



## Area Planning Committee (South and West)

**Date** Thursday 22 March 2012  
**Time** 2.00 pm  
**Venue** Council Chamber, Civic Centre, Crook

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### Business

#### Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 16 February 2012 (Pages 1 - 6)
3. Applications to be determined
  - a) 3/2011/0178 - Crook Golf Club, Low Job's Hill, Crook (Pages 7 - 26)  
Erection of 1 no. wind turbine on 35m tower with overall height of 60.75m
  - b) 6/2010/0208/DM - King's Head Cottage, Royal Oak, Heighington (Pages 27 - 40)  
Use of land and existing building for a mixed use of agriculture, plant hire and contracting business, including erection of new storage building and use of existing building for storage/workshop (part retrospective)
  - c) 6/2011/0464/DM - West Gates Farm, Gilmonby, Barnard Castle (Pages 41 - 56)  
Proposed shooting lodge with associated access and parking
  - d) 7/2012/0054/DM - Land West of Woodlea House, Horse Close Lane, Trimdon Colliery (Pages 57 - 64)  
Outline application for the erection of a dormer bungalow (re-submission)
  - e) 3/2012/0014 - The Surtees Hotel, Valley Terrace, Howden-Le-Wear (Pages 65 - 72)  
Variation of condition 2 of planning permission 3/2010/0053 to relocate the property 2m to the rear

- f) 3/2012/0017 - 18 North Bondgate, Bishop Auckland (Pages 73 - 80)  
Change of Use of Ground and first Floor Flat from A1 to A2  
(Accountants)
  - g) 3/2011/0506 - Land to the West of Crawleyside, Stanhope, Bishop Auckland (Pages 81 - 90)  
Erection of a timber chalet for holiday use
  - h) 3/2011/0517 - Unit 18 Longfield Road, South Church Enterprise Park, Bishop Auckland (Pages 91 - 100)  
Outline application for second floor office extension to front of existing industrial unit, additional portal framed extension to rear of the existing building
4. 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  
14 March 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 - Barnard Castle on **Thursday 16 February 2012 at 2.00 pm**

**Present:**

**Councillor E Tomlinson (Chair)**

**Members of the Committee:**

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

**Apologies:**

Apologies for absence were received from Councillors M Dixon, D Boyes and J Shuttleworth

**Also Present:**

A Inch – Principal Planning Officer  
A Caines – Principal Planning Officer  
C Cuskin – Legal Officer  
D Stewart – Highways Officer  
S Teasdale – Planning Officer

**1 Declarations of Interest (if any)**

There were no declarations of interest received.

**2 The Minutes of the Meeting held on 19 January 2012**

The Minutes of the meeting held on 19 January 2012 were agreed as a correct record and were signed by the Chair.

**3 Applications to be determined**

**3a 6/2010/0410/DM - Hilton Moor Lane, Evenwood Gate  
Erection of Agricultural Workers Bungalow**

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. A site visit had been held that day and Members were familiar with the location and setting.

Councillor S Hugill addressed the Committee on behalf of the applicant. He explained that security was a problem for the family as there had been a number of

thefts from the farm. The Police had recommended a number of preventative measures as detailed in the report. At their advice palisade fencing had been erected but this had not proved to be an effective deterrent. A further suggestion was the installation of an alarm system, however this would not be of any use as the nearest property was around a mile away. He pointed out that the Police had observed that a dwelling on site would be a deterrent to criminal activity.

The farm supported two families managing nearly 400 acres of land. Mr Lee wanted to secure as much land as possible to ensure that the farm was a viable enterprise to support him and his family in the future. At least 2.3 agricultural workers were required to support a farm of this size which may lead to the creation of local employment in the future.

The proposals would allow livestock to be kept in the agricultural building located next to the application site and would ensure an on-site presence in case of emergencies. Security problems were exacerbated during the summer months when livestock was kept outside, particularly as the land was adjacent to Hilton Moor Lane which offered easy access to the site.

Councillor Charlton spoke in support of the application and commented at the length of time that it had taken for the application to be submitted to the Committee. In order to manage livestock it was necessary for a worker to be on-site at all times. Mr Lee's farm was well-managed and he was an integral part of the community, keeping the local roads free of ice and snow in the winter months. Rural crime was a problem and expensive equipment and livestock had been stolen. She considered that the proposed dwelling would not be detrimental in an area where there was already a derelict public house. Whilst it would be located in open countryside the bungalow would not be obtrusive, and was necessary to support the applicant's business.

The Principal Planning Officer responded to the comments made and to questions from Members. In terms of the length of time taken for the application to reach Committee he advised that it had been necessary to seek additional information to that submitted with the application to allow detailed consideration of all relevant issues.

He continued that the submissions made focused on security and this was not a reason in itself to justify planning permission being granted, in accordance with the tests set out in Annex A of PPS7. The risk of theft could occur irrespective of whether there was a property on site or not. The Police had suggested a number of crime prevention measures but not all of these had been implemented by the applicant. He continued that a key test was the availability of other properties in the area that were suitable for occupation. The report demonstrated that there were existing properties for sale and to rent which were appropriate and available in close proximity to the application site, and which were also closer than the existing farmhouse.

Carr House Farm was leased from Raby Estates whilst the application site was owned outright. If the relationship between the two sites separated in the future, it was considered that the small landholding would not generate enough income to

sustain a dwelling. The land surrounding the application site was privately owned and the comment that 2.3 workers were needed for a farm of this size specifically related to Carr House Farm.

It was noted that the views of the Highways Section were not included in the report. The Highways Officer stated that the application was acceptable in highway terms but an additional condition was proposed to improve the site access.

In determining the application some Members were of the view that whilst the applicant's son currently lived in nearby Evenwood Gate and there were other properties available in close proximity to the land, a key farm worker was needed on site 24 hours a day in order to safeguard the welfare of stock and machinery.

Other Members commented about the future viability of the site, particularly if the relationship between Carr House Farm and the application land separated at some point in the future. In addition the applicant's son currently lived less than a 1km from the site which they felt was an acceptable distance to travel in case of emergencies.

Following discussion it was **RESOLVED**

That

- (i) the application be conditionally approved
- (ii) Officers be authorised to formulate appropriate conditions in consultation with the Chair and Vice-Chair of the Committee; such conditions to include the following:-

'No development shall commence until details of improvements to the Hilton Moor Lane vehicular access, at the entrance into the site, have been submitted to and approved in writing. The approved details shall be implemented prior to the occupation of the dwelling hereby approved'.

The reasons for conditional approval were expressed to be that, in accordance with PPS 7, there was a functional need for an agricultural workers dwelling in the location, in terms of security of livestock and equipment. The application also complied with the draft National Planning Policy Framework which sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development.

**3b 6/2011/0172/DM - Thorpe Farm, Greta Bridge, Barnard Castle  
Change of Use of Land for the Siting of Touring Caravans, Static  
Caravans and Camping Pods, Retention of Timber Construction  
Building for Use as Site Office, Change of Use of Piggy Parlour to  
Amenity Block together with Landscaping, Access and Associated  
Works**

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. Members had visited the site previously.

In response to a question about parking, Mr G Swarbrick, the applicant's agent confirmed that parking would be allocated next to each static caravan.

**RESOLVED**

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

**3c 6/2011/0370/DM - The Witham Hall, 3 Horsemarket, Barnard Castle  
Refurbishments and Internal Alterations to Existing Buildings.  
Proposed New Link Building Extension and Remodelling to Library.  
Construction of New Store and Refuse Store Including Landscaping  
Works**

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

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

In presenting the report the Officer advised that this was a joint application by Durham County Council and The Trustees of Witham. He also advised that the wording of condition 8 was to be amended to remove the reference to the acquisition of a bat licence from Natural England.

Mrs Philips a local resident stated that she was not against the application and appreciated the advantages the facility would bring to the area, however she asked that consideration be given to the potential impact on neighbouring properties in terms of security, noise and privacy.

**RESOLVED**

That the application be approved, subject to the conditions outlined in the report and to condition 8 being amended to read as follows:-

'8. No development shall take place unless in accordance with the mitigation detail within the protected species report 'Bat Method Statement Document 2: The Witham Buildings and Library, Hall Lane, Barnard Castle' by Barratt Environmental



Ltd dated September 2011; sensitive timing of destructive works to avoid hibernation season; hand search of roof structures by licensed bat worker immediately prior to roofing works commencing; supervised hand removal of roof material in vicinity of chimneys; installation of 1 no. Schwegler 1WQ roost to south side of south chimney; restoration of confirmed roost sites and access points/routes once roof covering is replaced; and following strict timetable detailed in Section F of the report.'

**3d 7/2011/0507/DM - Former Thrislington Partitions Building, Durham Way South, Aycliffe Industrial Park, Newton Aycliffe  
Change of Use from Industrial to Indoor Sport and Leisure**

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 on the application which included photographs of the site.

In determining the application Members considered that the proposal would bring back an empty building into use and provide an excellent facility.

Whilst fully in support of the application a Member made reference to possible parking issues and asked if the number of spaces would be adequate for the potential number of visitors to the facility at any one time. The Highways Officer advised that 45 car parking spaces, with 5 no. disabled persons car parking spaces and 5 no. cycle parking spaces was deemed to be an acceptable level of provision for a facility of this size.

**RESOLVED**

That the Committee were **MINDED TO APPROVE** the application subject to referral of the application to the Secretary of State through the National Planning Casework Unit; and, in the event that the application was not called in by the Secretary of State it be **APPROVED** subject to the conditions outlined in the report.

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	3/2011/0178
FULL APPLICATION DESCRIPTION:	ERECTION OF 1 NO. WIND TURBINE ON 35M TOWER WITH OVERALL HEIGHT OF 60.75M
NAME OF APPLICANT:	Crook Golf Club Ltd
ADDRESS:	Crook Golf Club, Low Job's Hill, Crook
ELECTORAL DIVISION:	Crook South
CASE OFFICER:	Colin Harding <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a> 03000 263945

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The site

1. The application site is located on land approximately 180m to the north west of Crook Golf Club Clubhouse.
2. Low Job's Hill runs in a north/south direction approximately 350m to the west of the proposed turbine, whereas the A690 runs in an east/west direction approximately 0.5km to the south.
3. The nearest settlements are Crook to the west and Helmington Row approximately 0.7km to the south east.
4. A number of individual residential properties lie within close proximity to the application site, these include properties on South Terrace and High Job's Hill to the north west of the site, Job's Hill to the south and scattered properties including Alma House and Hill House to the east.
5. The application site does not include any area designated for its landscape, historic or ecological value. Further afield there are designated sites of historic interest within the wider vicinity of the site. Crook Conservation Area lies 0.3km to the north and west and includes Crook Market Place, as well as Church Hill and parts of High Job's Hill, which are included in order to protect the setting of Our Lady and St Cuthbert's Church, itself a Grade II Listed Building.
6. Public Rights of Way nos. 34 and 102 Crook skirt the field within which the turbine would be sited, to the north and east.
7. The application site lies in an area where wind turbines are already features in the landscape, with the sizeable Tow Law complex to the north west of the site.

8. Planning permission is sought for the erection of a single wind turbine located in an area of rough grassland and gorse within the grounds of Crook Golf Club.
9. The proposed turbine would be of a maximum height of 35m and maximum overall tip height of 60.75m. The proposed wind turbine would have a generating capacity of approximately 500kW. The turbine would operate at all times when wind speeds are suitable, with the exception of downtime for maintenance.
10. The turbine type would be of a typical modern design incorporating a tubular tower and three blades attached to a nacelle housing the generator and other operating equipment. The turbine would be off-white in colour.
11. The generated electricity is to be utilised in the existing Golf Club and where surplus is produced, this will be exported to the National Grid.
12. Vehicular access to the application site would be taken off Low Job's Hill, utilising the existing Golf Club access, therefore no highways works are proposed.
13. The turbine would have a typical operational life of 20 - 30 years. On a day to day basis the turbine would operate automatically, responding by means of anemometry equipment and control systems to changes in wind speed and direction. These systems are designed to control issues such as rotor speed, direction and angle as well as generator temperature. The turbine would be removed at the end of its operational and the site reinstated to its original appearance, unless otherwise agreed.
14. The application has been supported by a number of technical documents including: a Design and Access Statement, Wind Turbine Technical Description, Coal Mining Risk Assessment, Noise Assessment, Shadow Flicker Report and Photomontages.
15. The current proposal represents an amendment to the application as originally submitted. that proposed a 40m high turbine with a maximum overall tip height of 67m. This has been reduced to a 35m turbine with an overall height of 60.75m following discussions between officers and the applicant.
16. The application is reported to committee at the request of Councillor Eddie Murphy due to the height and scale of the proposal and its impact upon the visual amenity of the surrounding area.

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## **PLANNING HISTORY**

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17. 3/2010/0119 – Erection of wind turbine– Withdrawn May 2010

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

18. *Planning Policy Statement 1: Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
19. *Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)* outlines the Government's objectives to help achieve sustainable economic growth including the

positive approach to be taken to development that helps to build prosperous communities, promote regeneration and tackle deprivation.

20. *PPS 5: Planning for the Historic Environment* – explains Government policy in respect of the conservation of the historic environment.
21. *Planning Policy Statement 7 (PPS7)* 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.
22. *Planning Policy Statement 9 (PPS9)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
23. *Planning Policy Guidance Note 14: Development on Unstable Land* - sets out the broad planning and technical issues to be addressed in respect of development on unstable land.
24. *Planning Policy Statement 22 (PPS22)* sets out the Government's policies for renewable energy.
25. *Planning Policy Guidance 24 (PPG24)* outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.
26. *The emerging National Planning Policy Framework (NPPF)*, currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:*

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

## **REGIONAL PLANNING POLICY**

27. *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.
28. 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;
29. *Policy 2 – Sustainable Development* promotes sustainable development and construction through the delivery of identified environmental, social and economic objectives.
30. *Policy 3 – Climate Change* requires new development to contribute towards the mitigation of climate change and assist adaption to the impacts of climate change.
31. *Policy 6 – Locational Strategy* – places particular importance on the conservation and enhancement of the Region's Biodiversity.

32. *Policy 8 – Protecting and Enhancing the Environment* seeks to maintain and enhance the quality, diversity and local distinctiveness of the North East environment.
33. *Policy 31 – Landscape Character* –requires proposals to have regard to landscape character assessments.
34. *Policy 32 – Historic Environment* – recognises that a number of elements constitute the historic landscape, including particular landscapes, buildings, semi-natural and natural features.
35. *Policy 33 - Biodiversity and Geodiveristy* advises that planning proposals should ensure that the Regions ecological and geological resources are protected and enhanced to return key biodiversity resources to a viable level.
36. *Policy 40 – Planning for Renewables* – states that in assessing proposals for renewable energy development significant weight should be given to the wider environmental, economic and social benefits arising from higher levels of renewable energy.
37. *Policy 41: Onshore Wind Energy Development* – sets out broad areas of least constraint for medium scale wind energy development.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:*

<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

#### **LOCAL PLAN POLICY:**

38. 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:
39. *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.
40. *Policy ENV1 (Protection of the Countryside):* The District Council will seek to protect and enhance the countryside of Wear Valley.
41. *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.
42. *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.
43. *Policy BE1 (Protection of Historic Heritage):* The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
44. *Policy BE5 (Conservation Areas):* The character of each Conservation Area will be protected from inappropriate development.
45. *Policy BE8 (Setting of a Conservation Area):* Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

46. *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.
47. *Policy MW4 (Renewable Energy Allocation)*: Proposals for the development of wind turbines will be allowed on land identified on the Proposals Map, provided that they fulfil the following criteria:
- i) they do not adversely affect the amenity, health and safety of neighbouring properties and residents by reason of noise, vibration, visual dominance, shadow flicker or reflected light; and
  - ii) no electromagnetic interference is likely to be caused to existing transmitting or receiving systems and that measures will be taken to remedy or mitigate any such interference.

Proposals for the erection of wind turbines which adversely affect the scenic quality of the AONB will not be permitted. Sites with planning permission for turbines or operational turbines will be safeguarded from development which would prejudice the generation of electricity.

*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/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

48. *Durham Tees Valley Airport* raises no objections as the development is unlikely to affect operations at Durham Tees Valley Airport.
49. *Newcastle International Airport* raise no objections
50. *NATS Safeguarding (Air Traffic Control)* raise no objections
51. *Ministry of Defence* raises no objections, although they do request that in the interests of air safety that the turbine is fitted with aviation lighting.
52. *Natural England* raises no objections.
53. *Coal Authority* raise no objections as the content and conclusions of the Coal Mining Risk Assessment meet the requirements of PPG14 in demonstrating that the application site is, or can be made safe and stable for the proposed development.

### **INTERNAL CONSULTEE RESPONSES:**

54. The *Landscape Section* has commented that as a result of the reduction in turbine height it would no longer be overbearing in views from the closest residential properties at South Terrace. These are also sufficiently far away for issues of cumulative impact to be of little concern. It is acknowledged that in further views the turbine will be clearly visible, but this will be sufficiently distant, and seen in a landscape busy with trees and settlements such that it will not have a significantly adverse visual impact. (The turbine will often not be visible in the conservation area, and when it is, will always be visible in views that are visually cluttered with trees, buildings, street lights etc. is this needed)

55. The *Environmental Health and Public Protection Section* have commented that subject to noise conditions being attached to any grant of planning permission no objections are raised to the scheme.
56. The *Design and Conservation* team has raised no objections, commenting that the applicant has provided photomontages of the view of the proposed turbine from Crook Conservation Area. These generally indicate that although visible from the conservation area, it would not have an overbearing impact upon its setting and would be partially screened by trees surrounding the proposed site and by buildings within the conservation area.
57. The *County Ecologist* has commented that the proposed location has taken into consideration the guidance from Natural England in terms of proximity to foraging/commuting routes and hence, the likely risk of impact on bats is low.
58. The *Public Rights of Way Section* raise no objections.
59. The *Spatial Policy Team* have commented that given the development's scale and its relative proximity to the Conservation Area, together with the visibility of the scheme from the surrounding area, the decision turns on whether the development is suitable in this location and its landscape, visual, environmental and amenity effects are acceptable.

