

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01524/VOC
FULL APPLICATION DESCRIPTION:	Variation of condition 2 of planning approval 7/2013/0522 (for the erection of a dwelling) to allow for a minor material amendment to provide bin/ log store, shed and enclosure
NAME OF APPLICANT:	Mr and Mrs G and M Clark
ADDRESS:	Land to the rear of 17 North End, Sedgefield TS21 2AZ
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Hilary Sperring, Planning Officer, 03000 263947, Hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to the former garden area to the rear of Hardwick House, 17, North End on the western periphery of Sedgefield and within the Sedgefield Conservation Area. To the north, east and south of the site lie residential dwellings, of various forms and it is bounded to the west by West Park Lane with Hardwick Park beyond.
2. In February 2014 conditional planning permission was granted by the Planning Committee for the erection of 1 no. dwelling on the site. This dwelling is a two storey detached four bed property and is currently under construction.
3. The current application seeks to vary condition 2 of this approval to allow for a minor material amendment to provide a bin/log store, shed and enclosure within the proposed garden to the rear of the main house.
4. The bin store would, be located immediately behind the garage on the east side of the garden. It would be enclosed on two sides by the existing boundary fence and by a 1.8 metres high brick wall on its west side. This would also form one wall of the adjacent open fronted log store that would back onto the existing fence and have a further brick built side wall to the west. The log store would have a pitched timber roof to 1.9 metres in height and measures approximately 1.5 metres by 2.5 metres in area. The proposed brickwork of the structures would match the main house.
5. The shed and associated paving and enclosure is already in place at the south eastern corner of the site. The shed measures 3 metres by 2.4 metres and has a low angle mono pitch roof up to 2.17 metres high. It on constructed on a permeable base, and enclosed by a 1.8 metre horizontal boarded fence (and gate). The shed is currently being used for storage purposes in association with building works on the site. The foundations of the proposed bin/ log store have also been laid.

6. This application is being reported to Planning Committee as it has been made by a member of staff within the Council's Regeneration and Economic Development Service.

PLANNING HISTORY

7. In 2013 conditional planning permission was granted for the erection of 1 no. dwelling on the site (7/2012/0248/DM). Later in 2013 a discharge of condition application in respect of this approval was approved.
8. In 2014 conditional planning permission was granted by Committee by the current applicant for the erection of 1 no. dwelling on the site (7/2013/0522/DM). A subsequent discharge of condition application in respect of this approval was approved.
9. A section 211 notice was also submitted in 2014 for the felling of 1 no. beech tree. No objection was raised to this proposal.

PLANNING POLICY

NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.

Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Part 12 – Conserving and enhancing the historic environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through

neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LOCAL PLAN POLICY:

12. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Council Local Plan (saved policies 2007) are considered relevant.

Policy D1 (General principles for the layout and design of new developments) requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.

Policy D5 (Layout of new housing development) sets criteria for the layout of new housing developments.

Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.

Policy E18 (Preservation and Enhancement of Conservation Areas) the Council will seek to preserve or enhance the character and appearance of the Borough's Conservation Areas.

Policy H17 (Backland and infill housing development) sets criteria for new backland and infill housing development.

SPG1: (Conservation Areas) provides details on the character and description of conservation areas.

SPG3: (The Layout of New Housing) sets amenity/ privacy standards for new residential development.

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>.

EMERGING POLICY:

13. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. At this stage the following policies are considered relevant but would carry very limited weight to the consideration of this application.

Policy 1 – Sustainable Development, sets out a presumption in favour of such through 18 subsections including directing economic growth to existing centres, protecting

agricultural land, promoting inclusive and healthy communities, achieving well designed accessible places, making the most effective use of land, and conserving the quality diversity and distinctiveness of the County including the conservation and enhancement of designated and non-designated heritage assets.

Policy 18 – Local Amenity - states that permission will only be granted for proposals providing it can be shown that a significant adverse impact on amenity would not occur including, for example, loss of light and privacy, visual intrusion, overlooking, noise and odour. In addition to this, permission will not be granted for sensitive land uses where suitable mitigation measures can not be put in place to rectify the adverse impact on amenity.

