



Civic Centre,
Crook,
County Durham.
DL15 9ES
Tel: 01388 765555 Fax: 01388 766660
Minicom: 01388 761515 e-mail: m.laing@wearvalley.gov.uk

Michael Laing Chief Executive

12th December 2007

Dear Councillor,

I hereby give you Notice that a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 20TH DECEMBER 2007** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider the minutes of the meetings of the Committee held on 25 th October 2007 and 22 nd November 2007 as true records.	Copies attached
3. To consider development control application 3/2007/0684 – Not to comply with condition 6 of appeal decision APP/A1340/A/04/1140029 (planning reference 3/2003/0808) to allow use of garage as ancillary living accommodation at 30 Old Hall Farm Road, St. Helen Auckland for Ms. York.	1 - 7
4. To consider development control application 3/2007/0752 – Proposed extension to covered loading bay at Smurfit Kapa Group, Darlington Road, West Auckland, Bishop Auckland for Smurfit Kapa.	8 -12
5. To consider development control application 3/2007/0824 – Installation of low rail post system with concrete sett trim including steel tree guard at car park adjacent to Albion Place, Willington, Crook for Wear Valley District Council.	13 -16
6. To consider development control application 3/2007/0825 – Installation of low rail post system with concrete sett trim, drop kerbs, semi-mature trees, new tarmac footpath and tree guards at land at access to Willington C. of E. Junior School, Hall Lane Estate, Willington for Wear Valley District Council.	17 - 20
7. To consider development control application 3/2007/0767 – New resin bound surfacing, small sett trim on paving at entrance and feature bollards at Aptec Enterprise Park, Darlington Road, West	21 - 24

Auckland for Wear Valley District Council.

8. To consider development control application 3/2007/0842 – 25 - 34
Erection of dwelling amendments to previously approved application ref. number 3/2007/0441 at land rear of 29 Etherley Lane, Bishop Auckland for Mr. Quinn.
9. To consider development control application 3/2007/0841LB – 35 - 40
Demolition of part of boundary wall at land rear of 29 Etherley Lane, Bishop Auckland for Mr. Quinn.
10. To consider development control application 3/2007/0774 – 41 - 50
Amendment from previous planning permission 3/2006/0930 from 31 apartments and 7 town houses to 44 apartments at Kensington Hall Hotel, Kensington Terrace, Willington for Mr. Ayre, Knightsbridge Developments (UK) Limited.
11. To consider development control application 3/2007/0739 – 51 - 59
Substitution of 10 No. and addition of 11 No. dwellings to housing development at land east of High Road, Stanley for Mr. Richardson, Persimmon Homes.
12. To consider development control application 3/2007/0369 – 60 - 63
Change of use from agricultural land to garden land at land adjoining and to the rear of 36 Oakfields, Hunwick for Mr. and Mrs. Hunter.
13. To consider such other items of business which, by reason of special circumstances so specified the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully

A handwritten signature in black ink that reads "Michael Laing". The signature is written in a cursive, flowing style.

Chief Executive

Members of this Committee: Councillors Anderson, Bowser, Buckham, Mrs Burn, Mrs Douthwaite, Gale, Grogan, Jopling, Kay, Kingston, Laurie, Mrs Lee, Lethbridge, Mairs, Mowbray, Mews, Murphy*, Perkins, Seabury*, Taylor, Des Wilson and Zair.

*ex-officio, non-voting capacity.

Chair: Councillor Grogan

Deputy Chair: Councillor Mews

TO: All other Members of the Council for information
Management Team

DEVELOPMENT CONTROL COMMITTEE

20TH DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0684 - NOT TO COMPLY WITH CONDITION 6 OF APPEAL DECISION APP/A1340/A/04/1140029 (PLANNING REFERENCE 3/2003/0808) TO ALLOW USE OF GARAGE AS ANCILLARY LIVING ACCOMMODATION AT 30 OLD HALL FARM ROAD, ST. HELEN AUCKLAND FOR MS. YORK – 04.10.2007

description of site and proposals

1. This application has been reported to Committee as it has received 7 letters of objection.
2. Planning permission is requested to vary condition 6 of planning appeal decision APP/A1340/A/04/1140029 (planning ref: 3/2003/0808) to allow the use of a garage as ancillary living accommodation.
3. Condition 6 of appeal ref: APP/A1340/A/04/1140029 states that *“Before the dwellings hereby approved are occupied the garages shall be constructed to the satisfaction of the local planning authority in accordance with the approved plans and details, and the hardstandings/ drives shall be constructed from crushed aggregate in accordance with details to be first submitted to and approved in writing by the local planning authority. Thereafter the garages and hardstandings/ drives shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.”*
4. The building to which the application relates was originally the sales office for the development, but the developer has not reverted the building back into a garage. The building has a patio style door and a small bay window where the garage doors would be placed, and a window to the northern elevation. The building measures 5.3 metres in width, 5.5 metres in length, and 4.1 metres to the highest point, and is constructed from buff bricks with red concrete roof tiles. The garage unit is detached from the main dwelling by a distance of approximately 3 metres.
5. The application site consists of a detached modern dwelling located on Old Hall Farm Road, St Helen Auckland. The application site is within an established residential area, which is open plan in character. The dwellings along Old Hall Farm Road face the highway, and are similar in terms of design, although containing a mixture of integral and detached garages The

dwelling to which the garage is associated has off street parking for 3 vehicles. There are neighbouring dwellings surrounding the application site.

6. The conversion of a garage to living accommodation would not normally require planning permission but in this instance permission is required due to the condition attached to the permission by the Planning Inspector.

planning history

7. The following planning applications have been received in respect of this site:
 - 3/2003/0808 Residential Development Refused 11.12.2003
 - 3/2003/0808 Residential Development Appeal Allowed 26.10.2004

planning policies

8. The following policies of the Wear Valley District Local Plan (WVDLP) as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - H3 Distribution of Development
 - H24 Residential Design Criteria
 - H25 Residential Extensions
 - T1 Highways - General Policy
 - FPG5 Alteration and Extension Guidelines

consultations

9. CDE&TS (Highways): The garage/ sales room is single storey, some 5.3m x 5.5m. It is not attached to the main building. The proposal is described as ancillary living accommodation. Having detached ancillary accommodation is unusual, however the building will remain part of 30 Old Hall Farm Road.
10. At least three vehicles can be parked on the existing drive. I could therefore not object to the proposal on parking grounds. Subject to the accommodation remaining ancillary to the existing property as described, I can raise no objection on this proposal.

officer analysis

11. The key issues for consideration are:
 - Principle of Development
 - Design
 - Impact on the Character of the Area
 - Residential Amenity
 - Highways and Parking

principle of development

12. The application site lies within an existing residential area, and the proposal seeks the creation of ancillary living accommodation, and not the creation of a new unit of accommodation. As such the principle of development is considered acceptable and accords with guidance contained within policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

design

13. The proposal would retain the residential style openings, with a patio style door to the elevation facing the driveway. The design of the proposal is considered to be acceptable. The design of the garage has ensured that the garage remains subservient to the main dwellinghouse, and the prominence of the building would remain the same within the street scene if it were used as a garage. The proposal accords with guidance contained within policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on character of the area

14. The retention of the garage as ancillary living accommodation would not be detrimental to the residential character of the area. Although the proposal has altered the uniformity within the street scene (it is the case that there are no other existing covered garages) it is considered that the proposal does not have a significant detrimental impact within the street scene. The proposal accords with guidance contained within policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

15. The building has a small window to the northern elevation, which gives a window to window distance of approximately 18.5 metres. It is noted that this is below the 21 metres window to window distance set out in policy H24. However, as the proposal is for ancillary living accommodation and would not be occupied full time, it is considered acceptable to relax this distance in this case. As the building is existing, occupiers of neighbouring properties would not suffer any additional overbearing or overshadowing impacts as a result of the proposal. The proposal does not undermine the guidance contained within policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highways and parking

16. The Highway Officer has not objected to the proposal. It is considered that there is adequate parking provision within the front garden area (at least three cars are able to park within the curtilage) to mitigate the loss of parking provision provided by the garage. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

17. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
18. Seven letters of objection/observation have been received, and one letter of support has been received, the details of which are set out below;
 - a) Residents have signed 'the fourth schedule' covenants restriction stipulations and conditions to be observed and performed by the transferee. Through signing this I believed I was legally bound to abide by this ruling and that any out buildings could not be used for any other purpose than a garage, with relevant doors, not for living or business purposes.
 - b) There appears to be no site notice displayed.
 - c) The owner intends to use the property as a business and this will lead to an increase of parked vehicles.
 - d) This is a residential estate and therefore the building should be turned back to a garage.
 - e) I do not object to the proposal to use the garage as living accommodation.

response to objections/ observations

19. In response to the issues raised above, I make the following comments:
 - a) A covenant on a property is a separate issue from planning and cannot be controlled through the planning process.
 - b) This site notice was posted on the 18th October 2007 when the planning officer made his site visit.
 - c) The application is for ancillary living accommodation. A condition will be attached to the permission so no business can be run from the building.
 - d) This application seeks to regularise the proposal.
 - e) Noted.

