

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0071/DM
FULL APPLICATION DESCRIPTION:	Erection of 10no. chalets for holiday accommodation
NAME OF APPLICANT:	Mr A Lax
ADDRESS:	Whitworth Hall Country Park Hotel, Whitworth, Spennymoor DL16 7QX
ELECTORAL DIVISION:	Spennymoor and Middlestone Moor
CASE OFFICER:	Mark O'Sullivan Tel. 03000 261056 Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Whitworth Hall Country Park Hotel is a Grade II Listed building that lies within the Whitworth Park Conservation Area and Historic Parkland to the north of Spennymoor. The site is bordered to the north by Camp House (200m away and owned by the Guides association) and a small number of residential properties some 130m to the south west. Woodland and open countryside lies to the north and east.
 2. Permission is sought for the erection of 10no. single storey chalets (8no. 2 bed and 2no. 1 bed cabins) to be used for holiday accommodation. The proposed chalets would be erected within a small clearing to the north of the hotel located among trees that is presently utilised as an informal overspill parking area for users of the park and hotel. An existing, large machinery store on this site is to be removed to facilitate the proposed development.
 3. The 2 bed chalets would measure 11.7m x 5.25m with a ridge height of 4.89m (2.69m to eaves level). The 1 bed units would be of identical height with a floor area of 8.88m x 5.25m The chalets would be of timber boarded construction, assembled on brick plinths, with an outdoor decking area. No hard standing is proposed around the chalets, with the existing informal surfacing of this area to remain. Access to cabins would be via the existing estate access onto Whitworth Road from the south of the site.
 4. This application would normally be determined under the Officer scheme of delegation but has been referred to committee owing to the controversial nature of the proposal.
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PLANNING HISTORY

5. There is no specific planning history relating to the application site although there have been a range of previous submissions in other areas of Whitworth Hall Country Park that have sought to improve the economic viability of the park. These include the following:
 - 7/2008/0199/DM (Extension to existing orangery to provide improved access from reception and increase accommodation, listed building application) – REFUSED
 - 7/2008/0149/DM (Extension to existing orangery to provide improved access from reception and increase accommodation) – REFUSED
 - 7/2008/0148/DM (Erection of building to provide function hall and reception area) – REFUSED AND DISMISSED ON APPEAL

- 7/2007/0698/DM (Variation of existing planning permission 7/2006/0484/DM and 7/2007/0027/DM to permit retention of marquee all year round and to extend the period of consent from 3 years to 5 years, expiring on 26th September 2011) - REFUSED
- 7/2007/0027/DM (Extension to existing marquee) - APPROVED
- 7/2006/0484/DM (Retention of marquee) – APPROVED
- 7/2001/0094/DM (Erection of marquee during the months of April to September (inclusive) on an annual basis) - APPROVED
- 7/2000/0146/DM (Erection of marquee from 25th May 2000 to 30th September 2000) – APPROVED
- 7/1999/0313/DM (Erection of marquee for the holding of social functions) - APPROVED
- 7/1999/0312/DM (Variation of planning permission 7/1999/0008/DM to permit the playing of live music within previously approved marquee) – WITHDRAWN
- 7/1999/0008/DM (Erection of marquee during the months of April to September inclusive and December 1st 1999 to January 1st 2000) - APPROVED
- 7/1998/0221/DM (Erection of marquee, April - September inclusive on an annual basis) - REFUSED
- 7/1997/0384/DM (Change of use from residential to hotel including demolition of existing outbuilding, erection of extension to form kitchen and staff areas, erection of conservatory, erection of small kitchen extension to rear of existing library, creation of car parking areas and construction of access road) - APPROVED

PLANNING POLICY

6. 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 4 (*Planning for sustainable economic growth*)** sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas, seeking to protect the open countryside for the benefit of all.
- **Planning Policy Statement 5 (*Planning for the Historic Environment*)** sets out the Government's planning policies on the conservation of the historic environment.
- **Planning Policy Statement 7 (*Sustainable development in rural areas*)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- **Planning Policy Statement 23 (*Planning and pollution control*)** is intended to complement the pollution control framework under the *Pollution Prevention and Control Act 1999* and the *PPC Regulations 2000*.
- **PPS25 (*Development and flood risk*)** sets out the Government's spatial planning policy on development and flood risk.