Policy 40 – Trees Woodland and hedges – Proposals for new development will not be granted that would result in the loss of or damage to trees or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the loss. The fragmentation, loss, deterioration of identified ancient woodland will require exceptional circumstances and appropriate compensation.

Policy 41 – Biodiversity and Geodiversity – New development will not be permitted if significant harm to biodiversity and geodiversity cannot be avoided, adequately mitigated, or as a last resort compensated for.

Policy 44 – Historic Environment – seeks to ensure that designated and nondesignated heritage assets and their settings are appropriately protected.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. *Sedgefield Town Council* - No objections

INTERNAL CONSULTEE RESPONSES:

15. *Arboricultural Officer* - Notes that the works will have caused damage to the roots of adjacent trees including a fir tree (T39) on neighbouring land. As the harm that has been done can't be undone no objection is raised as such although it is recommended that consideration be given to adjustment of finished levels in the log store to retain an area of remaining roots that has not yet been excavated. Additional planting elsewhere within the site would also help to compensate for any future loss of trees that may have been occasioned by the works.
16. *Design and Historic Environment Section* - No objections

PUBLIC RESPONSES:

17. The application has been publicised by way of press and site notices and individual notification letters to neighbouring residents. No responses have been received.

APPLICANTS STATEMENT:

18. We believe that the scale of our proposal is in keeping with our existing planning permission and has minimal impact upon neighbours and /or the surrounding location.

19. The bin store has been designed to accommodate our refuse bin, recycle bin, garden refuse bin and bottle/ glass bin. It's height will screen these bins from us but will not exceed the height of existing perimeter fences.
20. The log store is required to provide us with dry wood for our environmentally friendly log burner. As per our bin enclosure, the scale of the structure has been kept to a height no higher than the existing perimeter fence and we believe it will have no impact upon neighbours or the surrounding location.
21. The shed and enclosure are constructed of softwood and are of a style and scale in keeping with the existing permission. Our garden is quite large and we need a place to store equipment for gardening purposes.
22. We believe that our proposal is reasonable and we have considered the design and impact upon others carefully and do not think that the scale of these structures is of any detriment to the existing permission, infact we believe that these structures enhance and compliment it.

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 the Council Offices, Green Lane, which can be viewed at: <http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842> and <http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=72155>

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key planning issues in this instance relate to the principle of development and the impact of the proposed works upon heritage assets, residential amenity and trees.

The Principle of Development

24. Having regard to the provisions of the NPPF, saved local plan policies and the previous planning permissions the principle of residential development in the form of one dwelling on the site has been established. In the context of this framework and the approved development that is currently being implemented it is considered that the proposed works are minor in nature and do not raise new in principle development issues.

Impact upon heritage assets

25. Paragraph 129 of the NPPF advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of a heritage asset). The application site is located within Sedgefield Conservation Area. The boundary of the Hardwick Park Conservation Area runs along West Park Lane, to the rear of the site, with the registered historic Hardwick Park extending beyond to the west. Additionally the site is located within an archaeological sensitive area.
26. SPG Note No.1 (Conservation Areas) provides detail regarding the character and description of the Sedgefield Conservation Area, specifically mentioning properties along North End and the open areas to the rear of properties contributing to the character of the Conservation Area. Local Plan Policy E18 reiterates the statutory duty set out at S72 of the Planning (Listed Buildings and Conservation Areas) Act

1990, in seeking to ensure that the character and appearance of Conservation Areas is preserved or enhanced through preventing development which would detract from Conservation Areas or their settings.