reasons for approval

1. The application site lies within an existing established residential area, and the proposal seeks the creation of ancillary living accommodation. As such the principle of development is considered acceptable, and accords with guidance contained within policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
2. The design of the proposed living accommodation is considered to be acceptable and has ensured that the garage/ sales office remains subserviant to the main dwellinghouse, and the prominence of the building would remain the same within the street scene if it were reverted back to a garage. The proposal accords with guidance contained within policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. The retention of the garage as ancillary living accommodation would not be detrimental to the residential character of the area. Although the proposal has altered the uniformity within the street scene it is considered that the proposal does not have a significant detrimental impact within the street scene. The proposal accords with guidance contained within policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. As the building is existing, occupiers of neighbouring properties would not suffer any additional overbearing or overshadowing impacts as a result of the proposal. The proposal does not undermine the guidance contained within policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. The proposed additional living accommodation hereby approved shall be occupied in conjunction with the use of the existing property No. 30 Old Hall Farm Road as a single dwelling house only and not as a separate unit of residential accommodation.
2. The ancillary living accommodation hereby approved shall be used for domestic purposes only incidental to the enjoyment of the dwelling No. 30 Old Hall Farm Road and not for any industrial, commercial or business use.

reasons

1. To avoid the undesirable creation of two separate dwelling units on the site. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
2. To safeguard the occupiers of adjacent premises from undue noise, traffic generation or other loss of amenity arising from the use of the building for trade or business purposes. In accordance with policies GD1, T1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

background information

Application files, WVDLP as amended by the Saved and Expired Policies 2007, Inspector's letter dated 26.10.2004.

PS code	<input type="text" value="1"/>		
number of days to Committee	<input type="text" value="77"/>	target achieved	<input type="text" value="√"/>
explanation			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

Author of the report

Adam Williamson

Planning Officer

Ext 495

3/2007/0684 - NOT TO COMPLY WITH CONDITION 6 OF APPEAL DECISION APP/A1340/A/04/1140029 (PLANNING REFERENCE 3/2003/0808) TO ALLOW USE OF GARAGE AS ANCILLARY LIVING ACCOMMODATION AT 30 OLD HALL FARM ROAD, ST. HELEN AUCKLAND FOR MS. YORK – 04.10.2007



DEVELOPMENT CONTROL COMMITTEE

20TH DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0752 - PROPOSED EXTENSION TO COVERED LOADING BAY AT SMURFIT KAPA GROUP, DARLINGTON ROAD, WEST AUCKLAND, BISHOP AUCKLAND FOR SMURFIT KAPA – 06.11.2007

description of site and proposals

1. This application has been reported to Committee as it has received more than four letters of objection.
2. Planning permission is requested for the erection of an extension to the existing loading bay at the above address. It is proposed to extend both the northern and southern ends of the loading bay.
3. The extension to the northern elevation would measure 31 metres in length, 18.2 metres in width, and 7.6 metres to the highest point.
4. The extension to the southern elevation would measure 10 metres in length, 19.4 metres in width, and 7.6 metres to the highest point.
5. Combined, the extensions would result in an approximate increase in the floor area of the premises of 700 sq. metres. The proposal would be constructed from materials which would match the host structure, with a 3 metre high brick wall and sheeting to the rest of the structure.
6. The application site consists of the loading bay to a factory unit. To the east of the site is the A68, which is screened from the factory by approximately 4 metres high conifer hedging. To the west and south of the site is open agricultural land. There is a large car park to the front of the site. The application site lies within an area identified for industrial use under policy I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

planning history

7. The following planning application has been received in respect of this site:
 - 3/2003/0115 Extension to Office Approved 31.03.2003
 - 3/1995/0661 Extension and Access Approved 21.02.1996

planning policies

8. The following policies of the Wear Valley District Local Plan (WVDLP) as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
- GD1 General Development Criteria
 - I5 General Industrial Sites

consultations

9. Parish Council: No response received

officer analysis

10. The key issues for consideration are:

- Industrial Development
- Residential Amenity

industrial development

11. The application is for a significant enlargement of an existing industrial use on land allocated in the adopted Development Plan for industry. The overall aim of the local plan, in terms of industry, is “to improve and broaden the local economy to create a stronger and diverse local economy capable of generating self growth...” The proposal clearly represents an example of an expanding local company.

12. The application site is within the larger industrial area of West Auckland Industrial Estate which is allocated on the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 for General Industrial Use. (Proposal I5). The industrial estate currently extends to the north and east of the application site. The proposed extensions are acceptable in principle and would match the existing building on site in terms of design and materials. The proposal accords with policies GD1 and I5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

13. The nearest dwelling is approximately 35 metres to the north of the application site (51 Darlington Road). Given the boundary treatment to the roadside of the application site, it is considered that occupiers of the dwellings to the north of the application site would not be unduly affected in terms of overbearing or overshadowing impacts as a result of the proposal. There would be no loss of privacy suffered by neighbouring dwellings as a result of the proposal.

14. It is noted that the extensions would move the loading bay area towards the neighbouring properties to the north of the application site. As such it is considered prudent to attach a condition requiring a noise attenuation scheme to be submitted to and approved in writing by the local planning authority and implemented before works commence in order to protect the residential amenity of neighbouring residents.
15. It is considered with the attached condition, the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

16. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
17. Eight letters of objection/ observation have been received, the details of which are set out below:
 - a) I object on the grounds of excessive noise.
 - b) The noise will become worse as the extension will be nearer my house.
 - c) The plans show no attempt to alleviate any of the noise pollution generated from the proposed 24 hour activities in the enlarged loading area.

response to objections/ observations

18. In response to the issues raised above, I make the following comments:
 - a), b) & c) A condition is proposed to be attached to the grant of planning permission requiring a scheme of noise attenuation to be submitted to the local planning authority, and implemented before works commence in order to protect the residential amenity of neighbouring occupiers.

reasons for approval

1. The proposal is acceptable in relation to policies GD1 and I5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
 1. Would match the existing building on site in terms of design, scale, position and materials.
 2. Would not result in any overbearing or overshadowing impacts to the occupiers of neighbouring dwellings.
 3. Would not result in any loss of privacy to occupiers of neighbouring dwellings.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. The external surfaces of the extensions hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extensions will form part.
2. Prior to the commencement of development, a scheme of sound insulation for the loading bay extensions shall be submitted to and approved in writing by the local planning authority. The approved sound insulation scheme shall be implemented in full before the extensions are first brought into use.

reasons

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
2. To protect the residential amenity of neighbouring occupiers. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007.

PS code	10	number of days to Committee	49	target achieved	√
explanation					

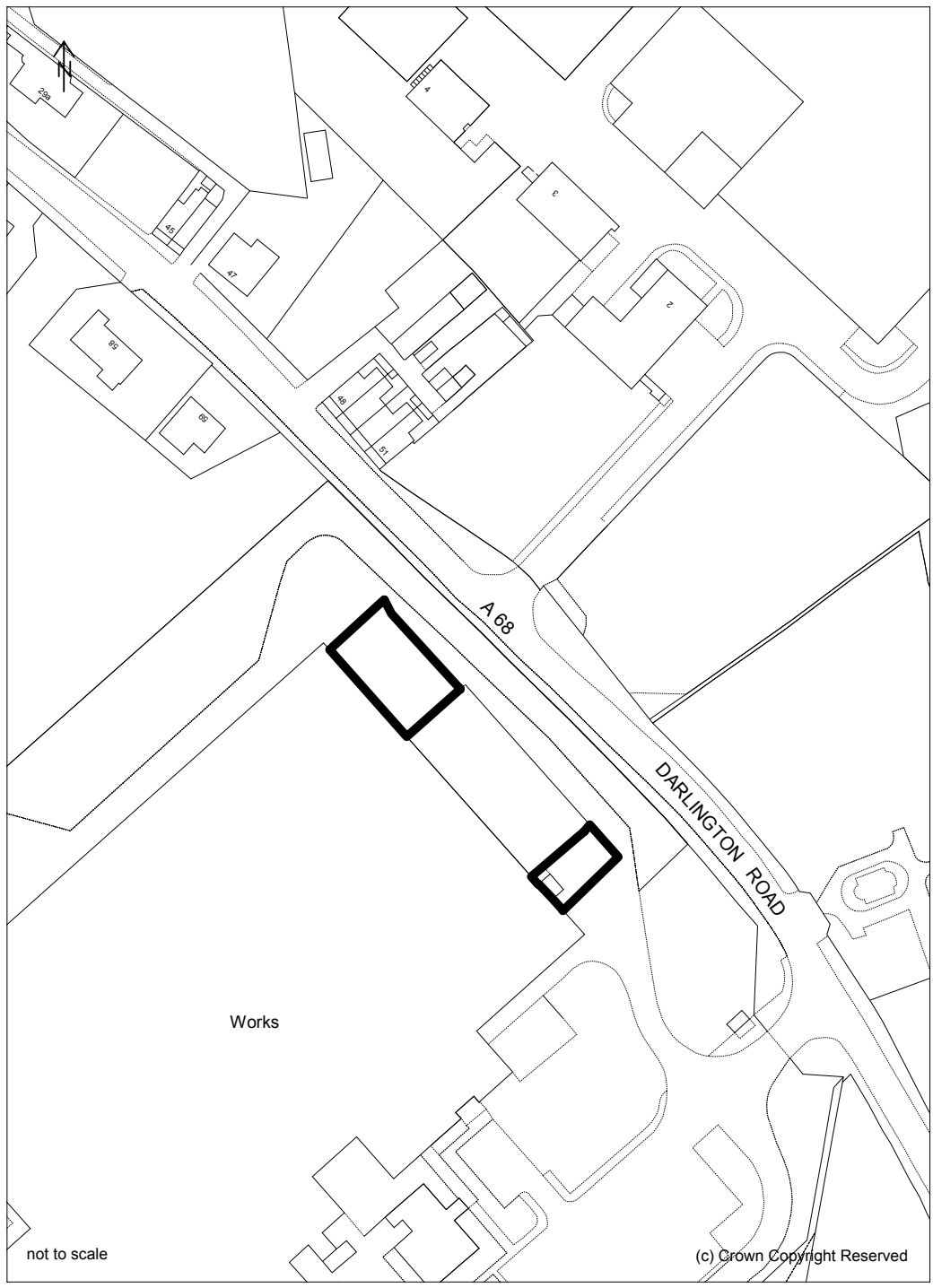
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