7. **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 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.

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant:

- **Policy 2 (Sustainable development)** - requires new development proposals to meet the aim of promoting sustainable patterns of development.
- **Policy 8 (Protecting and enhancing the environment)** - requires new development to maintain local distinctiveness.
- **Policy 11 (Rural areas)** - proposals should support development of a vibrant rural economy whilst protecting the Region's environmental assets from inappropriate development.
- **Policy 16 (Culture and tourism)** - promotes culture and tourism and supports the development of a vibrant rural economy that makes a positive contribution to regional prosperity.
- **Policy 32 (Historic environment)** - planning proposals should seek to conserve and enhance the historic environment. Opportunities of heritage led regeneration should be used in a constructive way to achieve social / economic regeneration and encourage its potential for business, education and tourism

8. **Local Plan Policy: Sedgefield Borough Local Plan:**

- E2 (*Preservation and enhancement of historic parklands*)
- E15 (*Safeguarding of woodlands, trees and hedgerows*)
- E18 (*Preservation and enhancement of Conservation Areas*)
- L8 (*Development of Whitworth Country Park*)
- L20 (*Hotels and visitors accommodation*)
- L21 (*Caravan, chalet and camp sites*)
- D1 (*General principles for the layout and design of new developments*)
- D3 (*Design for access*)

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 www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

9. EXTERNAL/STATUTORY RESPONSES

- **Spennymoor Town Council** – Has no objections to the proposal.
- **The Coal Authority** – Raised initial objections because of the absence of a Coal Mining Risk Assessment report with the application. This matter has since been resolved following the submission of a report and there are no concerns subject to the imposition of a planning condition to ensure mitigation works outlined within the report are followed during development.
- **The Environment Agency** – Has no objections to this proposal based upon the additional drainage details submitted.
- **Northumbrian Water Ltd** – Has no objections to this proposal.
- **Natural England** – Has no objections to this proposal.
- **Highways** – Has no objections to this proposal, subject to a condition requiring the widening of the main access road to the front of the proposed car parking spaces. Since these comments were received, amended plans have been submitted showing the removal of the parking area extension and it is noted that the road modification would not be needed.
- **The Ramblers** – Has no objections to this proposal.
- **Police Architectural Liaison Officer** – Has no objections to this proposal but notes that consideration should be given to the security of individual cabins.

10. INTERNAL CONSULTEES

- **Public Rights of Way** – Has no objections to this proposal.
- **Planning Policy** – Has no objections to this proposal.
- **Design and Conservation** – Have expressed some reservations about the proposed scheme which is not considered sufficiently detailed to allow a comprehensive assessment of the overall impact upon the immediate setting of the listed building. It is felt that further professional analysis of the scheme should be sought to address the relative levels of significance that should be applied to the integrated heritage asset.
- **Contamination and Environmental Health** – Has no objections to this proposal.
- **Low Carbon Officer** – Requested information regarding the construction materials and sustainability aspects of the build although he has stated that this detail can be conditioned if the application is approved.
- **Arboriculture Officer** – Objects to the proposal because of the perceived decline of the tree stock and the possible removal of healthy trees for displaced parking. It is considered that the scheme would neither protect nor enhance the setting of the Conservation Area.
- **Landscape Architect** – Objects to the proposed chalet development as it is submitted in isolation, unsupported by a Conservation Plan or Master plan. The application is not considered to acknowledge the impact of the proposals on the significance of the landscape asset as a whole and fails to identify the opportunity to potentially restore this landscape and conserve any hidden landscape features. However, it is acknowledged that the proposed development would be sited an area of this historic setting where the least damage is likely to occur due to existing screening and topography.

