



Area Planning Committee (South and West)

Date Thursday 21 November 2013
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 17 October 2013 (Pages 1 - 6)
5. Applications to be determined
 - a) 3/2013/0232 - Land West of St Pauls Gardens, Witton Park, Bishop Auckland (Pages 7 - 16)
Outline application for residential development with access to be considered
 - b) 6/2013/0286/DM/TP - Staindrop Hall, Front Street, Staindrop (Pages 17 - 22)
Fell 1 no. sycamore tree protected by TPO CCD-34-2012
6. 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
13 November 2013

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

Councillor M Dixon (Chairman)

Councillor J Buckham (Vice-Chairman)

Councillors D Bell, D Boyes, J Clare, K Davidson, E Huntington,
S Morrison, H Nicholson, G Richardson, L Taylor, R Todd, C Wilson
and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 17 October 2013 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors D Bell, J Clare, K Davidson, E Huntington, S Morrison, H Nicholson, G Richardson, L Taylor and C Wilson

Also Present:

A Inch – Principal Planning Officer
A Caines – Principal Planning Officer
C Cuskin – Legal Officer

1 Apologies for Absence

Apologies for absence were received from Councillors J Buckham, D Boyes and R Todd.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 19 September 2013 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a 3/2012/0424 and 3/2013/0051 - Bedford Lodge, South Church Road, Bishop Auckland

The Committee considered a report of the Principal Planning Officer regarding applications for the demolition of Bedford Lodge, the construction of 66 houses and associated works, and Listed Building Consent to demolish Bedford Lodge (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Members were advised of a proposed amendment to condition 2. Revised plans had been submitted to reflect minor alterations to house types and the removal of the footpath link from the scheme following advice from the Police Architectural Liaison Officer.

In discussing the proposals the Chairman noted that representations received in relation to the applications were mainly concerned with highway safety.

D Stewart, Highways Officer informed Members that highway improvements were sought in relation to the site entrance and within the highway of South Church Road. Site visibility in the southern direction was restricted and works included moving the retaining wall to improve visibility, a crossing point and a protected right turn at the entrance to the site. The proposed highway improvement works were detailed in the submitted scheme and had been included as a condition.

In response to a question from Councillor Huntington the Principal Planning Officer advised that the railway was approximately 12m from the southern boundary of the site and was at a higher level than the proposed development.

Councillor Richardson, in expressing his support to the application, was pleased to note that the density of the development had been reduced from 119 dwellings, as outlined in the planning permission granted in 2011, to 66. He also endorsed the demolition of Bedford Lodge.

Resolved:

That the applications be approved subject to:-

- (i) the conditions outlined in the report with condition 2 being amended as follows:-

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

DRWG no.12-1066.01 rev A15, Site Plan - received 13 June 2013

DRWG no.12-1066.10 rev A1, Site Section A-A - received 13 June 2013

DRWG no.12-1066.04 rev A2, Proposed House Types - received 13 June 2013

DRWG no.12-1066.05 rev A1, Street Elevations - received 10 October 2012

DRWG no.12-1066.11 rev A1, House Types C and D, Received 13 June 2013.’

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE4, BE17, HS, H24 and T1 of the Wear Valley Local Plan;

- (ii) the entering into of a Section 106 Obligation to secure a financial contribution of £50,000 to compensate the loss of the Listed Building to be directed to help safeguard a Listed Building in the vicinity of the application site.

5b 6/2013/0146/DM/OP - Land south of Evenwood Lane, Evenwood Gate, Bishop Auckland

Consideration was given to the report of the Principal Planning Officer regarding an outline application for residential development including the formation of vehicle access (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor A Turner, local Member addressed the Committee in support of the application. He advised that the site had steadily deteriorated over the last couple of years and was in need of development. The proposals would help to improve the appearance of the area. He asked Members to note that the objections submitted were from the residents of Evenwood, not Evenwood Gate, and also asked the Committee to take into account the petition received in support of the application.

J Lavender, the Applicant's Agent stated that when the outline application was refused in May 2012 the scale of the development had been considered inappropriate. This was an outline application for fewer properties and the overall number of dwellings and design details could be negotiated. At that time it had not been possible to bring forward a scheme including the derelict former public house, and he outlined the reasons why this was not possible now.

Mr Fenwick, the applicant stated that the proposals had been well received by local residents and shops. Village life was in decline and the NPPF was about sustainability and about local people making decisions. This development would help maintain the sustainability of the village and could help to support the local school which was not at full capacity. The site itself had suffered anti-social behaviour for many years.

The local village had lost a shop, a newsagents and a public house. Local people had left the area and were unable to move back into the village because of the lack of available housing. He believed that this development would help to create a vibrant and prosperous Evenwood Gate, and help people to return to the village.

In response to a question from Councillor Huntington regarding the 2 schemes, the Principal Planning Officer confirmed that the applications had to be dealt with separately, although a joint application excluding the land to the north of this site would be welcomed.

Councillor Richardson considered that the application should be approved. The density of the site had been reduced, the school and the shops were within a reasonable distance, and whilst the majority of the site was situated in open countryside, he was of the view that the whole site was scrubland and was unlikely to be used for the purposes of agriculture or forestry. He also considered that the proposals were in keeping with the linear form of Evenwood Gate.

