



Area Planning Committee (South and West)

Date Thursday 19 January 2012
Time 2.00 pm
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 15 December 2011 (Pages 1 - 6)
3. Applications to be determined
 - a) 7/2011/0488/DM - Old Park Hall Farm, Byers Green, Spennymoor
(Pages 7 - 18)
New farm workers cottage
 - b) 3/2011/0234 - Bowlees Farm, Durham Road, Wolsingham
(Pages 19 - 30)
Formation of fishing pond and new access track
 - c) 3/2010/0333 - Westgate Filling Station, Westgate (Pages 31 - 44)
Re-submission of 3/2009/0459 – 2 no. two bedroom apartments
and 2 no. two – three bedroom duplexes
4. Appeal Update (Pages 45 - 46)
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
11 January 2012

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chair)

Councillor E Tomlinson (Vice-Chairman)

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 15 December 2011 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

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

Apologies:

Apologies for absence were received from Councillors D Burn, J Shuttleworth and R Todd

Also Present:

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

1 Declarations of Interest

There were no declarations of interest received.

2 Minutes of the Meeting held on 17 November 2011

The Minutes of the meeting held on 17 November 2011 were agreed as a correct record and were signed by the Chair.

3 Applications to be determined

**3a 7/2011/0440/DM - Land Adjacent to 50 Station Road, Sedgefield
Erection of 1 No. 2.5 Storey Dwelling**

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

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

Councillor J Robinson, local Member addressed the Committee on behalf of local residents, Sedgefield Town Council and Sedgefield Civic Trust.

He considered that the application contravened Local Plan Policy D5 and Policy H17 of the former Sedgefield Borough Local Plan. He was concerned that the proposed development was only 15 feet away from the properties on Queens Drive at the rear of the development, and the living room was to be located on the first floor with a balcony. This would result in overlooking into the properties on Queens Drive and would have an impact on the privacy of residents.

Residents were also concerned that the development was out of character, being a modern development in a Conservation Area and surrounded by mature properties built in the 1940s and 1950s.

In conclusion, he understood that the Localism Bill required that a local authority, in making decisions which would have an impact upon local residents, should take into account the views of the community.

Mr Wilkinson, local resident reiterated the comments put forward by Councillor Robinson. Whilst the property was of an attractive design it was not in keeping with the scale and form of adjacent dwellings. It was out of character with the other properties in Station Road which was located on one of the main access routes into the village. He was also concerned with the distance between the proposed dwelling and the boundaries of the properties on either side, together with the potential impact on biodiversity; a large area of hardstanding was proposed which raised concerns about surface water drainage.

The Government had amended national policy to prevent 'garden grabbing' but if this application was approved he believed it would set a precedent for further garden developments.

Members deliberated the application and asked a number of questions in relation to the issues raised.

In response the Principal Planning Officer advised that the separation distance between facing habitable rooms was more than double the minimum requirement of 21 metres, and the oblique angle of the new development would ensure that overlooking and privacy would not have a significant adverse impact on the residents of Queens Road. The side separation distances from immediately adjacent dwellings were acceptable, and a Member noted that the density in this part of Station Road was less than in the surrounding area.

Whilst of a modern design the scheme had been amended to reflect the properties on either side and to be in keeping with the other developments along Station Road, which was a mix of hipped and gable roofs. Whilst some hardstanding was proposed, the rear garden area would be retained, and therefore it was not envisaged that there would be any problems with surface water drainage. Northumbrian Water had offered no objections to the proposal and an abandoned water main ran directly through the proposed site.

With regard to 'garden grabbing', Members were advised that amended PPS3 explained how local authorities and communities should decide the best locations and types of developments in their own areas. It did not prevent housing

development in garden curtilage but placed the emphasis on the local planning authority and community to decide whether the scale and design was appropriate for the location. Each application had to be considered on its merits and therefore, if approved, this development would not set a precedent. The views of residents were important and were taken into account but this had to be balanced with the need to have regard to planning principles.

RESOLVED

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

3b 6/2011/0178/DM - Oakwood, Redford, Hamsterley 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

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. A site visit had taken place that day and Members were familiar with the location and setting.

Mr Ridgeon, the applicant's Agent stated that the application sought to regularise the use that was currently taking place at the property and had done so for two years without any problems. This was not a commercial enterprise but a hobby. As a breed huskies did not bark much and a Site Management Plan had been drawn up in consultation with Environmental Health to control feeding times and supervision. It also ensured that the huskies followed a structured day to minimise noise disturbance.

Councillor G Richardson, as local Member advised that the concerns expressed by residents should be taken into account, and that neighbours had complained about howling from the dogs, rather than barking.

In deliberating the application Members noted that on the site visit there had been little noise from the huskies, however they welcomed the implementation of a Site Management Plan which would be enforceable on receipt of any complaint. They were satisfied that it was not a business venture and that there were measures in place to ensure that the dogs would not increase in numbers through breeding. Members were advised of the arrangements for disposal of waste and how surface water drainage was managed.

Reference was made to condition 3 in the report which specified that within 3 years the number of dogs kept at the property should be no more than 14 in total. Members appreciated that the condition had been included to ensure that the number of dogs kept at the premises would not increase, and that an application could be made to vary the condition if necessary. However, they were concerned

that the length of time specified was not adequate, and following discussion agreed to extend the time period to 5 years.

RESOLVED

That the application be approved subject to the conditions outlined in the report and to condition 3 being amended to read as follows:-

3. Within 5 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.

3c 6/2011/0301/DM - The Countryman Public House, Bolam Provision of 30 No. Pitches for Touring Caravans and Camping with Associated Toilet and Shower Block

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. Members had visited the site that day and were familiar with the location and setting.

Mr Lewis addressed the Committee on behalf of 7 objectors to the application. The proposal would significantly detract from the amenities of local residents and contravened National and Local Planning Policy. The proposed development could result in up to 120 people in the village, swamping local facilities. There was also the potential for increased noise from the site, and a risk of odours and spillage from the water treatment plant and toilet block. There had been problems with the sewage system in Bolam in the past and he was concerned that this would be exacerbated by the proposed development.

The application would be harmful to the setting which was an area of high landscape value within a Conservation Area and he believed that the screening proposed would be inadequate. There would be a constant movement of vehicles on and off the site during the day, resulting in an increase in traffic in the village.

Mr Leeming, the applicant's Agent stated that the application had been designed to provide a sustainable development with minimum impact on the village. There were already 5 seasonal pitches on the land and there were other similar sites throughout the region.

He provided details of the landscaping scheme submitted which he believed would mitigate the visual impact of the site. As the Landscape Section and Planning Officers did not agree with the mix of planting the applicant would be prepared to amend the submitted scheme. With regard to the historic landscape setting and the Scheduled Ancient Monument Leggs Cross he considered that visually these would be unaffected by the site. The footprint of the toilet/shower block was only 15 sq metres and there would be no other alterations to land levels.

Mr Stabler, the applicant reiterated the comments made in his statement included in the report. He stated that he employed many local people but as the pub trade had declined in general, he wished to diversify his business. The 5 seasonal pitches had been successful and he had held rallies on the site in the past without problem. If the application was approved the site would continue to be seasonal, and the caravans and tents would be adequately screened by existing topography and the proposed landscaping scheme. An increase in the number of pitches would not only help his business but would encourage more tourism in an area of historical interest.

Councillor J Rowlandson referred to the issues raised in the Planning Officer's report with regard to potential harm to a protected species, the great crested newts. He pointed out that of the three ponds referred to, one had only been in existence since 2010 and another was separated from the caravan site by a road. The applicant was sensitive to the importance of the setting of Bolam and asked Members to look favourably on the application.