#### **PUBLIC RESPONSES:**

60. Nearby residential occupiers were notified by letter about the proposal which was also publicised by a site notice and press advert..
61. As a result a total of 34no. letters of objection were received, as well as 2no. separate petitions of objection containing a total of 146no. signatures. It is noted that some petition signatories also sent individual letters. Furthermore 47no. letters of support were received.
62. It is worth noting that in general the individual letters of objection were received from those residents closest to the site. The letters of support were received from a much wider area, including Brandon, Meadowfield, Chester le Street, Bishop Auckland and Newcastle. It should also be noted that one letter of support was received from the agent, who is himself a local resident.
63. The main concerns raised by objectors relate to : the proximity of the turbine to homes, devaluation of property, noise and subsequent loss of sleep as a result of the turbine, impact on health, adverse visual and landscape impact, that the turbine constitutes a piecemeal approach to renewable energy generation, loss of tranquillity of the countryside, cumulative impact of turbines in the immediate local area, potential adverse impact upon the safety and wellbeing of golfers, adverse impact upon ecology and protected species, television interference and shadow flicker as a result of the turbine, that approval of the application will set a precedent for future proposals in the immediate local area, doubts over the efficiency of the proposed turbine and flaws in the financial case presented by the Golf Club, loss of human rights, land stability due to former mine workings and its suitability for hosting a wind turbine, impact upon the existing Public Rights of Way and a conflict of interest between the applicant and agent.
64. The main reasons for support can be summarised as general support for renewable energy and CO2 reduction schemes, investment in the local area, that the proposal will assist in securing the long term future of the Golf Club and the preservation of sports facilities following the closure of Glenholme Leisure Centre.
65. Following the receipt of amended plans, a further consultation exercise was carried out. This produced a further 27no. letters of objection and a further petition of 5no. signatures. A large proportion of these letters are from previous objectors and reiterate concerns raised during the initial consultation process, although some are new objections. Consequently the issues raised are largely the same as those raised previously.



## APPLICANTS STATEMENT:

66. Crook Golf Club is the largest community amateur sports club in the Three Towns Partnership. It has Community Amateur Sports Club (CASC) status and a result its land and assets are vested in the local community. Its membership is in excess of 400 members.
67. The Club employs 11 staff, one member of greens staff accepted voluntary redundancy in December 2010. The annual turnover of the club is approximately £360,000, the vast majority of this income is spent in the local community. The turnover and membership has been falling over the last 6 years.
68. The Club was the first golf club in County Durham to be awarded the Golf Mark accreditation for its outstanding work with club juniors and other children in local schools. The club has a healthy junior section of approximately 60 in number between the ages of 8 and 16. The Club is keen to continue this support and with increased income from the wind turbine will be able to offer free membership to a further 40 juniors under the age of 18.
69. The club already has established links with other local sports clubs and if successful in implementing this project will establish a locally based Sports Trust and an associated Sports Benefit Fund. The Golf Club will donate 10% of the income from the turbine, net of costs, to the Sports Benefit Fund. It is expected that in year 4 of operation of the turbine this will be in the region of £30,000 based on predicted tariffs and wind speeds. This amount will increase with inflation and the expected increases in electricity costs. The donations will be made annually and last for at least 20 years.
70. The Club is an important venue for community based events such as weddings, christenings and birthday celebrations. It offers open access to its clubhouse, liberal access is also provided to its well kept and attractive golf course via public footpaths
71. The “clean energy” supplied by this embedded turbine will be directly used by houses and businesses in the local area. It will reinforce the local electricity supply, reduce carbon emissions in the range of 200-300 tonnes and provide the electricity needs of around 320 homes.
72. The planning application forms sustainable development and attracts substantial policy support at national, regional and local levels. If the application is successful, it will ensure the ongoing viability of Crook Golf Club and many other local sports clubs in the local area. These clubs are essential to the fabric of the local community and make essential contributions to its health and social characteristics, in particular by offering well supported and supervised activities to young people.

*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.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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73. 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 considerations including representations received it is considered that the main planning issues in this instance relate to principle of development, landscape and visual impact, residential amenity issues such as noise and shadow flicker, impact on nature conservation, aviation, TV and other communication interference, economic/community benefits, and highway safety.

## Principle of development

74. The application site is currently undeveloped, being a field located within the ownership of Crook Golf Club, but does not form part of the actual course itself. The land has no designation within the Wear Valley District Local Plan.
75. Policy MW4 of the Wear Valley District Local Plan states that proposals for the development of wind turbines will be allowed on land identified on the Proposals Map providing that they do not affect the amenity or health and safety of neighbouring occupants or cause electromagnetic interference.
76. The application site lies outside of the area identified in Policy MW4 as being broadly suitable for wind turbine development, however, Policy MW4 does not state or imply that wind turbine proposals in other locations are unacceptable. It would appear reasonable to apply the same assessment criteria contained within Policy MW4 to those sites which lie outside of the identified area.
77. This approach is reflected in the requirements of Policy GD1 of the Wear Valley District Local Plan which states that amongst other criteria, that development should be appropriate in its mass and scale and not to have a detrimental impact on the landscape quality of the surrounding area.
78. The proposal does however lie within an area identified in the RSS as a 'broad area of least constraint for medium scale wind energy development'. The RSS identifies the area as having potential for medium scale development, which it identifies as being 'up to 20-25 turbines'. At present the area contains 35 turbines in 8 developments (Tow Law, High Hedley, High Hedley II, Broomhill, West Durham, Langley, Holmside and the Greenhouse).
79. The sub-regional renewable energy target for County Durham given in the RSS was 82MW installed renewable energy capacity by 2010. At the time of writing this report the County has around 165MW of renewable electricity operational or approved. This will meet around 55% of County Durham's household electricity consumption or 22% of the County's overall electricity. County Durham's 2010 target has therefore been exceeded by a substantial margin and the aspiration to double that target by 2020, included in the emerging County Durham Plan, has already been achieved.
80. Nevertheless, these RSS targets are 'thresholds' not 'ceilings', and their relevance is more in relation to large scale wind farms for energy suppliers, not smaller individual turbines which are intrinsically linked to the site. In this instance the development of a wind turbine on this site is intrinsically linked to the Golf Club itself, with the applicant stating that its operation will secure the financial future of the Club and the role it plays within the local community. The suggested number of turbines given in the RSS is for larger turbines and was not based on an assessment of the capacity of the landscape. The RSS makes reference elsewhere to the need for the location and design of proposals to be informed by landscape character and sensitivity assessments, particularly *the Landscape Appraisal for Onshore Wind Development (GONE 2003)*, which identifies the application site area as belonging to the 'Coalfield Upland Fringe' landscape type which it assesses as being of 'low-medium' sensitivity to wind energy development. It also makes reference to the assessment of planning proposals, as being the 'appropriate level' at which to deal with the issue of the capacity of individual 'broad areas of least constraint'. Ultimately, the intention to abolish the RSS also suggests little weight should be given to the targets therein.
81. Of more relevance is Government guidance contained within Planning Policy Statement 22: Renewable Energy (PPS22), which generally supports onshore wind development. The guidance states that renewable energy development should be accommodated in locations where it is technically viable and where the various impacts referred to above can be satisfactorily addressed. There is an acceptance that there will always be a compromise between maximising the capture of energy and the visual impact that will result.

82. Furthermore, the emerging National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development to encourage economic growth, particularly where it is supported by Local Plan policy. This draft guidance is a material consideration in determining planning applications, and this proposal is considered to be in general conformity with the sustainability aims of the NPPF.
83. The principle of a single wind turbine in this location is therefore considered to be in accordance with national and local planning policies, subject to further consideration of landscape and amenity issues.

### **Landscape and Visual Impact**

84. Non-domestic scale wind turbines will always have some visual impact upon the landscape within which they are located and could have an impact on the amenities of people who live in the locality. The degree of impact however, depends on the size of the turbines, form and character of the landscape and the perceptions of the public who are affected by the development.
85. In order to assess the visibility of the turbine from both far and near, Zones of Theoretical Visibility (ZTV) have been submitted as part of the planning application. The potential impact of the turbine has been assessed by producing photomontages of various viewpoints of the application site based on the ZTVs.
86. The assessment of the landscape impact has been assisted by the comprehensive comments of the Durham County Landscape Architect. This section of the report will be split into the following five sections:
- Physical Impacts
  - Impact on Landscape Character
  - Cumulative Impacts
  - Impact on Designated Landscapes
  - Impact on Heritage Assets

#### *Physical Impacts*

87. The physical impacts of the development would be relatively minor, with the turbine itself being of a small footprint and located within an area characterised by grassland and gorse scrub. Whilst an amount of this would be lost in order to facilitate the development, the overall physical impact on the character and appearance of the area would not be significant.

#### *Impacts on landscape character*

88. The Zone of Theoretical Visibility shows that the proposed turbine would be widely visible across the higher ground of the southern part of the West Durham Coalfield. It would also be visible at greater distances (12 – 17km) from the Wear Lowlands east of the River Wear and moorlands on the eastern edge of the North Pennines.
89. Views are typically wide panoramas taking in visually complex settled landscapes with wind turbines, communication masts and overhead services prominent on skylines. The scale of the impact on the landscape would be strongly influenced by distance, as considered below.

#### *Longer distance views (>4 km)*

90. In general it is considered that the turbine would have a low impact where it would be visible at distances beyond around 4 km from the site, being a relatively small feature in visually complex views.

91. Views from the north would be limited, due to the location of the turbine on the southern flank and a ridgeline.
92. In views from the eastern moors of the North Pennines at distances of 10 – 17km it is considered that the turbine would have low impact being a small feature on a distant horizon, which also contains existing turbines and other vertical elements.
93. In views from the higher ridges of the coalfield at distances of 5 – 10km it is considered that the turbine would similarly have a low impact as a small feature on a distant horizon already containing turbines and other vertical elements.
94. In views from the south, across the Wear Valley from Bishop Auckland and Hamsterley at distances of 12-15km it is considered that the turbine would have a low impact as it would appear as a small feature viewed on a skyline containing other vertical structures seen across a complex and visually cluttered lowland landscape.

*Middle distance views (1.5 – 4 km)*

95. In general it is considered that the turbine would have a moderate impact at middle distances between around 1.5 and 4 km from the site.
96. In views from the west it could be a relatively prominent feature lying on a ridge that forms a strong skyline in views across Crook from Pea Hill. The skyline to the north presents a relatively unbroken ridge, although the Tow Law turbines do break it. To the south the turbine would be viewed against a landscape of trees and further turbines towards the north sea coast.
97. It is therefore considered that whilst there would be prominent middle distance views of the turbine, these are limited to specific directions. The view demonstrated by photomontage Viewpoint 8 is considered to be very much a “worst case scenario” given the relative height of the viewpoint and the backdrop to the turbine, and is a view that would quickly be lost as the viewer would descend to the east, down High West Road.

*Near views (<1.5 km)*

98. Within around 1.5 km of the site it is considered that the turbine could have the potential to be viewed as a prominent or dominant feature. Impacts on the character of the local landscape would be generally moderate or high. This level of impact is usually true for development of this nature wherever it occurs. However, whilst the turbine would be situated within close proximity to Crook, the local topography works to its advantage to a certain extent. The potential impact of the turbine could be considerably less than perhaps might be expected, particularly in views from within Crook itself and from the A690 at Helmington Row, as evidenced by Photomontages 1, 2, 3, 4 and 7 where the turbine is either partially concealed by topography, or read against it.
99. There would clearly be some impact on the local landscape, as is always the case for development of this kind. Whether the impact would be sufficient to bring it into conflict with Policy GD1 is a matter of judgement. In this respect, it is considered that the impact would not be sufficiently detrimental to the landscape quality of the surrounding area and therefore an objection on those grounds would be difficult to sustain in the current favourable policy environment.

*Cumulative landscape impact*

100. There are clusters of wind turbine development in the area, mainly to the north and north west of the application site.
101. In terms of the relationship of the proposed turbine with these clusters, cumulative impacts would be low. In far views, the turbine would appear to be of a similar scale to the existing

turbines and would assimilate well as a minor landscape feature on a distant horizon. In closer views, the topography of the site and its surroundings would result in a situation whereby it would be difficult to view both the proposed turbine and those which currently exist, as essentially they would be located on the other side of the ridge. It is therefore considered that the scheme would not result in an overall level of cumulative impact that was unacceptable.

#### *Impact on designated landscapes*

102. The proposed turbine would not be located within any designated landscapes.
103. It could however be visible from parts of the North Pennines Area of Outstanding Natural Beauty (AONB) west of the A68 and moorland ridges on Wolsingham Park Moor at distances between 10 and 15 km. It could also be visible from a number of areas within the Area of High Landscape Value (ALV).
104. Views towards the site from these areas are however across the very different landscapes of the coalfield already containing turbines and other vertical elements, which are seen as small features on a distant horizon and have a low impact.
105. Accordingly, it is considered that the proposed turbine would not have a substantial impact on landscapes of the AONB and ALV. The proposal is therefore in accordance with local plan policies ENV2 and ENV3, as well as RSS policy 8c.

#### *Impact on heritage assets*

106. In considering whether to grant planning permission for development which affects a heritage asset or its setting, regard must be given to the desirability of preserving the heritage asset or its setting. s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The site lies relatively close to Crook Conservation Area and would be visible from within it. Regard was also given to the impact of the turbine upon the Grade II listed church on Church Hill, although the ZTV has since demonstrated that the turbine would be almost entirely screened from this position and any impact would therefore be minimal.
107. Submitted photomontages have demonstrated that the turbine would be visible from Crook Market Place, however, it would be screened by trees from a variety of angles as well as buildings.
108. Policy HE1.3 of PPS5 states that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets. The public benefit of the proposals is discussed in greater detail below, however given the relatively minor impact of the turbine upon the wider conservation area, it is considered that it would be unreasonable to resist the proposal simply due to its minor impact upon a designated heritage asset, in this case Crook Conservation Area.

#### **Impacts on residential amenity**

109. The evidence of past appeal decisions suggests that while there may be a consensus that turbines are likely to be overbearing at distances closer than four times the turbine height, and unlikely to be overbearing at distances of greater than around seven times their height, at distance ranges in between, the acceptability of their impact is influenced by site-specific factors and by the judgements of individual decision-makers.

110. There are a number of properties within that distance range of the proposed turbine. Houses on South Terrace lie at a minimum of approximately 384m (around 6.4 x tip height) to the west of the turbine and would be the properties most affected by this proposal. Significant weight should be given to any major impact upon the residential amenity currently enjoyed by occupiers of these properties. The main aspect of these properties is to the east although there are windows facing towards the site and there would be direct views from within their rear gardens which lie at a minimum of approximately 344m (around 5.7x tip height) from the turbine. Whether the effect of the turbine would be overbearing is a matter of judgement with the height of the turbine potentially being exacerbated by the difference in topography, although the rear gardens do contain a significant amount of mature vegetation to provide some mitigating screening and distraction. It is considered that although the turbine would undoubtedly be prominent from these properties, it would not be overbearing.
111. Properties further to the north of Job's Hill would have a similar relationship to the properties on South Terrace, albeit at an increased distance and more oblique angles. Oak Ridge, for example would be located approximately 500m at around 8.3 x tip height. Officers consider that the turbine would not appear as being overbearing from these properties.
112. Detached properties to the north east, notably Alma House and Hill House lie approximately 515m (around 8.6 x tip height). The rear elevations of the buildings face towards the site and there would be direct views of the turbine from these properties. It is considered that the impact of the turbine on these properties would not be overbearing due to the separation distance involved exceeding the distance in relation to blade diameter as suggested by Planning Inspectors and the intervening topography.
113. There are a number of properties to the south of the application site, at Helmington Row. Again, it is the case that the rear elevations of these properties would face towards the application site but at a distance of around 600m (10 x tip height). It is considered that this would be an acceptable relationship.

#### *Noise*

114. Paragraph 10 of PPG24 asserts that much of the development which is necessary for the creation of jobs and the construction of infrastructure will generate noise. It cautions that the planning system should not place unjustifiable obstacles in the way of such development but advises that local planning authorities should ensure that development does not cause an unacceptable degree of disturbance.
115. The PPS22 Companion Guide states that well-specified and well-designed wind turbines should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable limits with regard to existing background noise. This will normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any noise-sensitive development so that noise from the turbines will not normally be significant. The Guide also indicates that the noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise.
116. The Guide commends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. ETSU-R-97 states that for single turbines noise levels should be limited to an La90,10min of 35dB at wind speeds of 10m/s at sensitive receptors and that background measurements should not be necessary. The limit of 35dB is derived from the sleep disturbance criteria contained within PPG24.
117. The applicant has modelled the potential noise impact of the turbine upon nearby residential properties in line with advice contained within PPS22 and ETSU-R-97.

118. The modelling suggests that the proposed wind turbine will not exceed the relevant ETSU-R-97 noise limits at any of the nearest residential dwellings, with nos.19 and 20 South Terrace most affected, experiencing noise levels of 34.98dB at wind speeds of 10m/s. The Council's Environmental Health Officers have been consulted on the application and have raised no objections to the scheme, subject to appropriately worded planning conditions being attached to any grant of planning permission.
119. The question of infrasound and low-frequency sound has been raised in representations received. The PPS22 Companion Guide asserts that there is no evidence that ground transmitted low frequency noise caused by wind turbines is at a sufficient level to be harmful to health. Following this review the Government re-stated that ETSU-R-97 should be used for the assessment and rating of noise from wind farms. The same advice pertains to the phenomenon of aerodynamic modulation.
120. It is considered that the development would comply with the noise levels established in the ETSU-R-97 guidelines. Such compliance could be ensured by condition. It is considered that any detrimental effect on local residents through noise associated with the proposed wind turbine would not be sufficient to refuse planning permission.

#### *Shadow Flicker*

121. Under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a window or narrow opening. Shadow flicker effects cannot therefore occur outside in open spaces. There will not be any adverse impact on users of public rights of way near the site from this effect.
122. A property must be within 10 rotor diameters of the turbine, some 515m in this case, in order to experience shadow flicker. The applicant has identified a number of buildings, which could potentially experience shadow flicker. If it does occur, it is considered that agreed measures would provide appropriate mitigation, the most suitable being computer programming of the turbine to cease operation at times when shadow flicker would occur. The applicant has indicated a willingness to do so, indeed, the Golf Clubhouse itself is one of the buildings that could potentially suffer from shadow flicker.
123. Subject to the use of appropriate conditions, it is considered that any detrimental effect on local residents through incidences of shadow flicker would not be sufficient to refuse planning permission.