- **Ecology** – Has no objections, subject to further conditions if approved relating to site lighting and informatives relating to the protection of great crested newts and bats.

11. PUBLIC RESPONSES

The application has been advertised by means of site notice, press notice and by neighbour notification letters. 6no. letters of objection were received in response to this exercise and those making representations have continued to contact the Local Planning Authority, raising further concerns during progression of the application. A summary of the main areas of concerns are as follows:

- The validity/accuracy of the application and supporting statements,
- Perceived impact on trees,
- Possible presence of bats,
- Flood risk and drainage,
- Chemical and domestic waste removal,
- Removal of storage shed and its re-siting,
- Highway safety, access and parking demand,
- Increased electrical supply demand,
- Safeguarding of children using this site,
- Impact on Mine workings and associated water contamination,
- Lack of care and maintenance to parkland and deer herd questions future maintenance of proposed huts,
- Trespassing of adjacent land,
- Impact of development on views and vistas,
- Impact on residential amenity,
- Concern about the Design, appearance and eco- friendliness of cabins,
- Impact on historic parkland setting,
- Request for committee decision,

APPLICANTS STATEMENT

12. The applicant has submitted a detailed planning statement in support of this application, highlighting the following key points:

- “The application is submitted in response to economic pressures to maintain the viability of the hotel and to make it more attractive to guests and in-particular for functions”.
- “The proposal is intended both to support the hotels’ continued use but also sensitive future improvements and alterations to ensure that the hotel remains a long term viable proposition employing local people and attracting tourists and visitors to the area”.
- “The applicant has already invested heavily in improvements to both the hotel and its grounds which were in an almost derelict state at the time it was purchased by him”.
- “Currently the hotel cannot provide for families who are often attending functions. The proposal will provide a solution, improving the services provided to customers”.
- “The development proposed offers significant economic benefits locally and regionally, as well as enhancing the accommodation available to visitors in the area”.
- “Economic benefits include employment, sustainable local businesses, continued maintenance of listed buildings and their parkland setting, and continued public access”.
- “A funding mechanism must be found for the continued upkeep of listed structures which are not income generating in their own right”.
- “The proposed development would only be visible in the immediate vicinity of the site. Longer range views from the east being obscured by distance, topography and trees”.

- “The proposed development does not materially affect the setting of the hall, being on a separate and distinct parcel of land, well screened and removed from the more formal setting to the south and west”.
- “It is the intention of the applicant to continue the improvement and enhancement of the estate through the successful economic operation of his business. The proposed development is indicative of his continued aspirations to do so”.

PLANNING CONSIDERATIONS AND ASSESSMENT

13. In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the key issues are:
- Principle of development,
 - Impact on Heritage assets,
 - Impact on trees,
 - Visual and residential amenity,
 - Highway safety,
 - Pollution and public health,
 - Sustainability and business case,
14. ***Principle of development:***
National and regional policy in PPS4 and the RSS support the principle of diversification in rural areas and promotion of new employment opportunities and tourism. The DCLG ‘*Good Practice Guide on Tourism*’ (2006) also identifies the benefits of tourism in terms of improving revenue, job creation, community well being and improvements to natural and physical environments.
15. There exist no specific policies saved at the local level relating to extensions to existing hotel uses. However Adopted Sedgefield Borough Local Plan Policy L20 seeks to permit new hotels and visitor accommodation within countryside locations in exceptional circumstances, with adopted Policy L21 seeking to permit caravan and camp sites for seasonal use where the site is adequately screened and where the layout and scale of development is sensitive to its settings and surrounding uses.
16. Adopted Policy L8 also encourages the development of outdoor recreational facilities within Whitworth Park Estate, with policy E2 recognising the importance of preserving and enhancing the historic character of historic areas such as Whitworth. The overall benefits of this development are argued to enhance the character and setting of this area to the wider benefits of its future users and inhabitants.
17. Hotel use on the Whitworth Hall site has been established for a number of years and the proposals relate to the extension of hotel facilities on an area currently used as overspill parking. The principle of such works is considered acceptable having regard to the nature of the proposals, planning history and overall policy framework for the site.
18. ***Impact on Heritage assets:***
The application site is located within a Conservation Area and Historic Parkland setting. The site also falls in close proximity to a number of Grade II Listed features, most notably the adjacent Whitworth Hall Hotel. PPS5 acknowledges the importance of such heritage assets as a non-renewable resource which should be conserved in a manner appropriate to their significance.
19. Adopted Sedgefield Borough Local Plan Policies E2 and E18 set out guidelines to preserve and enhance the character and appearance of Conservation Areas through preventing development which would detract from these settings. Proposals must not be detrimental to the historic landscape of the area, with buildings to be sited sensitively and of a scale and design sympathetic to the existing character of the area.
20. The chalets would be erected within an existing clearing to the rear of the hall, on an area presently used for informal, overspill car parking purposes. This site contributes little to the