3/2007/0752 - PROPOSED EXTENSION TO COVERED LOADING BAY AT SMURFIT KAPA GROUP, DARLINGTON ROAD, WEST AUCKLAND, BISHOP AUCKLAND FOR SMURFIT KAPA – 06.11.2007



not to scale

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DEVELOPMENT CONTROL COMMITTEE

20th DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0824 - INSTALLATION OF LOW RAIL POST SYSTEM WITH CONCRETE SETT TRIM INCLUDING STEEL TREE GUARD AT CAR PARK ADJACENT TO ALBION PLACE, WILLINGTON, CROOK FOR WEAR VALLEY DISTRICT COUNCIL - 08.11.2007

description of site and proposals

1. Planning permission is sought for landscape improvements to the grass verge and borders of a car park adjacent to the Co-op store on Commercial Street, Willington.
2. The grass verge and borders are currently in a poor condition as the verge is used as a short cut by vehicles and pedestrians, as well as for informal car parking.
3. The improvements would comprise the installation of perimeter railings, paving trim and planting of trees with tree guards.

planning history

4. None.

planning policies

5. The following policies of the Wear Valley District Local Plan as amended amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria

consultations

6. Durham County Highways: No objections.

officer analysis

7. The key issue for consideration is:

- Impact on the Character and Appearance of the Surrounding Area and Highway Safety

impact on the character and appearance of the surrounding area and highway safety

8. The proposed works would improve the appearance of the verge and borders. This would enhance the character and appearance of the area and therefore accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. The low rail would prevent vehicles mounting the kerb or parking on the grass, which is a hazard to pedestrians. It would also encourage pedestrians to use the adopted tarmac footpath as opposed to cutting across the car park between the cars. The proposal would therefore be beneficial to highway and pedestrian safety and in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

10. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.

11. No observations have been received.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:

1. Would not cause harm to the character or appearance of the surrounding area.
2. Would improve highway and pedestrian safety.

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007

PS code

10

number of days to Committee

42

target achieved

✓

explanation

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

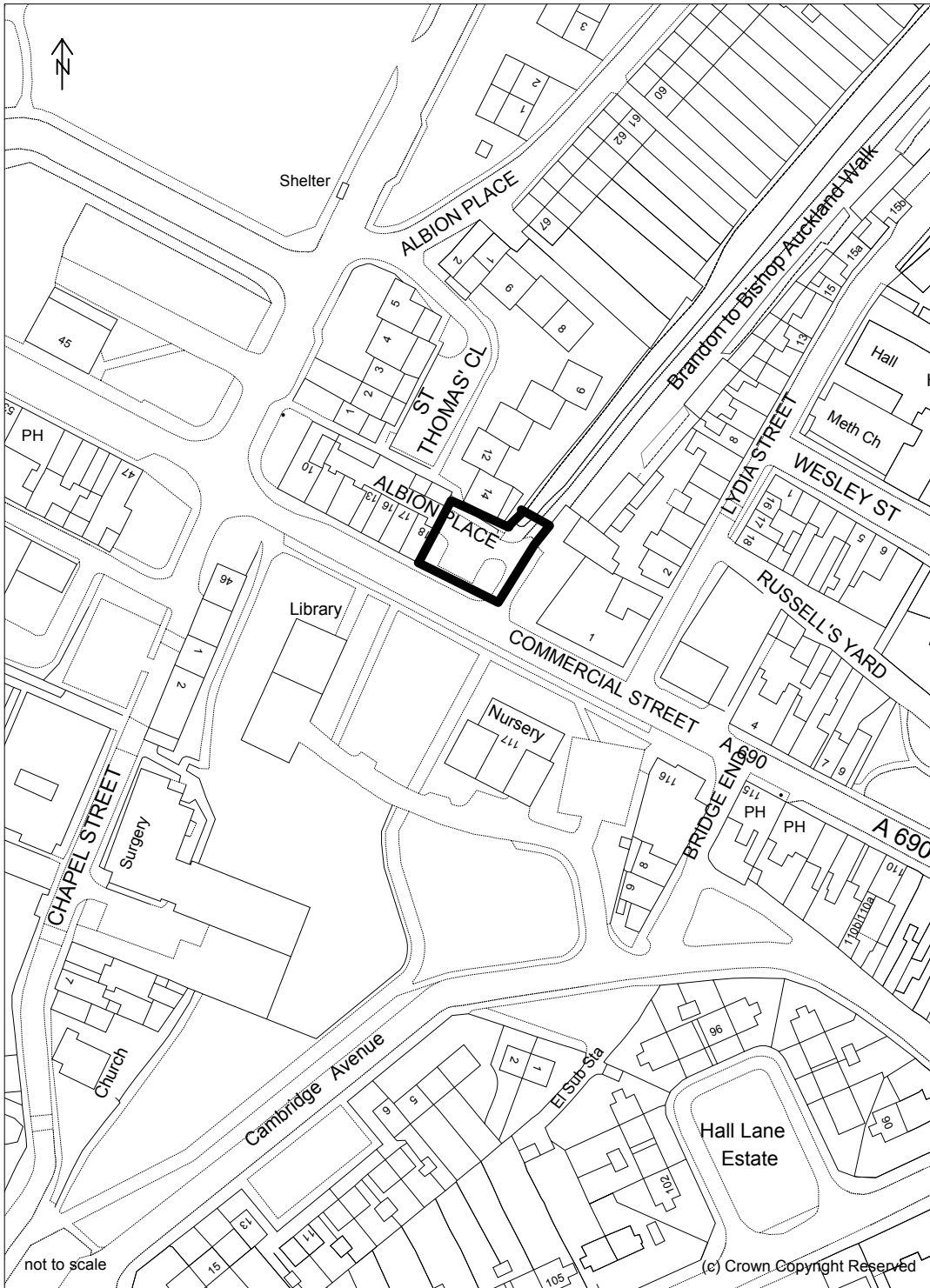
Author of the report

Adrian Caines

Planning Officer

Ext 369

3/2007/0824 - INSTALLATION OF LOW RAIL POST SYSTEM WITH CONCRETE SETT TRIM INCLUDING STEEL TREE GUARD AT CAR PARK ADJACENT TO ALBION PLACE, WILLINGTON, CROOK FOR WEAR VALLEY DISTRICT COUNCIL - 08.11.2007



DEVELOPMENT CONTROL COMMITTEE

20th DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0825 - INSTALLATION OF LOW RAIL POST SYSTEM WITH CONCRETE SETT TRIM, DROP KERBS, SEMI-MATURE TREES, NEW TARMAC FOOTPATH AND TREE GUARDS AT LAND AT ACCESS TO WILLINGTON C. OF E. JUNIOR SCHOOL, HALL LANE ESTATE, WILLINGTON FOR WEAR VALLEY DISTRICT COUNCIL – 08.11.2007

description of site and proposals

1. Planning permission is sought for landscape improvements to a roundabout /open space area at the Hall Lane Estate, Willington.
2. The roundabout area is currently grassed and has a concrete paved path across it, linking to the Willington C of E Junior and Infant School.
3. The improvements would comprise of widening the path to allow wheelchairs and pushchairs to pass, resurfacing the path in tarmac, adding drop kerbs, installing perimeter railings and tree planting with tree guards.

planning history

4. None

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria

consultations

6. Durham County Highways: No response

officer analysis

7. The key issue for consideration is:

- Impact on the Character and Appearance of the Surrounding Area and Highway Safety

impact on the character and appearance of the surrounding area and highway safety

8. The proposed works would revitalize a currently uninspiring area of open space and allow for improved disabled access. This would enhance the character and appearance of the area and accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. The low rail would prevent vehicles mounting the kerb or parking on the grass, which is currently a hazard to pedestrians, particularly at school start and end times. This would hopefully encourage pedestrians to use the new footpath. The proposal would therefore be beneficial to highway and pedestrian safety and in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

10. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.