27. The proposed bin/ log store and shed/ enclosure, the subject of the current proposals, are both located in positions within the enclosed rear garden of the dwelling and are of a generally low scale and height. The bin and log store in particular would be screened from longer views from outside the site by the dwelling itself. The proposals would not result in a significant loss of the open space characteristic of this part of the Conservation Area or indeed significantly detract from the wider Conservation Areas setting.
28. In addition to policy E18, Local Plan Policies D1 and D5 seek to ensure the layout and design of new development is in keeping with the surrounding area. Policy H17 states that development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.
29. In terms of detailed design the proposals are considered of a minor nature and would appear subservient to the main dwelling. The main house itself includes Ibstock Beamish Blend Brick type. Proposed brick work for the bin/ log store is to match the main house, with the log store including a timber lapped roof. The shed is comprised of timber and situated at the bottom of the garden and relates acceptably to its setting. The proposals are also considered to still retain a suitably sized garden area for the new dwelling.
30. An archaeological evaluation was submitted as part of the original application proposals and trenches dug within the rear garden area of Hardwick House. At the time the Archaeology Section confirmed that appropriate mitigation would be necessary as part of the development and appropriate conditions were attached to the approval of the new dwelling. An Archaeological Monitoring Report undertaken by Durham University was submitted in May 2014 to discharge these requirements and indicated that no archaeological features or artefacts were discovered as part of the watching brief during the course of works to build the house. The proposals are limited in terms of ground disturbance (and the shed is on a permeable base) and are not considered to impact upon the significance of any archaeological heritage asset.
31. It is therefore considered that the proposed scheme would not have a significant affect upon the heritage assets, and the character and appearance of the conservation area would be preserved. The proposal would accord with section 7 and 12 of the NPPF and relevant Local Plan Policies, in particular D1, D5, E18 and H17.

Residential Amenity

32. Policies H17 and D5 and Supplementary Planning Guidance Note 3 (SPG 3) seek to achieve adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development.
33. The proposed structures are positioned within the rear garden area and are largely screened from neighbouring properties. The height of the bin and log store is in line with the boundary fence with 17 North End some 22 metres from the back of this property. The proposed shed is just visible above the existing boundary treatment and comes within 4 metres of Pear Tree House at its nearest point. However it is of limited scale and partially enclosed by planting and does not directly impact on the

privacy of occupiers. Given the position and purpose of the structures and relationship to neighbouring dwellings the application is not considered to have a significant impact on residential amenity and are considered to accord with policies D5 and H17 of the Plan and SPG 3.

Impact on trees

34. Policy E15 seeks to permit development only where it would not damage areas of important woodland and important groups of trees or Tree Preservation Orders (TPO's). Wherever possible, new trees should be planted to replace those which are lost as a result of development. No additional tree works are required to facilitate the proposed bin/ log store or shed and enclosures although the structures have been placed close to trees on adjacent land. This has resulted in the severance of some roots particularly in respect of a large conifer tree that is close to the site boundary in the vicinity of the bin store. This is very much regretted and any damage caused cannot be undone. The finished ground floor level of the log store is shown to be marginally below that of the bin store on the submitted plans. The applicant has verbally confirmed that no further ground works will be undertaken in the area of the proposed log/ bin store. Given that any damage that may have occurred has already happened and as the proposals are situated within an area of lawn and future root growth would not be constrained by the new structures. The issue of the provision of additional planting elsewhere within the site to help to compensate for any future loss of trees that may have been occasioned by the works has been raised with the applicant. The applicant however does not wish to provide any additional tree planting considering the request to be unnecessary as the impact upon of any works upon the longevity of neighbouring trees not established at this stage. The site itself retains a number of large trees that provide a landscape setting for the new dwelling and in light of this it is considered that it would not be necessary to require the provision of additional planting.

Other matters

35. The proposals represent a change to the approved scheme albeit of a relatively minor nature and would necessitate the issue of a new planning permission to cover the matters under consideration and those that were covered by previous planning conditions on the original consent. The suggested conditions reflect this position.

CONCLUSION

36. The principle of a residential dwelling on the site has previously been established and the current proposal involves minor additional works in the garden off the dwelling which is now under construction. The addition of a bin/ log store and a shed and enclosure is acceptable in terms of scale and design, impact upon heritage assets, and residential amenity of neighbouring occupiers. Although there has been some adverse effect on the roots of an adjacent tree these impacts are not considered to be so severe that the tree cannot adapt to the changes in part of its environment. The application is therefore considered to satisfy the requirements of the NPPF and relevant Local Plan Policies and subject therefore to the imposition of appropriate planning conditions to ensure that the entire development continues to meet previously agreed planning requirements that remain relevant, it is recommended for approval.