#### **Impact on Nature Conservation**

124. The proposed wind turbine does not directly affect any designated sites of nature conservation interest and the County Ecologist was consulted at a pre-application stage to ascertain any requirements with regards to protected species risk assessments or surveys. It was indicated at this time that providing the development was in accordance with Natural England Guidelines in relation to wind turbines that no further work would be required.
125. The Natural England Guidelines state that there should be differentiation between impact upon individual casualties and mortality that affects larger populations. Whilst these matters are still under research, it is noted that most bat activity occurs along linear features such as tree lines or wooded areas and that activity significantly decreases more than 50m from such features. Standoff distances for any proposed turbine from such features can be calculated using specific formula, as the applicant has done in this instance with input from the County Ecologist, and has achieved a site which is considered to be unlikely to have a detrimental impact upon populations of protected species in accordance with PPS9 and Natural England Guidance Notes TIN051 and TIN059.

## Aviation

126. Due to the height of the turbine and its location on high ground consultation was undertaken with both Newcastle and Tees Valley airports, as well the MOD and NATS safeguarding who all provide air traffic control services in the UK.
127. No objections have been raised on aviation grounds by any of these organisations or agencies and the application is considered to be acceptable in this regard.

## TV and other Communication Interference

128. Due to the operation and scale of wind turbines, schemes have the potential to interfere with analogue TV signals.
129. It should be noted that loss of TV reception is most likely to be an issue for properties using analogue signals. It is anticipated that roll-out of digital services will occur by the end of September 2012, with the signal strength of digital broadcasts being increased by up to ten times current levels when this occurs. For those houses currently using satellite or cable TV there will be no significant impacts to TV reception.
130. Should it be demonstrated that the wind turbine has an adverse effect on television reception; the applicant will undertake suitable mitigation measures, at their expense, to return reception to its pre-development quality. Such measures could include re-aligning existing aerals, fitting a booster unit to the aerial, or supply of a cable or satellite service, all within reason given the digital switchover. The use of an appropriate planning condition will be attached to any grant of planning permission to ensure such mitigation occurs.

## Economic/Community Benefits

131. In support of the proposal the applicant has stated that the development would help secure the future of Crook Golf Club, an organisation that has seen a downturn in revenue in recent years.
132. It is acknowledged that many of the letters of support for the application relate to the retention of the Golf Club as a community asset.
133. In line with government advice and the localism agenda, it is acknowledged that the contribution that the Golf Club makes to the community should be afforded some weight, although this needs to be considered against the impacts of the turbines on those living nearby that don't use the golf club
134. In addition to the community role played by the Golf Club plays, the proposal would also contribute renewable energy to the grid which could be used by over 300 homes in Crook.
135. The applicant refers to a sport benefit fund which would be created for the use of a local Sports Trust, in association with other local sports groups. It is proposed that 10% of the income from the turbine after net costs would be donated to the fund. It is envisaged that by year 4 of the turbine's operation it could generate as much £30,000 a year. It should be noted however that this is a voluntary offer that the Council cannot secure or control and therefore while it would be welcomed; it has not carried any significant weight in assessing this proposal.
136. A number of objectors have raised the management of the Golf Club and the relationship between the Golf Club and the agent as matters for concern. It is not the role of the Local Planning Authority to become involved in the internal politics or operation of the Golf Club, and such matters have not influenced the consideration of the proposal



## Highways

137. The Highway Authority has raised no concerns with regards to the proposal which will make use of the existing access from Job's Hill during construction and any impact would be very short term.
138. The proposal is therefore considered to be in accordance with Policy T1 of the Wear Valley District Local Plan.

## Other Issues

139. Health – Concerns have been raised with regard to potential noise impacts and other effects on residential amenity and the perceived wellbeing of nearby residents. As stated previously in this report, the impact of the development in terms of noise and shadow flicker has been assessed and it has been concluded that there will be no unreasonable impacts on adjacent residents.
140. Land Stability – The site lies within an area of previous known mine workings. The applicant has submitted a coal mining risk assessment with the application which has been appraised by The Coal Authority who concur with its findings that the safety and stability of the development should not be compromised by the shallow mine workings, subject to suitable remediation. A condition is proposed to secure investigative works to identify the level of remediation required and the subsequent implementation of these remediation measures.
141. Public Rights of Way – The proposed wind turbines are to be located a sufficient distance from any public footpath or other right of way, to ensure there will be no impact on users sufficient to warrant refusal of the application.
142. Other Representations – Various letters of representation have been received from members of the public. It is considered that the majority of issues raised have been covered in this report. However some representations received have raised issues that are not considered to be relevant to the determination of the planning application. Issues in relation to the economic viability, reliability, and success of wind turbines have not been discussed in any detail; this is because it is established Government policy that where all other environmental and social impacts are controlled, Councils should support wind turbine proposals. Furthermore, issues relating to property values are not material planning considerations. The reference to the Wind Turbines (Minimum Distances from Residential Premises) Bill is noted, however this Bill is still at an early stage in the House of Lords and has not even reached committee stage or been considered in the House of Commons. It is considered therefore to carry extremely limited weight in the consideration of this application.

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## CONCLUSION

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143. There is strong and consistent policy support for renewable energy projects and the proposed wind turbine would make a contribution towards the overall supply of renewable energy. The key consideration in determining the application is whether or not this policy support for the turbine outweighs any adverse environmental or social impacts the proposal may have.
144. The submission provides information in relation to landscape and visual amenity, ecology, noise and shadow flicker together with measures to mitigate any impacts identified. It is considered that the impacts associated with the development can be adequately mitigated through the use of appropriate planning conditions.
145. In terms of visual impact, the proposed wind turbine, would undoubtedly have some impact on the landscape due to its scale and design and would be a highly visible feature in the

immediate locality. However it would also be viewed alongside existing wind turbine development in the area, and would be smaller. There has been some reduction in the size of the proposal since it was first submitted and the overall impact that the proposed development would have on the wider landscape is considered acceptable.

146. The proposed wind turbine is linked to the commercial viability of Crook Golf Club, which performs an important role within the community and weight should be attached to this.
147. The proposed development is considered to accord with the relevant national, regional and local planning policies. Subject to the suggested conditions it is recommended that planning permission be approved.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References:
  - Crook Golf Club – Design and Access Statement received 13<sup>th</sup> January 2012
  - EWT Sound Power Level Data – Received 13<sup>th</sup> January 2012.
  - EWT Directwind 52/54\*500 Technical Specification – Received 13<sup>th</sup> January 2012
  - PR02 – ZTV Comp – 60.75m Total Height received 13<sup>th</sup> January 2012
  - Photomontages Viewpoints 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b all received 13<sup>th</sup> January 2012
  - Photomontages 10 and 11 received 26<sup>th</sup> January 2012
  - PR 02 – Noise Reference Map received 13<sup>th</sup> January 2012
  - Site Location Plan 1:1250 received 13<sup>th</sup> January 2012
  - Site Location Plan 1:7500 received 13<sup>th</sup> January 2012
  - PR02 – Potential Shadow Flicker received 13<sup>th</sup> January 2012
  - PR02 – Predicted Noise Levels – EWT D52 received 13<sup>th</sup> January 2012.
  - Proposed Turbine Elevations – PR02-Directwind D52 – 35m Tower received 13<sup>th</sup> January 2012.

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

3. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commencement of development. Written confirmation of the date of commencement of development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

*Reason: To define the consent.*

4. All electrical cabling between the turbine and the on-site connection building shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 3 months of the commissioning of the wind turbine to the satisfaction of the Local planning authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007*

5. The applicant shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority prior to commencement of development:
  - i) Proposed date of Commencement of the Development
  - ii) The maximum extension height of any construction equipment.

Within 28 days of the commissioning of the turbine, the applicant shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority:

- i) Date of completion of construction
- ii) The height above ground level of the highest potential obstacle (anemometry mast or wind turbine).
- iii) The position of that structure in latitude and longitude
- iv) The lighting details of the site

Thereafter, the development shall only be carried out in accordance with these details.

*Reason: In interest of security and air safety.*

6. Not later than 6 months after the development hereby approved ceases to become operational, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level, and the removal of the turbine base to a depth of 1.0m, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires, or from the date of any earlier cessation of use as required by Condition 7 below, whichever is the earlier.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

7. If, prior to the expiry of the planning permission hereby approved, the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, then the works agreed under the terms of Condition 6 above shall be completed within 12 months of the cessation of operations.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

8. The development hereby permitted shall not commence until a scheme to secure the investigation and alleviation of any electro-magnetic interference to television and radio reception, caused by the operation of the wind turbine, has been submitted to and approved in writing by the local planning authority. The procedure set out in the approved scheme shall be followed at all times.

*Reason: In the interests of preserving the amenity of residents in accordance with Policies GD1 and MW4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

9. In relation to the development hereby permitted, construction machinery may be operated, construction processes may be carried out and construction traffic may enter or leave the site between the hours of 0800 hours and 1800 hours Monday to Friday and between the hours of 0800 hours and 1400 hours on Saturdays and at no other times nor on Sundays or Bank Holidays.

*Reason: In the interests of the amenity of the area and to comply with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

10. The rating level of noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed 35dB at any residential property. Within 28 days from the

receipt of a written request from the Local Planning Authority, following a complaint to it, the wind turbine operator shall, at its own expense, employ an independent noise consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in the attached guidance notes entitled 'Noise Conditions Guidance' and in accordance with ETSU-R-97.

*Reason: In order to prevent noise disturbance in accordance with Policy GD1 and MW4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

11. No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents together with arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made during the construction, operation and decommissioning of the wind turbine development and liaison with the Local Planning Authority.

*Reason: In order to prevent noise disturbance in accordance with Policy GD1 and MW4 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

12. The development hereby permitted shall not commence until a scheme to avoid the incidence of shadow flicker at any dwelling or other sensitive property has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and as necessary.

*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007*

13. Prior to the commencement of development, intrusive site investigation works shall be undertaken, in accordance with recommendations contained with the "Dunelm Report – Mining Risk Assessment – Proposed Wind Turbine, Crook Golf Club", the results of which shall be submitted to and approved in writing by the Local Planning Authority. If the results of the intrusive site investigation identify the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, details of these shall also be submitted to and approved in writing by the Local Planning Authority and remediation works carried out prior to the installation of the wind turbine hereby approved.

*Reason: In the interests of land stability in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007*

14. Prior to the commencement of development, details of an aircraft recognition beacon to be installed on the turbine shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the turbine shall only be erected in accordance with the details and the beacon shall remain operational thereafter.

*Reason: In interest of security and air safety.*

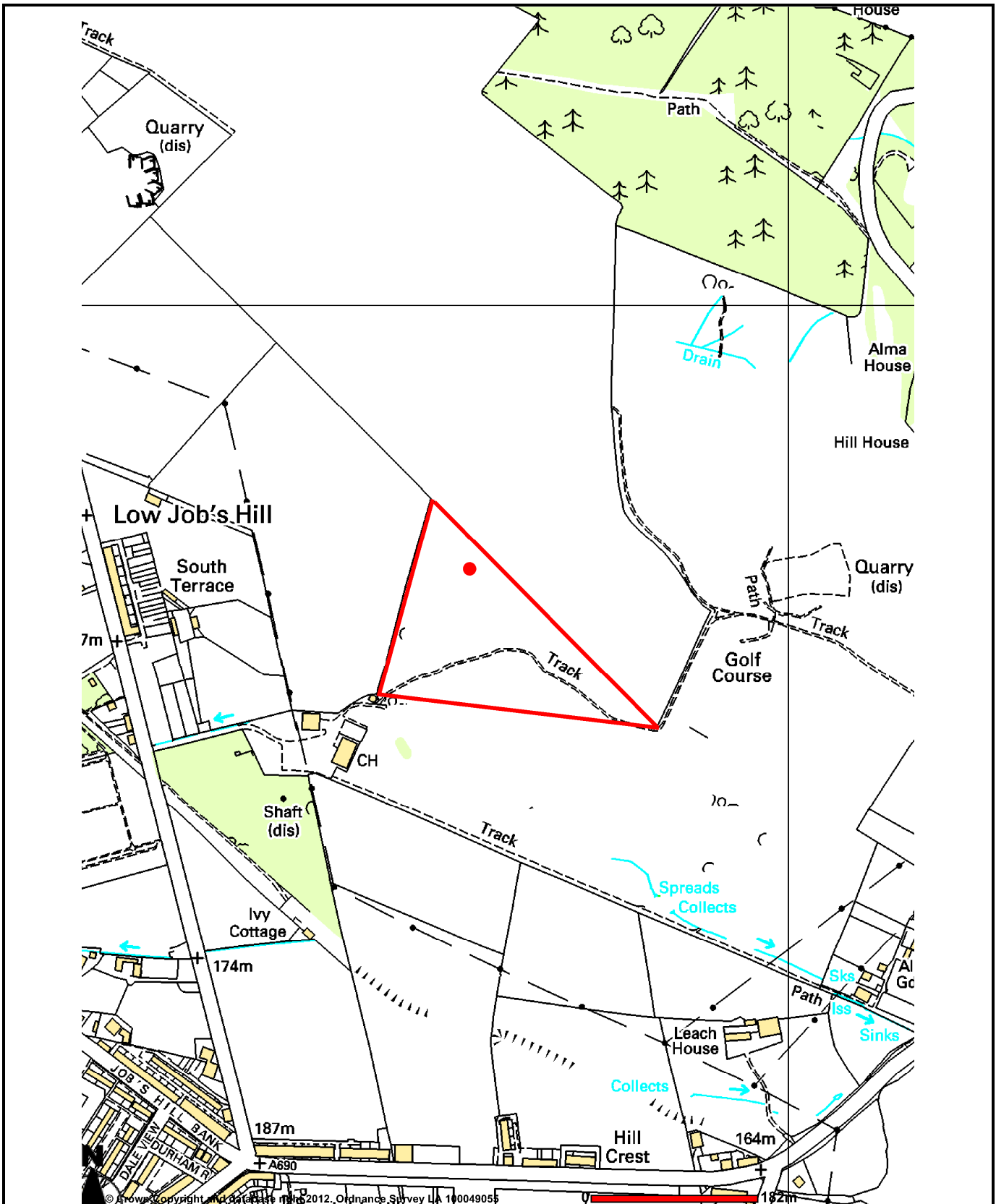
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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG17, PPS22, PPS23, PPG24
- Consultation Responses

- Public Consultation Responses
- Regional Spatial Strategy for the North East
- Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain (NEA / ARUP 2008) and Addendum (ANEC / ARUP October 2009)
  
- The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97)
- the Landscape Appraisal for Onshore Wind Development (GONE 2003)



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Proposed 1no. Wind Turbine, Crook Golf Club, Low Jobs Hill</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 proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	<p><b>Date</b> March 2012      <b>Scale</b> 1:5500</p>



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	6/2010/0208/DM
<b>FULL APPLICATION DESCRIPTION:</b>	Use of land and existing building for a mixed use of agriculture, plant hire and contracting business, including erection of new storage building and use of existing building for storage/workshop (part retrospective)
<b>NAME OF APPLICANT:</b>	Mr. John Butterfield
<b>ADDRESS:</b>	King's Head Cottage, Royal Oak, Heighington
<b>ELECTORAL DIVISION:</b>	Evenwood
<b>CASE OFFICER:</b>	Steve Teasdale, Planning Officer 03000 260834 <a href="mailto:steve.teasdale@durham.gov.uk">steve.teasdale@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

1. King's Head Cottage lies on the south side of the A68 approximately 2<sup>1/2</sup> miles south east of West Auckland, close to the boundary with the Borough of Darlington. The property is one of only four which make up the small hamlet of Royal Oak, and the predominant character of the area is open countryside.
2. The application site is immediately to the south west of a stone built dwellinghouse which is occupied by the applicant, and comprises a partially hard surfaced yard area measuring 70 metres by 50 metres, containing a large profiled steel clad building (20 metres by 15 metres), a block of stables and storage containers.
3. A paddock which is in the ownership of the applicant lies immediately to the south west, extending some 190 metres into the countryside.

#### Proposal

4. The proposal is essentially retrospective in that it seeks planning permission to retain both the presently unauthorised use of the land for an agricultural and plant hire contracting business, and the retention of a previously approved agricultural storage building for use in connection with the agricultural and plant hire contracting business. However, the application also includes a proposal to erect a second building to the north west of the existing one, with a footprint of approximately 35 metres by 16 metres. Due to the site levels, the height of the

building varies, but would range from 6.3 metres to ridge at its lowest to 7.8 metres at its highest.

5. Additional concrete surfacing would be provided to the south-western edge of the site, extending to a little under 250 square meters, including a car parking area for up to 8 employees' vehicles, and existing tree planting around the boundaries of the site would be reinforced.
6. The application is presented to committee for consideration because Etherley Parish Council objected to the proposal in August 2010, and the scheme of delegation applicable at that time required determination of the application in such circumstances by Planning Committee rather than under delegated powers.