In deliberating the application Members discussed the potential impact on great crested newts, noting that the local planning authority was unable to discharge its duty under the Conservation of Habitats and Species Regulations 2010. By way of clarification, N Carter, Legal Officer stated that great crested newts were a protected species and as such the local planning authority had to have regard to the requirements of the Habitats Directive. Therefore, where there was likely to be a disturbance to newts the local planning authority must consider whether a relevant licence should be obtained from Natural England. It was the responsibility of the applicant to demonstrate that there would be no adverse effect on great crested newts, and the County Ecologist considered that insufficient information had been provided by Mr Stabler to allow the local planning authority to properly consider the potential impact.

The Committee also considered the visual impact of the proposed development and whilst some Members considered that screening would mitigate this, others felt that landscaping had not been adequately addressed by the applicant.

Having taken these factors into account the Committee **RESOLVED**

That the application be refused for the reasons outlined in the report.

4 Appeal Update

PLANNING REF: 3/2011/0252

Site at 26 Louvain Terrace, Crook

Single storey rear extension and single detached garage

The Inspector had dismissed the appeal.

PLANNING REF: 3/2011/0252

**Site at Whorlton Grange, Whorlton, Barnard Castle
Erection of a two storey detached dwellinghouse**

The Inspector had dismissed the appeal.

PLANNING REF: 3/2010/0554

**Site at Melon Isle, Burtree Ford, Cowshill, Bishop Auckland
Alterations and change of use to form live/work unit**

The Inspector had dismissed the appeal.

PLANNING REF: 7/2011/0019/DM

**Site at footpath link between the Ferryhill Carrs Nature Reserve and
Duncombe Cemetery, Ferryhill
Appeal against imposition of condition requiring the erection of a fence
alongside footpath**

The Inspector had allowed the appeal.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0488/DM
FULL APPLICATION DESCRIPTION:	New farm workers cottage
NAME OF APPLICANT:	Mr and Mrs R Gilson
ADDRESS:	Old Park Hall Farm, Byers Green, Spennymoor, Co Durham, DL16 7PZ
ELECTORAL DIVISION:	Spennymoor and Middlestone Moor
CASE OFFICER:	Mark O'Sullivan, Planning Officer 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site comprises undeveloped agricultural land located to the east of the main unclassified highway serving the Byers Green settlement (some 600m to the south of the settlement limits by road). The application site is surrounded in all directions by open countryside with a recently erected agricultural barn having been sited on land to the immediate east of the application site. The main farm house and farm buildings serving this farmland are located approximately 950m to the east of the application site by road.

The proposal

2. Planning permission is sought for the erection of a 3-bedroom detached dwelling house, utilising an existing access junction which was constructed as part of previous works for the adjacent barn. This proposed dwelling house would occupy an L-shaped footprint being of random rubble stone construction with welsh slate tile roof and timber fenestration.
3. This is a resubmitted application following a recent refusal in June 2011 for a new farm workers cottage on this site. The application was refused for reasons relating to the lack of adequate justification in terms of any identified functional need, and that the scale and prominent location of the proposed dwelling would constitute a visually intrusive feature in the countryside.
4. This application has been referred to Planning Committee by Councillor Thompson, Elected Ward member for Spennymoor and Middlestone Moor who considers the proposals to represent a legitimate request for an additional dwelling house in the open countryside in the context of Planning Policy Statement 7 (Sustainable development in rural areas). Councillor Thompson has requested to speak in favour of this application, citing in particular the shortage of agricultural cottages in the area.

PLANNING HISTORY

5. In November 2009 the Local Planning Authority determined that prior approval was not required for the erection of an agricultural building on this site (7/2009/0347/DM). This was shortly followed in December 2009 by permission for the creation of a new vehicular access and hardstand area accessing this site from the adjacent highway (7/2009/0342/DM). In June 2011, planning permission was refused for the erection of a farm workers cottage on this land adjacent to the aforementioned agricultural building (7/2011/0133/DM).

PLANNING POLICY

NATIONAL POLICY

6. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 3 (PPS3): Housing* sets out the delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations, whilst being related to existing facilities and infrastructure.
8. *Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas* sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
9. The draft National Planning Policy Framework sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development.

REGIONAL PLANNING POLICY

10. 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. In July 2010, however, 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.
11. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
12. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
13. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.

14. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance the sustainable internal and external connectivity and accessibility of the North East.
15. *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:

16. *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.
17. *D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
18. *E1 (Maintenance of landscape character)* seeks to encourage the maintenance of distinctive landscape areas by requiring that landscape features, such as hedgerows, woods, streams and buildings, fit into the landscape.

*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:

19. *Spennymoor Town Council* has no objections to the proposal.
20. *The Highway Authority* raises no objections to this proposal on highway grounds.
21. *Northumbrian Water Ltd* has no objections to the proposal.

INTERNAL CONSULTEE RESPONSES:

22. *Planning Policy Section* raises objections to the proposal, citing previous objections relating to the earlier application. They consider that the applicant has not provided convincing evidence of need for an additional dwelling for this farmstead, as opposed to a personal preference for an additional worker to live on the site. The erection of an additional isolated dwelling in this location is contrary to national and development plan policies with officers unconvinced that it will be essential for the proper functioning of the enterprise for an additional worker to be permanently based on site. This proposal for a permanent dwelling conflicts with PPS7, with suitable and available alternatives within Byers Green which could be used. An additional issue is that all 'at risk' animals could be located at the existing farmstead which has an existing dwelling within sight and sound. This would negate the need for a further dwelling in the location proposed.
23. *Environmental Health* has no objections to this proposal.
24. *Design and Historic Environment Section* has no objections to the proposal, subject to conditions relating to the prior approval of external materials, window and door details and landscaping details if approved.

25. *Landscape Section* considers that the omission of a landscaping scheme to accompany the application is unfortunate, particularly as the issue has been identified during earlier applications at the site. The County Durham Landscape Spatial Strategy identifies the site as a location to be 'conserved and enhanced' and as a result, lies within a landscape conservation priority area. The site is prominently located with a number of public receptors in the vicinity including public rights of way. As such, a detailed landscaping scheme would be required to assist in mitigating the impacts of the proposed dwelling on the landscape, particularly in view of its cumulative effect when considered with the adjacent agricultural building.

26. *Public Rights of Way* have no objections to this proposal.

27. *Ecology Section* has no objections to the proposal.

PUBLIC RESPONSES:

28. The application has been advertised by means of site notice and by neighbour notification letters. No formal letters of objection have been received in response to this exercise although one email was received from a local residents confirming that they will be preparing a detailed objection to be forwarded in due course. At the time of preparing this report, no further correspondence has been received.

APPLICANTS STATEMENT:

29. The applicant has submitted a thorough statement in support of this application alongside details of daily and seasonal farming activities. The following points are also included. This is a revised statement which was amended following the previous refusal of an application for an agricultural workers dwelling on this site:

30. The farm is approximately 231Ha (571acres) and is farmed by Mr and Mrs R Gilson and their son Richard. Currently all three occupy the farmhouse of Old Park Farm.

31. None of the land obtained since the Gilson's first occupied this farm in 1962 came with additional housing, having all been previously sold off or remained occupied.

32. The existing house is a Grade II Listed building and as such cannot be altered in any way. There are no other buildings suitable for alteration – even if the church would allow it and even they are listed.

33. The farm is mixed use, part arable, and part livestock, with an average of 200 cattle and 350 lambs and ewes.

34. Recently a new farm building for vehicle/feed and stock accommodation has been constructed remotely from the farm house.

35. The reasons for siting a dwelling here are numerous. However the most important is the welfare of the animals that are housed there. For reasons of welfare, animal husbandry, management, economics and environmental and sustainability issues, it is a necessity to accommodate more than one agricultural worker full time on the farm.