RECOMMENDATION

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

1. The development hereby approved shall be begun not later than the expiration of 3 years from 24 February 2014.

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:

Plan Ref No.	Description	Date Received	
Plan no. 1	Site Layout	10 2013	December
Plan no. 2	Proposed Elevations	10 2013	Decemebr
Plan no. 3	Proposed Floor Plans	10 2013	December
Plan no. 4	Location Plan	19 2013	December
Plan no. 5	Details	10 2013	December
Plan no. 6	Street scene	10 2013	December
Plan no. 7	Door Details	10 2013	December
Plan no. 8	Window Details	10 2013	December
Plan no. 9	Chimney Detail	10 2013	December
	Photographic Porch detail and letter	12 2013	December
	Materials Specification amended by email of 22 December 2013 confirming use of Ibstock Beamish Blend Brick type and email of 10 February 2014	19 2013	December
	Archaeological Services Durham University	10 2013	December
	Archaeological Desk Based Assessment Report 2921 revised December 2012		
	Archaeological Services Durham University	10 2013	December
	Archaeological Evaluation written scheme of investigation DS12.594rev		
	Aboricultural Method Statement for trees at Hardwick House, 17, North End, Sedgefield Revision A (Amended 2 January 2013) as amended by Document entitled 'Tree Matters for Clarity'	10 2013	December
	Drawing AMS TPP-B dated 02.0113 as amended by Document entitled 'Tree	10 2013	December

Matters for Clarity'

All About Trees Bat Potential Survey 10 December 2013
issued 12 June 2012

All About Trees Nesting Birds 10 December 2013
Assessment – letter dated 18 July 2012

A3 drawing	Shed and fence details	12 June 2014
A3 drawing	Site Plan showing proposed locations	12 June 2014
A3 drawing	Shed and fence details	12 June 2014

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

3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies D1 (General principles for the layout and design of new developments) and E18 (Preservation and Enhancement of Conservation Areas) of the Sedgefield Borough Local Plan.

4. No development shall be commenced until details and plans of protective fencing for retained trees have been submitted, inspected after erection and approved in writing by the Local Planning Authority. The location and design of protective fencing details shall follow the guidelines set out in BS5837:2012 Trees in relation to Design, Demolition and Construction, Recommendations and detailed in All About Trees Tree Protection Plan that accompanied the application. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without prior written agreement of the Local Planning Authority.

Reason: To ensure that the trees are appropriately protected from potential damage by the engineering or building operations in accordance with policies E15 (Safeguarding of Woodlands, Trees and Hedgerows) and E18 (Preservation and Enhancement of Conservation Areas) of the Sedgefield Borough Local Plan.

5. No development shall take place until the implementation of a programme of archaeological work in accordance with a mitigation strategy document has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii., Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
- iv., Report content and arrangements for dissemination.
- v., Archive preparation and deposition with recognised repositories.
- vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii., Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii., A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall thereafter be carried out in accordance with the agreed scheme.

Reason: To comply with paragraph 141 of the National Planning Policy Framework 2012.

6. The development hereby permitted shall not be occupied until a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason: To comply with paragraph 141 of the National Planning Policy Framework 2012 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A-H of Part 1, Class A of Part 2, and Classes A-C of Part 40 of Schedule 2 of the said Order shall be carried out.

Reason: In order that the local planning authority may exercise further control in this locality in the interests of residential amenity and the visual amenity of the area and to comply with Policies D1 (General principles for the layout and design of new developments) and E18 (Preservation and Enhancement of Conservation Areas) of the Sedgfield Borough Local Plan.