11. No observations have been received.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:

1. Would not cause harm to the character or appearance of the surrounding area.
2. Would improve highway and pedestrian safety.

RECOMMENDED

That planning permission be **GRANTED** subject to the following condition and reason;

condition

1. The works hereby approved shall be completed to an adoptable standard.

reason

1. In the interests of highway safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007

PS code	<input type="text" value="10"/>		
number of days to Committee	<input type="text" value="42"/>	target achieved	<input type="text" value="√"/>

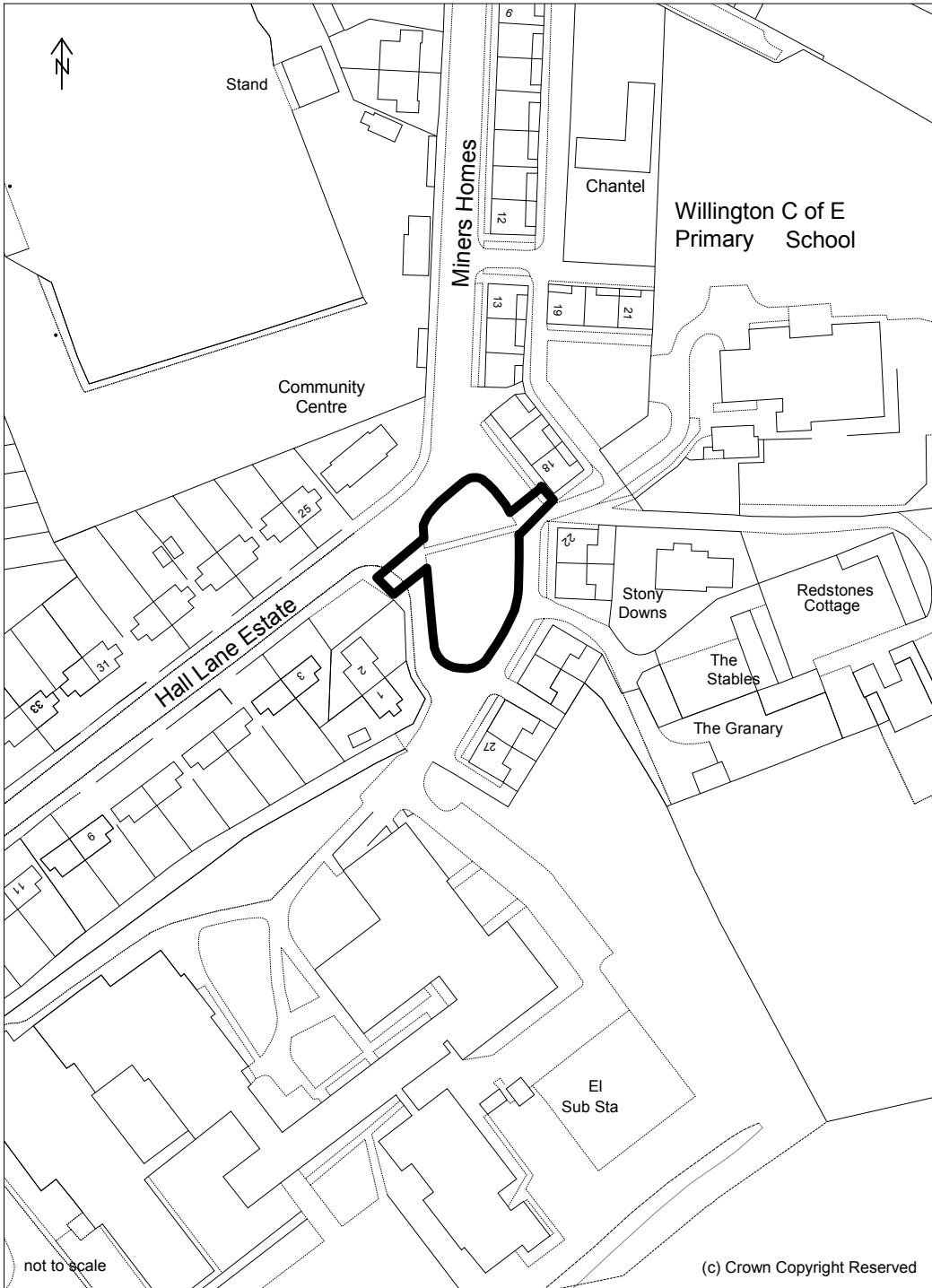
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adrian Caines
Planning Officer
Ext 369

3/2007/0825 - INSTALLATION OF LOW RAIL POST SYSTEM WITH CONCRETE SETT TRIM, DROP KERBS, SEMI-MATURE TREES, NEW TARMAC FOOTPATH AND TREE GUARDS AT LAND AT ACCESS TO WILLINGTON C. OF E. JUNIOR SCHOOL, HALL LANE ESTATE, WILLINGTON FOR WEAR VALLEY DISTRICT COUNCIL – 08.11.2007



DEVELOPMENT CONTROL COMMITTEE

20th DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0767 - NEW RESIN BOUND SURFACING, SMALL SETT TRIM ON PAVING AT ENTRANCE AND FEATURE BOLLARDS AT APTEC ENTERPRISE PARK, DARLINGTON ROAD, WEST AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 13.10.2007

description of site and proposals

1. Planning permission is sought for surface improvements to the public highway and installation of bollards adjacent to the access of the Aptec Enterprise Park, West Auckland. The highway works would consist of new resin bound paving with small set trim. The signs on the plans are not to be considered.

planning history

2. None relevant.

planning policies

3. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria

consultations

4. Durham County Highways: The proposed signs cannot be located in the position shown. All works within the highway must meet current construction standards. No work can be carried out within the highway without an agreement under s.278 of the Highways Act.

officer analysis

5. The key issue for consideration is:

- Impact on the Character and Appearance of the Surrounding Area and Highway Safety

impact on the character and appearance of the surrounding area and highway safety

6. The proposed surfacing works would be visually acceptable and in accordance with the provisions of policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. There are no highway safety concerns in principle, however the works would have to be carried out to current adoption standards and no work could commence without an agreement under Section 278 of the Highways Act. The signs are not for consideration in this application and will have to be moved out of the highway for any advertisement application.

objections/observations

8. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.

9. No observations have been received.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:

1. Would not cause harm to the character or appearance of the surrounding area.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Nothing in this permission shall be construed as giving approval to the signage details shown on the plans accompanying the application hereby approved.
2. The works hereby approved shall be completed to an adoptable standard and shall not commence without an agreement with the Local Highways Authority under Section 278 of the Highways Act.

reasons

1. For the avoidance of doubt. The signs would be within the public highway, which would not be permitted by the local highways authority. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In the interests of highway safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

PS code

10

number of days to Committee

69

target achieved

No

explanation

The application has been taken to the first committee following expiry of the consultation period.

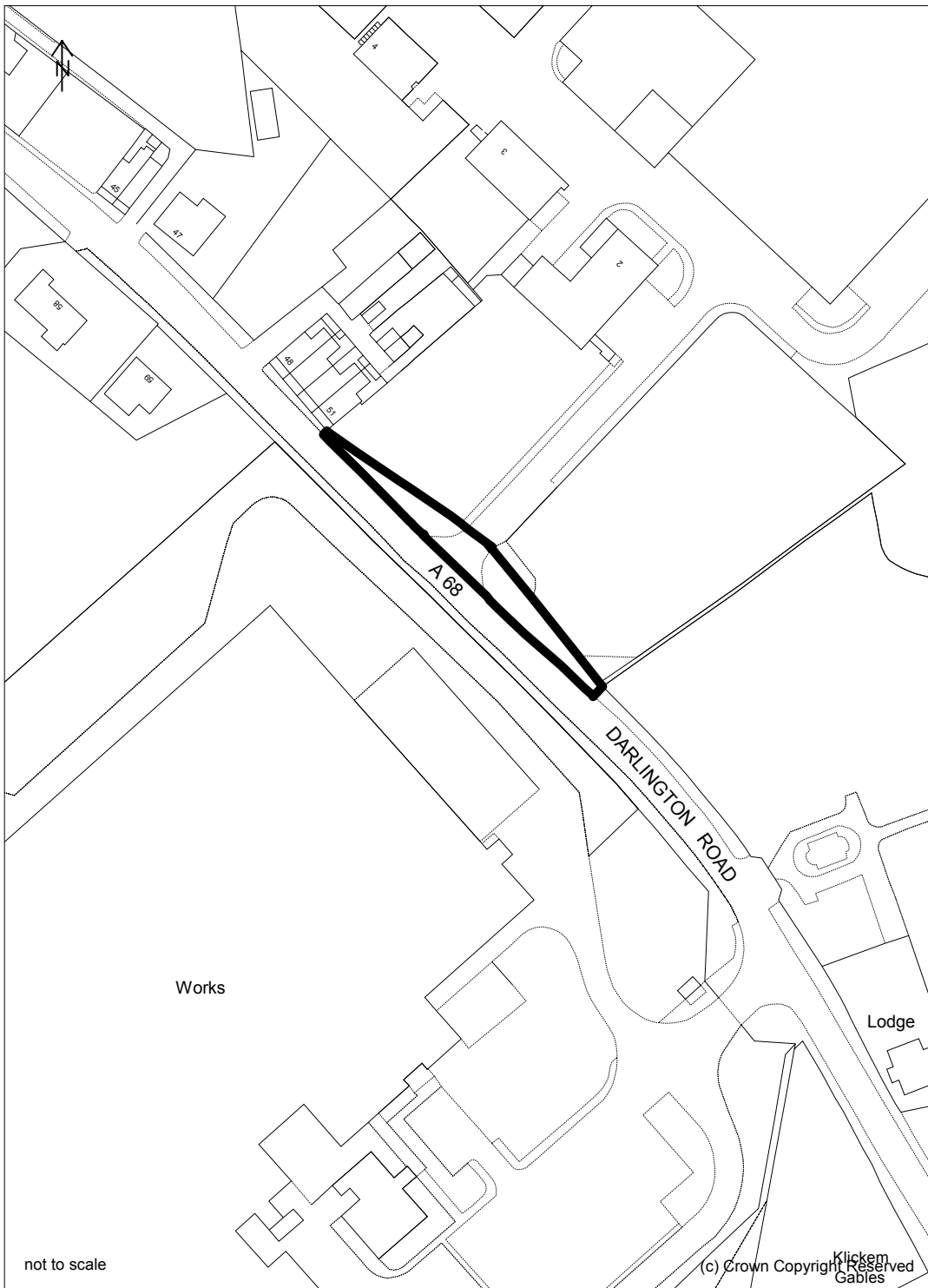
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adrian Caines
Planning Officer
Ext 369