Councillor Clare stated that whilst he agreed with the comments of Councillor Richardson, it should be borne in mind that the majority of the development was outside development limits, and that an appeal decision that had concluded that Evenwood Gate was not a sustainable location should carry significant weight in the determination of the application. It may be argued that the need for regeneration of the village outweighed the development of land in the open countryside, however in taking into account the public responses there was clearly support for the application but there was also a lot of residents who were against the proposals. On balance he felt that he could not support the development.

Councillor Davidson commented that the scheme was largely unchanged since refusal of outline permission in 2012 and was not convinced that the development would result in an influx of people moving into or returning to the village. Taking into account the comments in the report about sustainable development and the location of the village it was clear that Evenwood Gate did not meet NPPF criteria in terms of sustainability.

Members discussed the proposals and noted that whilst this was an outline application there was no provision for on-site public open space/play or a Section 106 contribution towards off-site provision, and that the Archaeology Section considered that there should have been further archaeological evaluation prior to determination.

Councillor Richardson moved and was seconded by Councillor Morrison that the application be approved subject to the applicant entering into a Section 106 Agreement in respect of off-site open space/play provision, and to detailed conditions being agreed in consultation with the Chairman.

Following a vote the motion was unsuccessful and it was moved by Councillor Davidson and seconded by Councillor Clare that the application be refused.

Resolved:

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

5c 6/2013/0147/DM/OP - Former Brown Jug Public House, Evenwood Gate, Bishop Auckland

The Committee considered a report of the Principal Planning Officer regarding an outline application for demolition of the derelict former public house and residential development of the site including the formation of vehicle access (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor A Turner, local Member expressed his disappointment that the other site at Evenwood Gate had not been approved but hoped that this application would be looked upon favourably as the village was in need of development proposals that would clean up this area.

J Lavender, the Agent was asked by the Chairman to comment on the applicants' views in relation to the proposed Section 106 Agreement.

He advised that the applicants had recognised that circumstances had changed since planning permission had been granted in 2008, and therefore a Section 106 Agreement had been prepared in relation to the provision of affordable housing. However the applicants were concerned about the contribution towards off-site provision/maintenance of play/recreation space in the local area and the impact this additional burden may have on the scheme.

The Chairman referred to the recent appeal decision raised in the earlier report when the Inspector had concluded that Evenwood Gate was not a sustainable location, and asked why this scheme was deemed to be acceptable.

The Principal Planning Officer acknowledged that the location was not sustainable, however the proposals were of a much smaller scale to the proposed development south of Evenwood Gate, was partly within existing development limits and was entirely on previously developed land within the curtilage of the former public house. In addition the site already had vehicle movements associated with it, and the vehicle access proposed was immediately next to the existing access to the pub car park.

Councillor Nicholson commented that this development was in the hamlet itself and would improve a derelict site.

With regard to the letters of objection Councillor Clare stated that these related to the details of the scheme and therefore believed that residents were not against the principle of development in Evenwood Gate.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Agreement in respect of the provision of 15% affordable housing and a contribution of £13,000 towards off-site provision/maintenance of play/recreation space in the local area.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0232
FULL APPLICATION DESCRIPTION:	Outline Application For Residential Development With Access To Be Considered
NAME OF APPLICANT:	WPDC LIMITED
ADDRESS:	Land West Of St Pauls Gardens, Witton Park, Bishop Auckland, DL14 0dl
ELECTORAL DIVISION:	West Auckland Ed Chris Baxter Senior Planning Officer
CASE OFFICER:	03000 263944 Chris.Baxter@Durham.Gov.Uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is an agricultural field approximately 1.6 hectares in area and is greenfield land for planning purposes. It is also located outside the development limits of Witton Park and is therefore in the open countryside. The modern residential estate of St. Pauls Gardens is located directly to the east of the site, however, most of the site to the south, west and north is surrounded by agricultural fields. Further to the north is the village green.

The Proposals

2. The application seeks outline planning permission for residential development with all matters other than access reserved for future consideration. The proposed access would be taken directly from the existing housing estate (St Pauls Gardens) to the east. An illustrative site layout plan has been provided showing a scheme of 35 detached houses. A draft Section 106 agreement has been submitted in respect of the provision of 15% affordable housing (approximately 4 units) and open space contribution of £1000 per dwelling, although the type of affordable housing is not specified.
3. The application is reported to the planning committee in accordance with the Scheme of Delegation because the site area is classed as a major application.

PLANNING HISTORY

4. The following planning applications are relevant to the application site and its surroundings:

5. Outline planning permission was refused in 1998 for residential development on this site.
6. Outline permission (ref: 3/2010/0548) was issued in January this year, after completion of a S106 Agreement, for 31 dwellings, a retail unit, open space and associated access on the land directly west of the application site.

PLANNING POLICY

NATIONAL POLICY

1. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>.

LOCAL PLAN POLICY:

7. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

Policy GD1 General Development Criteria – New development should be well designed, appropriate to the setting, not conflict with adjoining uses, have adequate drainage, be energy efficient, deter crime, protect and enhance the environment and biodiversity, not be within the floodplain, have safe vehicular access and adequate parking, not create levels of traffic that exceed the local road network, and be well linked to public transport, pedestrian and cycle networks.

Policy H3 Distribution of Development – Identifies the settlement limits of the towns and villages within which new development should be directed.

Policy H22 Community Benefit – A financial contribution towards community recreational facilities is required for all sites of 10 or more dwellings.

Policy H24 Residential Design Criteria – Sets out the criteria to which all new residential units should be assessed to ensure proposals are appropriate in terms of private and usable amenity space and relationships between windows.

