A/11/2155590

Proposal: Appeal against imposition of condition requiring the erection of a fence alongside footpath

9. This appeal was lodged following a decision by the Planning Committee to add a condition requiring the erection of a 1.2 metre high timber post and rail fence along the entire length of a footpath that was granted retrospective planning permission.
10. In allowing the appeal and deleting the condition, the Inspector considered whether the condition is necessary in the interests of public safety. He concluded that the footpath is well surfaced, generally even and its route is clearly defined; it is separated from the edge of the embankment by a strip of rough grass and undergrowth; there is little risk of those exercising normal levels of care and attention inadvertently straying from the footpath and falling down the slope; risk is further reduced as the gate from the cemetery giving access to the footpath is locked during hours of darkness; the type of fence required is unlikely to prevent those determined to access the slope from doing so; the cemetery itself has substantial metal fencing along its boundaries and it is understood that this is for security purposes in addition to public safety.

RECOMMENDATION

11. That these decisions are noted.