36. The presence of a property would deter thieves.

37. The additional on-site dwelling would comply with the requirements of paragraph 27 of PPS7 relating to new development in the countryside and Annex A, Para 3 of PPS7. The farm is currently operating with 2 men full time which is below the industry standard for stock care alone and substantially below the calculation for staffing the whole operation.
38. Design endeavors to replicate a traditional farm grouping common to this area. Visibility on the public highway is in excess of DCC Highway requirement. No additional works are required.
39. The scheme is sustainable and the proposal should take account of the Draft National Planning Policy Framework which supports sustainable development
40. The proposal we believe, satisfies all planning criteria, will consolidate the existing farm business, maintain current employment levels and create additional job opportunities.
41. In addition, a number of letters of support have been received from the following sources comprising NFU, SW Durham Group, Dunelm Veterinary Group, Lloyd Ltd., Byers Green Primary School, Masstock Arable (UK) Ltd, Gooseberry Farm, Stockton on Tees, S&A Fabrications, JG Paxtons and sons Ltd, and Addison & Co Chartered Accountants.

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

42. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development and the perceived impact on the character of the rural landscape.

The principle of the development

43. The application site is located outside of the settlement limits for Byers Green, in a predominantly rural location. The proposed development would represent additional sporadic development within the open countryside, where there is normally a strong presumption against this form of development in well-established national planning policy.
44. Planning Policy Statement 7 (PPS7) highlights the key tests for which such rural development may be considered acceptable. Paragraph 10 makes clear that new permanent dwellings within the open countryside will require special justification for permission to be granted, such as if the proposed dwelling is required to enable agricultural, forestry and other certain full time workers to live at, or in the immediate vicinity of their place of work. However it will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside.
45. There will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

46. Applications should be scrutinised thoroughly to demonstrate that the enterprise is genuine, financially viable (and capable of being sustained for a reasonable period of time) and there is a clearly established functional need for the dwelling. For the Local Planning Authority to accept that there is a clear justification for a new dwelling (whether on a temporary or permanent basis), any application should robustly demonstrate that the functional and financial tests set out in Annex A of PPS7 have been satisfied.
47. In determining this application the Planning Policy Section has raised objections over the absence of any convincing evidence of need for a new permanent dwelling on site, as opposed to a personal preference for a worker to live on the site. The following functional and financial tests as outlined within Annex A of PPS7 have been carefully applied in determining this application, where it is stated how new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
- (i) There is a clearly established existing functional need*
48. The applicant claims a functional need for this development in providing on-site presence at all times of day and night for animal welfare, husbandry, management, economics, environmental and sustainability issues and security purposes. Detailed information has been provided by the applicant outlining daily and seasonal farm activities in an attempt to justify the functional need for permanent on-site presence on this particular site adjacent to the recently constructed agricultural building, with a perceived need to supervise the contents of the building at all times.
49. Work on the farm is carried out across the year and throughout the day. During lambing and calving periods, work extends into the night. The applicant argues significant financial losses to result from poor care of the stock.
50. Whilst undoubtedly this business represents a labour intensive enterprise, there is little to suggest that the future success of this enterprise is entirely reliant upon securing permission for an additional dwelling house on this particular site. Concerns are raised over whether an additional dwelling in this location is fundamental to the operations of the business, and secondly whether it is necessary for an additional dwelling in this location.
51. Whilst financial implications resulting from poor care of stock should not be dismissed, it would be incorrect to assume that the refusal of an application for an additional farm workers dwelling will automatically result in the decline of this farming enterprise which has operated successfully from this site for many years prior to the applicant constructing a large agricultural building away from the main farm house. The applicant's choice to construct this storage building away from the main farm under their agricultural permitted development rights should not now be used as justification to construct a new dwelling immediately adjacent, with it argued that this should have been built closer to the main farm house in the first place in order to offer supervision. Furthermore, whilst it is argued that the perceived need to supervise livestock within this building dictates the requirement for permanent on site presence, it is considered that cows which are calving and sheep which are lambing could be housed in existing farm buildings adjacent to the existing farmhouse thereby ensuring that the livestock which are most at risk and in need of supervision can be adequately supervised being within sight and sound. This would therefore negate any resulting financial detriment.

52. In terms of the need for on site security, and stock protection, PPS7, Annex A specifically explains how the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. The applicant has submitted supporting information outlining the problems of rural crime, with a letter of support received from the NFU. However, no specific evidence of crime figures or activity relating to this site has been supplied with this application; with it questioned whether more straight forward CCTV and surveillance technologies installed on the site would provide a far more acceptable deterrent to criminal activity rather than justifying a new build dwelling house.

53. Finally, any claims that an additional dwelling is required in this location for economic, environmental and sustainability issues are also questionable given the close proximity of the nearby farmhouse and farm buildings which could just as easily be used for stock needing additional care.

54. The applicant has also submitted correspondence received from a local veterinary group, village school and other enterprises all in support of this proposal. However, the points raised by these individuals do little to address the pertinent issues - that being the insufficient justification of functional need for an additional dwelling in this rural location. As explained in paragraph 44, the need for additional accommodation should depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. In light of the aforementioned considerations, it is considered that the justification submitted by the applicant in support of this application points more towards development to suit the personal preference of the applicant rather than the needs of the enterprise.

(ii) The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;

55. Officers remain unconvinced that it is essential for the proper functioning of the enterprise for an additional full-time worker to be permanently based on this site. Whilst it is agreed that the daily and seasonal activities described by the applicant do require a significant amount of man hours, there is little evidence to suggest that the necessary work needs to be carried out by full time employees instead of part-time equivalents who can just as easily reside in close proximity to the site.

56. Likewise, although there is no doubt that an additional employee working this farm would be preferable to the applicant; it would still remain possible to run a successful business on this site without the need to live on site. Most of the problems which might be likely to arise, as well as routine care, could be dealt with by the residents of the existing dwelling which is tied to the business, or a non-resident worker.

(iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so

57. Financial information submitted in support of this application provides a detailed breakdown of income and expenditure on a monthly basis between April 2010 and projected figures to January 2013. Sufficient information has been provided demonstrating this business to be financially sound and profitable, with a clear prospect of remaining so.

58. Paragraphs 9-10 of Annex A to PPS7 emphasise the need for agricultural dwellings to be of a size commensurate with the established functional requirement and to avoid extensions that would result in a dwelling beyond the size justified by the functional requirement. It is widely accepted that it is reasonable to expect a significant degree of linkage between finances and the build costs of the dwelling. In essence the enterprise must be economically viable so that the business could afford the costs of constructing a small dwelling of a size which the unit could sustain. In this case, it is considered that on the basis of the submitted information, the enterprise could sustain the proposed dwelling. However, despite the applicant having sought to address the financial requirements of this proposal, the key area of concern remains with the functional requirement.

(iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned

59. Although the applicant describes in great detail in supporting information the complexities of farming cattle and the need for flexibility and on-site presence, there is nothing to suggest that those animals deemed 'at risk' and in need of greater attention cannot be housed closer to the main farm buildings

60. Whilst it is considered that there is no fully justified and identified functional need for an additional dwelling to serve the enterprise, it is considered, in any event, that given the proximity of nearby settlements, there are a number of properties which are both suitable and available and which could just as easily provide a place of residence in close proximity to the application site.

61. A basic property search carried out on 4 January 2012 of nearby properties for rent and sale within an approximate 5 minute drive of the site revealed 184 properties for sale (based on a maximum £150,000 valuation and for a two bed property) and 54 properties to rent (based upon a minimum 2-bed property). Results of this search are held on the planning case file and clearly demonstrate a large number of these houses to fall within a far more affordable price range including at least 51no. properties between £29,950 and £70,000 to purchase and at least 32no. properties to rent at a rate of less than £400pcm.

62. A similar search was conducted as part of the previous application for this site, where it was similarly demonstrated that there were suitable and available dwellings to both rent and buy within the existing local market to more than accommodate the applicants desire for additional accommodation, and without placing onerous demands on the applicant to travel too far to the site. It is there questioned whether the detail submitted provides any firm justification for a need for a new build dwelling on this site, or rather presents a case for a worker to live close by for convenience.