setting of the historic assets in its current form. The proposed chalets would be few in number and introduced on a phased basis and would not be at odds with the character and appearance of the wider site in terms of scale and design. Furthermore; an existing metal storage building is to be removed to facilitate the development, which would be of some visual benefit.

21. Whilst acknowledging the sensitivity of the Parkland setting and the desire from the design and conservation perspective for further analysis of the proposals it is not considered that this is necessary in this case. A heritage analysis outlining on-site listed features and the resulting impact on views and vistas has been submitted that is proportionate to the scale of the development and sufficiently detailed to assess its affects and relative significance within the parkland surroundings
22. The proposed scheme would not have a significant affect on the heritage assets surrounding this site and would incorporate sufficient measures to minimise any adverse impacts. Indeed it can be argued that there would be some wider heritage benefits from increased investment in the site and the associated contribution to the upkeep of the Park and buildings. The proposals would therefore accord with Policies E2 and E18 of the Local plan, as well as PPS5, which seek to preserve or enhance the character and setting of Conservation Areas and Historic Landscape areas.
23. **Impact on trees:**
Adopted Sedgefield Borough Local Plan Policy E15 seeks to ensure development proposals retain areas of woodland and important groups of trees. 2no. trees (numbers 67 and 68 within the Arboriculture Impact Assessment accompanying the application) would be removed as part of the proposal and a further tree would need to be pruned. In considering the affect of this tree loss, the submitted Arboriculture Impact Assessment states that the trees to be removed are not stand alone, and do not make a significant contribution to the group they form part of. It is concluded that their removal would have “negligible impact on the appearance of the site, and wider area”. Furthermore, the crown of Tree 79 is considered to be heavily asymmetrical, with pruning works necessary to accommodate one of the proposed cabins.
24. The value of these trees is not queried by the County Arboriculture Officer but some concerns have been raised over a perceived decline in tree stock which may be accelerated by the proposed development, as well as the removal of healthy trees to facilitate displaced parking. No firm evidence has been provided in support of these comments and the position remains inconclusive in the absence of any method statements within the application. However, the proposal has been amended to help alleviate the potential impact on nearby trees and it is no longer intended to create an additional parking area off the access road. and disturb the land around the trees.
25. The proposed works would be undertaken by a qualified tree surgeon, working to current best practice and any approval can be conditioned to ensure protection measures are implemented for the wider group of trees. Mitigation measures are set out within the submitted arboriculture report and a management plan would be submitted to safeguard and sustain tree cover in this area going forward. Subject to the implementation of these steps it is considered that the impact of the development on trees would not be significant and the proposal would accord with adopted policy E15.

26. **Visual and residential amenity:**

The application site is well contained and is predominantly seen from areas within the parkland itself. Taking into account the topography of the site, size and appearance of proposed units, and the substantial natural screening that would remain, it is considered that the development would have limited visual impact within the wider landscape.

