



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>6/2011/0038/DM</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Application for renewal of extant planning permission 6/2008/0086/DM for erection of detached dwelling</b>
	<b>Brookside Hall, Evenwood</b>
<b>NAME OF APPLICANT:</b>	Mr J Beadle & Miss E Foster
<b>ADDRESS:</b>	The Wynds Mount Pleasant Cockfield Bishop Auckland Co Durham DL13 5EW
<b>ELECTORAL DIVISION:</b>	Evenwood
<b>CASE OFFICER:</b>	<b>Matthew Gibson</b> <b>Planning Officer</b> <b>03000 260826</b> <b>matthew.gibson@durham.gov.uk</b>

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## 1 DESCRIPTION OF THE SITE AND PROPOSALS

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- 1.1 Members will recall that this application was deferred from the previous meeting pending a site visit.
  - 1.2 The application site forms part of the domestic curtilage of Brookside Hall (formerly 'Liosean') which is close to the centre of the village of Evenwood. The site is opposite and directly east of the Church of St Paul. Currently the site is an untidy and unkempt piece of land directly in front of Yewden Cottage and adjacent to nos. 11 and 11a Brookside and measures 444 square metres.
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- 1.3 A key feature of the site is a centrally located mature tree that is the subject of a preservation order.
  - 1.4 Permission is sought to renew the existing planning permission for the erection of a detached dwelling.
  - 1.5 This application is reported to committee because of an objection from Evenwood Parish Council.
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## **2 PLANNING HISTORY**

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2008/0086 – Previous application approved

2003/0416 – A previous scheme for the conversion and extension of existing outbuildings to form a dwelling was approved.

2003/0415 – Approval was given for the erection of a dwelling on the site adjacent.

2002/0180, 2002/0077, 2992/0075, 2001/0267 – These are various applications relating to both the sites as mentioned above, all of which were initially refused.

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## **3 PLANNING POLICY**

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### **NATIONAL POLICY:**

- **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3: Housing:** sets out the principles of new housing development.
- **Planning Policy Statement 7: Sustainable Development in Rural Areas.**
- **Planning Policy Guidance 13:** Sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- **Greater flexibility for planning permissions (Guidance):** A document providing practical guidance on the use of measures which have been introduced following consultation. It sets out the key features and statutory requirements for each procedure, provides a practical guide to their use, and explains how they differ from existing procedures.

### **REGIONAL POLICY:**

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 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.

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the

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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 the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

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

- GD1 General Development Criteria
- H4 Small scale housing development on sites less than 0.4 Hectare
- ENV10 Avoidance of unreasonable harm to important trees and hedgerows.
- H12 High standards of design in new house and housing sites.

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

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### **3 CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

Evenwood Parish Council – Request that their objections to the original scheme are carried forward. The objections were:

- Site does not warrant a four bedroomed property.
- The possibility of housing to the rear of Shirley Close combined with this will envelop Yewdon Cottage.
- Possible loss of privacy and “denied its aesthetic values”.
- Access route will be reduced.

There were also two points made that related to utility services within the site and the possibility of depreciation of value of Yewdon Cottage.

Highways – No objection subject to previous comments and requirements.

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

None received

#### **PUBLIC RESPONSES:**

One letter of objection was received from the neighbouring property as a result of the public consultation. The letter included the following concerns:

- Sewerage system – The capacity of the mains system is full meaning sewerage is constantly overflowing and running onto the main street.
  - Yewden Cottage Services – The services for Yewden Cottage are located underground across the development plot adjacent to the shared drive. These services may need to be repositioned and any purchaser would need to be aware of a legal right to access these at all times.
  - Tree Preservation Order – There is a large sycamore tree in the centre of the site which is the subject of a TPO. The objectors feel the development is too close to the tree and will impact on its root system thus affecting the health and stability of the tree. There may also be pressure from the occupiers of the new dwelling to have the tree removed due to its proximity to the house.
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## APPLICANT'S STATEMENT:

The points raised by Mr & Mrs Stout and the Parish Council in March 2011 are generally the same as the points raised by them in February / March 2008 and considered by the planning committee when planning permission was granted in April 2008.