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## **PLANNING HISTORY**

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7. In 2000, planning permission was granted under reference 6/2000/0308/DM for the erection of an agricultural storage shed, and in 2001, planning permission 6/2001/0443/DM authorised the erection of a lean-to extension to that building.
8. The applicant subsequently submitted a planning application under reference 6/2005/0221/DM seeking retrospective planning permission for the change of use of agricultural land to storage of plant hire machinery. This application was refused in 2005.
9. The applicant lodged an appeal against the refusal of retrospective planning permission. The appeal was dismissed in 2006, and later the same year, an enforcement notice was issued by Teesdale District Council requiring the unauthorised use of the land to cease, and for all non-agricultural plant, equipment, vehicles and machinery to be removed from the land, and for the land to be restored to its former condition by removal of debris, levelling and top soiling. The notice required compliance within 40 weeks.
10. The applicant appealed against the enforcement notice. The appeal was dealt with by way of a public inquiry held on 10<sup>th</sup> July 2007. The Planning Inspector supported the Council's case that the development was not appropriate in its countryside location, but he considered that 40 weeks was not sufficient time in which the business could relocate to a more suitable site and to comply with the terms of the notice.
11. Accordingly, the enforcement notice was quashed, and temporary planning permission was granted for a period of 2 years. This consent was subject to a range of conditions to control the use of the land, including a requirement to discontinue the permitted use and to restore the land to its former condition in accordance with a scheme to be approved by the local planning authority, on or before 31<sup>st</sup> July 2009.
12. In 2008 planning permission was refused under reference 6/2008/0295/DM for the retention of a concrete hardstanding on the application site.
13. In 2009 the applicant sought to extend the 2 year temporary period by a further year under application reference 6/2009/0253/DM, to allow more time to find alternative premises and relocate the business. This application was approved by South West Area Planning Committee on 29<sup>th</sup> October 2009 with a condition



to control hours of operation, and this temporary consent ended on 31<sup>st</sup> July 2010.

14. It is important to recognise that not only has there been gradual intensification of the commercial use of the land during the planning history set out above, but that this history is punctuated by points in time when new breaches of planning control occurred. For example, no planning permission existed between 31<sup>st</sup> July 2009 and 29<sup>th</sup> October 2009, and the business has continued to operate again without planning permission since 31<sup>st</sup> July 2010. These new chapters in the planning history of the site mean that there is no immunity under the ten year rule from further enforcement being taken.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

15. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* – sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
16. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* - sets out planning policies for economic development which should be taken into account alongside other relevant statements of national planning policy.
17. *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.
18. The Government has indicated an intention to consolidate all planning policy statements, circulars and guidance into a single policy statement. Termed the *draft National Planning Policy Framework (NPPF)*, the overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. In particular they should approve proposals that accord with statutory plans without delay. The Framework proposes that planning permission should be granted where the plan is "absent, silent, indeterminate, or where relevant policies are out of date". The draft NPPF states that the primary objective of development management is to "foster the delivery of sustainable development, not to hinder or prevent development". It requires local planning authorities to approach development management decisions positively, attach significant weight to the benefits of economic and housing growth, influence development proposals to achieve quality outcomes, and enable the delivery of sustainable development proposals. The draft NPPF is capable of being a material planning consideration. Therefore, both the emerging intent of the NPPF and the existing PPSs and PPGs need to be given appropriate weight.

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

### **REGIONAL PLANNING POLICY**

19. 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.

20. 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:

21. *Policy 8 – Protecting and Enhancing the Environment* seeks to maintain and enhance the quality, diversity and local distinctiveness of the North East environment.

22. *Policy 31 – Landscape Character* requires proposals to have regard to landscape character assessments.

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

#### **LOCAL PLAN POLICY:**

23. *Policy GD1 – General Development Criteria* -sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.

24. *Policy ECON5 – Industry in the Countryside* – sets out criteria against which proposals for rurally located commercial businesses must be considered in the interests of sustainability and protection local amenity and the environment.

25. *Policy ENV1 – Protection of the Countryside* – presumes against development other than that which necessarily requires a rural location, and emphasises the requirement for proposals to not harm the landscape and wildlife resources of the area.

26. *Policy BENV13 – Change of Use or Conversion in the Countryside* – sets out criteria against which proposals for conversion of sound rural buildings for alternative uses will be assessed.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

27. *Etherley Parish Council* objects to the proposal recommending that the application is refused, particularly in view of previous planning decisions including appeals.
28. The *Highway Authority* recommends refusal of the application on the grounds that the site is not in a sustainable location. It is not however considered that the proposal would have an adverse impact upon highway safety, and it is noted that only one accident has occurred since 2002, and that was caused by a stray horse.
29. *Northumbrian Water Limited* has no objections to the proposals.

### **INTERNAL CONSULTEE RESPONSES:**

30. *The Environmental Health Section* has no objection to the proposals.
31. *The Landscape Section* considers that views from the south west would be acceptable because despite the generally sloping nature of the terrain, the proposed building would not break the skyline. Views from a public footpath to the west would also be acceptable because of the grouping of the buildings. Views from the A68 however would be less acceptable because the proposed building would be too visually intrusive and this would be made worse because of the existing prominent building. Shortening the proposed building and moving it away from the northern boundary might lessen the visual impact. Details of colouration of the building and full details of landscaping would also be required.

### **PUBLIC RESPONSES:**

32. Two letters of objection have been received from local residents. One objection is made simply on the grounds of continuation of the business in its present manner and that an additional building is totally unacceptable. The second objection is made on the grounds that planning permission has been refused on numerous previous occasions, the presence of the A68 road and the nature of Royal Oak as a small hamlet make this an inappropriate location for the business.

### **APPLICANTS STATEMENT:**

33. The application proposal seeks the change of use of agricultural land and buildings to a mixed use of agriculture and plant hire contracting business which involves the erection of a new storage building and the use of an existing building as storage / workshop. The business already operates from the site and the application seeks to regularise the present circumstances as well as making proposals which will greatly enhance the site in terms of its location in a rural setting.
34. The new building will house the larger items of machinery and equipment. The existing building will become a storage facility for smaller items of equipment which require a high level of security, and will also be the workshop for

maintenance and repair purposes. It is likely that at least two of the three steel containers can be relocated within the buildings.

35. The business currently employs 23 full time employees, including the applicant and his wife, and as such it is a significant employer in the local area. Because it is adjacent to the applicant's house, the site benefits from the level of security which is known to be necessary where machinery and equipment are concerned.
36. In policy terms there is support for employment uses in rural areas. The economic benefits of the proposal also weigh heavily in favour of granting planning permission as this is an important business in the area and the opportunity to finally consolidate its position at Royal Oak would secure its future contribution to the local economy.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19339>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### Principle of development

38. The main consideration of the principle of development is under Policy ECON5 of the Teesdale District Local Plan. This policy seeks to protect the countryside from inappropriate development, and states that outside the development limits of settlements and outside land allocated as industrial sites, permission will not normally be given for industry / business use unless:

- a) it involves the conversion of a sound rural building complying with Policy BENV13
- b) it does not have an unreasonable adverse effect on the environment or amenity of local residents; and subject to complying with the criteria of Policy GD1

39. Policy BENV13 permits a range of alternative uses for rurally located buildings, including employment uses such as business (class B1) and general industry (class B2). The policy sets out 6 criteria which must be met in order to be considered compliant in principle. The criteria are set out as follows with appropriate comments:

*The building is structurally sound and capable of conversion without significant rebuilding or extension*

40. The present building on the site is a modern portal framed agricultural building which was originally erected for agricultural purposes. Whilst this building cannot be described as a traditional building, it is of sound construction and in good condition and is currently used for maintaining plant and machinery used in

agricultural and civil engineering contracts. The proposal would involve the erection of a second building to be used for similar purposes, and allowing items stored externally to be brought under cover, minimising the visual impact.

*The new use would not cause unacceptable disturbance to rural amenities, nearby properties or land uses through noise, smell, pollution or operation at unreasonable hours*

41. Royal Oak is a small dispersed hamlet of only 4 residential properties located either side of the busy classified road A68. It is not considered that the proposed retention of the existing building and the associated use of the land, or the erection of the additional building, would have a significant impact on the amenities of the countryside or nearby occupiers. Hours of operation could be controlled by way of an appropriate condition.

*The proposal would not be materially detrimental to the landscape quality of the area*

42. The site is quite well screened from the north by virtue of the existing building, and the proposed building would add to the screening of the site from the A68. The site is more prominent from the south because of the sloping terrain, but the existing landscape belt along the southern and western boundaries could be significantly improved by additional tree planting. A detailed scheme could be required by condition, with implementation within the 2012/13 planting season.

*The conversion safeguards the form, character, architectural features, design and setting of the building*

43. The existing building has not been altered as a result of its use, and the proposed new building would reflect its form and character.

*The building is/can be serviced without having a materially detrimental impact on the landscape*

44. The existing and proposed buildings are contained within a well defined site which is already served by an adequate access and internal circulation spaces. There would be no external changes required to facilitate the development.

*The new use would not lead to an unacceptable increase in the level of traffic on local roads or cause access or parking problems.*

45. The proposal is intended to improve facilities on the existing site, and to regularise an existing use which has operated for a number of years without apparent highway safety problems. The application does not propose intensification of vehicle movements, so it is very unlikely that the grant of planning permission would result in more movements of vehicles in or out of the site. It is apparent from the submitted documents that plant and equipment used in contracts around the north east generally travels from one site to the next, seldom returning to the application site other than recognised holiday 'shut down' periods. Apart from some maintenance of plant and equipment, the site functions primarily as the administrative base for the applicant's business.

46. The use of the existing building and the application site for a mixed use of agriculture, plant hire and contracting business, together with the erection of a

new building, does not appear to be in direct conflict with the specified criteria of Policy BENV13, so the principle falls to be considered on the issue of sustainability against the background of Policy ECON5 and PPS1.

## Sustainability

47. Policy ECON5 clearly expresses a preference for location of employment generating uses within existing industrial sites and settlement frameworks in order to protect the countryside from unnecessary development. In theory, the applicant's business could be based on a suitable site in such preferred areas. For this reason, the applicant has undertaken an exercise to establish the availability and suitability of alternative sites.
48. The applicant has submitted a schedule of alternative sites which he has considered but discounted. Nine sites were examined post appeal, in the Newton Aycliffe, Bishop Auckland, Spennymoor, and Shildon areas, including 3 in smaller settlements in south west Durham. Reasons for discounting these sites include high rent costs, lack of secure buildings, no security fencing, contamination, inadequate access arrangements, and the use not being acceptable for the site. A further 3 sites have been examined more recently in Darlington, Bishop Auckland and Tow Law, but these have been discounted for additional reasons including proximity to residential properties and being too remote from the present location.
49. Many of the reasons of unacceptability put forward by the applicant could however be addressed. Lack of secure buildings for example could be resolved by erecting the large building proposed for King's Head Cottage at another site, and even relocating the existing building elsewhere. Lack of security fencing could also be easily rectified. It is also considered that the search for alternative sites could have been more exhaustive and the reasons for rejecting sites are not particularly robust.
50. The applicant has however submitted a schedule identifying where his 23 employees live, which he claims places a further restriction on how far his business could reasonably be relocated from its present site, and a table of contract locations for the period 15<sup>th</sup> May 2011 to 13<sup>th</sup> November 2011. It is clear that the current business location is fairly central to the area of contracts, and that it is conveniently located relative to the principal north-south and east-west major road network. It is further recognised that employees live in a variety of locations and the majority travel directly to the contract sites to work. It is considered that the present site is sustainably located relative to the documented contract site locations from 2011, and well located in respect of main transport routes.
51. A planning statement submitted with the application also includes an inventory of vehicles, plant and machinery owned by the business. This can be summarised as 8 tractors and trailers, 9 JCB's, 7 excavators, 2 dumpers, 2 fork lifts, 6 mini excavators, 4 skip dumpers and 2 plant trailers. As previously stated, most equipment moves from site to site on a contract basis, and only returns to the site infrequently for maintenance. If the business were to be located less centrally however, this would have an impact in those cases where there is a need for vehicles and workers to return to the office or workshop.

52. For all the reasons above, it is considered that the proposal demonstrates sufficient sustainability credentials to make it accord with Policy ECON5.

### Landscape Impact

53. King's Head Cottage is situated adjacent to the classified road A68, and from this point the land falls away to the south-west towards the village of Bolam, which lies almost 1 mile away. Whilst views of the application site from Bolam are not particularly prominent, there is a network of public rights of way from where the site can be seen. This is particularly noticeable when brightly coloured vehicles, plant and machinery are stored in the open to the south and west of the existing building, despite the presence of a planted strip around the perimeter of the site.

54. Improved screening would help, and it is acknowledged that the proposed additional building would cater for covered storage of some vehicles, plant and machinery that are presently stored in the open from time to time. The main concerns raised by the Landscape Architect arise from the visual impact of the building itself, particularly in the context of the existing large workshop building when viewed from the A68 to the north. It has been suggested that the building should be reduced in length and moved further down the sloping site, away from the site frontage, to reduce its visual impact, but this would reduce the area of site available for car parking and could limit the opportunity for tree planting on the southern and western boundaries.

55. It is not considered that the proposal would conflict with Policy ENV1 of the Teesdale District Local Plan provided additional tree planting is carried out, and this could be conditioned.

### Highway Safety

56. The Highway Authority recommends refusal of the application on the grounds that the site is not in a sustainable location. The issue of sustainability is considered in detail above, and whilst it is conceded that the application site is located in a rural area, some distance from towns and villages, it is considered to be sustainably located in terms of the way in which the business operates. It is not considered that the proposal would have an adverse impact upon highway safety, and this view is supported by analysis of accident statistics.

### Other issues

57. The limited number of objections is perhaps indicative of the nature of Royal Oak, a small hamlet of only four dwellings. It is clear however that throughout the planning history of the commercial use of the site, those objections have remained constant, indicative of public and Parish Council concern about the principle of continued operation of the business without planning permission, the scale of development in comparison to the size of the site, and the impact of slow moving vehicles on the safety of motorists at this point on the classified road A68. However, as identified above, it is considered that no harm would arise in the case of the specific matters raised by objectors to the scheme.

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## **CONCLUSION**

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58. As mentioned above, this proposal is finely balanced in terms of established policy on rurally located businesses. The way in which the business operates is such that it works more effectively and sustainably if located centrally to the catchment area of contracts and if close to main north/south and east/west transport routes. Indeed, the applicant is contracted to carry out local snow clearing operations during the winter months and relocation to another site might affect his ability to operate this part of his business effectively. It is possible that relocation to a suitable site elsewhere would make the business less sustainable in terms of the increased distances between the operating base and contract sites.
59. For this reason, and in order to protect 23 full time jobs for the foreseeable future, it would only be appropriate to grant a 'personal' planning permission, which would mean that consent would cease to exist at such time as he and his family no longer had involvement in the business. The applicant recognises the difficulty faced by the Local Planning Authority in granting a full and permanent planning permission in these circumstances, and is willing to accept such a condition. This position would reflect the unique way in which the business operates and prevent a permanent permission that might allow less appropriate uses on the site in the future. An appropriate condition could be imposed to this effect.
60. Whilst recognising that there is a long and complex planning history involving the refusal of planning permission, upheld at appeal, for the use of the land for which planning permission is being sought, it is considered that having examined in detail the way in which the applicants particular business operates, that planning permission ought now be granted on a personal basis.

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## **RECOMMENDATION**

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

1. The use hereby permitted shall be carried on only by Mr. John Butterfield and his family or dependents and who are employed full time in the plant hire and contracting business and shall be for a limited period being the period during which the premises are occupied by Mr. John Butterfield and his family or dependents. When the premises cease to be occupied by Mr. John Butterfield and his family or dependents, the use hereby permitted shall cease and all vehicles, plant, machinery and equipment brought on to the premises in connection with the use shall be removed within 3 months of the cessation of the use.

*Reason: To define the consent and to ensure that the use of the site remains sustainable and in accordance with Policy ECON5 of the Teesdale District Local Plan 2002.*



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

Plan Reference Number	Date received
Site location plan	14th July 2010
Existing site plan (01 Rev A)	14th July 2010
Proposed site plan (03 Rev B)	12th March 2012
Proposed plans and elevations (02)	14th July 2010

To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

3. Before the building hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new building and those of existing neighbouring buildings shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

*Reason: In the interests of the appearance of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan 2002.*

4. No development shall commence until details of the colour of the storage building hereby approved have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan 2002.*

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

7. Notwithstanding the details submitted with the application no floodlights or external lighting shall be erected or installed as part of the development.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

8. The use of the premises for maintenance of plant hire and contracting vehicles, plant and machinery shall be restricted to the hours of 0800 to 1900 Monday to Saturdays only. No maintenance shall take place on Sundays and Bank Holidays.