3/2007/0767 - NEW RESIN BOUND SURFACING, SMALL SETT TRIM ON PAVING AT ENTRANCE AND FEATURE BOLLARDS AT APTEC ENTERPRISE PARK, DARLINGTON ROAD, WEST AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 13.10.2007



DEVELOPMENT CONTROL COMMITTEE

20th DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0842 - ERECTION OF DWELLING AMENDMENTS TO PREVIOUSLY APPROVED APPLICATION REF. NUMBER 3/2007/0441 AT LAND REAR OF 29 ETHERLEY LANE, BISHOP AUCKLAND FOR MR. QUINN -17.11.2007

description of site and proposals

1. Planning permission is sought for erection of a dwelling amendments to a previously approved dormer bungalow (ref 3/2007/0441) at land to the rear of 29 Etherley Lane, Bishop Auckland. The amendments involve the change in orientation of the bungalow to allow access to the garage from the south via a proposed new access onto back Clarence Street. To create an access onto back Clarence Street a section of listed wall would be removed. An application for listed building consent (ref 3/2007/0841LB) has also been submitted which is reported to this Committee item number 10. The proposed dormer bungalow would have an 'L' shape foot print with a width of 14.5 metres and a length of 16.75 metres. It is not proposed to increase the footprint of the building from what was approved under application (ref 3/2007/0441). The dormer bungalow would have two ridge heights, with the main ridge line measuring 6.6 metres and the off shoot element of the building measuring 5.7 metres to the ridge level. The dormer bungalow would have hipped elements to the roof design.
2. The application site is currently utilised as garden area which is within the curtilage of Number 29 Etherley Lane, Bishop Auckland. Number 29 along with Numbers 25 and 27 Etherley Lane are Grade II Listed Buildings and the application site is located within the Bishop Auckland Conservation Area. Residential properties surround the application site with terraced properties on Clarence Street located to the south and detached properties on The Clarence to the east. Neighbouring gardens are located to the north. The proposed bungalow would be sited to the east of the residential property of Number 29. The application site is bounded to the north, south and east by 2-3 metres high walling and there is a row of conifer trees also positioned along the east boundary.
3. This Committee report should be read in conjunction with Committee report 3/2007/0841LB Item No. 10.

planning history

4. The following planning applications have been received in respect of the site.

- 3/1989/0435 Bungalow to the Rear Refused 11.09.1989
- 3/1996/0370 Erection of Conservatory Approved 07.10.1996
- 3/1996/0371LB Erection of Conservatory Approved 07.10.1996
- 3/2003/0568 Prune Silver Birch Tree (T2) Approved 03.09.2003
- 3/2007/0154 1 Number Two Storey Dwelling Withdrawn 31.05.2007
in the Rear Garden
- 3/2007/0268 1 Number Two Storey dwelling in Withdrawn 31.05.2007
the Rear Garden
- 3/2007/0441 1 Number Dormer Bungalow Approved 03.07.2007
- 3/2007/0442LB 1 Number Dormer Bungalow Approved 03.07.2007
- 3/2007/0670LB Remove Toilet Extension Make Approved 14.11.2007
Good Extension Wall to Tie into
Original House and Render Rear
of House and Extension to Tie in
with Rendered Gable Wall
- 3/2007/0669 Vehicle Access to Rear of Back Withdrawn 13.11.2007
Garden Through New Opening
In Boundary Wall
- 3/2007/0841LB Demolition of Part of Boundary Pending
Wall

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- GD1 General Development Criteria
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- H24 Residential Design Criteria
- H26 Backland Development
- H3 Distribution of Development
- T1 Highways – General Policy
- FPG1 Highway Design Standards for New Development

Also of relevance are PPG15: Planning and the Historic Environment, the County Durham Local Transport Plan 2 (LTP2) and the Submission Draft Regional Spatial Strategy (RSS).

consultations

6. DCC Highways Section: No objections.
7. DCC Design and Conservation: No response.
8. Bishop Auckland Town Council: No objections.

9. Northumbrian Water: No objections.

officer analysis

10. The key issues for consideration are:

- Principle of Development
- Residential Amenity
- Visual Impact Upon Listed Building, Conservation Area and Surrounding Area
- Access and Parking Provision

principle of development

11. The principle of development for the site has been established in the previously approved application for a dormer bungalow (ref 3/2007/0441). The application site is located within the settlement limits of development for Bishop Auckland as defined by the Proposal Maps of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The site is classified as brownfield land as it is part of the garden within the curtilage of an existing residential property. The application site is considered to be sequentially preferable as the proposal would involve the development of a brownfield site within the urban area of Bishop Auckland and is therefore considered a priority 1 site. The site is within close proximity to community facilities, local services and public transport links therefore the site is considered to be in a sustainable location.

12. Given the above, the proposed development for a dormer bungalow is acceptable in principle and is in accordance with policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and policy 3 of the Submission Draft Regional Spatial Strategy (RSS).

residential amenity

13. The proposed amendments to the previously approved dormer bungalow involve the change in orientation of the dwelling to allow access to the garage from the south via a proposed new access onto back Clarence Street. Due to the change in orientation of the dormer bungalow, the nearest part of the dwelling to number 19 The Clarence would be 4.9 metres compared to the originally approved 11.5 metres. Given the height of the proposed dwelling, the design of the hipped roof and the orientation of the proposed dwelling in relation to neighbouring properties, it is considered that there would be no adverse impacts upon adjoining buildings in terms of overbearing or overshadowing impacts.

14. Given the 2-3 metres high walling along the north, south and east boundaries, it is considered that the neighbouring properties would not be overlooked from the windows in the ground floor of the proposed dormer bungalow. At first floor level, the dormer bungalow would have two dormer windows and one roof light in the east elevation which would be located approximately 14 metres from the blank gable elevation of the neighbouring property to the east. There would be one dormer window in the first floor of the south elevation which would face

onto the rear of properties at Clarence Street. This dormer window would be situated over 21 metres away from the windows in the north elevations of the terraced properties on Clarence Street. This separation distance is considered acceptable as it provides sufficient levels of privacy. There would be rooflights in the north elevation at first floor level facing onto the garden of 27 Etherley Lane. Due to the existing boundary treatment and the orientation of the dwelling it is considered that the proposal would not create any overlooking issues and would not adversely impact upon the privacy or amenity of neighbouring properties.

15. The main part of the property Number 29 Etherley Lane has windows in the east elevation which would be located 21 metres from the proposed windows in the west elevation of the dormer bungalow. This separation distance is acceptable and would not result in loss of privacy to property Number 29 Etherley Lane. In the east elevation of the off shoot to Number 29 Etherley Lane there is a ground floor window to a non habitable room and a window at first floor to a habitable room. The ground floor window is a small opening and it is considered that the proposed development would not have an adverse impact upon this opening. Given the angle between the first floor windows of the proposed dormer bungalow and the first floor window of the off shoot to Number 29 Etherley Lane, it is considered adequate levels of privacy would be provided.
16. Due to the design of the hipped roof, the height of the bungalow would be relatively low. It is therefore considered that the outlook from windows of neighbouring properties would not be adversely affected, having regard to the height of the existing boundary walls.
17. The proposed development provides a rear garden of 8 metres in depth and 22 metres in width. It is considered that this garden area is sufficient to be utilised as a private amenity space. There would be sufficient garden amenity space retained by Number 29 Etherley Lane.
18. Given the above, it is considered that the proposed development would not have an adverse impact on the residential amenities of occupiers of existing neighbouring properties and prospective occupiers of the proposed dormer bungalow. The proposal does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

visual impact upon listed building, conservation area and surrounding area

19. The proposed development is located within the Bishop Auckland Conservation Area and adjacent to a Grade II Listed building. It is therefore essential to ensure the proposed development would not compromise the appearance or setting of the Listed Building or the Conservation Area.
20. It is noted that the properties to the east appear relatively modern and are built in a buff brick. There are a number of different house types and materials within the surrounding locality of the application site. The Listed Building is constructed from two types of materials, with the main bulk of the property constructed from stone and what looks like a later extension constructed from brick. The description for the Listed Building relates mainly to the external appearance and does not incorporate the setting of the building. A red multi

brick is proposed for the construction of the walls of the dormer bungalow with a grey slate for the roof. Artstone cills and lintels are proposed above the windows and doors to match in with the features of the adjacent Listed Building. It is considered given the mixture of house types and materials in the surrounding area, the proposed dormer bungalow would not have an adverse impact on the visual appearance of the surrounding area.