(v) Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied

63. There would be no significant adverse affect upon residential amenity given the isolated nature of the site, and there would be no detriment to highway safety.

Impact on the character of the rural landscape

64. PPS7 explains how new development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled, and that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.
65. Local Plan Policy E1 seeks to encourage the maintenance of distinctive landscape areas by requiring, in this location (River Wear Valley Shelf), that landscape features such as hedgerows form part of schemes and that the area can be enhanced by new hedgerows and tree planting. In addition, the application site lies within an area to be 'conserved and enhanced' as identified in the County Durham Landscape Spatial Strategy and as a result, lies within a landscape conservation priority area.
66. The proposed development would occupy a prominent location on the main approach road (Church Street) to Byers Green, and would be visible from a number of public receptors in close proximity. Such receptors include Church Street itself, which is also designated Cycle Route 3b, the Auckland Way railway walk to the east of the site, and two Public Rights of Way (22 and 23) between Long Lane and Church Street to the west.
67. The proposed dwelling would be read against the existing adjacent agricultural barn, being of random rubble stone construction with a Welsh slate tile roof. As such, and notwithstanding the principle of development, no objections are raised from the Design and Historic Environment Section regarding the scale or design of the proposed dwelling house, which is considered to respect its rural setting.
68. However, the Landscape Section considers that the omission of a landscaping scheme to accompany the application is unfortunate, particularly as the issue has been identified during earlier applications at the site. A landscaping scheme would assist in mitigating the impact of the proposed development within the open countryside. However, and notwithstanding the earlier conclusion regarding the principle of a new dwelling in this location, a landscaping scheme to meet the objectives of Policy E1, including supplementing existing hedgerows together with new tree and hedgerow planting, could be undertaken to assist in mitigating the visual impact of the proposed dwelling, and the adjacent agricultural barn against which the proposed dwelling would be seen, in views into the site.

CONCLUSION

69. In conclusion, this application has been considered carefully in terms of the requirements of national and regional planning policies, as well as adopted Sedgfield Borough Local Plan Policies. The proposal is considered to conflict with PPS7 insofar as it fails to satisfactorily address the necessary functional test, with the applicant having failed to satisfactorily demonstrate any required justified functional need for an additional dwelling in this location. Given the nature of the enterprise, existing accommodation, and the proximity of suitable and available properties in close proximity to this site, there is little justification or functional need for an additional dwelling which would otherwise encroach into the open countryside.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

In the opinion of the Local Planning Authority, the proposal constitutes new residential accommodation in open countryside without adequate justification in terms of any identified functional need, and where there is existing accommodation that is both suitable and available within close proximity of the application site. Consequently, it is considered that the proposal is contrary to Planning Policy Statement 7 (*Sustainable Development in Rural Areas*).

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Planning Policy Statements 1, 3 and 7
- Draft National Planning Policy Framework
- Regional Spatial Strategy
- Sedgefield Borough Local Plan 1996
- Consultation responses from Spennymoor Town Council, Highway Authority, Northumbrian Water Ltd, Planning Policy Section, Environmental Health Section, Design and Historic Environment Section, Public Rights of Way, and Ecology Section



Planning Services

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New Farm Workers Cottage at Old Park Hall Farm, Byers Green, Spennymoor, Co Durham

Comments

Date 19 January 2012

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2011/0234
FULL APPLICATION DESCRIPTION:	Formation of fishing pond and new access track
NAME OF APPLICANT:	Mr Anthony Smith
ADDRESS:	Bowlees Farm, Durham Road, Wolsingham
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is an agricultural field located to the east of Wolsingham and to the north of the A689. The field is formed by low ground at the foot of the valley side that rises to the north and lies within an Area of High Landscape Value as identified within the Wear Valley District Local Plan. A small watercourse/ditch runs to the east of the site. Above the field, approx 260m to the north, lies Bowlees Farm which is accessed via a metalled track that meets the A689 to the west of the site and follows the contours of the land. This track also serves Dunskins Farm which is located approx. 400m to the northwest of the application site and is also designated as a Public Right of Way. Bowlees Farm currently hosts a dwelling and attached holiday annex which were restored in 2010 following significant fire damage.
2. The field is currently used as pasture for sheep and its damp nature is evidenced by the presence of clumps of soft rush. The field boundaries are formed on three sides by post and net stock fencing and hawthorn/blackthorn hedging with some oak, alder, holly and ash trees also present.

The proposal

3. The application seeks planning permission for the formation of a fishing lake, which would be formed in the southern part of the field with raised bunds of approx. 3m in height to the north and south. It is further proposed to form a smaller header pond in the north east corner of the site. Both the main lake and header pond would be landscaped to a greater degree than currently with a variety of species, including screening trees, lakeside, marginal, filter feeding and oxygenating species.
4. It is further proposed to form a separate new spur to the existing access track which would run from the north west, alongside an existing hedge line to the north western corner of the site, where 3no. car parking spaces would be created with hedgerow screening to the east.

5. The lake would be filled mainly by the existing water table as the depth of the lake would be excavated below the existing level of standing water. Any increase in water level required would be facilitated by the use of the header pond, which in turn would take supply from the existing watercourse to the east of the site by means of a sluice gate. The main pond would incorporate a discharge sluice to allow control over the level of lake in times of prolonged heavy rainfall, if required.
6. The application is being reported to committee as it falls within the definition of a major application due to the size of the site and works.

PLANNING HISTORY

7. None for the field in question, although it should be noted that application 3/11/0411 for the formation of 3no. holiday cottages at Bowlees Farm is currently under consideration.

PLANNING POLICY

NATIONAL POLICY:

8. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
9. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
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. *Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation* states that the countryside can provide opportunities for recreation and visitors can play an important role in the regeneration of the economies of rural areas. Open spaces within rural settlements and accessibility to local sports and recreational facilities contribute to the quality of life and well being of people who live in rural areas.
13. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* is intended to complement the pollution control framework under the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control (England and Wales) Regulations 2000.
14. *Planning Policy Statement 25 (PPS25): Planning and Flood Risk* sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

15. 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

16. *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.
17. 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;
18. *Policy 2 – Sustainable Development*
Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
19. *Policy 31 – Landscape Character*
Planning proposals should be appropriate to the special qualities of areas of landscape value
20. *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.
21. *Policy 34 – The Aquatic and Marine Environment*
Planning proposals should consider the wider management and conservation of water bodies.
22. *Policy 35 – Flood Risk*
A sequential risk-based approach to development and flooding should be adopted in accordance with PPS25 when considering development proposals.

LOCAL PLAN POLICY:

23. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
24. *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.

25. *Policy ENV1 (Protection of the Countryside):*

The District Council will seek to protect and enhance the countryside of Wear Valley.

26. *Policy ENV3 (Area of Landscape Value):*

Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.

27. *Policy TM1 (Criteria for Tourist Proposals):*

The Council will give encouragement to schemes which provide tourism facilities in the District provided they accord with criteria set out in the local plan.

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

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. The *Environment Agency* originally raised an objection to the scheme on the basis of the level of information submitted, however following further discussions with the applicant, information has since been received allowing the objection to be withdrawn.

30. The *County Highway Authority* raise no objections to the proposals, noting that the junction with the A689 is capable of accommodating two way vehicular traffic, as is the access road up to Dunksins Farm. Beyond this point the track is capable of accommodating only one vehicle. It is also noted that passing places exist on this section of track between Dunksins Farm and Bowlees Farm and that there is a relatively long distance between the first passing place and the two way section of track. It is considered that all users of the track would benefit from an additional passing place near to the point of entry after the gated access to Bowlees Farm. Furthermore, it considered necessary to secure a reduction in the height of the hedgerow at the junction with the A689 in order to improve visibility.