*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Teesdale District Local Plan 2002.*

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposal is considered to represent sustainable development by virtue of the manner in which the business is operated and to prevent a less sustainable business operating from the site in the future any planning permission would be granted personally to the applicant, his family and dependents. As such, the proposal is considered that it complies with Policies ECON5, BENV13, ENV1 and GD1 of the Teesdale District Local Plan (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 8 and 31 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular, the development is considered acceptable having regard to the particular business operated from the site and the extent to which it represents a sustainable form of development, and the wider visual impact of the equipment and the proposed storage building.
3. Grounds of objection relating to the continuation of the business generally in Royal Oak are considered to not be overriding in this case.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

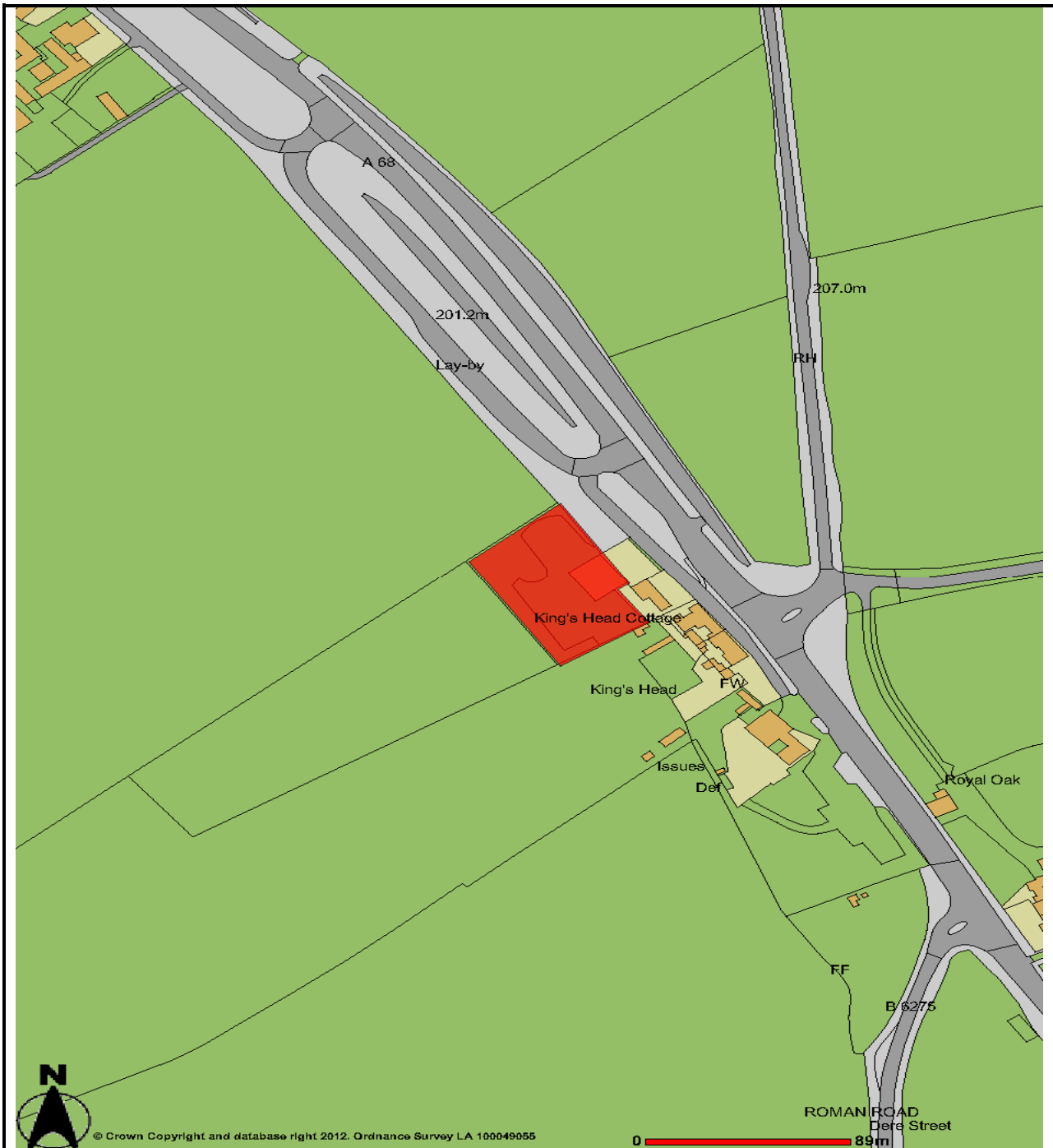
Appeal Decisions APP/W1335/C/06/2022684 and APP/W/1335/A/05/1193589

Planning Policy Statements PPS1, PPS4 and PPS7

Teesdale District Local Plan 2002

Statutory responses from Etherley Parish Council, Highway Authority and Northumbrian Water Limited

Internal responses from Environmental Health, and Landscape Section



**Planning Services**

Use of land and existing building for a mixed use of agriculture, plant hire and contracting business, including erection of new storage building and use of existing building for storage/workshop (part retrospective) at King's Head Cottage, Royal Oak, Heighington (6/2010/0208/DM)

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**Comments**

**Date** 22 March 2012

**Scale** NTS



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	6/2011/0464/DM
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed shooting lodge with associated access and parking
<b>NAME OF APPLICANT:</b>	Miss Simona Gambini
<b>SITE ADDRESS:</b>	West Gates Farm, Gilmonby, Barnard Castle, County Durham, DL12 9LY
<b>ELECTORAL DIVISION:</b>	Barnard Castle West
<b>CASE OFFICER:</b>	Steve Teasdale, Planning Officer 03000 260834/ 261055 <a href="mailto:steve.teasdale@durham.gov.uk">steve.teasdale@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

1. The application site relates to land at West Gates Farm, which lies approximately 600 metres west of the village of Gilmonby and 800 metres south west of Bowes. The site is situated south of the River Greta, within the North Pennines Area of Outstanding Natural Beauty. Access is by way of a single width track which extends from the unclassified but adopted Long Close Lane.

#### The Proposals

2. The scheme subject of this application involves the demolition of an agricultural shed and the extension of a series of traditional stone farm outbuildings to create a courtyard Shooting Lodge. The converted buildings would provide communal and reception areas with lower sections providing a secure gun store and wet room. The two storey barn would be converted into a lounge area for the guests. Existing north facing barn door openings would be glazed and the doors restored to form shutters. A glazed link would be formed between the converted buildings and the new development.
3. These existing buildings would be sympathetically repaired, improving their structural stability and their energy performance. Where possible the existing stone and slate would be retained and all the existing building details would be maintained to keep the building's agricultural character.
4. On the south side of these original stone buildings, the existing storage shed would be removed and a timber framed entrance hallway would be constructed, separating the existing stone buildings from the new sleeping and dining wings. The 10 bedroom sleeping wing forms an 'L' shape around the north east and south east corner of the courtyard with areas of glazed roof. The dining room

follows the same traditional design and detailing with random stone walls, pitched slate roof and hardwood timber sash windows.

5. The current farm track would be diverted to the south of the building to allow traffic to the farms further up the valley to avoid manoeuvring through the existing farm yard.
6. The application is reported to committee as the proposals constitute major development.

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## **PLANNING HISTORY**

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7. In 2009 an application (6/2009/0199/DM) for planning permission involving the change of use and extension of barns to provide administrative and service base for Bowes Moor Estate, to include creation of office and car park, removal of structures and erection of extension to existing barn to provide workshop/garage and construction of private access track to serve neighbouring farms was approved.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.
9. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* - sets out planning policies for economic development which should be taken into account alongside other relevant statements of national planning policy.
10. *Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas* sets out the national policies specific to planning in rural areas.
11. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
12. *Planning Policy Guidance 13 (PPG13): Transport* seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
13. *Planning Policy Statement 22 (PPS22): Renewable Energy* sets out the Government's policies for renewable energy to which Planning Authorities should have regard when making planning decisions.
14. *Planning Policy Statement 23 (PPS 23): Planning and Pollution Control* sets out the relationship between pollution control and the planning process under the overall heading of Sustainable Development. This Policy statement requires that local authorities must be satisfied that planning permission can be granted on

land use grounds following consultation with the relevant pollution control authority. The Local Planning Authority should, in its assessment of a planning application, satisfy itself that the potential for contamination and any risks arising are properly assessed and the development incorporates the necessary remediation and management measures to deal with unacceptable risk. It should not, however, replicate the role of other relevant authorities.

15. *Planning Policy Statement 25 (PPS25): Development and Flood Risk* explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.
16. *Good Practice Guide on Planning for Tourism*: This guidance, to be read alongside national planning policies, is designed to ensure that planners understand the importance of tourism and take this fully into account when preparing development plans and taking planning decisions; ensure that those involved in the tourism industry understand the principles of national planning policy as they apply to tourism and how these can be applied when preparing individual planning applications; and, ensure that planners and the tourism industry work together effectively to facilitate, promote and deliver new tourism development in a sustainable way.
17. The Government has indicated an intention to consolidate all planning policy statements, circulars and guidance into a single policy statement. Termed the *draft National Planning Policy Framework (NPPF)*, the overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. In particular they should approve proposals that accord with statutory plans without delay. The Framework proposes that planning permission should be granted where the plan is “absent, silent, indeterminate, or where relevant policies are out of date”. The draft NPPF states that the primary objective of development management is to “foster the delivery of sustainable development, not to hinder or prevent development”. It requires local planning authorities to approach development management decisions positively, attach significant weight to the benefits of economic and housing growth, influence development proposals to achieve quality outcomes, and enable the delivery of sustainable development proposals. The draft NPPF is capable of being a material planning consideration. Therefore, both the emerging intent of the NPPF and the existing PPSs and PPGs need to be given appropriate weight.

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

## **REGIONAL PLANNING POLICY**

18. 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.

19. 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:
20. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
21. *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.
22. *Policy 16 (Culture and Tourism)* seeks to ensure that planning proposals promote culture and tourism including improving first impressions gained by visitors arriving and passing through the Region and which benefit the local economy. This includes supporting environmental improvements to gateways, whilst ensuring protection of natural, built and heritage environments, amongst other things to ensure that new tourism facilities benefit the local economy, people and environment without diminishing the attractiveness of the place visited.
23. *Policy 27 - Out of Centre Leisure Developments* requires a sequential approach to be taken to the provision of leisure facilities outside town centres to justify the choice of location.
24. *Policy 35 - Flood Risk* requires consideration to be given to the flood risk implications of development proposals adopting the sequential risk based approach set out in PPS25.
25. *Policy 38 - Sustainable Construction* sets out the principles to support sustainable construction in planning proposals that minimise energy consumption and achieve high energy efficiency.
26. *Policy 39 - Renewable Energy Generation* requires at least 10% of the energy requirements of development proposals to be met by decentralised and renewable or low carbon sources.

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

#### **LOCAL PLAN POLICY:**

27. *Policy GD1 (General Development Criteria)*, sets out the general design principles for development.
28. *Policy TR2 (New Visitor Accommodation)* sets out the policy considerations for certain types of visitor accommodation.



29. *Policy ENV1 (Protection of the Countryside)* is a general policy to limit development in the countryside.
30. *Policy ENV2 (Development Within or Adjacent to the North Pennines Area of Outstanding Natural Beauty)* seeks to ensure that development proposals protect the landscape quality and natural beauty of the countryside.
31. *Policy ENV3 (Area of High Landscape Value)* sets policy out to protect area designated as AHLV and ensure development is suitable.
32. *Policy ENV8 (Development affecting a protected wildlife species)* seeks to ensure development does not adversely impact on protected species.
33. *Policy BENV13 (Change of Use or Conversion in the Countryside)* sets out criteria which must be met to make rural conversions acceptable.
34. *Policy H6 (New Housing in the Open Countryside)* presumes against new housing in the countryside unless there is an essential and justified need.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

35. *The AONB Authority* offers no objection to the proposals, and has given general advice on choice of renewable energy technologies in Areas of Outstanding Natural Beauty.
36. *The Highway Authority* has no objection to the proposals subject to a condition to secure passing places on the existing access track.

### **INTERNAL CONSULTEE RESPONSES:**

37. *Ecology Section* has no objection to the proposals subject to conditions relating to mitigation.
38. *Landscape Section* has no objections subject to condition requiring submission of a detailed landscaping scheme. Speed bumps would be preferable to new access track.
39. *Public Rights of Way Section* notes that a public bridleway which passes through the site would not be affected by the proposal and therefore has no objection.
40. *Planning Policy Section* has no objections because the proposal is acceptable in principle.

41. *Design and Historic Environment Section* considers the proposal to be high quality development which has regard to its landscape setting. Conditions recommended in respect of materials, landscaping and external finishes.

#### **PUBLIC RESPONSES:**

42. One objection has been received from the occupier of Swinholme Farm some 400 metres to the north west of the site, who has made detailed comments about the content of the application. In summarising the grounds of objection, it is stated that the proposal constitutes a new hotel on green belt land in an elevated and highly visible site within the AONB. It has poor access, no mains water or sewerage connections, and lies adjacent to and above the River Greta. However sympathetically designed, it is entirely inappropriate for the site.

#### **APPLICANTS STATEMENT:**

43. The applicant has invested considerably over recent years in improving the Bowes Estate and its landscape, resulting in visual and ecological benefits to the landscape. In addition, these improvements serve to boost the economic benefit to the locality in terms of job creation and sustainability, as well as supporting local services and facilities.

44. In making such investments, moving with the times to ensure that the Estate can compete with comparable shooting destinations is essential and the shooting lodge proposed is part of that process of development.

45. It is recognised that the application site sits with an extremely sensitive context, and for this reason great care has been taken in choosing its position and design. The result is a development which will benefit the area in which it is to be located.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=20989>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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46. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, design and impact upon the landscape and Area of Outstanding Natural Beauty (AONB), access and highway safety, ecology and renewable energy.

#### **Principle**

47. The application site is located in open countryside where rural restraint policies apply, the most relevant being Policy ENV1 of the Teesdale District Local Plan. Policy ENV1 states that in the countryside, planning permission will be granted for development for the purposes of rural diversification, tourism and recreation. In addition, Policy TR2 states that new visitor accommodation will be allowed in the countryside either in conversions or where buildings can be added to an existing farmstead or existing traditional group.

48. The proposed development involves the conversion and retention of an existing building, and the extension to an existing traditional grouping of buildings. The rural sporting economy is an essential element of rural social, environmental and economic activity in the area and Policies ENV1 and TR2 support such activities.
49. Policy EC7.1 of PPS4, relating to tourism in rural areas states that LPA's should support sustainable rural tourism and leisure developments that benefit rural businesses, communities, and visitors. It states that wherever possible, tourist and visitor facilities should be located in existing or replacement buildings and in, or close to, service centres and villages, but they may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use.
50. The proposed development seeks to retain and re-use a traditional building, and the footprint of a modern extension, with sensitive expansion of the overall developed area. The nature of a shooting lodge is such that it is desirable for it to be located close to the shooting area. Notwithstanding this, the site is within walking distance of Bowes, which has an accessible range of community facilities.
51. The principle of development is therefore considered acceptable.

#### Design, Landscape Impact and the AONB

52. The application site straddles the boundary between the Area of High Landscape Value and the AONB, so it lies in both these designated areas.
53. The proposal seeks to utilise an existing building at the site, which is located on a low lying section of ground adjacent to an existing dwelling and a modern shed currently used for incidental storage. The development has been designed to reflect the appearance of a range of traditional buildings, and closely connected to the existing stone building. The high quality of the proposed building is fully recognised by the Design and Historic Environment Section.
54. Given the predominately single storey nature of the proposal, its position close to existing buildings, and the use of traditional materials, there would be limited impact upon the wider landscape or the AONB. Materials would predominantly be natural stone, natural slate and clay pantiles, and timber doors and window frames. A loose surfaced car parking area would be constructed to the west, and this would be screened by the shooting lodge from views from Bowes. Dry stone walls would enclose the car park and also a paddock to the north east, reintroducing traditional features into the landscape.
55. The access track would be diverted so that traffic accessing farms to the west would not have to pass through the site. The diverted track could be required to have an environmentally acceptable construction and surfacing by way of an appropriate condition.
56. The proposal is considered to accord with Policies ENV1, ENV2, ENV3 and GD1 of the Teesdale District Local Plan.

## Access and Highway Safety

57. The access to the site is along an existing road which currently serves the existing farmhouse, steading and properties beyond. It is proposed to re-route the track to the south of the buildings, which was part of the previously approved but unimplemented scheme from 2009. The existing access will remain unchanged, along with the public right of way.
58. The narrow nature of the track from Long Close Lane is such that passing places should be provided in accordance with a previously approved scheme. This can be required by condition.
59. No objections are raised to the scheme by the Highway Authority and as such, the access arrangements are considered to comply with Policy GD1 of the Local Plan.

## Ecology

60. The application is accompanied by a protected species report prepared in October 2011 by Barrett Environmental Ltd. A bat survey confirmed that bats were seen emerging from above the milking parlour during dusk surveys, and also from, and returning to, the newly renovated farmhouse, which is not included in the development site. Bats are also considered to have been roosting in the two-storey barn. Five species of bat were recorded foraging or commuting across the site. The Ecology Section has concluded that the mitigation, as suggested in the report, is appropriate and necessary, but that a license will be required from Natural England.
61. Under the requirements of the Conservation of Habitats and Species Regulations 2010, it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.
62. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 require local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Caselaw has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions. The local planning authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required license being granted. The 2010 Regulations contain three "derogation tests, which are that 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 favourably against such tests.

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

63. The development proposed is not required for any interests of public health or public safety. Natural England advises, however, in its statement following the aforementioned Judicial Review case, that overriding public interest would include those of a social or economic nature and beneficial consequences of primary importance for the environment. As outlined earlier in this report, there would be wider economic benefits which would result if planning permission is granted. The development would bolster Teesdale's rural economy in its role as a visitor attraction and leisure development, and it is considered of such weight and materiality that it satisfies the first of the derogation tests.

*Test 2: there must be no satisfactory alternative*

64. In terms of whether there is a satisfactory alternative, the issue is whether or not the development could be carried out elsewhere or another form of development to provide the same results. Currently, Spital Park Farm, some distance away, is used as a meeting point and visitor facilities, although the range of facilities falls short of those provided by the current proposal. Clearly, the scheme must take place on land in the control of Tyrone Capital Inc., and there are no other suitable, vacant and accessible sites to develop in this manner. Therefore, it is considered that there is no satisfactory alternative available, and the second test is consequently met in this particular circumstance.

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

65. The Ecology Section is of the view that the scheme is acceptable, subject to the imposition of appropriate planning conditions to secure the mitigation measures identified in the comprehensive bat report. Those mitigation measures would maintain favourable conservation status of bats in this instance.

66. Accordingly, it is considered that the scheme would satisfy the derogation tests, and would accord with advice in PPS9 and the requirements of Policy ENV8 of the Local Plan.

## Renewable Energy

67. The application also proposes the use of several renewable energy technologies and other sustainable methods within the development, but it is clear that consideration of this is not yet complete. These could include rainwater harvesting, internal heat source pumps, solar panels, LED lighting, underfloor heating, and biomass equipment.

68. As this proposal represents major development, it is proposed that a standard condition be imposed in order to secure the submission of a scheme of carbon reduction and energy efficiency prior to commencement.

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## CONCLUSION

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69. Shooting is a recognised sport and visitor attraction in the south western uplands of County Durham and it can contribute to the rural economy. The present arrangements for meetings and visitor facilities at Spital Park Farm are

considered unsuitable because they are some distance away from the shooting area, and involve access by way of convoy traffic along the A66. The current range of facilities also fall well short of what the proposed development would provide.

70. The proposal is considered to represent a good quality development which is appropriate to the AONB and Area of High Landscape Value. It would have a good means of access and provide improved access to farms further to the west. Whilst being in a remote location, it would be close enough to Bowes village to allow easy access to its facilities and it would be therefore have reasonably good sustainability credentials.
71. It is considered expedient to restrict occupancy by way of condition in order to ensure that the development, in part or as a whole, is not used for permanent residential occupation.
72. The proposal is considered to comply with Policies ENV1, ENV2, ENV3, ENV8, BENV13, TR2 and GD1 of the Teesdale District Local Plan 2002. It would also be in line with national policy expressed in PPS1 and PPS7 and regional policy on tourism and leisure as expressed in Policy 16 of the RSS.