27. The site is also relatively isolated, with the nearest residential properties located some 130m to the south west beyond an area of woodland. Access would be secured via the existing private road through the estate that is located away from these properties. As the proposed chalets would be related to the main use of the hotel it is not considered that there would be any significant new impacts in terms of noise, disturbance or traffic resulting from this development. Furthermore, there would not be any loss of privacy or amenity to nearby dwellings owing to the

degree of separation between the buildings and presence of existing planting. The proposal would therefore accord with the principles of adopted Sedgefield Borough Local Plan Policy L21 in this respect, which seeks to promote such uses that do not have a significant harmful effect on the living conditions of local residents.

28. Highway safety:

The site would continue to be accessed via the existing private road that links with Whitworth Road in the south western corner of the hotel grounds. There are no highways objections to the use of this route or to the proposed parking arrangements, which are considered satisfactory taking into account the proposed use. This application is considered to satisfy the principles of adopted Sedgefield Borough Local Plan Policy D3.

29. It is also possible to access the site from a small service road to the west that also serves residential properties. The main access to the site is clearly signposted and there is no intention to use this alternative route. However, it is suggested that the applicant is reminded by way of an informative of the need to utilise this access as opposed to the rear service entrance.

30. Pollution and public health:

Details submitted in support of the application identify how foul drainage and waste is to be removed from the site. Neighbour concerns have been raised about this and also over the perceived impact of flooding to their properties arising directly from the proposed development. The site is not located in an area that is sensitive to flooding in terms of the flood zone classification (Flood Zone 2 or 3) and no objections have been raised by the Environment agency, NWL or Environmental Health team, which are satisfied with the details which have been submitted. The application is therefore considered to satisfy the requirements of national Planning Policy Statements 23 and 25 with regards to flood risk and pollution control.

31. Sustainability and business case:

Planning Policy Statement 4 recognises the importance of promoting economic development in rural areas. RSS policy 16 also acknowledges the importance of encouraging cultural and tourism developments which benefit the local economy, people and the environment without diminishing the attractiveness of the place visited.

32. The applicant states that the existing park facility employs 70 staff (25 of which are full time) and that this figure is doubled during the busier summer months. A further 6 jobs would be created to service the proposed chalets. These are required because the existing hotel facility currently has insufficient family accommodation, which can be problematic when there are private functions and events held on the site. The proposed cabins are expected to meet this need whilst also allowing for a self-catering style of living. In doing so they would help to improve viability of the site, allowing for future investment and continued management and maintenance of assets.
33. In addition to the provision of jobs the hotel also makes indirect contributions to the local economy in terms of supporting other businesses that provide services and products and from visitor spend in the area. It is also a leisure facility that is used by local people. The continued viability of the site would therefore have wider benefits within the surrounding area.

34. Other considerations:

A range of issues and concerns have been raised by local residents. Some of these including the perceived impact on views, lack of maintenance, and the impact of increased electrical supply on existing properties are not material planning considerations.

35. Concerns have also been raised over trespassing and the perceived impact of future visitors on this site and their relationship with adjacent uses including the nearby Girl Guides facility. Whilst public safety is an issue of paramount importance, there is no evidence to suggest that future users of this site would present any more of a threat to neighbouring uses than the existing park facility which remains open for public use. It also cannot be assumed that users of the proposed chalets, (which are geared towards family occupation and linked to the hotel use) would compromise safety in and around the site

36. It is noted finally that although the Park is in private ownership the applicant has maintained an 'open access' policy in terms of public use of the grounds. It is acknowledged that recent events leading up to the consideration of this application by the Planning Committee has resulted in the removal of this permissive use from some individuals. However, this is a private matter between the parties concerned and should have no bearing on the planning determination of the proposals.

CONCLUSION

37. Whitworth Hall Country Park Hotel is an established tourism and leisure facility set in an area of acknowledged historic and visual importance. The proposals are directly related to the main use of the site and would upgrade and expand the hotel facilities that are available to better cater for visitor need and demand and help to secure the viability of the business.