31. *Northumbrian Water* offers no objection to the proposals.

32. *Natural England* offers no objection to the proposals.

INTERNAL CONSULTEE RESPONSES:

33. The *Landscape Section* have no objections in principle but would like to see further details with regards to the planting scheme and design of the bunds. They also note that the proposed track would encroach upon the root protection area of a mature tree.
34. The *Design and Historic Environment Team* raises no objections subject to the material to be used for the new track being agreed.
35. The *Environmental Health and Public Protection Team* offer no objections to the proposals.
36. The *County Ecologist* raises no objection to the proposals.

PUBLIC RESPONSES:

37. The application has been publicised in the press, by site notice and letters were sent to neighbours. No representations have been received.

APPLICANTS STATEMENT:

38. The lake will form part of the existing holiday let business which operates from Bowlees Farm, where fishing would form part of the holiday package. It is also hoped that the lake will also attract day anglers, so the stocking, maintenance and upkeep of the lake and its surroundings will be an integral part of the business of the farm.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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 a fishing lake in this location, landscape impact, impact of the development upon the surrounding environment and protected species, impact upon nearby occupiers and highway safety.

Principle of the development.

40. The formation of the proposed fishing lake is intended to complement the existing holiday cottage business that the applicant operates at Bowlees Farm, which currently forms a single annexe to the existing farmhouse with access to a private swimming pool. It would also be available for use by day anglers.
41. Policy TM1 of the Wear Valley District Local Plan states that the Council will give encouragement to schemes which provide tourism facilities provided that they are compatible with their surroundings, can be absorbed into the landscape, can be accessed safely and do not affect the amenities of local residents adversely.
42. Policy TM1 is considered to be a permissive policy, which seeks to support tourism development where it is appropriately sited. Therefore, providing that all other

matters are acceptable there is considered to be no reason to resist the proposal on principle alone.

43. This approach is further strengthened by the advice contained with PPS4 and PPS7 which also seek to support rural economic development where proposals are consistent in scale and environmental impact upon their surroundings.

Landscape Impact

44. It is accepted that the scale of the proposed lake is large, however with adequate screening it is considered that it would not appear as unreasonably incongruous within the wider landscape. The proposal benefits from not requiring any building work, other than for the track and as a result should assimilate well into the landscape over time.
45. Although located relatively close to the main A689 road, the topography of the site means that the lake itself would not appear as excessively prominent, being located at the base of the valley side, at a similar level to the road itself. The proposed bunds and landscaping would be visible from the road, but would not appear as unnecessarily unusual given the hedgerow planting that is located adjacent to the road.
46. The immediate area is characterized by relatively large fields interspersed with belts of woodland and it is considered that the appearance of the lake from the road would not alter this general character to any great degree.
47. The Council's Landscape Section raise no objection to the application but do wish to secure further details with regards to the proposed landscaping scheme and shaping of bunds. It is considered that these details can be secured by the imposition of a suitable condition.
48. The proposed track is relatively long, but its impact would be reduced from following the existing hedge line, thus screening it to a certain degree. It is considered that subject to the materials for the track being agreed via the imposition of a suitable condition, that the proposed track would be acceptable in this location.
49. It is therefore considered the proposals accord with the relevance requirements of Policies GD1, TM1, ENV1 and ENV3 of the Wear Valley District Local Plan.

Impact upon surrounding environment and protected species

50. The proposals have been subject to prolonged discussion with the Environment Agency with regards to flood risk and impact upon existing watercourses. With regards to this the applicants have submitted further information that has satisfied the Environment Agency that the impact of the proposed lake would be acceptable with regards to flood risk and pollution.
51. No diverting or altering of existing watercourses would be required and the lake would be filled from the natural water table in this field. Two overland flow routes rise within the field in question and therefore the site is currently identified within the County Durham Strategic Flood Risk Assessment. However, the two flows would be contained within the pond, the level of which would be controllable via sluices. It is considered therefore that the development would not pose a flood risk and may even

improve the current situation. This element of the proposal is therefore considered to be in accordance with the provisions of PPS25.

52. The applicant has confirmed that only species naturally found in the River Wear will be stocked in the lake and in any event the sluices would be designed so as not to allow the ingress or egress of fish species.
53. With regards to nature conservation and the conservation of protected species, neither Natural England nor the County Ecologist raise any objections to the proposals which would be considered to not unreasonably impact upon the biodiversity of the area or protected species, in accordance with the provisions with PPS9.

Impact upon nearby occupiers

54. Policy GD1 of the Wear Valley District Local Plan states that new development proposals should not be detrimental to public health, disturb or conflict with adjoining uses.
55. By its very nature fishing is a non-disruptive activity, likely to cause little disturbance to nearby occupiers. Indeed, many take up the activity in order to relax and enjoy peace and quiet. The nearest residential property is Lovesome Hill Bungalow located approximately 220m to the south of the lake. At this distance it is considered that any disturbance or loss of privacy would be minimal, and the amount of vehicular traffic using the access is unlikely to be so great that it would cause unacceptable disturbance from noise. The Council's Environmental Health Section raise no objections to the proposals which are considered to be in accordance with the relevant requirements of Policies GD1 and TM1 of the Wear Valley District Local Plan.

Impact upon highway safety.

56. The application site benefits from relatively close proximity to a well established access to the A689. Although located around 1km to the south east of Wolsingham itself, the proximity of the site to the arterial A689 provides it with a safe and easy access for visitors.
57. It is noted that the access track does reduce in size as it passes Dunksins Farm, to become only suitable for a single vehicle and although there are some passing places, these are well separated and would be of limited suitability for vehicles accessing the fishing lake. It is therefore proposed to attach a suitable condition to any permission securing the provision of a further passing place between the lake and Dunksins Farm. The existing track is within the applicant's ownership along this length.
58. With regards to parking, 3no. spaces are to be provided which is considered to be adequate, especially having regards to the fact that it is intended that the lake be associated with holiday accommodation at Bowlees Farm which is within easy walking distance.
59. The proposed track would pass close to an existing mature tree as it enters the field where the lake would be located. In order to avoid damage to the roots of this tree, it is proposed to attach a condition to any permission in order to secure special construction methods in this area to avoid any damage to the tree. It is further suggested that a condition be attached to any permission to secure the reduction in

height of hedgerows adjacent to the junction with the A689 in order to secure improved visibility.

60. The existing track does form a Public Right of Way and is used by walkers. It is considered that the level of vehicular traffic likely to be generated by this development would be unlikely to compromise the use of the right of way by pedestrians, although the applicant would be reminded of the requirement to not prevent the use of or block the Public Right of Way.
61. The County Highway Authority raise no objections to the proposals, which are considered to accord with the requirements of Policies GD1, TM1 and T1 of the Wear Valley District Local Plan in this respect.

CONCLUSION

62. Although the proposed fishing lake is large, it is considered that is situated in an appropriate and accessible location, where it would also be absorbed into the landscape, retaining the character of the Area of High Landscape Value. Equally, the proposed track would be logically located along a field boundary and as a result would be adequately screened. Furthermore, the formation of a lake in this location would be unlikely to result in environmental harm or increase flood risk. The conservation of protected species would be maintained. It is considered that the proposal would be unlikely to unreasonably impact upon residential amenity, or compromise highway safety.
63. It is further considered that the proposals would form an acceptable means of farm/tourist diversification and would contribute to the rural economy both through the continuation of the existing holiday let business and through the use of the lake by day anglers.
64. It is considered therefore that the application is in accordance with the provisions of national, regional and local plan policy.