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## **RECOMMENDATION**

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

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

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

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

Plan Reference Number	Date received
Existing floor plans & elevations 1003	23rd December 2011
Proposed elevations 2007	23rd December 2011
Proposed floor plans 2003	23rd December 2011
Proposed site plan 2006	23rd December 2011
Concept visuals Sheet 1	23rd December 2011
Concept visuals Sheet 2	23rd December 2011
Site location plan	23rd December 2011
Existing site survey	23rd December 2011

*Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Teesdale District Local Plan 2002.*

3. The holiday accommodation hereby approved shall not be occupied by any person or group of persons for a period exceeding eight weeks in any calendar

year. The operator of the holiday accommodation hereby approved shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation and of their main home addresses. The operator of the holiday accommodation hereby approved shall make available to officers of the Local Planning Authority the register of occupiers of the accommodation hereby approved upon written request, given 24 hours notice.

*Reason: In order to prevent permanent residential occupancy in accordance with Policy H6 of the Teesdale District Local Plan 2002.*

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

*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

5. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the local planning authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

The landscape scheme shall include accurate plan based details of the following:-

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc.

Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacement will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

7. Notwithstanding the information shown on the submitted plans full joinery details set out within the attached schedule, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

8. No development shall take place unless in accordance with the mitigation detailed within the protected species report by Barrett Environmental Ltd. 'Bat Survey Report West Gates, Gilmonby, Co.Durham' dated October 2011, including, but not restricted to: sensitive timing of dismantling works to avoid the bat hibernation, and bird breeding seasons (i.e. works should be implemented September/October); use of sensitive working methods as detailed in Section E; creation of new bat roost opportunities in the roof void above the proposed gun room/wet room, under the ridges of the two storey barn and gun room/wet room, and the installation of 1FR Bat Tubes in three locations on the gable ends of the new buildings (as detailed in Section E and Figures 13 to 17 in the Bat report); and the use of no security floodlighting, with only low-level screened external lighting.

*Reason: To conserve protected species and their habitat in accordance with Policy ENV8 of the Teesdale District Local Plan 2002.*

9. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas and dry stone walls 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 Policy GD1 of the Teesdale District Local Plan 2002.*

10. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local planning authority. Thereafter



the development shall be implemented and retained in accordance with the approved scheme thereafter.

*Reason: In order to minimise energy consumption and to comply with the aims of Planning Policy Statements 1 and 3.*

11. No development shall commence until a detailed scheme for the construction of passing places along the access track from Long Close Lane has been submitted to and approved beforehand by the Local Planning Authority. The approved scheme shall be carried out prior to the first occupation of the development hereby approved.

*Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

12. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

*Reason: To prevent pollution of the water environment in accordance with PPS23 (Planning and Pollution Control).*

13. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

*Reason: To prevent pollution of the water environment in accordance with PPS23 (Planning and Pollution Control).*

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## **REASONS FOR THE RECOMMENDATION**

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1. It is considered that the proposal would improve the quality and range of facilities of a local leisure attraction without detriment to the countryside, an area of special landscape value, and the North Pennines AONB, and that it would not have an adverse impact upon biodiversity or highway safety. Accordingly, it is considered that the proposal accords with Policies GD1, ENV1, ENV2, ENV3, ENV8 and BENV13 and TR2 of the Teesdale District Local Plan (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 2, 16 and 38 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. Having assessed all relevant material planning considerations, it is not considered that the objection by a resident of a nearby farm overrides the presumption in favour of granting planning permission.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

Planning Policy Statements PPS1, PPS4, PPS7 and the Good Practice Guide on Planning for Tourism

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

Teesdale District Local Plan 2002

Responses from the Highways Section, Ecology Section, Landscape Section, Policy Section, Design and Conservation Section, AONB authority.

Public consultation response



**Planning Services**

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Proposed shooting lodge with associated access and parking at West Gates Farm, Gilmonby, Barnard Castle, County Durham, DL12 9LY

**Comments**

**Date 22 March 2012**

**Scale 1:5000**

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	7/2012/0054/DM
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for the erection of a dormer bungalow (resubmission)
<b>NAME OF APPLICANT:</b>	Mr Aitkin
<b>ADDRESS:</b>	Land west of Woodlea House, Horse Close Lane, Trimdon Colliery
<b>ELECTORAL DIVISION:</b>	Trimdon
<b>CASE OFFICER:</b>	David Gibson, Planning Officer 03000 261057, <a href="mailto:david.gibson@durham.gov.uk">david.gibson@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

1. The application site is located off Horse Close Lane and east of Woodlea House, Trimdon Colliery. The site contains a range of dilapidated buildings and a former joinery workshop.
2. The site is located outside of the residential settlement framework for Trimdon Grange, 170 metres to the south of the southern boundary. The site overlooks undeveloped open countryside to the south and west of the site. To the east, across Horse Close Lane, is an area of residential development of some five dwellings and which is clearly physically separated from the remainder of Trimdon Colliery.

#### Proposals

3. Outline planning permission is sought to erect a detached dormer bungalow. Whilst all matters have been reserved, an indicative layout plan has been submitted showing the scale, height, length and width of the proposed dwelling.
4. The site plan shows a dwelling measure 15 metres in length, 9 metres wide and 6 metres high. It will be located approximately 30 metres away from the nearest dwelling to the west.
5. The application is referred to committee at the request of the Elected Ward Member, Councillor Brookes, who considers that the site is suitable for residential development, being in a sustainable location and where its redevelopment would enhance the appearance of the area.

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### PLANNING HISTORY

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6. An outline application (7/2011/0513/DM) for the erection of a dormer bungalow was withdrawn prior to determination.

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## PLANNING POLICY

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### NATIONAL POLICY

7. *Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Climate Change* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. The key principles including ensuring high quality development through good and inclusive design, and efficient use of resources.
8. *Planning Policy Statement 3 (PPS3) Housing* underpins the delivery of the Government's strategic housing policy objectives.
9. *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.
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. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
11. *Planning Policy Guidance 13 (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. The Government has indicated an intention to consolidate all planning policy statements, circulars and guidance into a single policy statement. Termed the *draft National Planning Policy Framework (NPPF)*, the overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. In particular they should approve proposals that accord with statutory plans without delay. The Framework proposes that planning permission should be granted where the plan is "absent, silent, indeterminate, or where relevant policies are out of date". The draft NPPF states that the primary objective of development management is to "foster the delivery of sustainable development, not to hinder or prevent development". It requires local planning authorities to approach development management decisions positively, attach significant weight to the benefits of economic and housing growth, influence development proposals to achieve quality outcomes, and enable the delivery of sustainable development proposals. The draft NPPF is capable of being a material planning consideration. Therefore, both the emerging intent of the NPPF and the existing PPSs and PPGs need to be given appropriate weight.

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### REGIONAL PLANNING POLICY

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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 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
16. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
17. *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.
18. *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:**

19. *Policy H8 (Residential frameworks for larger villages)* states that housing development within the residential frameworks of larger villages will normally be approved providing that there is no conflict between other policies within the plan.
20. *Policy D1 (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, that where necessary satisfactory landscaping be incorporated in the design and layout of the site, that this accommodates the needs and users of the development and provides satisfactory and safe provision for pedestrians and the private car.
21. *Policy D3 (Design for access)* states that careful consideration should be given in the design of the development to the access requirements of pedestrians, cyclists, public transport, cars and other vehicles.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

22. *Trimdon Parish Council* has not commented on the application as the time of writing the report
23. Cllr Peter Brookes has provided a letter of support for the application on the grounds that all the buildings on the site are in a state of disrepair and unused, that the development would also re-generate and improve an untidy area of land and

although the proposed development lies outside the residential framework of Trimdon Colliery by some 200 metres, there are other properties immediately North and East of the site. A new dwelling will consolidate an area which is already considered by local people to be residential in nature. The proposed site is also close to existing amenities, and Policy 4 of the RSS indicates that suitable sites adjoining areas, particularly those that involve the use of previously located land and buildings could be considered for development. Finally, this application can not be considered to be isolated or in the open countryside as houses are located immediately east and north of the site. In years gone by, this site was at the bottom of a terraced row of colliery houses known as 'coffee pot' by local people, with no gap in development as there is now.

24. *The Highway Authority* has objected to the development on the grounds of highway safety. This objection would be removed subject to a plan showing the access to the north being used.

#### **INTERNAL CONSULTEE RESPONSES:**

25. *The Ecology Section* has recommended that a condition be placed on any approval restricting when demolition can take place to avoid harm to nesting birds.

#### **PUBLIC RESPONSES:**

26. The application has been publicised by way of site notices and letters to individual surrounding occupiers, however, no objections have been received.

#### **APPLICANTS STATEMENT:**

27. A supporting statement has not been submitted 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.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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28. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development and the impact new residential development would have on the character of the area, the impact on residential amenity, highway safety and ecological implications.

#### Principle of development

29. Adopted Sedgefield Borough Local Plan Policy H8 supports housing development within the residential framework of Trimdon Grange providing there is no conflict with the provisions of the plans environmental, open space or design policies. Frameworks are defined on the proposals map, with residential development outside of this settlement boundary considered contrary to this adopted policy. The proposal is located approximately 200 metres to the south of the defined residential framework.

30. At a regional level, RSS Policy 4 outlines a sequential approach to the identification of land for residential development, with sites located within settlement boundaries favoured over Greenfield sites located outside of the settlement boundary.



31. At a national level, PPS3 supports new housing development in suitable locations, and which makes efficient use of the land. PPS7 highlights the key tests for which rural development (outside of a settlement boundary) may be considered acceptable. Paragraph 10 makes clear that new permanent dwellings within the 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.
32. It has been suggested by a Local Elected Member that the development should be allowed as it is adjacent to existing houses. Whilst it is accepted that the proposed development is relatively close to other existing residential properties, these dwellings are located to the east of Horse Close Lane, while the proposed development would clearly be the first of its kind to the west of Horse Close Lane, notwithstanding the site of the former Old Locomotive to the north. It is considered that if this development is accepted then it could lead to future ribbon development along Horse Close Lane up towards the settlement boundary to the north significantly altering the character and appearance of the areas. The application site is located outside of the residential settlement of Trimdon Grange, on what is considered to be a Greenfield site. The site consists of an area of former allotments and now demolished or former agricultural buildings. In accordance with the definition of previously-developed land, as set out at Annex B to PPS3, land that is or has been occupied by agricultural buildings is excluded from the definition, and is therefore Greenfield. Any approved development would therefore represent uncontrolled sporadic growth beyond an established settlement limit and on land that has not been previously-developed.
33. As it stands now, the land to the west of Horse Close Lane is used for agriculture and retains a certain rural character and charm. The loss of this for a modern residential development will detrimentally impact upon this special character of the area and would be contrary to local, regional and national policies which seek to protect the countryside. The agricultural nature and openness of the area add to the character of the Trimdons and it is considered that this would be lost should this development be approved.
34. Local Plan Policy H8 aims to restrict all new housing to the defined residential framework of Trimdon. The purpose of this is to encourage the development of sustainable Brownfield sites surrounded by housing. The application site constitutes land that is not located within the residential framework of Trimdon Grange. The application site is therefore considered contrary to the provisions of adopted local plan policy H8, the sequential approach set out at RSS Policy 4 and advice contained in national planning policies, PPS3 and PPS7 which together seek to promote residential development in suitable locations which achieve sustainable development objectives whilst protecting against the erosion of rural areas caused by new development. The application site, being located outside of the defined residential framework and not located in close proximity to shops and services is considered to be unsustainable.
35. The applicant has failed to demonstrate any robust need for an additional dwelling in this location. In view of the foregoing, the very principle of additional residential development in this location is unacceptable.

36. The site contains a number of dilapidated buildings and looks quite unsightly when driving from the south along Horse Close Lane towards Trimdon Colliery. It is accepted that the site looks untidy and a new well designed dwelling would mean the loss of the old dilapidated buildings and would possibly improve the visual appearance of the area but this does not justify new development in the open countryside. The upkeep of a site is the responsibility of the owner of the site and the lack of care for a site does not justify the building of a dwelling that otherwise would be contrary to policy. The Local Planning Authority has other powers to deal with untidy land under Section 215 of the Town and County Planning Act 1990, and if it was considered necessary in the interests of the amenity of the area, the appearance of the site can be improved using these powers.

37. It is felt that if a dwelling was approved on site using the justification that it would improve the appearance of an untidy area of land then it could lead to a dangerous precedent being set whereby owners of sites in the open countryside could leave their sites unmanaged and unsightly in the knowledge that they could build a house that would normally be contrary to policy.

### Residential Amenity

38. Local Plan Policy D1 aims to protect the amenity of neighbouring properties. The proposed dwellings are situated over 25 metres away from the properties to the east. The indicative site plan shows a rear garden of over 10 metres in length and ample side and front gardens which will provide sufficient amenity space. Based on these separation distances it is considered that residential development on this site would not have an adverse impact on the residential amenity of the neighbouring properties and it is considered that the scheme accords with Local Plan Policy D1 in this regard.

### Highway Safety

39. Local Plan Policy D1 aims to ensure that a proposed development does not have an adverse impact on the highway network. Concerns have been raised with regards to the access to the south. Providing this is closed up and the access to the north is used then it would be considered to be acceptable from a highways perspective.

40. Subject to the modifications being made and satisfactory sight visibility splays being achieved it is considered that the scheme accords with Policy D1 of the Adopted Local Plan.

### Ecology

41. The proposed development involves the demolition of a number of buildings within the site. The Ecology Section has assessed the scheme and has confirmed that the demolition of these buildings could pose a risk to nesting birds, and it is therefore considered that the demolition should not take place between March and August.

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## **CONCLUSION**

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42. In conclusion, the application site is located outside of the residential settlement of Trimdon, on Greenfield land. Any approved development would therefore represent uncontrolled sporadic growth beyond an established settlement limit with the potential for creating ribbon development along the western side of Horse Close Lane.

43. The applicant has failed to demonstrate any justified need for a new dwelling in this location, which although is not entirely unsustainable in nature owing to its close proximity to the settlement, does constitute uncontrolled residential development in the countryside. It is argued that there are more suitable sites within the settlement which could support infill development rather than rely on new Greenfield sites beyond the settlement limits.

44. This application is therefore considered contrary to the provisions of adopted local plan policy H8, RSS Policy 4 and national PPS3 and PPS7 which together seek to promote residential development in suitable locations which achieve sustainable development objectives whilst protecting against the erosion of rural areas caused by new development.

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## **RECOMMENDATION**

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

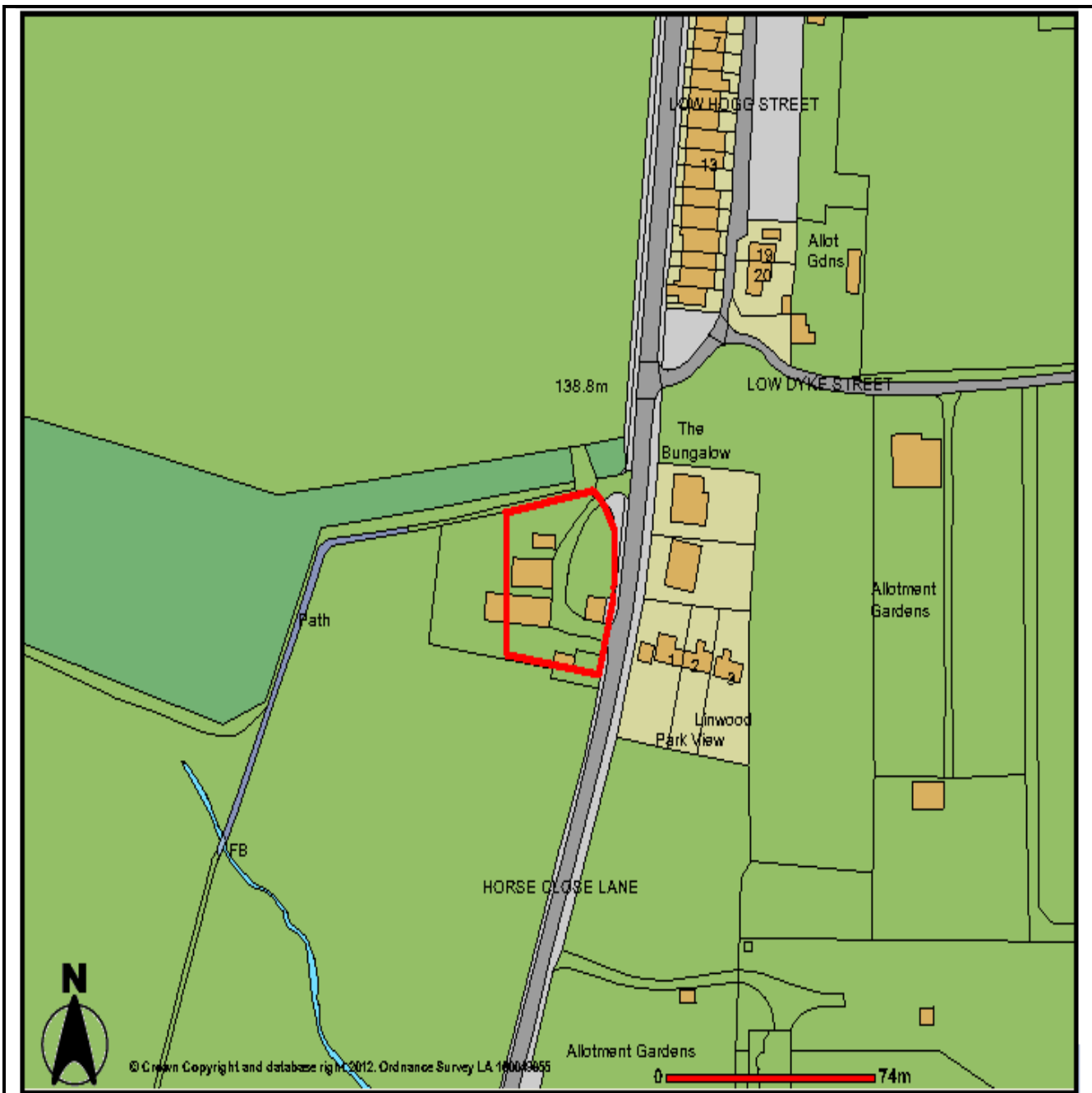
1. In the opinion of the Local Planning Authority, the proposed dwelling would constitute uncontrolled residential development on a Greenfield site in the open countryside, outside of any identified residential settlement boundary, and would lead to a loss of the rural character of the area and result in the sprawl of residential development to the western side of Horse Close Lane. The proposal is therefore contrary to the provisions of adopted Policy H8 (*Residential frameworks for larger villages*) of the Sedgefield Borough Local Plan, RSS Policy 4, PPS3 (*Housing*) and PPS7 (*Sustainable development in rural areas*).