21. The proposed development would not be visible within the street scene as the proposed dormer bungalow would be screened by the existing housing surrounding the site. From the street scene the setting and appearance of the Listed Building would not be compromised as the proposed dormer bungalow would not be visible. Given that the proposed dormer bungalow would not be visible from any public point in the surrounding area, it is considered that the proposed development would preserve the special scenic qualities of the Bishop Auckland Conservation Area. As the main view of the Listed Building is from the west, from where the proposed dormer bungalow would be screened, it is considered that the proposal would not detract from the architectural and historic qualities of the Grade II Listed Building.
22. The proposed development would not have an adverse impact upon the appearance of the Grade II Listed Building, Bishop Auckland Conservation Area and the surrounding area. The proposal does not conflict with the aims of policies GD1, BE3, BE4, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and accords with PPG15.

access and parking provision

23. Access to the site would be taken from back Clarence Street. Durham County Council Highways Authority have been consulted and they have raised no objections to the proposed means of access. It is therefore considered that the proposed access to the bungalow would not have an adverse impact on the safety of highway users.
24. The proposed development provides 1.5 car parking spaces for both the proposed dormer bungalow and the existing property Number 29 Etherley Lane. There would be sufficient off street parking provision provided within the curtilage of the proposed dormer bungalow and retained for the existing property Number 29 Etherley Lane.
25. The proposed development is in accordance with policies GD1, H26, T1 and FPG1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and in accordance with the Local Transport Plan 2.

objections/observations

26. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. There has been 1 letter of objection, the contents of which is summarised below: The deadline for observations does not expire until 20th December 2007. Any further observations received after publication of this report will be presented to Committee in a supplementary document.

- a) The proposal to change the layout of the new building now places the eastern wall of the building 1.25 metres from the eastern boundary wall. This new positioning will most definitely reduce the amount of light into Clarence Lea, Clarence Street.
- b) At the point where the proposed new property lies 1.25 metres from the eastern boundary wall is the point where the boundary wall is at least three metres in height and there is no foundation to the wall. I would suggest that the proposed building could well affect this old stone wall with the potential for it to collapse.
- c) This proposal is further eroding the green areas in the locality.
- d) There is legislation relating to housing density that clearly indicates that this development is inappropriate as it does not maintain the prevailing character of the immediate area.

response to objections

27. The following comments are made in response to the objections raised:

- a) Discussed in officer analysis. Adequate separation distances are achieved between the proposed property and neighbouring dwellings ensuring no significant overbearing impacts to neighbouring occupiers.
- b) As part of the recommendation for the application for works to the listed wall (ref 3/20070/841) a condition is recommended that a method statement be submitted to the local planning authority detailing the proposed works to the wall and any mitigation required to protect the wall. It is deemed that this statement will be adequate to ensure the protection of the listed wall throughout the development.
- c) The principle of the development is discussed in the officer analysis.
- d) Impact on the character of the area is discussed in the officer analysis.

conclusion and reasons for approval

1. The application site is a brownfield site located within an urban area, situated within the settlement limits of development for Bishop Auckland. As such the proposed development of a dormer bungalow on this site is sequentially preferable. The proposal is in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and policy 3 of the Submission Draft Regional Spatial Strategy (RSS).
2. Due to the 2-3 metres high boundary walls and the proposed separation distances between windows, it is considered there would be adequate levels of privacy maintained between the proposed property and the dwellings to the south and east. Given the distance and angle between the windows of the proposed bungalow and those in the east elevation of Number 29 Etherley Lane, there would be no significant loss of privacy to the occupiers. Given the hipped design and low ridge level of the proposed bungalow, there would be no adverse impacts created upon neighbouring properties in terms of overbearing or overshadowing effects. Similarly due to the design of the proposed roof, it is considered the outlook from windows to neighbouring properties would not be compromised. Sufficient useable and private garden amenity space would be provided within the curtilage of the proposed property along with adequate levels of garden area retained for Number 29 Etherley Lane. The proposed development would not have an adverse impact on the residential amenities of

occupiers of existing neighbouring properties and prospective occupiers of the proposed dormer bungalow. The proposal does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. The proposed development is located within the Bishop Auckland Conservation Area and adjacent to a Grade II Listed building. There are a number of different house types and materials within the surrounding locality. The proposed property would be screened from the street scene by the surrounding dwellings and would not be visible from any public point. It is therefore considered that the proposed dormer bungalow would preserve the special scenic qualities of the Conservation Area and would not detract from the architectural and historic qualities of the Grade II Listed Building. The proposal does not conflict with the aims of policies GD1, BE3, BE4, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and accords with PPG15.
4. Access to the site would be taken from back Clarence Street. Durham County Council Highways Authority have raised no objections to the proposed means of access and it is considered that the proposed access to the dormer bungalow would not have an adverse impact on the safety of highway users. There would be sufficient off street parking provided within the curtilage of the proposed dormer bungalow and retained with the cartilage of the existing property Number 29 Etherley Lane. The proposed development is in accordance with policies GD1, H26, T1 and FPG1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and in accordance with the Local Transport Plan 2.
5. Given the size of the site and the close proximity to a Listed Building, it is considered appropriate to remove permitted development rights so that the visual and residential amenities of the area can be safeguarded

RECOMMENDED

That planning permission be **APPROVED** subject to the following conditions and reasons;

conditions

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwelling shall not be occupied until that work has been carried out in accordance with the approved details.

3. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the building hereby approved is first occupied.
4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as amended by Saved and Expired Policies September 2007.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. Given the size of the site and the close proximity to a Listed Building, the local planning authority wishes to control future development on the site, in order to safeguard the visual and residential amenities of the area. In accordance with policies GD1, BE3 and BE4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, RSS, PPG15, LTP2.

PS code	10		
number of days to Committee	34	target achieved	√
explanation			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

Author of the report

Sinead Folan

Planning Officer

Ext. 272

3/2007/0842 - ERECTION OF DWELLING AMENDMENTS TO PREVIOUSLY APPROVED APPLICATION REF. NUMBER 3/2007/0441 AT LAND REAR OF 29 ETHERLEY LANE, BISHOP AUCKLAND FOR MR. QUINN -17.11.2007



DEVELOPMENT CONTROL COMMITTEE

20TH DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0841LB - DEMOLITION OF PART OF BOUNDARY WALL AT LAND REAR OF 29 ETHERLEY LANE, BISHOP AUCKLAND FOR MR. QUINN – 17.11.2007

description of site and proposals

1. Listed Building consent is sought for the demolition of 7.828 metres of a listed wall at 29 Etherley Lane, Bishop Auckland to create an access for a bungalow which has been previously granted planning permission (ref 3/2007/0441). The opening in the wall would form the main access for the bungalow. This application is being reported to Committee because more than 3 unresolved planning objections have been received in relation to the proposed development.
2. To the north of the site is the large rear garden of number 29 Etherley Lane. To the east of the site is number 19 The Clarence. To the south is the residential properties of Clarence Street and to the west is the large rear garden of number 29 Etherley Lane.
3. This Committee report should be read in conjunction with Committee report 3/2007/0842 item 9.

planning history

4. The following applications, have been received in respect of this site:

• 3/1989/0435	Bungalow to the Rear	Refused 11.09.1989
• 3/1996/0370	Erection of Conservatory	Approved 07.10.1996
• 3/1996/0371LB	Erection of Conservatory	Approved 07.10.1996
• 3/2003/0568	Prune Silver Birch Tree (T2)	Approved 03.09.2003
• 3/2007/0154	1 No. Two Storey Dwelling in the Rear Garden	Withdrawn 31.05.2007
• 3/2007/0268	1 No. Two Storey Dwelling in the Rear Garden	Withdrawn 31.05.2007
• 3/2007/0441	1 No. Dormer Bungalow	Approved 03.07.2007
• 3/2007/0442LB	1 No. Dormer Bungalow	Approved 03.07.2007

- 3/2007/0670LB Remove Toilet Extension Make Good Extension Wall to Tie into Original House and Render Rear of House and Extension to Tie in with Rendered Gable Wall Approved 14.11.2007
- 3/2007/0669 Vehicle Access to Rear of Back Garden Through New Opening in Boundary Wall Withdrawn 13.11.2007
- 3/2007/0842 Erection of Dwelling Amendments to Previously Approved Application Ref Number 3/2007/0441 Pending

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by the Save and Expired Policies September 2007 are relevant in the consideration of this application:

- BE5 Conservation Areas
- BE6 Alterations and Extension in Conservation Areas
- GD1 General Development Criteria

Also relevant: PPG15 'Planning and the Historic Environment'

consultations

6. DCC Design and Conservation Officer: No objections.
7. Bishop Auckland Town Council: No objections.

officer analysis

8. The key issue for consideration is: Impact on listed building and conservation area

- Impact on listed building and conservation area

impact on listed building and conservation area

9. This application seeks listed building consent for the removal of a section of a listed wall. The host dwelling is a grade II listed dwelling located within Bishop Auckland Conservation Area. It is considered that the proposed development would be in keeping with the character of the existing dwelling, the conservation area and the surrounding area in terms of design. The proposal would conform to policies, BE5, BE6 and GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and would be in accordance with PPG 15 'Planning and the Historic Environment'.