8. No development shall take place unless in accordance with the mitigation detailed within the Bat Potential Survey undertaken by All About Trees June 2012, including but not restricted to the provision of a suitable artificial bat roost to be incorporated within the building, details of which shall be submitted to and agreed by the Local Planning Authority.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

9. All works shall take place outside the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the local Planning Authority prior to the removal of vegetation during the bird breeding season.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner whilst ensuring the prompt determination of this application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Council Local Plan

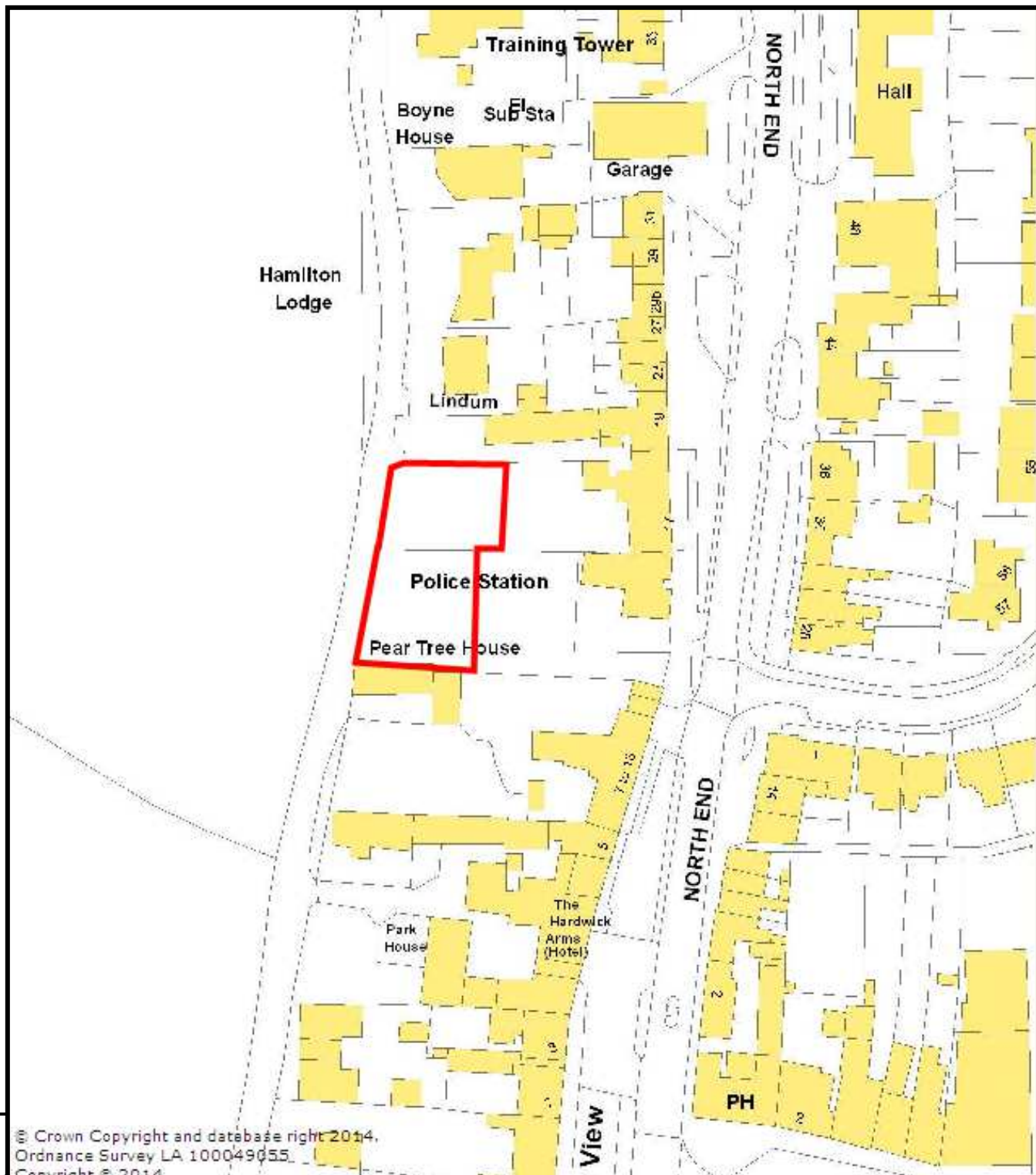
County Durham Plan (pre submission version)

Planning application 7/2013/0522

Discharge of condition application DRC/14/00114

Statutory response from Sedgefield Town Council

Internal responses from Design and Historic Environment Section and Arboricultural Officer



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Land to the rear of Hardwick House, 17, North End, Sedgfield

Date September 2014

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