Policy ENV1 Protection of the Countryside – Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.

Policy T1 Highways General Policy – Developments which generate additional traffic must provide adequate access, be accessible to public transport networks and not exceed the existing highway capacity.

8. The County Durham Plan (CDP) is a new statutory plan which is currently being prepared for County Durham to guide development and change in the county up to

2030. The plan will identify the quantity and location of new development across the city, towns and villages of the county.

9. The CDP is currently within its pre-submission draft consultation stage which started on 14th October 2013 and will run through to 6th December 2013. This is the final formal stage of consultation before the Plan is submitted to the Secretary of State for examination by a planning inspector. Given the advanced stage of the CDP and that it is unlikely that the main aims of the Plan are to be significantly changed, it is felt that some weight can be offered to the direction and allocations in the CDP, however the Wear Valley Local Plan is the current development plan in force and the starting point for consideration remains its relevant policies where they accord with the aims of the NPPF.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

10. *Northumbrian Water* has no objections to the scheme providing a condition is imposed in relation to the management of foul water.
11. *Environment Agency* has no objections subject to a condition relating to surface water run-off.
12. *Durham County Highways Authority* has indicated that there are no highway objections to the proposal.
13. *The Coal Authority* has no objections to the scheme providing a condition is imposed for further site investigation works to be undertaken prior to any development beginning on site.

INTERNAL CONSULTEE RESPONSES:

14. *Sustainability Team* considers that the site does not meet the definition of sustainable development, in terms of location.
15. *Ecology Team* have not raised any objections however advice has been offered in terms of building close to existing mature trees.
16. *Spatial Planning Policy* objects to the application for the following reasons:
 - development conflicts with the existing Wear Valley Local Plan;
 - development conflicts with the emerging County Durham Plan on account it is not earmarked as a housing allocation;
 - the site is an attractive area and development would have significant adverse landscape and visual impact and would not consolidate the settlement form;
 - there are no deficiencies in the 5 year supply of housing; and
 - there are sufficient housing sites available within Witton Park. These are commensurate with its scale and function. The release of further land would undermine their deliverability.

PUBLIC RESPONSES:

17. The application has been advertised in the press, a site notice was posted and letters were sent to neighbouring properties. Nine letters of objections have been

received, as well as a response from the Witton Park Community Association (WPCA).

18. Concerns have been raised with regards to traffic issues including an inadequate access arrangement and congestion problems which could be increased by the proposed development. The proposal is considered to be contrary to national and local planning policies as it would involve development of greenfield land which is outside the settlement limits of the village. There are very few facilities in Witton Park and therefore the site cannot be considered sustainable. It is also considered that there is no demand for additional housing in Witton Park and that the settlement cannot actually support additional development given the lack of services. One resident has stated that educational facilities in the area are full with no school places available at the local primary schools. Objections have also been raised in respect of adverse impact on the landscape; loss of rural environment; impact on residential amenity; impact on ecology and wildlife.
19. The WPCA have specifically raised safety concerns over the proposed right of way easement across the Village Hall car park. In addition, while they feel that if village infrastructure was increased the proposal could in principle be viewed favourably, they nevertheless note that existing permissions already equate to a 30% increase in the village housing stock, and therefore there is no justification for further development, which is outside the Wear Valley local Plan limits and not included in the CDP allocations.

APPLICANTS STATEMENT:

20. Witton Park is a shining example of how a village, condemned to die under the now notorious Category D Policy of Durham County Council in the 1960's, refused to succumb, and which, over the past 20 years, has rejuvenated by virtue of environmental improvements and a limited level of new development. It is now an attractive village with potential to further reinforce itself with facilities to add to those which have remained. It is, however, a fragmented and somewhat skeletal village, though with the potential for a structure focussed around the recently designated village green at the core.
21. The application proposal recognises an opportunity to build on the decision of the Council in 2012, which was to support new residential development east of Park Road, by a development adjoining the Park Road site which will add cohesion and connectivity to the fragmented structure of the village. Fundamentally, it will physically link Park Road in the west and Main Street in the east, allowing an east-west connection in the village, and reinforcing the emphasis of the village green being at the core of the village.
22. The proposal will also introduce the opportunity of an additional choice and range of dwellings in the village including a number of affordable homes, as well as a substantial financial contribution to the provision or maintenance of recreation space and facilities and the scheme is seen as complementary to the site already having outline planning permission at Park Road.
23. The applicant recognises that the application does not conform with current policy thinking, but equally he believes that the opportunity to create a more structured village with good pedestrian and cycle linkages; and a range of housing types including affordable dwellings, has not been previously considered by the planning authority. The exciting opportunity this proposal creates and the benefits derived from it are considered to outweigh conventional policy thinking, and members of the

Committee are urged to support the chance to create a more cohesive, structured and regenerated village.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. 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 effect on the creation of sustainable patterns of development; the effect on the character of the area; highway safety; and other issues.

The effect on the creation of sustainable patterns of development and principle of development

25. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Furthermore, the NPPF does not change the statutory status of the development plan as a starting point for decision making, and paragraph 12 makes it clear that proposed development that conflicts with an up to date Local Plan should be refused unless material conditions indicate otherwise. Paragraph 211 of the NPPF states that local plan policies should not be considered out of date simply because they pre-date this new national planning policy. Where local plan policies accord with the aims of the NPPF they should still be given full weight.