38. In considering the specific elements of the scheme, it is acknowledged that the proposal would have some local affect on the immediate landscape. However, the development would take place in an area presently used as informal parking to the rear of the site that contributes little to its wider protected setting. Furthermore, the proposed chalets would be of limited scale and suitably screened, allowing them to be satisfactorily integrated into their surroundings. The loss of 2 existing trees would be regrettable but this would have no significant visual impact and appropriate mitigation and management measures would be put in place to maintain overall cover.

40. Despite some public opposition to the proposal and the concerns of some consultees it is considered that the scheme raises no substantive planning issues that cannot be satisfactorily addressed.

42. In conclusion therefore it is considered that the proposed development is acceptable in planning terms and would help to secure the long term future of this historic site and its landscape setting. In doing so it would satisfy the requirements of Planning Policy Statements 1, 4, 5, 7, 23 and 25, RSS Policies 2, 8, 11, 16 and 32, as well as adopted Sedgfield Borough Local plan Policies E2, E15, E18, L8, L20, L21, D1 and D3.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. T001 (Time limit – FULL)

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

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

2. NS01 (Approved plans)

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 2586/01 (Site location plan)
- 2586/02 rev A (Block plan as existing)
- 2586/03 rev F (Block plan and cabin drawings as proposed)
- 2586/05 rev B (North site elevation)
- 2586/06 rev A (Building siting in response top root protection area)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. NS02 (Materials and energy efficiency)

Notwithstanding any details of materials submitted with the application, no development shall commence until details of the make, colour and texture of all walling and roofing materials, plus the efficiency and sustainability aspects of the build, have been 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 Policy E18 (Preservation and enhancement of Conservation Areas)

4. L001 (Landscaping details)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as 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. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.

5. L002 (Landscaping implementation)

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, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.

6. NS03 (External lighting)

No external illumination, including additional security equipment, shall be erected at the site until specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these agreed details.

Reason: Policy E18 (Preservation and enhancement of Conservation Areas)

7. NS04 (Chalet limits)

All 10no. chalets hereby approved shall be occupied for holiday purposes only. No chalet approved by this planning permission shall be occupied as a person's sole or main place of residence. The operator's of the site shall maintain an up-to-date register of the names of all occupiers of individual chalets and of their main home addresses and shall make such information available at all reasonable times to the Local Planning Authority, upon request

Reason – To ensure the caravans remain in use for holiday purposes only

8. NS05 (Removal of PD rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls, fences or other means of enclosure around each chalet and any satellite dishes to be erected on any chalet shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of safeguarding the visual amenity of the area.

9. NS06 (Coal mining risk assessment)

No development shall take place unless in accordance with mitigation works outlined within section 6 of the submitted Coal Mining Risk Assessment report (project no: EES11-068, 16 June 2011).

Reason: The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining.

10. NS07 (Tree protection plan)

Prior to commencement of any development, a Tree Management Plan which concentrates on the preservation of root systems of nearby trees both during and after construction must be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in full accordance with this plan thereafter.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodlands, trees and hedgerows).

11. NS08 (Tree works – Notification)

The Local Planning Authority must be given 7 days notice of commencement of works within identified Root Protection Area, and operations must not commence without the attendance of a member of the Landscape Team.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodlands, trees and hedgerows).

12. NS09 (Root Protection Areas)

The root protection area of nearby trees shall not be disturbed, compacted, removed or excavated without the prior written consent of the Local Planning Authority. Any such works must be the subject of a site specific method statement submitted to and approved in writing by the Local Planning Authority. The Method Statement must include, but not confined to, site levels before and after construction, product details and specifications, a plan of works and porous surface for any construction within the RPA.

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodlands, trees and hedgerows).

- INFORMATIVE

Great crested newts are protected by both UK and European legislation. Should great crested newts be discovered at any stage during the development, work must stop immediately and urgent advice be sought from Natural England. Failure to do may result in an offence being committed, regardless of planning consent.