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

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

Plan Reference Number:
Site Location Plan 909/PL001

Date received:
7th July 2011

Proposed Plans and Sections 909/PL002	7 th July 2011
Outline Landscape Proposals 909/PL003	7 th July 2011
Water Supply & Overflow Details 909/PL004	15 th December 2011
Water Supply & Overflow Details 909/PL005	15 th December 2011

Reason: In order to secure a satisfactory form of development in accordance with Policies GD1, ENV1, ENV3 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance and sectional details of any bunds proposed. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated and any trees, shrubs or bushes which within a period of five years beginning with the date of completion of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to ensure the assimilation of the development into the landscape in accordance with Policies GD1, ENV1, ENV3 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. Prior to the fishing lake hereby approved being brought into use, details of a vehicular passing place within 20m (in a northward direction) of the existing gate giving access to Bowlees Farm from the A689 junction, to the east of the Dunskins Farm entrance shall be submitted to and approved in writing by the Local Planning Authority. The approved passing place shall thereafter be installed in accordance with the approved details and be available for use prior to the lake being brought into use.

Reason: In the interests of highway safety in accordance with Policies TM1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. Prior to the fishing lake hereby approved being brought into use, vegetation upon all parts of the northern A689 highway verge, for a distance of 160m east of the A689 farm junction shall be at a height of no greater than one metre during the period in which the development hereby approved is in use.

Reason: In the interests of highway safety in accordance with Policies TM1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6. Prior to the commencement of development details of materials to be used for the proposed track shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, where the track passes with the root protection area of any tree, an above ground method of construction using no concrete or excavation, with an inert sub-base and be of a porous nature. The track shall thereafter only be implemented in accordance with the approved scheme.

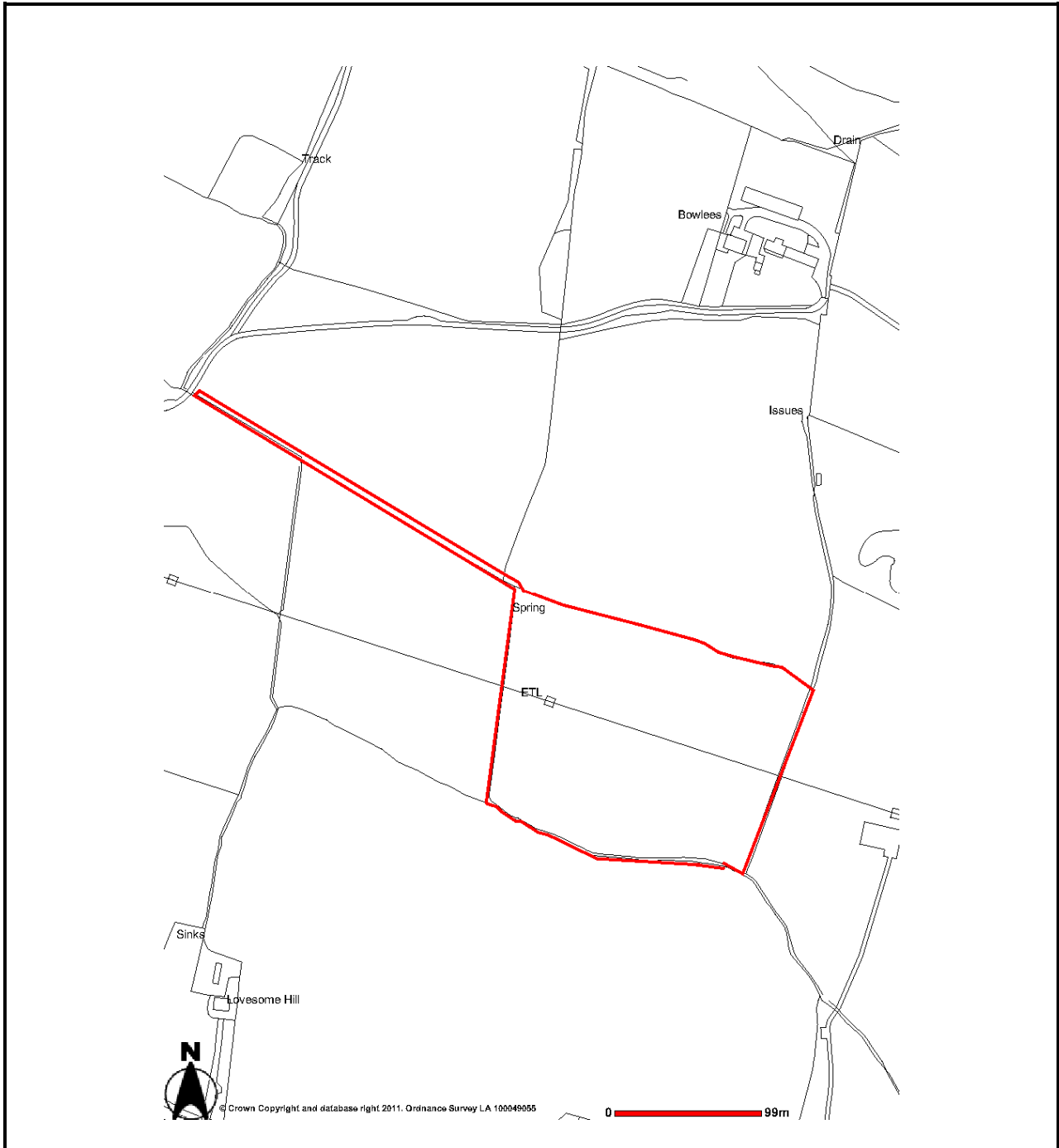
Reason: In order to ensure the assimilation of the development into the landscape in accordance with Policies GD1, ENV1, ENV3 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.


REASONS FOR THE RECOMMENDATION

- I. The proposed development is considered acceptable having regard to Policies GD1, ENV1, ENV3, TM1, and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- II. More specifically, this proposal would be capable of being absorbed into the landscape, would be easily accessible and would not unreasonably impact upon the amenities of local residents.
- III. No objections have been raised to this proposal.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS4, PPS5, PPS9, PPG13, PPG17, PPS23, PPG25
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Formation of fishing lake and access track</p>	
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	<p>Date 9th January 2012</p>	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2010/0333
FULL APPLICATION DESCRIPTION:	Re-submission of 3/2009/0459 - 2 No Two bedroom apartments and 2 No Two - three bedroom duplexes
NAME OF APPLICANT:	Executive Country Homes Limited
ADDRESS:	Westgate Filling Station, Westgate, Bishop Auckland DL13 1LJ
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Chris Baxter, Senior Planning Officer 03000 263944, chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is currently a disused filling station situated on the main road through Westgate. The site is located within the North Pennines Area of Outstanding Natural Beauty and the Westgate Conservation Area. There are residential properties located to the north, east and south west of the site. The adopted highway bounds the site to the north and west. There are two accesses into the site. Westgate Caravan and Camping site is located to the south of the site. The River Wear is located approximately 50 metres to the south of the application site.

The proposal

2. Planning permission is sought for the construction of an apartment block which would accommodate four separate apartments. The apartment block would be of a two and half storey design. The proposal incorporates 6 parking spaces within the site. Random coursed natural stone with recessed joints is proposed for the walls, second hand natural slates to the roof with timber windows painted white.
3. This application is referred to the Planning Committee at the request of Councillor Shuttleworth, Elected Ward Member for Weardale, for reasons relating to the design and impact of the proposed development on surrounding buildings.

PLANNING HISTORY

4. Outline planning permission was granted in 2006 for a single detached residential dwelling. In 2008, an application for an apartment block (housing 5 apartments) was refused planning permission as the applicant had failed to demonstrate that the development was fully protected against flooding.

5. An application in 2009 for an apartment block was withdrawn as it came apparent that there was a legal right of way across the site to gain access to the caravan park to the south.