26. The application site is an agricultural field located outside the development limits of Witton Park as defined in policy H3 of the local plan. Accordingly, housing development on this site would be in direct conflict with local plan policy H3, which seeks to direct new development within the defined development limits. While the emerging County Durham Plan (CDP) can only be given limited weight, it is of some relevance that when adopted, it is unlikely to prescribe development limits to existing towns and villages, placing more emphasis on sustainability and settlement form as the judgements for new housing proposals on the edge of settlements. This site extends significantly west from the existing linear form of development along Main Street conjoining with the development site on Park Road. This would significantly alter the form of the village and create further pressure on development of adjoining fields. This effect would in all likelihood render the site unsuitable even under the emerging policy framework without development limits and particularly when taking account of sustainability.

27. In terms of sustainability, paragraph 55 of the NPPF states that to promote sustainable development, housing in rural areas should not be located in places distant from local services. Witton Park is a tier 6 settlement in the Council's Settlement Study, meaning it has very poor sustainability credentials because it has limited shops, services and facilities, and is devoid of any significant employment opportunities. Existing residents of the village mainly have to travel by car to work, and to access health, secondary school, shopping and leisure facilities in higher tier settlements like Bishop Auckland. The proposed development would therefore be relatively isolated from the infrastructure needed to meet everyday requirements, which is contrary to the aims of the NPPF to create sustainable patterns of development.

28. In addition, whilst it is acknowledged that the NPPF seeks to boost significantly the supply of housing to create sustainable, inclusive and mixed communities, this requirement will be achieved in the County through the sites which have been identified in sustainable locations within the emerging CDP. This site is not one of those identified, nor is it in a sustainable location. The site is therefore not needed to meet the Council's 5 year housing supply. There are also already 2 other large housing sites in Witton Park where the principle of residential development has been accepted for up to 56 dwellings. In this respect, there is no compelling need to release any additional sites in advance of the CDP as there are no deficiencies in the local supply of housing. Allowing the release of this site for another 35 dwellings may even compromise the deliverability of those other housing sites, particularly when the lack of progress on those sites suggests that the area is considered a weak housing market by house builders with no need for an additional site.
29. The offer of additional affordable housing and financial contribution towards maintenance of open space are recognised benefits of this proposal, however those benefits are already offered in the agreed schemes elsewhere in the village, and will also be secured through the allocated sites in the CDP. In respect of affordable housing, there is no local needs-based evidence to suggest further affordable housing is required in Witton Park. In any event the affordable housing would only be around 4 units, which is not a significant number, and it is also not clear how those affordable units would be accommodated in the scheme given the layout shows 35 detached dwellings on large plots. Accordingly, the offer of a small number of affordable housing should not carry any significant weight to justify a departure from Local Plan Policy H3 or the sustainability aims of the NPPF.

The effect on the character of the area

30. The settlement of Witton Park is characterised by a quadrangle highway network with housing stretched in a linear pattern along the west, north and east sections of highway. Up until the 1970s the majority of housing was located in terraces to the north on what is now village green. South of the village green, the central area between the road network is primarily agricultural fields. The application site itself was historically the old school playing field. This central area of Witton Park has always been free of built development and contributes to the rural character of the village. The County Durham Landscape Strategy identifies that the site is within a Landscape Conservation Priority Area. The rural character is properly appreciated in views from Park Road looking east and particularly from the road to the south looking northwards, which offer vistas of attractive countryside merging into the hills beyond.
31. Permission has been granted for housing to the west of the application site however, that housing site has a roadside frontage along Park Road and does not extend out as far into the central fields as the current application site. The proposed development is in effect a backland site that would be seen as a linear extension of the existing modern dwellings in St Paul's Gardens and conjoining with the development site to the west to create an unbroken line of housing development across the fields. The resultant pattern of development would not respect the existing settlement form of Witton Park and the conjoining effect with the site to the west would have a significantly harmful impact on the landscape character of the area. The development would appear particularly intrusive in the landscape views from Park Road and the road to the south. The development would also be likely to lead to inevitable pressure for further development on what would become an enclosed field to the north, leading to potential further loss of countryside, which is not justified by any demonstrated housing need.

32. Overall, the proposed development is an inappropriate scale of development for Witton Park and would have a significant adverse impact on landscape and visual amenity. This is contrary to the key aims of the NPPF to conserve and enhance the natural environment, and is in conflict with Local Plan policies GD1(xi) and ENV1.

Access and highway safety issues

33. The outline application is asking for access to be considered. Access is proposed through the existing housing estate of St. Pauls Gardens to the east of the site.
34. A number of objections received raise concerns that the proposed vehicular access is not acceptable and the additional traffic resulting from the new houses would create congestion problems. However, the Highways Authority have no objection in principle to this point of access, noting it is an adopted highway designed to serve more dwellings than it currently does, including the number of dwellings proposed. The numbers of dwellings proposed are also unlikely to exceed local highway capacity. It is therefore considered that the scale of development and proposed use of the vehicular access through St Pauls Gardens would not have an adverse impact on highway safety. This accords with Local Plan policies GD1 and T1.
35. Parking would be addressed at detailed application stage and the development would be expected to meet current Highway Authority standards. There are no parking concerns at this stage because the indicative layout shows each dwelling with garaging and driveway parking, which would meet the required standards.
36. The proposed scheme indicates it would deliver a pedestrian link between Main Street and Park Road, but that is a detailed matter not for consideration at outline stage and is also a matter outside of the applicant's control because it is reliant on connecting to third party land to the west (and a yet to be designed/built development), as well as over the village hall car park, which has not been agreed with the Witton Park Community Association who have their own safety concerns about the route crossing their car park. It is therefore a factor that should be given no weight. In addition there have been no local representations indicating a desire for this link and it is not something that necessarily needs housing development to facilitate it.