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## **BACKGROUND PAPERS**

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- Submitted Application Forms, Plans and Design and Access Statement
- Sedgefield Borough Local Plan 1996
- Regional Spatial Strategy
- Planning Policy Statements/guidance notes: PPS1, PPS3, PPS7, PPS9 and PPG13
- Responses from Elected Ward Member, Highway Authority and Ecology Section



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Outline application for the erection of a dormer bungalow (resubmission) on land west of Woodlea House, Horse Close Lane, Trimdon Grange</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 proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> 22 March 2012</p>	<p><b>Scale</b> 1:2000</p>

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 3/2012/0014  
**FULL APPLICATION DESCRIPTION:** **VARIATION OF CONDITION 2 OF PLANNING PERMISSION 3/2010/0053 - TO RELOCATE THE PROPERTY 2M TO REAR**  
**NAME OF APPLICANT:** **MR GAVIN JOPLING**  
**ADDRESS:** THE SURTEES HOTEL VALLEY TERRACE, HOWDEN LE WEAR, CROOK, DL15 8EW  
**ELECTORAL DIVISION:** WILLINGTON ED  
**CASE OFFICER:** **Chris Baxter**  
(Senior) Planning Officer  
03000 263944  
chris.baxter@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises of a garden area of the dwelling known as the former Surtees Public House, to the East of Valley Terrace in Howden le Wear.

#### The Proposal

2. Permission is sought under Section 73 of the Town and Country Planning Act for a material minor amendment in the form of a variation of condition 2 (approved plans condition) of planning permission 3/2010/0053 to allow the relocation of the property a further two metres to the south of the site. There are no other alterations proposed to the property which has previously been granted approval in 2007 and 2010.
3. The application has been reported to Committee for determination because the applicant is the husband of an Elected Member.

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### PLANNING HISTORY

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4. Planning permission was granted in 2007 for a 3 bedroom detached property with garage. This permission was then granted an extension of time in 2010.

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### PLANNING POLICY

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#### NATIONAL POLICY

5. *Planning Policy Statement 3: Housing (PPS3)*: Underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

## REGIONAL PLANNING POLICY

6. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
7. 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. The following policies are considered relevant:
  8. *Policy 2 – Sustainable Development*: Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
  9. *Policy 3 – Climate Change*: Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.
  10. *Policy 4 – The Sequential Approach To Development*: A sequential approach should be adopted for the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations.
  11. *Policy 38 – Sustainable Construction*: Planning proposals should ensure new developments minimise energy consumption; and encourage and promote buildings to achieve high energy efficiency and minimise consumption in terms of the BREEM rating and the Code for Sustainable Homes.

## LOCAL PLAN POLICY:

12. The following Wear Valley District Local Plan as amended by Saved and Expired Policies 2007 are relevant in the determination of this planning application:
13. *General Development Criteria (GD1)*: 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.
14. *Distribution of Development (H3)*: New development will be directed to those towns and villages best able to support it. Within the limits to development of town and villages, as shown on the Proposals Maps, development will be allowed provided it meets the criteria set down in Policy GD1.
15. *Residential Design Criteria (H24)*: New residential development and/or redevelopments will be approved in accordance with criteria set out to ensure that proposals are appropriate and safeguard the amenities of the area and residents.
16. *Highways General Policy (T1)*: All developments which generate additional traffic will be required to provide adequate access to the development; not exceed the capacity of the local road network; and 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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

17. *The Coal Authority* raises no objections however they do request informatives are attached to any permission granted.
18. *County Highways Authority* has raised no objections.

### **INTERNAL CONSULTEE RESPONSES:**

19. None.

### **PUBLIC RESPONSES:**

20. Neighbouring properties were notified of the application in writing. No representations have been received.

### **APPLICANT'S STATEMENT:**

21. This application is a result of a mistake in the first instance and was only picked up when I applied for an 'extension of time'. I accept the position I am in, having to apply for a 'variation of planning' at my own expense. The architect confirmed that he used the latest ordnance survey plans, as supplied by HM Government, for the boundaries that highways obviously dispute. Where would we be if we hadn't asked for a planning time extension, and built our new house? I would, however, thank the planning committee for their indulgence.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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22. 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, impact on surroundings and highway issues.

### Principle of development

23. This application has been submitted because it was discovered that the north east corner of the property was actually located within the adopted highway. In order to rectify this issue, the property is being relocated by 2 metres out of the adopted highway.
24. The principle for the development of a residential property on this land has not changed since the previous approvals in 2007 and 2010. The proposal would therefore accord with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### Impact on surroundings

25. In terms of visual appearance, the proposed property is not to be altered from previous permissions.

26. It is noted that the property is to be located 2 metres closer to the properties on Valley Terrace, however it is considered that this would be a minor alteration that would not adversely affect neighbouring properties in terms of overbearing or overshadowing impacts. There are no windows proposed which would directly look onto the properties on Valley Terrace and therefore adequate levels of privacy would be maintained.
27. It is therefore considered that the proposed relocation of the property would not have an adverse impact on the residential amenities of neighbouring occupiers, and would not have a detrimental effect on the appearance of the surrounding area. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
28. Should permission be granted it is considered appropriate to attach similar conditions as attached under the previous approvals. Conditions are recommended accordingly.

#### Highway issues

29. This application would take the property out of the adopted highway. Adequate access and parking provision is still provided within the site. The Highways Officer has confirmed that no objections are raised to this proposal. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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## CONCLUSION

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30. The relocation of the property would have no adverse impact on the residential amenities of surrounding neighbouring properties and no detrimental impact on the appearance of the surrounding area. Adequate access and parking provision would be retained.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following **conditions and reasons**.

#### Conditions:

1. The development should not be begun later than 15<sup>th</sup> April 2013.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
(07)125/01A	Proposed Plans, Elevations & Site Plans	18/01/2012

3. Before the development hereby approved is commenced, details of the wall and roof materials of the development shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
4. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority (which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development).
5. 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 (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

6. Before the dwelling hereby approved is occupied the garages, hardstanding/turning area and access shall be constructed to the satisfaction of the local planning authority in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure availability at all times for the parking and turning and access/egress of private motor vehicles.
7. Notwithstanding the provisions of Article 3 and Classes A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having first been made to and approved in writing by the local planning authority.

### **Reasons:**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To define the consent and ensure that a satisfactory form of development is obtained.
3. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure the satisfactory appearance of the completed development. in accordance with policy GD1 of the Wear valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interests of the visual amenity of the area and to comply with policies GD1 of the WearValley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of highway safety and to ensure that adequate provision is made within the site for vehicles likely to visit it, and maintained to the satisfaction of the local planning authority. In accordance with policies GD1, T1 and T25 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.
7. To safeguard the amenities of the adjoining occupiers and to ensure that any development is of an appropriate scale in relation to the site and in keeping with the character of the area because the site is constrained. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposal is considered acceptable having regard to policies GD1, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The proposal is acceptable in principle and ensures that the property is removed from the adopted highway. The residential amenities of neighbouring occupiers would not be compromised and the proposal would not be to the detriment of the appearance of the area. Adequate access and parking provision is provided.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- North East of England Plan Regional Spatial Strategy to 2021 (RSS)
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance
- Consultation Responses





**Planning Services**

**VARIATION OF CONDITION 2 OF  
PLANNING PERMISSION 3/2010/0053 - TO  
RELOCATE THE PROPERTY 2M TO  
REAR AT THE SURTEES HOTEL VALLEY  
TERRACE, HOWDEN LE WEAR, CROOK,  
DL15 8EW**

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**Comments**

**Date 22<sup>nd</sup> March 2012**

**Scale 1:1250**

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 3/2012/0017  
**FULL APPLICATION DESCRIPTION:** **CHANGE OF USE OF GROUND AND FIRST FLOOR FROM A1 TO A2 (ACCOUNTANTS)**  
**NAME OF APPLICANT:** **MR GARETH ROBERTS**  
**ADDRESS:** 18 NORTH BONDGATE,, BISHOP AUCKLAND, DL14 7PG  
**ELECTORAL DIVISION:** BISHOP AUCKLAND TOWN ED  
**Chris Baxter**  
(Senior) Planning Officer  
**CASE OFFICER:** 03000 263944  
chris.baxter@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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The site

1. The application site comprises of an existing A1 shop located at 18 North Bondgate in Bishop Auckland. The premises is currently used as a canine grooming parlour. Commercial properties surround the site to the south, east and west. Directly to the north is the highway with the former bus depot situated beyond. The Council car park is located to the north west of the site. The building is also located within the Bishop Auckland Conservation Area.

The proposal

2. Planning permission is sought for the change of use of the ground and first floor of the premises from class use A1 (shops) to class use A2 (financial and professional services). It has been indicated in the application that the premises is to be used as an accountant's office. No internal or external works are proposed as part of this application.
3. This application is reported to committee as the owner of the property is a County Councillor.

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### PLANNING HISTORY

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4. Planning permission was granted in 2004 for the conversion of the premise into an A1 retail shopping use.

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### PLANNING POLICY

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NATIONAL POLICY

5. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the overarching planning policies on the delivery of sustainable development through the planning system.
6. *Planning Policy Statement 4: Planning for Sustainable Growth (PPS4)* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
7. *Planning Policy Statement 5: Planning for the Historic Environment (PPS5)*: sets out the Government's planning policies on the conservation of the historic environment.

#### REGIONAL PLANNING POLICY

8. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
9. 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. The following policies are considered relevant:
  10. *Policy 8: Protecting and Enhancing the Environment* states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.
  11. *Policy 12: Sustainable Economic Development* states that the majority of new economic development and investment should be focussed in main settlements.

#### LOCAL PLAN POLICY:

12. 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:
  13. *Policy GD1 (General Development Criteria)* states that 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.
  14. *Policy BE5 (Conservation Areas)* states that the character of each Conservation Area will be protected from inappropriate development.

15. *Policy S1 (Town Centres)* states that the District Council will seek to maintain and protect the town centres of Bishop Auckland and Crook as identified on the Proposals Map Inset Nos 1A and 9 as the major retailing centres in the District.

*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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

16. *Bishop Auckland Town Council* has raised no concerns.

### **INTERNAL CONSULTEE RESPONSES:**

17. *Ecology Team* has raised no concerns.

### **PUBLIC RESPONSES:**

18. A site notice was posted and the application was advertised in the local press. No representations have been made.

### **APPLICANTS STATEMENT:**

19. The agent for the application declined to submit a statement.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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20. 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 and the impact on surroundings.

### Principle of development

21. Policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 states that the Council shall seek to maintain and protect the town centre of Bishop Auckland and proposals for shops, offices and other commercial activities (Class A1, A2 and A3) will be permitted. The proposal to convert the premise into an A2 accountant's office directly accords with policy S1 of the Local Plan and is therefore considered acceptable.

22. Policy EC10 (Determining Planning Applications for Economic Development) of PPS4 encourages economic growth within existing town centres and states that planning applications that secure sustainable economic growth should be treated favourably. It is considered that the change of use of this premises into an A2 use accountant's office would be contributing to sustainable growth within the Bishop Auckland Town Centre.

23. The proposed change of use is acceptable in principle and in accordance with policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and policies within PPS4.

#### Impact on surroundings

24. The premises is surrounded mainly by neighbouring commercial properties. It has been indicated in the application that the proposed opening hours will be 9am – 5pm on Mon – Fri and 9am – 12pm on Saturdays. These are standard office opening hours which are considered acceptable. Given the nature of the proposed use and the proposed opening hours, it is not considered that the proposal would adversely impact on the amenities of neighbouring properties.
25. It is noted that there is no parking facilities associated with the premises. However given there is a public car park directly adjacent to the building, the vehicles of any employees or customers would be adequately accommodated.
26. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. This application is only for the change of use of the premises and no details have been provided with regards to internal or external alterations. Given there are no proposed changes to the external appearance, the character and appearance of the Bishop Auckland Conservation Area would be preserved.
27. Given the above it is considered that the proposed change of use would not have a detrimental impact on the surrounding area and would be in accordance with policies GD1 and BE5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
28. It is noted that should any external alterations to the shop front be required, then a separate planning application would need to be submitted.

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## **CONCLUSION**

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29. Policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and policies within PPS4 places emphasis on uses such as A2 accountant offices to be directed into existing town centres such as Bishop Auckland. The proposed change of use to A2 accountant's office would contribute to sustainable economic growth within Bishop Auckland Town Centre.
30. Neighbouring properties would not be adversely compromised as a result of the proposed change of use to A2 accountant's office. Adequate parking provision is provided within close walking distance to the premise. The character and appearance of the conservation area would be preserved.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following **conditions/reasons**.

#### **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:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	23/01/2012

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

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposal is considered acceptable having regard to policies GD1, BE5 and S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and policies within Planning Policy Statement 4 and 5.
2. The proposal is acceptable in principle as it contributes to the sustainable economic growth of Bishop Auckland Town Centre. Neighbouring properties would not be adversely compromised and adequate parking provision is located within close walking distance. The character and appearance of the Bishop Auckland Conservation Area would be preserved.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Planning Policy Statements: 1, 4 and 5.
- Draft National Planning Policy Framework
- North East of England Plan - Regional Spatial Strategy to 2021
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Circular 06/2005
- Consultation Responses





**Planning Services**

**CHANGE OF USE OF GROUND AND  
FIRST FLOOR FROM A1 TO A2  
(ACCOUNTANTS) AT 18 NORTH  
BONDGATE, BISHOP AUCKLAND, DL14  
7PG**

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**Comments**

**Date 22<sup>nd</sup> March 2012**

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 3/2011/0506  
**FULL APPLICATION DESCRIPTION:** **ERECTION OF A TIMBER CHALET FOR HOLIDAY USE**  
**NAME OF APPLICANT:** **Ms I PAGE**  
**ADDRESS:** LAND TO THE WEST OF CRAWLEYSIDE, STANHOPE, BISHOP AUCKLAND, DL13 2DU  
**ELECTORAL DIVISION:** WEARDALE  
**CASE OFFICER:** **Chris Baxter**  
(Senior) Planning Officer  
03000 263944  
chris.baxter@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises a small paddock located on land to the west of Crawleyside in Stanhope. The site is situated within open countryside and within the North Pennines Area of Outstanding Natural Beauty. An existing private road which leads to the disused Lane Head Quarry passes the southern perimeter of the site and is also a public right of way. Residential properties of Kiln Cottage, Stanhope Grange and Lane Head lie to the north east and the land to the south has planning permission for touring caravans. Conifer planting has recently taken place along the site perimeter and there are mature trees immediately to the north.

#### The proposal

2. Planning permission is sought for the erection of a timber chalet for holiday use. The footprint of the proposed timber chalet would measure 12.5 metres by 8.9 metres and it would have a height of 5 metres to the ridge. The chalet incorporates living accommodation over two floors comprising four bedrooms, a kitchen and living area, with a veranda and balcony area. A new vehicular access is proposed from the adjacent lane to the south of the site.
3. This application has been reported to committee at the request of Stanhope Parish Council because of a number of concerns raised.

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### PLANNING HISTORY

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4. There is no planning history in relation to this site.

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### PLANNING POLICY

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#### NATIONAL POLICY

5. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the overarching planning policies on the delivery of sustainable development through the planning system.
6. *Planning Policy Statement 4: Planning for Sustainable Growth (PPS4)* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
7. *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)* 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.
8. *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
9. *Good Practice Guide on Planning for Tourism* provides guidance on the importance of tourism and to work effectively to facilitate, promote and deliver new tourism development in a sustainable way.

#### **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. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
11. 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. The following policies are considered relevant:
  12. *Policy 8 – Protecting and Enhancing the Environment* states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment.
  13. *Policy 16 – Culture and Tourism* states that planning proposals should promote culture and tourism.
  14. *Policy 31 – Landscape Character* states that planning proposals should promote development appropriate to the special qualities of the North Pennines Area of Outstanding Natural Beauty.

#### **LOCAL PLAN POLICY:**

15. 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:
16. *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.

17. *Policy ENV1 (Protection of the Countryside)*: The District Council will seek to protect and enhance the countryside of Wear Valley.
18. *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.
19. *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.
20. *Policy TM2 (Tourism within the AONB)*: Tourism development proposals within the AONB will be allowed only if they fulfil the criteria set out in the local plan.

*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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

21. *Stanhope Parish Council* object to the proposal for the following reasons:
  - Weardale is adequately supplied with holiday lets;
  - Concerns that this may become a permanent dwelling;
  - The access is not suitable;
  - The design is not in keeping with the surroundings; and
  - This application would give precedence for other applications.
22. *Northumbrian Water* raises no objections.
23. *County Highways Authority* has stated that the proposed access arrangements affords virtually zero sight visibility of approaching traffic therefore it is recommended that the existing landscaping on the boundary is set back to provide adequate visibility.

### **INTERNAL CONSULTEE RESPONSES:**

24. *Public Rights of Way Team* offers no objections to the proposals. An informative is recommended should permission be granted.
25. *Ecology Team* has no objections to the proposals. An informative to address any residual risk of impact on ground nesting birds is recommended should permission be granted.
26. *Design and Conservation Officer* has raised concerns with regards to the scale, massing and over complicated external detailing.
27. *Spatial Planning Policy Team* accept that in principle a tourist development in this location would be acceptable, however concerns are raised with regards to the scale of the proposed chalet.

### **PUBLIC RESPONSES:**

28. A site notice was posted and the application was advertised in the local press. One letter of representation has been received which mainly raises the issue of poor access to the site.