- INFORMATIVE

The granting of planning permission does not absolve the developer from complying with the relevant law in respect of Protected Species, including obtaining and complying with the terms and conditions of any licenses required under Part IV B of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

- INFORMATIVE

Building Regulations Consent may be required for the proposed works. Please contact a member of the Building Control section for further assistance with this matter (03000 261061).

- INFORMATIVE

The applicant is hereby reminded that vehicular access to these chalets should be gained via the main site access to Whitworth Hall and not the service access to the rear of the site. Patrons should be directed to the use of this access where possible, subject to further planning controls regarding the erection of signage.

- INFORMATIVE

The Durham County Police Architectural liaison Officer reminds the applicant of the need to carefully consider site security issues. Please contact this officer (Steven Drabik, 0192 375 2175) for further assistance with this matter.

- INFORMATIVE:

The Coal Authority provide the following advice in relation to this application:

General Information for the Applicant

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.coal.gov.uk/services/permissions/index.cfm

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

- **INFORMATIVE**

The Environment Agency provide the following advice in relation to this application:

Advice to Applicant

The re-siting of the package treatment plant should be done in such a way that no effluent can escape from the tank. We would prefer the tank to be sited as far away as possible from the watercourse at the eastern edge of the site, to avoid any pollution getting into the watercourse.

You should ensure that the existing package treatment plant is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any increase in flow and loading which may occur as a result of this proposal.

Please note that under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less or 2 cubic metres per day to ground may be eligible for an exemption and will need to register before they commence making the discharge.

An Environmental Permit from the Agency is normally required for discharges above this volume. It is illegal to discharge sewage effluent without either an exemption registration or an environmental permit.

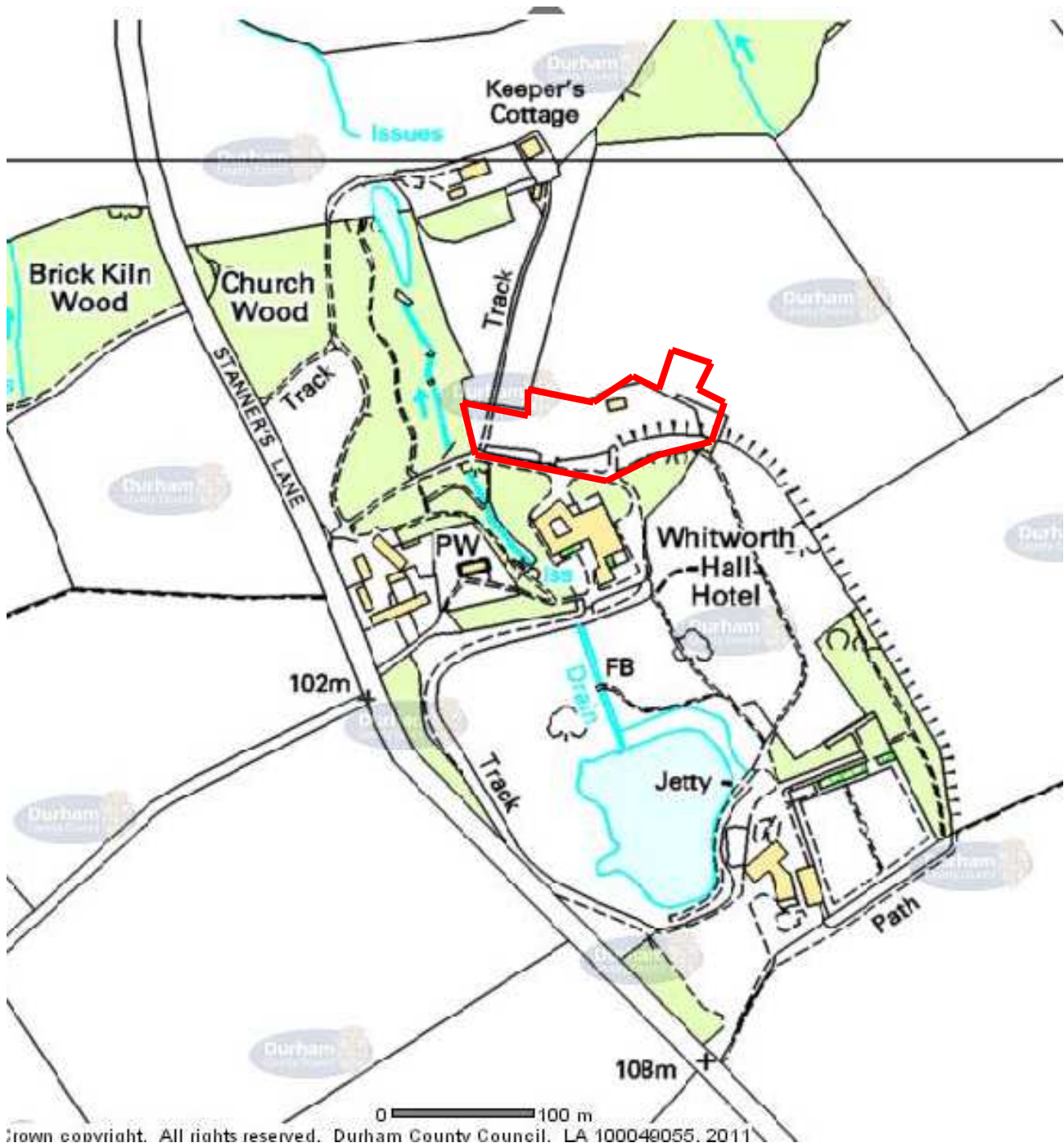
In addition, the site must be drained by a separate system of foul and surface water drainage, with all clean roof water and surface water being kept from foul water. Further information on general surface water drainage issues can be found on our website at: <http://www.environment-agency.gov.uk/research/planning/82584.aspx>.

