

## 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**

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