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## APPLICATION DETAILS

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

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The site

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

### The proposal

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

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## PLANNING HISTORY

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

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 An application in 2009 for an apartment block was withdrawn as it came apparent that there was a legal right of way across the site to gain access to the caravan park to the south.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 3 (PPS3): Housing* sets out the delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations, whilst being related to existing facilities and infrastructure.
8. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
9. *Planning Policy Guidance note 13 (PPG13): Transport* aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.
10. *Planning Policy Statement 22 (PPS22): Renewable Energy* sets out government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.
11. *Planning Policy Statement 25 (PPS25): Development and Flood Risk* sets out government policies for development and flood risk. Flood risk should be considered at all stages in the planning process to avoid inappropriate development in areas at risk from flooding and to direct development away from areas of highest risk using a sequential approach. In addition to considering the risk of flooding, consideration has to be given to managing surface water to prevent flooding elsewhere. Surface water drainage should conform to the hierarchy of preference with first priority given to Sustainable Urban Drainage systems (SUDS).
12. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development.

## REGIONAL PLANNING POLICY

13. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
14. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
15. *Policy 3 Climate Change* – Locating new development to reduce the need to travel, encourage decentralised renewable energy supply systems and to maximise energy efficiency.
16. *Policy 4 Sequential Approach to Development* – Priority is given to previously developed land in the most sustainable locations, avoiding areas at risk from flooding. Sites should be selected in the following order:
  1. Brownfield sites within urban areas.
  2. Other suitable locations within urban areas not protected for environmental, heritage or recreational purposes.
  3. Brownfield sites adjoining urban areas.
  4. Brownfield sites in settlements outside urban areas.
17. *Policy 35 Flood Risk* – Managing the risk of flooding from surface water runoff.

## LOCAL PLAN POLICY:

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

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

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:*  
[http://www2.sedgefield.gov.uk/planning/wear\\_valley\\_pdfs/local\\_plan.pdf](http://www2.sedgefield.gov.uk/planning/wear_valley_pdfs/local_plan.pdf)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

### **INTERNAL CONSULTEE RESPONSES:**

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

## PUBLIC RESPONSES:

31. Occupiers of the neighbouring properties were notified in writing of the proposals and a site notice was posted. The application was also advertised in the local press. Three letters of objection have been received relating to visual impact, overbearing concerns and parking, access and road safety issues. One letter also raised issues with inconsistent comments in the submitted design and access statement.

## APPLICANTS STATEMENT:

32. No statement has been provided by the applicant.

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

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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

### Principle of Development

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

### Highway Issues

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

## Residential Amenity

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

## Impact on Conservation Area

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

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

#### Flood Risk Issues

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

#### Ecology

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

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

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

*50. Test 2: there must be no satisfactory alternative*

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

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

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

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

## Representations

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

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## **CONCLUSION**

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

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

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



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

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## **RECOMMENDATION**

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

1. The development should not be begun later than the expiration of three years from the date of this permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **REASONS FOR THE RECOMMENDATION**

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

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## **BACKGROUND PAPERS**

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



**Planning Services**

Re-submission of 3/2009/0459 – 2no. two bedroom apartments and 2no. two/three bedroom duplexes at Westgate Filling Station, Westgate (3/2010/0333)

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**Comments**

**Date** 19 January 2012

**Scale** 1:2500