### **APPLICANTS STATEMENT:**

29. Whilst it is recognised the application site is located in open countryside, there are policies contained within the Local Plan that provide for new chalet sites in disused quarries or other locations which are well screened all year round.
30. The site is located at the entrance to an existing disused quarry (Lanehead Quarry) and is well screened by trees and topography to the north as well as some newly planted coniferous trees to the south. The application is therefore compliant with planning policy which does not make reference to any limitation on scale. Nevertheless, the scale of the development has taken into account the capacity of the site and its surrounding and as such is not harmful on either the landscape or any other nature conservation issues.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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31. 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 principle of development, impact on North Pennines AONB and surrounding area and highway issues.

### Principle of development

32. Policies TM1 and TM2 of the Local Plan state that the development of holiday chalets as tourist accommodation is acceptable providing the proposals do not detract from the landscape quality of the area; do not generate large volumes of traffic; do not disturb the tranquil nature of the area; and do not have an adverse impact on nature conservation. The acceptability of the proposal in relation to these issues is discussed below.
33. It is noted that proposals for new tourist accommodation are also generally supported through national guidance in PPS7 and Good Practice Guide on Planning for Tourism, subject to having an acceptable impact on the environment and other material issues.
34. Whilst not of overriding justification because the proposal is only for a single holiday unit, it is recognised that there could be minor economic spin off to the local economy of the surrounding area from associated tourist activity and therefore this carries some weight in the consideration.

### Impact on North Pennines AONB and surrounding area

35. The site is located within the North Pennines Area of Outstanding Natural Beauty and therefore any development should not adversely impact on the special scenic qualities of this area. The proposed timber chalet would be located in a relatively isolated location which is not highly visible on approach from Crawleyside Bank. In terms of the wider setting of the AONB, it is considered that the proposed chalet would not adversely impact the character of the AONB as it would not be highly visible from any main vantage points because of existing tree cover. It is accepted that the site is located adjacent to a public right of way and the chalet would be partly visible to walkers. However, given that the chalet would be constructed from timber and proposed landscape treatment, it is considered that the chalet would adequately integrate into its surroundings and would not appear overly dominant. Some regard should also be given to the potential siting of a large number of touring caravans on the land opposite, which would further minimise the impact of the single timber chalet. The views from the right of way would therefore be localised and minimal.
36. The Council's Planning Policy and Design and Conservation sections have raised some concerns about the size and specific detailing of the proposed chalet. For the reasons indicated above and in the context of the development opposite it is not considered that the



chalet would be highly visible and adversely impact on the character and appearance of the special scenic qualities of the North Pennines AONB. In addition, the building would sit comfortably within a large site and the height of 5m is not considered excessive. Whilst the chalet would have four bedrooms, this is not unusually large for holiday accommodation and would cater for family and group demand. Because of the minimal harm to the character and appearance of the area, it is felt that a reduction in the size of the building is not justified.

37. The Planning Policy Team has also raised concerns that the chalet may become a residential unit. It is agreed that a residential unit in this location would not be acceptable but in line with general good practice it is considered that planning conditions can be used to ensure that holiday accommodation does not become permanent residential accommodation. Specific advice on this is given in the Good Practice Guide on Planning for Tourism. Conditions are therefore recommended to ensure that the holiday chalet does not become a permanent residential dwelling.
38. It is noted that the Public Rights of Way and Ecology Team have raised no objections to the proposal. The nature of the use and distance to surrounding residential properties means the proposal is unlikely to have a detrimental impact on the living conditions of neighbours.
39. It is considered on balance that the proposed chalet would not have an adverse impact on the special scenic qualities of the North Pennines Area of Outstanding Natural Beauty and would not compromise the appearance of the open countryside and surrounding area. Specific conditions controlling the use of the chalet as holiday accommodation would provide some comfort that the chalet would not become a permanent residential use. The proposal would be in accordance with policies GD1, ENV1, ENV2, TM1 and TM2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### Highway issues

40. The scale of development proposed is unlikely to create unacceptable volumes of traffic. A new vehicular entrance is proposed into the site from the adjacent lane. The Highways Officer has raised concerns with regards to existing visibility from this proposed entrance due to landscaping which is currently on the south boundary of the site. It is recommended that some of this landscaping is removed to achieve adequate visibility. Subject to this, the access would be considered acceptable. A condition is therefore proposed which would ensure that adequate visibility splays could be achieved, in the interests of highway safety. Given that some existing landscaping would have to be removed in order to facilitate a new entrance, it is considered reasonable to ask for new planting and landscaping to be planted elsewhere in the site which would help screen the proposed chalet. A landscaping condition is therefore recommended.
41. Given the above it is considered that the proposal would not compromise highway safety and would be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### Other matters

42. Stanhope Parish Council has raised a number of concerns with the proposed development. Issues relating to design, access and a permanent dwelling have been discussed in the sections above. The Parish Council also state that they feel there is an adequate supply of existing holiday lets within the Weardale area, however, there is no planning policy which restricts the number of holiday lets allowed in the Weardale area. Further comments also suggest that by approving this application it would create a precedent for future development. Any future development proposals would however, have to be determined on their own merits.
43. The letter of objection from a local resident raises concerns with the proposed access lane. This issue has been considered in the section above and the Highways Officer has confirmed that no objections are raised from a highways perspective subject to planning conditions seeking improvements to visibility.

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## CONCLUSION

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44. The principle of a holiday chalet in the open countryside is considered acceptable and in line with local and national planning policies.
45. On balance, given the building would be well screened from any main vantage point and would be well integrated within its surroundings, it is not considered that the proposed timber holiday chalet would have a detrimental impact on the special scenic qualities of the North Pennines Area of Outstanding Natural Beauty.
46. Standard planning conditions can be imposed to ensure that the proposed holiday chalet would not become permanent residential accommodation.
47. Adequate parking provision would be provided within the site and subject to improvements to the entrance, which can be sought through planning conditions, the proposed entrance into the site is considered acceptable and would not compromise highway safety.
48. The proposed timber holiday chalet would add to the range of tourist accommodation in the area and would make a minor contribution to the local economy of Stanhope and the wider Weardale area.
49. There would be no adverse impacts on neighbour amenity, ecology and the adjacent public right of way.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following **conditions and reasons**.

**Conditions:**

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	13/12/2012
2257/001	Ground Floor Plan	13/12/2012
2257/002	First Floor Plan	13/12/2012
2257/003	North Elevation	13/12/2012
2257/004	South Elevation	13/12/2012
2257/005	East Elevation	13/12/2012
2257/006	West Elevation	13/12/2012
2257/008	Proposed Site/Block Plan	13/12/2012
2257/009	Roof Plan	13/12/2012

3. Before the development hereby approved commences, details of the colour finish of the external walls and roof shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

4. 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.
5. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority (which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development).
6. 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 (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.
7. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction and sight lines to be provided have been submitted to and approved in writing by the local planning authority, and the chalet hereby permitted shall not be occupied until the approved access has been constructed in accordance with the approved details.
8. The timber chalet hereby approved shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The operator of the timber chalet shall maintain an up-to-date register of the names of all occupiers of the timber chalet and of their main home addresses, and shall make such information available at all reasonable times to the local planning authority, upon request.

**Reasons:**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To define the consent and ensure that a satisfactory form of development is obtained.
3. In the interest of the appearance of the area and to comply with policies ENV1 and ENV2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. In the interest of the appearance of the area and to comply with policies ENV1 and ENV2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interest of the visual amenity of the area and to comply with policies ENV1 and ENV2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interest of the visual amenity of the area and to comply with policies ENV1 and ENV2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. 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.
8. In order to prevent permanent residential occupancy in accordance with PPS7.

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**REASONS FOR THE RECOMMENDATION**

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1. The proposal is considered acceptable having regard to policies GD1, ENV1, ENV2, TM1 and TM2 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The special scenic qualities of the North Pennines Area of Outstanding Natural Beauty would not be adversely compromised and the character and appearance of the open countryside and surrounding area would not be adversely affected.
3. The proposals would not compromise highway safety.
4. There would be no adverse impacts on neighbour amenity, ecology and the adjacent public right of way.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- North East of England Plan Regional Spatial Strategy to 2021 (RSS)
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance
- Consultation Responses



Planning Services

**ERECTION OF A TIMBER CHALET FOR HOLIDAY USE AT LAND TO THE WEST OF CRAWLEYSIDE, STANHOPE, BISHOP AUCKLAND, DL13 2DU**

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	<p><b>Date 22<sup>nd</sup> March 2012</b></p>	<p><b>Scale 1:1250</b></p>

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO: 3/2011/0517

FULL APPLICATION DESCRIPTION: **OUTLINE APPLICATION FOR SECOND FLOOR OFFICE EXTENSION TO FRONT OF EXISTING INDUSTRIAL UNIT, ADDITIONAL PORTAL FRAMED EXTENSION TO REAR OF THE EXISTING BUILDING**

NAME OF APPLICANT: STEPHENSON GOBIN

ADDRESS: UNIT 18 LONGFIELD ROAD, SOUTH CHURCH ENTERPRISE PARK, BISHOP AUCKLAND, DL14 6XB

ELECTORAL DIVISION: COUNDON ED

CASE OFFICER: **Chris Baxter**  
(Senior) Planning Officer  
03000 263944  
chris.baxter@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises of an existing vacant industrial unit located on Longfield Road within South Church Enterprise Park. It was previously operated by a company manufacturing coat hangers. There are existing industrial units to the south, east and west with residential properties located to the north outside the confines of the South Church Enterprise Park. The site is bounded by palisade fencing and heavy shrubbery. There is a small area of concrete hardstanding and access road to the east of the existing building. The remainder of the site is rough grass and shrubs.

#### The Proposal

2. This application represents phase 2 of Stephenson Gobin Ltd's relocation from its manufacturing premises in High Etherley and is for outline planning permission for a second floor office extension to the front of the existing unit, as well as the erection of an extension to the rear of the site. The application therefore seeks to establish the principle of what is proposed in order to have greater certainty that the facility could be expanded to accommodate future needs of the business when required. Only the matters of access, layout and scale are to be considered within this application, with appearance and landscaping to be reserved for future consideration.
3. The second floor front office extension would be constructed above the extension recently approved in phase 1. The rear extension would measure 55 metres by 23 metres in footprint and would be similar height to the existing industrial unit. The existing access into to site would be utilised and a new parking arrangement is proposed.
4. This application has been reported to committee in accordance with the Scheme of Delegation because the floor space exceeds 1000 square metres.

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### PLANNING HISTORY

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5. The existing unit on site was granted planning permission in 1991.
6. A detailed application was granted permission in February 2012 for a ground floor office extension to the front of the building and parking for 40 vehicles (Phase 1).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the overarching planning policies on the delivery of sustainable development through the planning system.
8. *Planning Policy Statement 4: Planning for Sustainable Growth (PPS4)* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
9. *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.

### **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. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
11. 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. The following policies are considered relevant:
12. *Policy 8 – Protecting and Enhancing the Environment* states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment.
13. *Policy 12 – Sustainable Economic Development* states the majority of new economic development and investment should be focussed in main settlements and on brownfield mixed use locations.

### **LOCAL PLAN POLICY:**

14. 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:
15. *Policy GD1 (General Development Criteria):* states that 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.



16. *Policy I4 (Prestige Industrial Sites)*: reserves land for development at designated prestige industrial sites including South Church Enterprise Park, Bishop Auckland (28.7ha) It states that proposals for offices and business uses (Class B1) and general industry (Class B2) will be permitted provided they fulfil, where relevant, the General Development Criteria (Policy GD1). Proposals which involve outside storage will not be permitted.

17. *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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

18. *The Coal Authority* raises no objections subject to the imposition of conditions.

19. *County Highways Authority* has no objections subject to conditions.

20. *Environment Agency* has no objections.

21. *Northumbrian Water* has no objections.

### **INTERNAL CONSULTEE RESPONSES:**

22. *Ecology Team* raises no objections.

### **PUBLIC RESPONSES:**

23. Neighbouring properties were notified of the application in writing and the application was also advertised in the local press. No representations have been made.

### **APPLICANTS STATEMENT:**

24. This outline planning application is submitted in order to establish the principle of development. Such that the applicant can continue to expand their existing engineering operation and workforce within County Durham; in the knowledge that they can expand their facility to accommodate their business. Furthermore the development and design solution would realise the site's full development potential whilst also having regard to the scale and character of existing development in the vicinity of the site. I sincerely hope therefore that the council will be minded to approve this application.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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25. 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 principle of development, impact on surrounding area and highway issues.

#### Principle of development

26. South Church Enterprise Park is an established industrial estate, already hosting a number of large manufacturing businesses, and plays an important role in the local economy. It is a location where expansion of existing businesses and development of new business is expected to meet the economic growth objectives of the County.
27. This unit has been vacant for around 2 years and therefore its occupation is extremely welcome. Permission has already been granted for a single storey office extension and car parking, which would create an additional 8 jobs. This proposal could potentially create an additional 35 jobs with further parking for 35 vehicles. There is no change of use involved in this proposal and therefore the only matters for consideration are the principle of extending the existing unit and any potential impact on the surrounding area.
28. As this is an allocated industrial site and the proposal could create a significant number of new jobs, the principle of extension is considered to be in accordance with policy I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as well as national guidance in PPS4.

#### Impact on surrounding area

29. The site is well contained within an existing industrial estate and the scale of the proposed extensions would not appear overly dominant on the existing building. The rear extension could double the size of the existing building, but it would still be contained within a large site with between 11m and 17m left to the rear boundary. The presence of a residential property to the north, a further 34m from the site boundary, is acknowledged, however, the visual impact on the property would be acceptable at this distance, particularly as there is a large belt of mature screening between the site and property. Some additional noise and disturbance can be expected but, this is an established industrial estate that makes provision for further development or expansion of existing activity.
30. In this case the wider employment benefits of the proposal need to be balanced against the impact on one property, but there would nevertheless still be a reasonable distance to that residential property, aided also by the existing buffer planting. There are also existing units to the west which are much closer to other residential properties. Further consideration would be given to the position and control of openings on the north elevation at the detailed design stage.
31. Although final design is yet to be considered, the indicative details showing an appropriate design approach successfully demonstrates that the development is unlikely to detract from the character of the existing building and Enterprise Park. Conditions in relation to materials and landscaping would ensure the development is finished to an appropriate standard for the location. The scale and layout proposed for both front and rear extensions are therefore considered to be acceptable.
32. Northumbrian Water, the Environment Agency and the County Ecologist have raised no objections to the proposed scheme. The Coal Authority has requested a condition for further investigation works to be carried out prior to commencement of development.
33. The proposals are considered to be acceptable and would not in principle have a detrimental impact on the surrounding area. The proposal accords with policies GD1 and I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### Highway issues

34. The existing access into to the site is to be retained. As part of the scheme, rearranged parking provision is proposed that would add a further 35 spaces to the 40 already

approved. The County Highways Officer has raised no objections to the parking arrangement however a condition has been recommended to ensure the parking within the site is retained as parking. The Highways Officer has also requested the imposition of conditions for the submission of a travel plan for the site because of the significant potential increase in the numbers of people travelling to the site.

35. It is considered that the proposals would not compromise highway safety and would be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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## **CONCLUSION**

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36. This outline proposal for extensions to the existing unit would provide an element of comfort to the business so that the existing unit could be extended should the company expand and grow further. The extensions could facilitate a significant number of new jobs. The proposed extensions are considered acceptable in principle.
37. The scale and layout of the proposed extensions are considered appropriate and would not be a dominant feature within the site or within the surrounding area. The proposals would not detract from the appearance of South Church Enterprise Park.
38. When balanced against the economic benefits of the proposal, the amenities of neighbours would not be unacceptably compromised.
39. Sufficient parking provision is provided within the site and highway safety would not be compromised.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following **conditions and reasons**.

### **Conditions:**

1. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of appearance and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development is commenced.
3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
00 Rev A	Site Location Plan	31/01/2012
14 Rev B	Proposed Site Layout	31/01/2012
12 Rev B	Proposed Elevations	19/01/2012
13 Rev A	Proposed Floor Plans	19/01/2012

4. Prior to the buildings hereby approved being brought into use, the parking areas shown on the approved plans shall be constructed and made available for use and thereafter be used for no purpose other than the parking of employee and visitor vehicles.
5. Before the development hereby approved commences, site investigations shall be undertaken to confirm coal mining conditions and any remedial works shall be undertaken. Details of the investigation works and remedial works shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.
6. Prior to the building hereby approved being brought into use a Travel Plan Coordinator shall be appointed and contact details for this person shall be provided in writing to the local planning authority.
7. Within 6 months of the building hereby approved being brought into use, a final Travel Plan, conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented for the lifetime of the development.
8. Before the development hereby approved is commenced, details of the materials to be used for the external surfaces of the development and hardstanding shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
9. 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 (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

**Reasons:**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. To define the consent and ensure that a satisfactory form of development is obtained.
4. In the interests of highway safety and to comply with policy T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interests of the stability of the land and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of sustainable means of transport and to comply with policy T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. In the interests of sustainable means of transport and to comply with policy T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. In the interests of the visual amenity of the area and to comply with policies GD1 of the WearValley District Local Plan as amended by Saved and Expired Policies September 2007.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposal is considered acceptable having regard to policies GD1, I4 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The visual appearance of the Enterprise Park would not be adversely affected and the proposed extensions would not appear overly dominant. The amenities of neighbouring properties would not be adversely compromised. Adequate parking provision and access is provided and highway safety would not be compromised.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- North East of England Plan Regional Spatial Strategy to 2021 (RSS)
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance
- Consultation Responses





**Planning Services**

OUTLINE APPLICATION FOR SECOND FLOOR OFFICE EXTENSION TO FRONT OF EXISTING INDUSTRIAL UNIT, ADDITIONAL PORTAL FRAMED EXTENSION TO REAR OF THE EXISTING BUILDING AT UNIT 18 LONGFIELD ROAD, SOUTH CHURCH ENTERPRISE PARK, BISHOP AUCKLAND, DL14 6XB

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**Comments**

**Date 22<sup>nd</sup> March 2012**

**Scale 1:1250**

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