However, in order to allay any concerns I can confirm below: -

1. Sewerage System. I will consult with the water board and building regulations before and during construction to ensure adequate foul water drainage is provided. I would note that any issue there has been with Joss House has been blown out of all proportion in Mr & Mrs Stout's letter.
2. Yewden Cottage Services. I will consult with the service providers to re-route any services if necessary.
3. Tree Preservation Order. The layout of the building is designed in such a way to accommodate and accentuate the tree. The tree will be cordoned / fenced off during construction and the council will be consulted at all times.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19848>*

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## 4 PLANNING CONSIDERATIONS AND ASSESSMENT

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- 4.1 This application is submitted under the procedure to apply for 'extensions to the time limits for implementing existing planning permissions'. The procedure was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI 2009 No.2261) and the Planning (Listed Building and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No.2262).
  - 4.2 The advice from Central Government includes that "LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably."
  - 4.3 The original permission was granted in 2008 at a planning committee of the former Teesdale District Council. As the statutory development plan for the area was adopted in 2002, the local policy considerations remain the same and therefore in this regard the proposal is considered acceptable.
  - 4.4 The Government recently made an alteration to the wording of Planning Policy Statement 3: Housing, which removed former or existing garden land from the definition of previously developed land. As such, this site would no longer be considered previously developed and an assessment would be required as to the sustainable credentials of the site and the potential impact of the development on the character of the area. The site is considered to be in a sustainable location close to existing services and facilities within the village of Evenwood. In addition, the site is surplus garden land that was formerly attached to the property known as Brookside Hall. Past development within the site has restricted the use of the site as a garden
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and since the demolition of the former outhouses on the site, the plot lends itself to residential development. Therefore, the principle of residential development on the site remains unchanged in accordance with policy and subject to the additional considerations of the previous application.

- 4.5 A copy of the original committee report has been included as an appendix to this report for members information.
- 4.6 Evenwood Parish Council has maintained its original objection to the application. In addition, an occupier of the property directly adjacent to the proposed site has expressed concern. As members will appreciate from the original officer report the issues raised by the Parish Council and the neighbour regarding the access, tree and services were fully assessed at that time and accepted as satisfactory.
- 4.7 The issues regarding sewerage are common when new development is proposed. To reflect this issue a condition was included with the original permission requesting details of foul and surface water drainage prior to the commencement of development. This would allow Northumbrian Water to assess the existing system and ensure that the proposed drainage systems for the property can be fully and safely integrated.

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## **5 CONCLUSION**

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- 5.1 The proposal to extend the time limit for planning permission number 6/2008/0086/DM for the erection of a detached dwelling is considered acceptable when assessed against both the relevant policies and the recent guidance.
- 5.2 Taking into account the objections received the principle of development remains acceptable as there have been no alterations to the development plan and no physical changes to the site that would indicate a change in material considerations that would lead to the application no longer being treated favourably.

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## **6 RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
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 only in accordance with the approved plans, specifications and conditions hereby imposed.  
  
To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1.
3. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and C of Part 2 of Schedule 2 of the Town and Country Planning

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(General Permitted Development) Order 1995 (as amended) none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.

In the interests of visual and residential amenity in accordance with Policies GD1 and H4 of the Teesdale District Local Plan 2002

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

In the interests of the appearance of the area and to comply with Policy H12.

5. All trees and shrubs to be retained on site [as shown on drawing number 08007-2] shall be protected for the duration of the construction of the development by appropriate protective fencing minimum 1 metre in height. Protection to trees will be positioned around the crown spread to prevent access to, disturbance or contamination/compaction within the rooting zone.

To ensure the protection of existing trees in accordance with Policies GD1 and ENV10 of the Teesdale District Local Plan 2002.