Other issues

37. Northumbrian Water and the Environment Agency have not raised any objections to the proposed scheme providing conditions are imposed relating to foul water management and surface water run off.
38. A site (coal) investigation report was submitted with the application to determine the stability of the land. The Coal Authority have raised no objections providing further conditions are imposed requiring investigation works to be undertaken prior to works commencing on site.
39. Some objections received have raised concerns with regards to loss of residential amenity from the proposed development. The application is only in outline therefore the final position of the properties would be subject to consideration at detailed application stage. Nevertheless, the illustrative layout plan shows that adequate separation distance can be achieved between new and existing houses. It is considered that an adequate residential scheme could be provided which would not compromise the residential amenities of neighbouring residents.

40. An ecology survey has been submitted with the application. The County Ecologist has viewed the survey and has not raised any objections, and it is therefore considered that the proposed development would not compromise protected species or their habitats. A detailed scheme would however have to take existing trees and hedges into account to ensure the development would not have an adverse impact on those landscape features.

CONCLUSION

41. There are already 2 housing sites in the village that could deliver up to 56 new dwellings, including affordable housing. Lack of take up on those sites suggests a weak housing market area and no demand for another site. In addition, the site is not an allocation in the pre submission draft of the CDP and therefore is not needed to meet the County 5 year housing supply.
42. Witton Park is also a tier 6 settlement with poor sustainability credentials. The proposed development of up to 35 dwellings, particularly in conjunction with the other 2 sites in the village, represents an inappropriate and unsustainable scale of development in a village with limited facilities and employment opportunities.
43. In addition, the lack of need for the development would lead to unnecessary loss of countryside that contributes to the rural character of the village, including putting development pressure on adjacent fields. In particular, the development would lead to a conjoining of development between Park Road and Main Street, in an area where there has never been development, and where it would appear intrusive in landscape views from the west and south.
44. The proposal is therefore considered to be in conflict with the key aims of the NPPF to promote sustainable patterns of development and to conserve the natural environment, as well as contrary to Wear Valley Local Plan saved policies GD1, ENV1 and H3. There are no benefits from the scheme that would outweigh the conflict with these local and national planning policies.