10. No highways objection has been received in relation to the proposed development.

objections/observations

11. The application has been advertised on site, in the local press and neighbouring properties have been notified individually in writing about the proposals. Four letters of objection have been received. These are summarised below. The deadline for observations does not expire until 20th December 2007. Any further observations received after publication of this report will be presented to Committee in a supplementary document.
 1. This development already has a satisfactory access due to the previously approved application for the bungalow. The access is not fundamental to the development.
 2. Safety risks to pedestrians, residents and residents' children.
 3. The access would create a blind turn.
 4. Residents' dustbins are kept in the back lane and it would cause problems in terms of possibly crashing into the bins and access being gained by Council refuse collectors.
 5. It will set a precedent for other vehicles to use the lane as a through way.
 6. Will County Highways be consulted as this is more than an application for a hole in a boundary wall? It is for access into a back lane that has no access rights.
 7. There is no access rights over the lane.
 8. The applicant is playing the planning system by entering then withdrawing then re-entering applications after the consultation date end.
 9. Consent for this proposal has previously been refused.
 10. Any fire tender would not be able to gain access as it would not be able to negotiate the corner adjacent to Clarence Lea.
 11. Residents hang out their washing in the back lane.
 12. The boundary wall is a listed structure.
 13. The new access will mean the removal of a mature shrub and tree.
 14. This would set a precedent for the whole of Clarence Street to demolish their yard walls in order to park cars off the road.
 15. Would add to the number of accidents.
 16. The Victorian walled garden should remain exactly that in a conservation area; permission to demolish it would go against the ethos and character of that area.
 17. The original wall could not be repaired properly and damage would inadvertently be incurred to the rest of the wall.
 18. The moving of a telegraph pole seems an unnecessary disturbance to a settled peaceful area.
 19. Lorries and building materials should not be introduced into such a narrow turning.

response to objections

12. The following comments are made in response to the issues raised:
 1. Each application must be considered on its own merits.
 2. DCC highways section has raised no objections.
 3. DCC highways section has raised no objections.

4. DCC highways section has raised no objections.
5. DCC highways section has raised no objections.
6. DCC highways sections have been consulted and raise no objections to the proposed development.
7. DCC highways section has raised no objections and it is not a material planning consideration.
8. The withdrawal of the previous application and the submission of this application was requested by the Local Planning Authority.
9. Each application must be considered on its own merits.
10. DCC highways section has raised no objections.
11. This is not a planning matter.
12. Referred to in officer analysis.
13. The applicant has not notified the Local Planning Authority that a tree is to be removed.
14. Each application must be considered on its own merits.
15. DCC highways section has raised no objections.
16. Referred to in officer analysis.
17. This will be dealt with through appropriate planning conditions.
18. This is not a material planning consideration.
19. DCC highways section has raised no objections.

conclusion and reason for approval

1. The proposed development would not have an adverse impact on the character of the listed building, the conservation area or the surrounding area. The proposal is therefore in accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

That Listed Building Consent be **GRANTED** subject to the following condition and reason;

condition

1. Before the development hereby approved is commenced a method statement detailing the process for the removal of the section of listed wall and any procedures required for the protection of the remaining wall shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved method statement.

reason

1. To enable the local planning authority to retain control over the appearance of the site and to secure a satisfactory standard of development and protection of the listed wall. In accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007.

PS code

16

number of days to Committee

32

target achieved

√

explanation

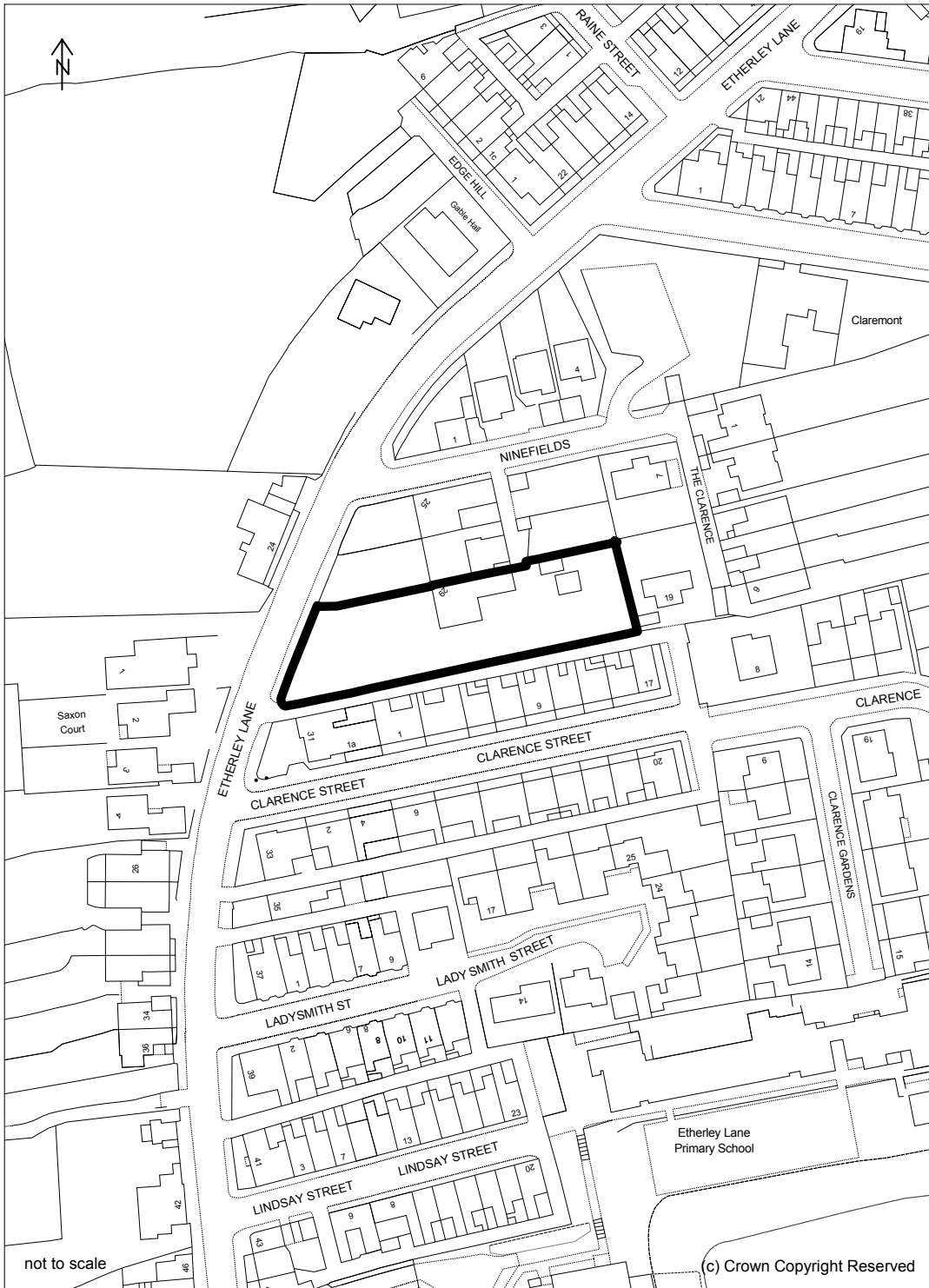
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Sinead Folan
Planning Officer
Ext. 272

3/2007/0841 - DEMOLITION OF PART OF BOUNDARY WALL AT LAND REAR OF 29 ETHERLEY LANE, BISHOP AUCKLAND FOR MR. QUINN -17.11.2007