PLANNING POLICY

NATIONAL POLICY

6. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 3 (PPS3): Housing* sets out the delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations, whilst being related to existing facilities and infrastructure.
8. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
9. *Planning Policy Guidance note 13 (PPG13): Transport* aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.
10. *Planning Policy Statement 22 (PPS22): Renewable Energy* sets out government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.
11. *Planning Policy Statement 25 (PPS25): Development and Flood Risk* sets out government policies for development and flood risk. Flood risk should be considered at all stages in the planning process to avoid inappropriate development in areas at risk from flooding and to direct development away from areas of highest risk using a sequential approach. In addition to considering the risk of flooding, consideration has to be given to managing surface water to prevent flooding elsewhere. Surface water drainage should conform to the hierarchy of preference with first priority given to Sustainable Urban Drainage systems (SUDS).
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. In July 2010, however, 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.
14. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
15. *Policy 3 Climate Change* – Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.
16. *Policy 4 Sequential Approach to Development* – Priority is given to previously developed land in the most sustainable locations, avoiding areas at risk from flooding. Sites should be selected in the following order:
 1. Brownfield sites within urban areas.
 2. Other suitable locations within urban areas not protected for environmental, heritage or recreational purposes.
 3. Brownfield sites adjoining urban areas.
 4. Brownfield sites in settlements outside urban areas.
17. *Policy 35 Flood Risk* – Managing the risk of flooding from surface water runoff.

LOCAL PLAN POLICY:

18. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the determination of this application:
19. *Policy BE5 (Conservation Areas)*: The character of each Conservation Area will be protected from inappropriate development.
20. *Policy BE6 (New Development and Alterations in Conservation Areas)*: The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:
 - i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
 - ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
 - iii) the proposal satisfies the General Development criteria set out in Policy GD1.

21. *Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty)*: Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
22. *Policy H3 (Distribution of Development)*: New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
23. *Policy H24 (Residential Design Criteria)*: New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
24. *Policy T1 (General Policy – Highways)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and:
 - i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - iii) be capable of access by public transport networks.
25. *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.

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/wear_valley_pdfs/local_plan.pdf

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *The Highway Authority* offers no objection to the proposed scheme.
27. *The Environment Agency* has raised no objections subject to the imposition of conditions and informatives.
28. *Northumbrian Water Limited* has raised no objections.

INTERNAL CONSULTEE RESPONSES:

29. *The Ecology Section* notes that a bat roost was located in the kiosk building on site in 2010 and therefore a bat license will be required. No objections are raised to the proposed scheme subject to the imposition of a condition relating to mitigation methods.
30. *The Design and Historic Environment Section* considers the scheme to be broadly acceptable having been considered in detail previously, however some concerns are raised in relation to the use of cedar cladding, glazing on doors and the layout of the scheme appearing cramped.

PUBLIC RESPONSES:

31. 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. Three letters of objection have been received relating to visual impact, overbearing concerns and parking, access and road safety issues. One letter also raised issues with inconsistent comments in the submitted design and access statement.

APPLICANTS STATEMENT:

32. No statement has been provided by the applicant.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

33. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, highway issues, residential amenity, impact on conservation area, flood risk issues, ecology and representations.

Principle of Development

34. The site is previously-developed land (former petrol filling station), which lies within the identified settlement limits for Westgate as defined by policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007. Whilst the site is not located within an 'urban area' it is noted that planning permission has been previously granted on this site for residential accommodation. The site is also situated within a prominent location on the main highway route through Westgate and Weardale, and the redevelopment of this site would be beneficial for the area and in particular contribute to the qualities of the conservation area. It is considered that the principle of development is acceptable in this instance and accords with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Highway Issues

35. The application proposes 6 car parking spaces within the scheme which is considered sufficient for four apartments. The Highway Authority has subsequently raised no objections to the proposed scheme. It is noted that there is a legal right of way which runs through the application site to allow access to the caravan park to the south. This access has been retained as part of the scheme and the legal right of way would not be compromised. The application site used to be a petrol filling station which accommodated traffic from two access points. It is therefore considered that the proposed accesses and the associated traffic generation from a residential scheme would not compromise highway safety.
36. It is considered that there is sufficient parking incorporated within the scheme and the proposals would not compromise highway safety. The proposal would accord with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Residential Amenity

37. Windows are proposed in the north, east and west elevation of the apartment block. The neighbouring property to the north would be situated over 21 metres away from the proposed building which would ensure adequate levels of privacy are maintained. The bungalow to the east of the site is heavily screened by mature trees and hedging and there would be no loss of privacy to this property as a result of the proposed apartment block. There are no windows proposed in the south elevation of the apartment block which ensures there would be no loss of privacy to the occupiers of the neighbouring dwelling to the south.
38. In terms of overbearing and overshadowing impacts created by the proposed apartment block. The neighbouring buildings to the north and east are situated sufficient distance away not to be adversely affected by any overbearing or overshadowing impacts. It is noted that the neighbouring property to the south has a number of windows situated in the north elevation of the building. Given the orientation and siting of the proposed property located directly north of the neighbouring property, there would be no overshadowing or loss of direct sunlight to the property to the south. Due to the position of the proposed building, it is considered that the outlook of the neighbouring property to the south would not be adversely compromised.
39. Given the above, the proposed development would not be detrimental to the residential amenities of neighbouring properties. The proposal is in accordance with policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Impact on Conservation Area

40. During the original application (3/2007/0090) for the apartment block, the external design of the building was amended on several occasions. The siting of the building was altered and the design of the building had been amended in accordance with guidance from the Design and Conservation Section. The external design and siting of the apartment block has not been altered since the original 2007 application, as this same design was submitted with the 2009 application. The external appearance and the siting of the proposed scheme therefore remains as that which was agreed through the 2007 application, with the exception of a chimney being introduced to the north elevation.
41. The proposed apartment block follows a similar style to the house to the south of the site. There are windows in the gable elevation of the proposed building which mirrors the neighbouring building to the south. The size and bulk of the proposed building is similar to existing houses to the north and south, and it is considered that the proposed building would not appear overly dominant within the street scene. The materials proposed for the apartment block would be mainly natural stone to the external walls, natural slate to the roof and timber windows and doors which would reflect the materials of the surrounding properties in the area. A small element of timber cladding is proposed to the canopy staircase which provides a feature to the building.
42. The proposed site is currently a disused petrol station which is in a dilapidated state. The site is in a prominent location within the Westgate Conservation Area. It is considered that the redevelopment of the disused site would significantly enhance the character and appearance of the conservation area and visually improve the amenity of the street scene.

43. Given the proposed building is located in a conservation area and a prominent position, it is considered necessary to attach specific design conditions to any permission granted to ensure the finished development is of a high quality. Conditions are recommended accordingly.
44. It is considered given the above comments that the proposal would not contradict the aims of policies GD1, BE5, BE6 and ENV2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

Flood Risk Issues

45. The previous application 3/2007/0090 was refused on flood risk grounds. A flood risk assessment has been provided with this application and has been assessed by the Environment Agency. The Environment Agency has raised no objections subject to the imposition of a condition relating to the finished floor level, to ensure that the development would not be at risk from flooding.

Ecology

46. The existing petrol station kiosk building has been surveyed to hold a maternity roost with some hibernating bats present during the winter. The demolition of the building will therefore result in the loss of a bat roost for a period of time, and without mitigation, would result in the permanent loss of the roost. A European Protected Species (EPS) license will therefore be required from Natural England. Local planning authorities' responsibility in respect of European protected species was clarified in the case of Woolley vs Cheshire East Borough Council. Regard must be had to the requirements of the EC by Regulation 3(4) of the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), which contain three "derogation tests": the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and, favourable conservation status of the species must be maintained. Neither Circular 06/2005 nor indeed PPS9 provide any detailed advice on judging whether a development could be considered favourable against such tests.