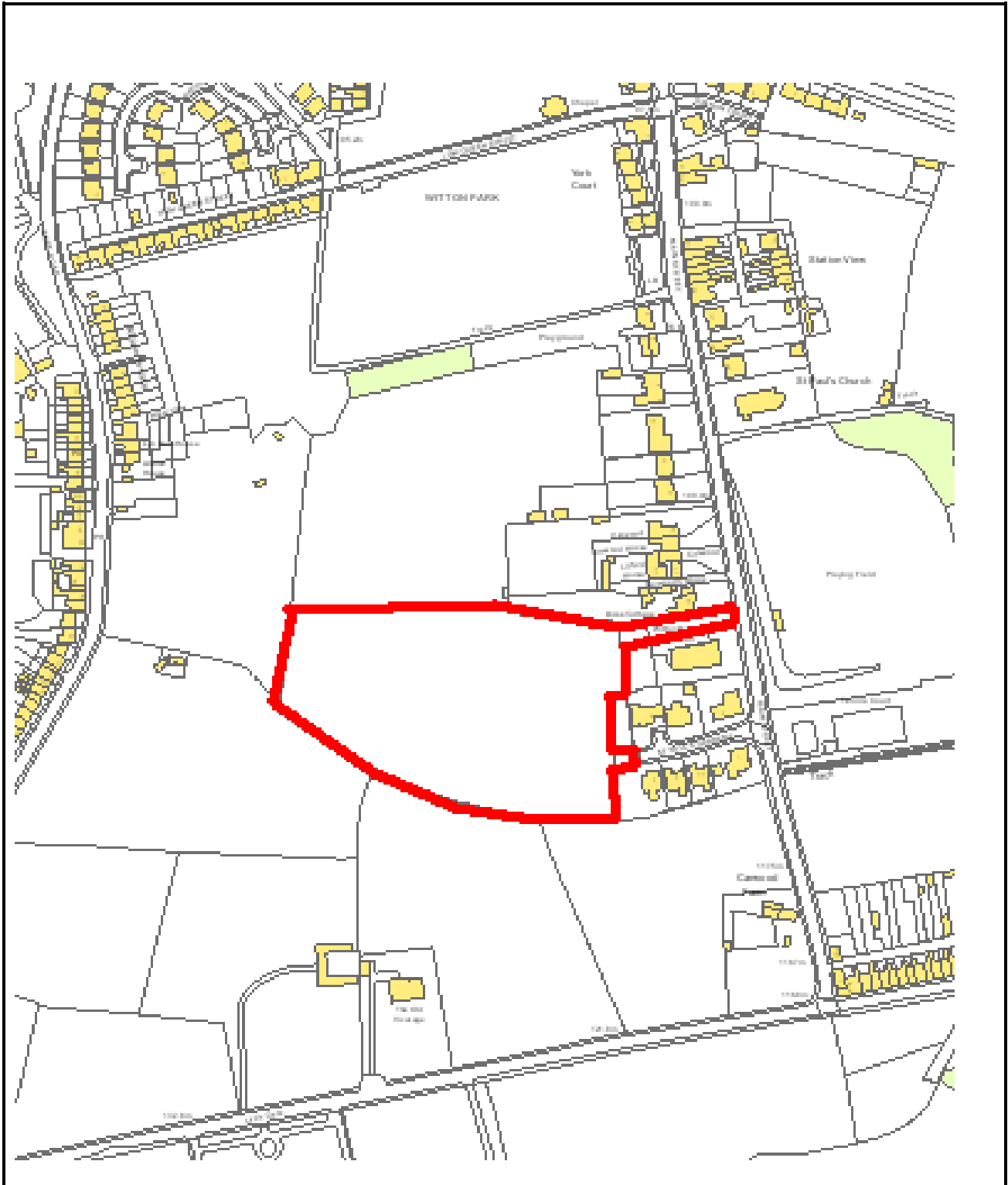
RECOMMENDATION


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

1. The proposed development would lie beyond the development limits of Witton Park, on land which has not previously been developed and where it would have a significant adverse impact on landscape and visual amenity. This, in addition to the limited education, shopping, leisure and social and community facilities in the village, and lack of local need for additional housing, means the development would not represent a sustainable form of development. Accordingly, the proposal is considered to be contrary to saved Policies GD1(xi), H3 and ENV1 of the Wear Valley Local Plan, as well as in conflict with the aims of the NPPF to create sustainable patterns of development and to conserve the natural environment.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Consultation responses
County Durham Local Plan Pre Submission Draft



 <p>Planning Services</p>	<p>Outline application for residential development with access to be considered at land west of St Pauls Gardens, Witton Park, Bishop Auckland</p>
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<p>Date 21 November 2013</p>	
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0286/DM/TP
FULL APPLICATION DESCRIPTION:	Fell 1 No. Sycamore Tree protected by TPO CCD-34-2012
NAME OF APPLICANT:	Mr Trevor Hutchinson
ADDRESS:	Staindrop Hall, Front Street, Staindrop, Darlington, County Durham, DL2 3NH
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Paul Martinson Planning Officer 03000 260823 paul.martinson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The tree (named in the application as T1B) is a mature sycamore that is growing in what was formerly the rear garden of Staindrop Hall. It is protected by a Tree Preservation Order, imposed in 2012 following receipt of a Section 211 Notice (works to trees in conservation areas) to fell it. Due to its substantial height, the tree is visible from Front Street above the level of the boundary wall and can be seen more readily when the double vehicular access gates are open. It can also be seen from Public Footpath no. 22 which is located adjacent to the southern boundary of the site and is well used at school leaving and arrival times.
2. Staindrop Hall itself has been converted into 2 separate dwellings and the former coach house has also been converted to a dwelling. The garden has an extant planning permission for the erection of 2 detached dwellings. The site is bounded by a high brick and stone wall to the south and west. The tree is located at the western edge of the site close to the boundary with the neighbouring property. A yew tree (T2B) is growing alongside, whilst a younger and smaller sycamore (T3B) is located further south towards the southern boundary of the site.

The proposal

3. The application seeks to fell the sycamore tree T1B, claiming it has developed a lean and has suffered storm damage making it unstable. It is also considered that the pruning required as part of the development proposals would unbalance the tree and destabilise it further.
4. This application has been called to Committee at the request of Councillor George Richardson to consider the impact on the street scene and character of Staindrop

PLANNING HISTORY

5. This site has a long and complex planning history. Planning permission was granted in 2009 (6/2009/0012/DM) for the conversion of Staindrop Hall into 3 no. dwellings, the Coach House into 1 no. dwelling and the erection of 2 no. detached dwellings and an apartment block comprising 4 no. flats. The rear garden of Staindrop Hall was relatively wooded at this point with a number of mature trees that can be seen on the Tree Survey submitted with this application. The majority of the mature trees were scheduled for removal as part of the development process and the site was cleared and the trees removed in advance of the proposed works. However, despite the trees being removed, this development was never implemented. The conversion of the Hall took place under a later permission (6/2010/0426/DM) and the proposals for the 2 no. dwellings and apartment block was never carried out. This permission has now expired.
6. Planning permission has since been approved for 2 detached dwellings within the rear garden of Staindrop Hall in a different location to the 2009 approval (6/2011/0338/DM), adjacent to the western boundary of the site. The northern dwelling was proposed to be sited within the root protection area (RPA) of T1B. An acceptable scheme was eventually approved which allowed the tree to be retained in harmony with the dwelling. This required the dwelling to be constructed on pile foundations and the RPA of the tree to be protected during the construction process. Minor pruning works to allow for sufficient clearance of the roof of the proposed dwelling were also agreed at this stage.
7. Following the approval of the detached dwellings on 20/02/2012, the applicant submitted a Section 211 notice on 18/06/2012 to fell T1B. The accompanying tree report stated that the tree had developed a lean since the planning approval and had suffered storm damage in the 2011/12 winter. As such it was considered unstable and likely to fail in the near future. The tree's health was assessed by the Council's Arboriculturalist and it was determined that the tree was in a healthy condition and that there was no evidence of any newly acquired lean or any storm damage. As the tree was a substantial mature tree with high amenity value within the Staindrop Conservation Area and in good health, it was considered expedient to serve a Tree Preservation Order. This was formally confirmed on 04/10/2012.