6. No development shall take place until there has been submitted to and approved in writing by the Local Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

To protect visual and residential amenity in accordance with policy GD1 of the Teesdale District Local Plan 2002.

7. Prior to the construction of the dwelling hereby approved, the existing vehicular access shall first be widened to a minimum of 4.1 metre and improved in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety and in accordance with policy GD1.

8. Prior to the commencement of the development hereby approved, details of foul and surface water drainage runs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with such details as may be approved.

To ensure an adequate means of sewage disposal/drainage for the proposed development in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

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## **7 REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies: -
  - GD1 General Development Criteria
  - H4 Small scale housing development on sites less than 0.4 Hectare
  - ENV10 Avoidance of unreasonable harm to important trees and hedgerows.
  - H12 High standards of design in new house and housing sites.
2. In particular the development was considered acceptable having regard to consideration of principle, visual impact, impact on neighbouring properties and highway safety.
3. The objections received were not considered sufficient to lead to refusal of the application as the issues have previously been considered as part of the existing permission and were considered acceptable at that time. There have been no alterations to the development plan or the material considerations that would indicate otherwise.

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## **8 BACKGROUND PAPERS**

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- Submitted Application Forms.
- Teesdale District Local Plan 2002
- The North East of England Plan - Regional Spatial Strategy to 2021
- Planning Policy Statements / Guidance, PPS1, 3,7, 13 and 15
- Responses from consultees
- Public Consultation Responses

## APPENDIX A

### PLANNING COMMITTEE

Wednesday 30<sup>th</sup> April 2008

This application is reported to Members because Evenwood and Barony Parish Council objected to the application.

**Case Officer - Mr Matthew Gibson**

#### EVENWOOD & BARONY - 6/2008/0086/DM

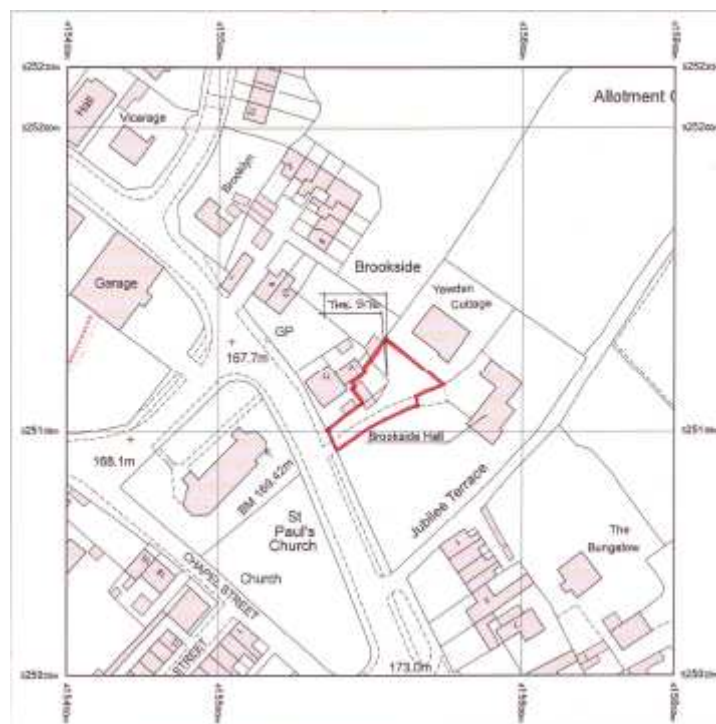
Members will recall that this application was deferred pending at site visit at the Planning Committee meeting on the 3<sup>rd</sup> April 2008. The officers recommendation remains the same and members should now be in a position to determine the application.

Erection of detached house in part garden area of Brookside Hall, Evenwood at Brookside Hall, Brookside, Evenwood for Mr J.R. Beadle (22 February 2008).