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

49. The development proposed is not required for any interests of public health or public safety. Natural England considers in its statement following the aforementioned case that overriding public interest would include those of social or economic nature and beneficial consequences of primary importance for the environment. There would be no public economic or social benefits provided by a private housing scheme of this nature. Beneficial consequences of primary importance for the environment however, may arise. The existing kiosk building and the canopy structure do little to contribute to the character and appearance of the conservation area. The scheme as described elsewhere in this report is considered to enhance the character and appearance of the conservation area. In this case, there is considered to be a beneficial consequence to the Westgate Conservation Area, an interest of primary importance. It is considered that there is sufficient merit in the scheme as a whole that it satisfies the first of three derogation tests.

50. Test 2: there must be no satisfactory alternative

51. The only satisfactory alternative which would see the retention of the roost would be the retention of the building. However, the kiosk building has outlived its usefulness in both its current use, and would not be suitable for conversion to residential use. The retention of the kiosk building in the longer term would not represent a satisfactory alternative, and as any development proposal involving the demolition of the existing building where the roost is present would result in the loss of the roost, and therefore it is considered that there is no satisfactory alternative available, and the second test is consequently met in this particular circumstance.

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

53. The demolition of the kiosk building will result in the loss of the identified roost; however, mitigation is proposed which provides for replacement roosts to be installed in the new building. Careful procedures are proposed through the bat survey for the demolition of the existing kiosk building to ensure that no bats are disturbed. Conditions are recommended to ensure that these mitigation measures are adhered to. The proposed mitigation is considered to be acceptable by the Ecology Section and should ensure that favourable conservation status is both maintained during and following the implementation of the development proposed, and as such the third and final derogation test is considered to be met.

54. Given the above, it is considered that the proposed development would not adversely affect protected species or their habitat and the proposal would therefore be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within PPS9.

Representations

55. The issues of visual impact, overbearing and access/road safety which have been raised by objectors have been discussed above. Concerns have been raised with regards to inconsistencies within the design and access statement relating to the description of the proposed development. It is clear from the application description and the submitted plans that only 4 separate apartments would be created should permission be granted.

CONCLUSION

56. The site is previously developed land which is located in the settlement limits of Westgate. The proposal would redevelop a redundant site which is in a prominent location within Westgate and the principle of development is considered acceptable in this instance.

57. Adequate parking is provided within the scheme along with legal rights of way sustained through the site. It is not considered that highway safety would be compromised.

58. The residential amenities of existing and future occupiers of the neighbouring properties and the proposed apartments would not be adversely affected.

59. The external design and siting of the proposed apartment block is similar to schemes which had been agreed through previous planning applications on this site. Traditional materials would be incorporated into the scheme which would match with existing buildings in the surrounding area. The bulk and size of the apartment block is considered to blend in with adjacent properties. As such, the proposal would redevelop a disused site which would enhance the appearance and character of the Westgate Conservation Area.
60. The Environment Agency has confirmed that they raise no objections to the scheme with regards to flooding issues, and subject to appropriate mitigation, the proposal would maintain favourable conservation status for protected species and their habitats.

RECOMMENDATION

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

1. The development should not be begun later than 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 approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
	Site Location Plan	16/08/2010
C-01 Rev K	Proposed Block Plan	06/07/2011
C-02 Rev F	Proposed Floor Plans and Elevations	06/07/2011
C-10	Proposed Site Sections	02/08/2010

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

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

Reason: In the interests of the appearance of the area and to comply with policies ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. Notwithstanding the details of materials submitted with the application the roof materials shall be natural slate. Prior to the commencement of the building works a sample of the slate shall be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. Notwithstanding the details of materials submitted with the application all the windows shall be recessed 100mm from the face of the building and be timber. Prior to the commencement of the building works the exact specifications for the windows shall be submitted to and approved in writing by the Local planning authority. The development shall be constructed and retained in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6. Notwithstanding the details of materials submitted with the application all the external doors shall be natural timber doors. Prior to the commencement of the building works the exact specifications for the doors shall be submitted to and approved in writing by the Local planning authority. The development shall be constructed and retained in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. Notwithstanding the details of materials submitted with the application all rainwater goods shall be coloured black. Prior to the commencement of the building works the exact specifications for the rainwater goods shall be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

8. Notwithstanding the details of materials submitted with the application there shall be no exposed trickle vents to the outer faces of the windows; lintels and cills shall be natural stone; all rooflights shall be conservation flush fit lights finished in black with a central glazing bar; and there shall be no fascia boarding.

Reason: In the interests of the appearance of the area and to comply with policies ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

10. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with policy ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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

Reason: In the interests of the visual amenity of the area and to comply with policy ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

12. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policy ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

13. The garaging, hardstandings and car parking shown on the approved plans shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.

Reason: In the interests of highway safety and to comply with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

14. The garage hereby approved shall not be used other than for the accommodation of private motor vehicles for purposes incidental to the enjoyment of the dwellinghouse; no trade or business shall be carried out therein.

Reason: In the interests of highway safety and to comply with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

15. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment produced by Paul Garrad dated 2009 and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels set no lower than 274.58 metres AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

16. No development shall take place unless in accordance with the mitigation detail within the protected species report 'Bat Survey Report: Former Texaco Filling Station, Westgate, Co. Durham' by Barrett Environmental Ltd dated June 2011; including, but not restricted to the acquisition of the bat development license; provision of replacement roosts within the new build; post development monitoring of the new roosts for two years; adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of bat lofts.

Reason: To conserve protected species and their habitat in accordance with Planning Policy Statement 9.

REASONS FOR THE RECOMMENDATION

1. The proposal is considered acceptable having regard to policies GD1, ENV2, BE5, BE6, H3, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and Policies 4 and 35 of the Regional Spatial Strategy for the North East.
2. The proposal is the development of brownfield land located within the settlement limits of development for Westgate as defined by policy H3 of the Wear Valley Local Plan. Access and parking provision are acceptable and would not compromise highway safety. Residential amenities of existing and future occupiers of neighbouring and properties and the proposed apartments would not be adversely affected.
3. The proposal would match in size and bulk to adjacent buildings and would incorporate elements of traditional materials which would blend in with neighbouring properties. The character and visual qualities of the Westgate Conservation Area would be significantly enhanced, and the proposal would not have a detrimental impact on protected species or their habitats.
4. The objections which have been received have been given due consideration, however the issues raised do not provide sufficient justification for refusal of this application. On balance the scheme is considered to be acceptable. The proposals are considered to accord with local, regional, and national planning policies, and would constitute an acceptable form of development subject to conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Bat Survey Report
- Planning Policy Statements/Guidance notes: 1, 3, 9, 13, 22 and 25
- Draft National Planning Policy Framework
- North East of England Plan - Regional Spatial Strategy to 2021
- Wear Valley District Local Plan amended by Saved and Expired Policies September 2007
- Circular 06/2005
- Consultation Responses
- Public Consultation Responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Re-submission of 3/2009/0459 – 2no. two bedroom apartments and 2no. two/three bedroom duplexes at Westgate Filling Station, Westgate (3/2010/0333)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 19 January 2012</p>	<p>Scale 1:2500</p>

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COMMITTEE REPORT

APPEAL UPDATE

Appeal by Mr J Crake

Site at Green Valley Stables, Salters Lane, Trimdon

Planning Reference: 7/2011/0304/DM

Planning Proposal: Proposed mobile home to provide on site facilities

The appeal was lodged against the Council's decision to refuse planning permission on the grounds that the development would constitute an unjustified and visually intrusive feature in the countryside, detrimental to the character and appearance of the area.

The appeal was dismissed. In arriving at this decision, the Inspector considered that the proposal has the potential to be used for residential use and would be sited in the open countryside. PPS7 resists new dwellings in the countryside that do not support agriculture or forestry.

The Inspector considered that the proposal would introduce a large factory built mobile home, alien to its natural surroundings and visually out of character with the buildings on site. It would increase the accumulation of buildings and encroach further into the countryside.

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