PLANNING POLICY

NATIONAL POLICY:

8. Tree Preservation Orders and the application processes are governed by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The general principles and policy guidance are contained within the government document *Tree Preservation Orders: a Guide to the Law and Good Practice*.

LOCAL PLAN POLICY:

9. There are no specific planning policies relating to the consideration of tree applications contained within the Teesdale Local Plan however there are policies (ENV10, ENV11 and BENV4) relating to the protection of trees as part of the

consideration of development proposals that were taken into account during the determination of the planning approval for 2 dwellings at the application site (6/2011/0338/DM).

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=8716> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

10. Staindrop Parish Council – No objections.

INTERNAL CONSULTEE RESPONSES:

11. Tree Officer – Considers that the application is simply a repeat of the Section 211 notice of June 2012 which resulted in a TPO being placed on this tree. It is considered that the application is intrinsically linked to the consent to erect 2 dwellings rather than the actual condition of the tree. The Arboricultural Survey Report, which was not written by an arboriculturalist, refers to outdated British Standards relating to development and trees and the suitability of this development close to this tree has already been addressed through at least 2 planning applications. There are fundamental flaws in the submitted tree report in respect of canopy spread and proximity of the tree to the approved dwelling. The report states that 5 metres on the canopy spread will need to be removed to give clearance to the dwelling, when in fact the actual figure is only 2.5m. There is also no evidence that the tree is close to failure, that it is in poor condition, or close to failure. The two shortened limbs on the tree attributed to storm damage are due to a saw cut and a snap, most likely from the construction traffic or the felling of adjacent trees.

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 Spennymoor Council Offices.

PUBLIC RESPONSES:

12. A site notice was posted adjacent to the public footpath and the application was advertised on the weekly list. No representations have been received.

PLANNING CONSIDERATIONS AND ASSESSMENT

13. It is considered that the main issues in this instance relate to whether there is sufficient justification to fell a protected tree that makes a positive contribution to the Staindrop Conservation Area.

14. A TPO is imposed when there is a threat to a tree that is considered to be in good health and where the tree makes a valuable contribution to the amenity of the area. Once protected by a TPO there must be very good reasons for loss of such a tree. This is usually on the grounds of health, property damage, or danger and must be backed up by sound justification and evidence. Lack of amenity value of the tree is not an argument for loss of a TPO tree because it has been judged to have an amenity value when the TPO was imposed, but the impact of its loss can be considered
15. The site has seen the loss of a large number of trees over the last few years as a result of development approvals within the grounds of Staindrop Hall. None of these have actually been implemented as intended and therefore their loss seems unnecessary at this time and has impacted negatively on the character of the conservation area. This has increased further the significance of the remaining mature trees in the site, which make an important contribution to the visual amenity of this part of the Conservation Area. T1B is the sole remaining tree of this scale within what was formerly a comparatively wooded rear garden. The tree has good amenity value given its maturity and stature, its prominence from the Public Right of Way, visibility above the level of the high wall when viewing the site from Front Street and through the gates. It also contributes to the setting and amenity of the grade II listed Staindrop Hall. When the development of 2 dwellings was approved within in the grounds of Staindrop Hall the impact on this tree was an important consideration. In order for planning permission to be granted for the dwelling the applicant agreed to use pile foundations and special protective measures to allow the building to be constructed alongside the tree without harming its health or amenity value and this led to an acceptable outcome for both the development and the retention of the tree.
16. The main reasons given in this application for felling the tree, just 2 years later, are that it has developed a lean and that there is root heave to the north and subsidence to the south rendering the tree highly susceptible to failure in the near future. It is also argued that the tree has no arboricultural merit or amenity value. These are however the same reasons for removal that were considered as part of the Section 211 application in 2012, which led to the imposition of the TPO.
17. Apart from stating the fact in the submitted tree report, no evidence has been provided to substantiate the claims of a further lean and subsidence in the last 2 years. The Council's Tree Officer has visited the tree on a number of occasions and is satisfied that the tree is in good health with no stability issues.
18. The application documents also state that the tree has suffered storm damage in the winter of 2011/12 and is likely to fail in the near future. Again, the Council's Tree Officer has inspected the tree and is satisfied that the damage referred to is not symptomatic of storm damage and consists of a saw cut and a snap which is likely to be due to construction traffic or felling of the adjacent trees. In any case, neither are likely to have created stability issues.
19. A further assertion within the application is that the requirement of the planning permission to achieve 2m clearance from the canopy to the roof of the approved dwelling will lead to the loss of 5m of canopy on the east side of the tree, thereby exacerbating the instability of the tree and potentially causing it to fail in the near future. This has however, been incorrectly calculated and only around 2.5m of the

canopy would actually be lost through this requirement, which is considered reasonable and would not destabilise the tree or diminish its amenity value.

20. It is therefore considered that there is no evidence to support the applicant's claims that the tree is unstable or likely to fail in the near future. Furthermore the Council's Tree Officer has assessed the tree and concluded that it is in a healthy condition and does not exhibit any signs of being unstable. Because of significant loss of trees from the garden over time, this tree contributes to the amenity of the Staindrop Conservation Area and setting of the listed building (Staindrop Hall). Loss of the tree would negatively impact on the conservation area and the garden setting of Staindrop Hall. The planning permission that exists on site can be implemented successfully without felling of the tree and as such this is not a sufficient reason for its loss. The tree was considered worthy of special protection by TPO in 2012 and nothing has changed since. There are no valid reasons for loss of a protected tree which is healthy and which contributes to the amenity and character of the Staindrop Conservation Area.