#### THE SITE:

The application site forms part of the domestic curtilage of Brookside Hall (formerly 'Liosean') which is near the centre of the village of Evenwood. The site is opposite and directly east of the Church of St Pauls. Currently the site is an untidy and unkempt piece of land directly in front of Yewden Cottage and adjacent to nos. 11 and 11a Brookside and measures 444 square metres. Immediately adjacent to the application site there is a further site currently with planning permission and under construction for one dwelling.

A key feature of the site is a mature tree that is the subject of a preservation order.





## **THE PROPOSAL:**

This application seeks approval for the erection of a single dwelling on land to the North of the existing private driveway serving Brookside Hall. The proposed dwelling is two storey double fronted with an additional element to the north west corner which will form an eventual 'L' shaped building.

The proposed materials include random stone brought to courses for the external walls with natural stone heads and cills and a blue slate for the roof. White pvc vertical sliding sash windows are proposed. The majority of windows that will serve habitable rooms are proposed for the South and East Elevations.

## **PLANNING HISTORY:**

2003/0416 – A previous scheme for the conversion and extension of existing outbuildings on this site was approved.

2003/0415 – Approval was given for the erection of a dwelling on the site adjacent.

2002/0180, 2002/0077, 2992/0075, 2001/0267 – These are various applications relating to both the sites as mentioned above, all of which were initially refused.

## **PLANNING POLICY:**

GD1 General Development Criteria

H4 Small scale housing development on sites less than 0.4 Hectare

ENV10 Avoidance of unreasonable harm to important trees and hedgerows.

PPS3 Planning Policy Statement 3 – Housing (PPS3)

## **REPRESENTATIONS:**

### **Statutory and Internal Consultants:**

Evenwood & Barony – Refuse, for the following reasons:

- Site does not warrant a four bedroomed property.
- The possibility of housing to the rear of Shirley Close combined with this will envelop Yewdon Cottage.
- Possible loss of privacy and “denied its aesthetic values”.
- Access route will be reduced.

There were also two points made that would not form material planning considerations related to utility services within the site and a possibility of depreciation of value of Yewdon Cottage.

### **Public Responses:**

This application was advertised and a total of 2no. objections were received and 1no. letter of support for the proposals.

The first letter of objection was based on the potential impact of the development on utility services which currently run through the site. Unfortunately this is not a consideration which can be considered material to the decision of this application.

The second letter of objection raises a number of points as follows:

- That the proposed development will interfere with the root system of the protected tree on the site and therefore be a threat to the health of the tree. There would also be future pressure for works to the tree should the development be allowed due to its proximity to the house.
- The development would constitute undesirable tandem development as a two storey dwelling. The difference in levels and size of the proposed property will cause significant loss of amenity and privacy to Yewden Cottage. The proposed scheme will bring the structure nearer Yewden Cottage thus having a greater impact than previously. Having windows in the east elevation which faces Yewden Cottage will overlook a number of habitable rooms.
- Issues were raised about the requirement to widen the access for vehicles. Utilities and services were mentioned again but again these reasons would not form material planning considerations.
- Issues of increased vehicular flow on to and off the private access road with moderate visibility and the possibility of use by 4 private residences; this would lead to an unacceptably high level of vehicular access.

The letter of support for the application raises the point that the proposed development will enhance the area local to Brookside Hall. Also the removal of windows in the gable closest to Brookside Hall and Yewden Cottage has meant that any possibility of overlooking has been removed.

### **PLANNING CONSIDERATIONS:**

The site is within the development limits of the village of Evenwood and is considered previously developed as it is within the curtilage of Brookside hall and currently contains outbuildings which are to be removed. This ensures that the site is suitable when making an assessment of the proposals with regard to the provisions of Policy H4 of the Teesdale District Local Plan and also is in line with guidance suggested in Planning Policy Statement 3 regarding the reuse of previously developed land.