REASONS FOR THE RECOMMENDATION

- The proposal represents development that would not be detrimental to the Conservation Area, Historic Parkland or Listed building and its setting. This proposal is also considered acceptable in terms of its impact on the living conditions of local residents, ecology and highway safety, being of a sensitive scale, layout and design. The objections received were not considered sufficient to lead to refusal of the application as, on balance, the positive economic benefits of the tourism proposal out weight the potential negative impacts on the landscape and heritage assets at this particular location.
- The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
 - E2 (*Preservation and enhancement of historic parklands*)
 - E15 (*Safeguarding of woodlands, trees and hedgerows*)
 - E18 (*Preservation and enhancement of Conservation Areas*)
 - L8 (*Development of Whitworth Country Park*)
 - L20 (*Hotels and visitors accommodation*)
 - L21 (*Caravan, chalet and camp sites*)
 - D1 (*General principles for the layout and design of new developments*)
 - D3 (*Design for access*)

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Sedgefield Borough Local Plan 1996
 - Planning Policy Statement 1 (*Delivering Sustainable Development*)
 - Planning Policy Statement 4 (*Planning for sustainable economic growth*)
 - Planning Policy Statement 5 (*Planning for the Historic Environment*)
 - Planning Policy Statement 7 (*Sustainable development in rural areas*)
 - Planning Policy Statement 23 (*Planning and pollution control*)
 - Regional Spatial Strategy
 - E2 (*Preservation and enhancement of historic parklands*)
 - E15 (*Safeguarding of woodlands, trees and hedgerows*)
 - E18 (*Preservation and enhancement of Conservation Areas*)
 - L8 (*Development of Whitworth Country Park*)
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 - D3 (*Design for access*)
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Application No.	7/2011/0071/DM
Location:	Whitworth Hall Country Park Hotel, Whitworth, Spennymoor, DL16 7QX
Description:	Erection of 10no. Chalets for holiday accommodation and creation of car park to serve hotel