CONCLUSION

21. The tree is in a stable, healthy condition with no evidence of any instability or likely failure in the near future with no evidence submitted to the contrary. Because of significant loss of trees from the garden over time, this tree contributes to the amenity of the Staindrop conservation area and setting of the listed building (Staindrop Hall). The planning permission that exists on site can be implemented successfully without felling of the tree. The tree was considered worthy of protection by TPO in 2012 and nothing has changed since. There are no valid reasons for loss of a protected tree which is healthy and which contributes to the amenity and character of the Staindrop Conservation Area, as well as the setting of the listed Staindrop Hall.

RECOMMENDATION

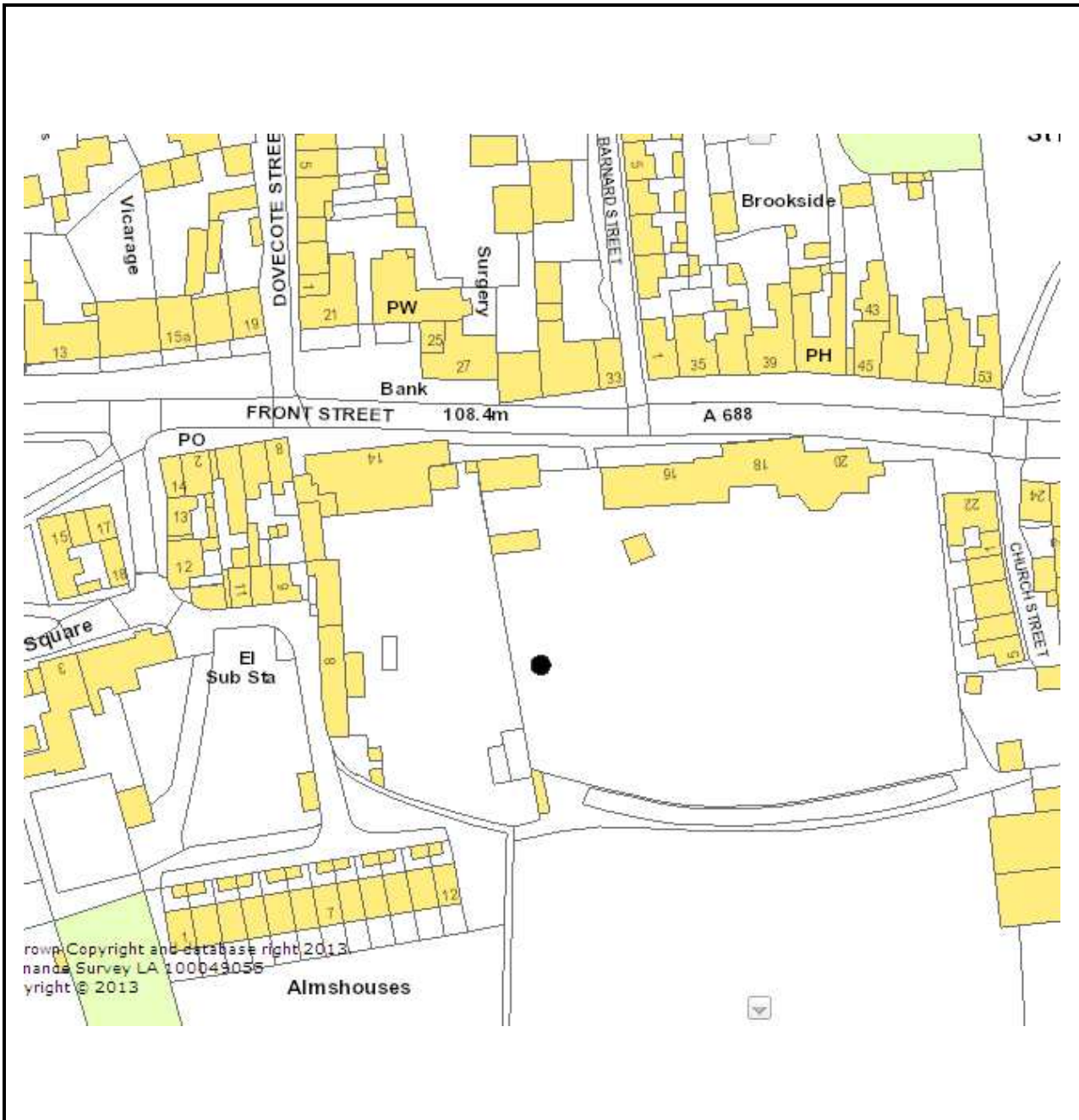
That the application be **REFUSED** for the following reasons.

22. There has been no evidence submitted with the application to demonstrate that the sycamore tree T1B is unstable or likely to fail in the near future, or that works required in connection with permission 6/2011/0338/DM are likely to destabilise the tree, or diminish its amenity value. The tree is considered to be in a healthy condition and its unjustified loss would have a detrimental impact on the character and amenity of the Staindrop Conservation Area, as well as the setting of the listed Staindrop Hall.

BACKGROUND PAPERS

Application Documents

Tree Preservation Orders: a Guide to the Law and Good Practice



Planning Services

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Fell 1 No. Sycamore Tree protected by TPO
CCD-34-2012 at Staindrop Hall, Staindrop

Date
21 November 2013