The site currently benefits from an existing planning permission approved in 2003 for the conversion and extension of the existing outbuildings into a dwelling. This permission was for a smaller dwelling on a similar footprint. This proposal has been re-sited from the boundary with nos. 11 and 12 Brookside which brings the whole development slightly further forward on the plot but the gable in the east elevation that would project nearest to Yewden Cottage has been reduced slightly to maintain the separation distance at this point. There are no windows proposed for this gable to prevent overlooking. There is however a first floor window proposed which will serve what will be the master bedroom. This window will be a distance of over 20 metres from the nearest habitable room in the front elevation of Yewden Cottage which is considered to be an acceptable distance to avoid any loss of privacy or amenity to the occupiers of Yewden Cottage. The further windows in this elevation will serve a kitchen at ground floor level and a landing. There are no first floor windows proposed for the north elevation and the two windows arranged on the west elevation are to serve a bathroom and ensuite and are to be obscurely glazed. The majority of windows are proposed for the south elevation, there are ample distances between this property and the neighbouring property that is currently under construction to prevent loss of privacy in accordance with Policy GD1 of the adopted Local Plan. The comments of objectors in this respect are fully understood and it is acknowledged that there will be an impact on Yewden Cottage but the distances are considered to be sufficient to maintain the

provisions of policy GD1 and would not constitute sufficient reason to sustain a refusal in this respect.

Previous refusals and appeals have been upheld purely because of the potential loss of a protected tree. This application, as with the previous approval (2003/0416), has considered the retention of the tree and the position of the house and the eastern gable has been designed to allow this. The specialist advice received from the Landscape section of Durham County Council remains, that so long as the development is carried out in accordance with good practice, the development would not endanger the continued well being of the tree. The presence of a Tree Preservation Order on this tree will eradicate any uncertainty surrounding any possibility of future work to the tree.

The design of the proposed dwelling is considered acceptable in its setting in terms of material and style. The use of traditional materials and principles of design will ensure that the character of the area will be preserved and enhanced and the quality of visual amenity will be upheld.

Issues surrounding access have been addressed via condition and the reason this has not previously been carried out is due to the fact the existing permission was never implemented.

The concerns expressed regarding drainage have been accepted but Northumbrian Water has submitted no objections to the scheme. It is to be conditioned that details are submitted prior to commencement regarding drainage to ensure acceptability.

**RECOMMENDED: That Full Planning Permission be granted conditionally**

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

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. Notwithstanding the provisions of Article 3 and Classes A and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.

To protect the residential amenity of neighbouring properties in accordance with policy GD1 of the Teesdale District Local Plan 2002.

3. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved samples.

To protect the visual amenity of the surroundings and the character of the building in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

4. A sample panel of stonework of minimum size one metre by one metre shall be constructed at the site, approved in writing by the Local Planning Authority prior to commencement of walling works and thereafter retained until completion of the development hereby approved. All stonework relating to the development hereby approved shall match the approved sample panel of stonework.

In the interests of the visual amenity of the area and in accordance with Policy GD1 of the Teesdale District Local Plan.

5. All trees and shrubs to be retained on site [as shown on drawing number 08007-2] shall be protected for the duration of the development by appropriate protective fencing minimum 1 metre in height. Protection to trees will be positioned around the crown spread to prevent access to, disturbance or contamination/compaction within the rooting zone.

To ensure the protection of existing trees in accordance with Policies GD1 and ENV10 of the Teesdale District Local Plan 2002.

6. No development shall take place until there has been submitted to and approved in writing by the Local Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

To protect visual and residential amenity in accordance with policy GD1 of the Teesdale District Local Plan 2002.

7. Prior to the construction of the dwelling hereby approved, the existing vehicular access shall first be widened to a minimum of 4.1 metre width and improved in accordance with the details which shall be submitted for the written approval of the Local Planning Authority.

In the interests of highway safety and in accordance with policy GD1.

8. Prior to the commencement of the development hereby approved, details of foul and surface water drainage runs shall be submitted for the written approval of the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with such details as may be approved.

To ensure an adequate means of sewage disposal/drainage for the proposed development in accordance with Policy GD1 of the Teesdale District Local Plan 2002.