DEVELOPMENT CONTROL COMMITTEE

20th DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0774 - AMENDMENT FROM PREVIOUS PLANNING PERMISSION 3/2006/0930 FROM 31 APARTMENTS AND 7 TOWN HOUSES TO 44 APARTMENTS AT KENSINGTON HALL HOTEL, KENSINGTON TERRACE, WILLINGTON FOR MR. AYRE, KNIGHTSBRIDGE DEVELOPMENTS (UK) LIMITED - 19.10.2007 - AMENDED 07.12.2007

description of site and proposals

1. This application seeks detailed planning permission for the redevelopment of the Kensington Hall Hotel site for 44 apartments. Members may recall that planning permission was previously granted in March 2007 for 31 apartments and 7 town houses (application reference 3/2006/0930). The site was previously occupied by a hotel and restaurant which has been demolished by the developer following a spate of vandalism.
2. The site is located at the northern end of the residential streets of Coronation Terrace, Kensington Terrace and Kensington Villas. The commercial centre of Willington is due south of the site. The site abuts public open space to the north, east and west and is well connected to the centre of Willington and the wider rural public footpath network.
3. The main vehicular approach to the site is from Kensington Terrace which comprises terraced dwellings to the west and detached and semi-detached dwellings to the east.
4. The proposal is for residential apartments arranged in a courtyard formation around a parking area. The proposal is three storeys in height with the second floor making use of the roof space to create subservient elements and variation in the scale and massing.
5. Parking to serve the development would be predominantly located centrally, making use of an undercroft arrangement at the north and west. Additional parking would also be located at the head of Kensington Terrace. The scheme proposes 56 parking spaces (1.27 1per unit).
6. The application incorporates communal gardens and open space to be shared by the residents.

planning history

7. The following planning history is relevant to this application:
- 3/2006/0114 Outline Residential Development Approved 06.04.2006
 - 3/2006/0930 Demolition of hotel and erection of 31 apartments and 7 Town Houses Approved 30.03.2007

planning policies

8. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
- H3 Distribution of Development
 - GD1 General Design Criteria
 - H24 Residential Design Criteria
 - RL5 Sport and Recreation Target
 - T1 Highways - General Policy

Also relevant are: Regional Spatial Strategy (RSS) Policies 3 and 5, PPG13: Transport and PPS 3: Housing.

consultations

9. Durham County Council Highways: Some concerns regarding the ability to provide enough off street parking and the access width. (The developer has submitted amended plans to address these issues).
10. Northumbrian Water: No objections.
11. Durham County Council Public Rights of Way: Footpath 194 runs from the south west corner of the site but is outside of the site boundary. It should remain unaffected by the use of the development or access to the site.
12. Architectural Liaison Officer, Durham Constabulary: Has suggested measures to promote a crime free environment.

officer analysis

13. The key issues for consideration are:
- Principle of Development
 - Design and Layout
 - Parking/Access
 - Play and Recreation Provision

principle of development

14. The site benefits from a detailed planning permission (3/2006/0930) for residential development and is brownfield land located predominantly within the limits to development of Willington.
15. The site is within an area where development would be considered sequentially preferable in line with the Council's interpretation of the RSS (April 2007) and PPS3: Housing identifies that new residential development, particularly in town centre locations should be at a higher density. The proposed development is at a density of approximately 121 dwellings/hectare, compared to the existing planning permission which is at a density of approximately 97 dwellings/hectare.
16. The proposal provides a type of housing which is not generally available in Willington, but which compliments the existing housing stock and the site's location lends itself to a higher density development as it is within easy walking distance of the facilities and services of Willington and is easily accessible to Durham and Crook on public transport.
17. The site is in a sustainable location and the proposal is considered to be in accordance with policy H3 of the WVDLP as amended by the Saved and Expired Policies September 2007 and the guidance contained within PPS3: Housing.

design and layout

18. The proposal meets the residential design criteria set out in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and there would be no loss of privacy to the existing dwellings south of the site. Within the development there would be no direct indivisibility and the proposal is considered to maintain appropriate levels of privacy for future occupiers.
19. The development is provided with communal amenity areas to the north, east and west sufficient to serve the needs of future occupiers. In addition the site abuts public amenity space which could also be used by the occupiers.
20. The scale and overall design has been carefully considered to reflect the adjoining and nearby residential properties and the scheme does not differ significantly from the already approved development in terms of the massing and layout of the buildings. The revised proposal goes further to incorporate more visual breaks in the buildings through staggers in the height and depth and the use of render.
21. The detailed design of the scheme is expected to reflect the local palette and it is suggested that the final materials for the scheme are submitted for approval prior to the commencement of the development.

22. The proposed development takes reference from the style, character and appearance of the surrounding area and is considered to be in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

parking and access

23. The internal service/parking area would be configured to enable clear manoeuvring of vehicles within the site.
24. A total of 56 parking spaces are proposed to serve the development at a ratio of 1.27 spaces per unit. The approved development incorporated 39 spaces and six garages, working out to a ratio of 1.18 per unit. The parking provision is considered to be in accordance with PPS3 and PPG13 and appropriate to this sustainable location.
25. The access and parking arrangements should ensure that there is a minimum of disturbance to the existing residents.
26. The application is considered to be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan and amended by Saved and Expired Policies September 2007.

play and recreation provision

27. Neither the original outline planning permission (3/2006/0114) nor the existing detailed planning permission (3/2006/093) include a requirement to make a contribution towards off-site play or recreation facilities.
28. The site is close to existing facilities within Willington and the development of 1 and 2 bedroom apartments would not be expected to accommodate families. In the circumstances and in view of the existing planning permissions, it would be inappropriate to now require any contributions towards play/recreation. The proposal does not conflict with policy RL4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

29. Neighbour notification letters have been sent to properties in the surrounding residential area, a site notice has been posted and the application has been advertised in the local press. Four letters of objection have been received (two from one neighbour and one on behalf of all residents of Kensington Terrace, Kensington Villas and Coronation Terrace). The objections can be summarised as follows:
 - a) Reduction in diversity of the accommodation and not conducive to family living.
 - b) Increase in density of development.
 - c) Questions that the already approved town houses were not marketable.
 - d) Insufficient daylight to flats.
 - e) Discrepancies in plans (windows).

- f) Lack of internal storage space.
- g) No dedicated communal open space.
- h) South elevation is overbearing with limited architectural merit.
- i) Parking is inadequate.
- j) Impact on footpath.
- k) Loss of view.
- l) Loss of light

response to objections

30. The following comments are made in response to the issues raised:

- a) The development itself contains both 1 and 2 storey accommodation. It is noted that within the site there is no provision for family accommodation, however, the proposal makes a contribution to diversifying the wider housing market within Willington.
- b) Agreed and it is considered that this in line with existing guidance within PPS3.
- c) This application needs to be determined on its own merits and it is considered that the development of 1 and 2 bedroom apartments would be appropriate in this location.
- d) It is noted that some of the windows within the development, in particular the courtyard elevations, would have reduced sunlight and daylight, however this is not to the extent that that living conditions would be unduly affected and is to be expected when considering proposals for high density development.
- e) Noted - the consideration of amenity has been made using the site layout, floor plans and elevations, however for clarity the applicant has been asked to provide amended floor plans.
- f) Noted, however this is not considered to be a planning issue in view of the expectation that the units will not be occupied by families.
- g) The scheme incorporates a significant amount of amenity space which will be available for use by the residents of the apartments.
- h) The south elevation is very similar to what has already been approved in terms of design with some additional half dormers which break up the eaves.
- i) The parking within the site is at a higher ratio than provided for under the existing planning permission. It is noted that the existing residents experience parking problems at present as a result of the proximity to Willington Centre however the proposed parking provision is considered to be in line with government guidance and is at a level agreed by the Durham County Council Highways Officer.
- j) The proposed development does not obstruct the pathway.
- k) Not a material planning consideration.
- l) The development is located approximately 1m closer to the existing residential properties, however a separation of approximately 14m remains between the main façade and the gable end of the existing terrace. It is not considered that the proposed development would directly impact on the available daylight or sunlight to the primary windows of habitable rooms in the existing dwellings.

conclusion and reasons for approval

1. The site comprises brownfield land in a sustainable and sequentially preferable location. The proposal to make efficient use of this land for residential development is in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, the emerging Regional Spatial Strategy and PPS3: Housing.
2. The design and layout are considered acceptable and not in conflict with policy H24 of the Wear Valley District Local Plan and amended by Saved and Expired Policies September 2007. The density of the development is appropriate and the scale and massing takes account of the existing nearby properties. In terms of townscape and design the proposal would make a positive contribution to the area and is in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. A total of 56 parking spaces would be provided and the 'courtyard' would be constructed to enable appropriate manoeuvring of vehicles within the site. The parking and access arrangements are considered to be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, PPG13: Transport and PPS3: Housing.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Before the development hereby approved is commenced samples of all materials to be used in the construction of the outer surfaces of the building and for the hard surfaced areas shall be submitted to and approved in writing by the local planning authority, and the surfaces shall be constructed in accordance with the approved details.
2. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority (which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development).
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously 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.

4. No construction work shall be carried out on site on Sundays and Bank Holidays or outside the hours of 7.30 a.m. and 6.30 p.m. Mondays to Saturdays inclusive.
5. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points to the satisfaction of the local planning authority. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.
6. Within 56 days of this permission a method statement shall be submitted to and approved in writing by the local planning authority which shall provide details of the actions to be taken and when, and the condition in which the site is to be left on completion of the demolition, to protect the public and preserve the amenity of the area. For the avoidance of doubt all materials from the demolished buildings shall be removed from the site.
7. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed buildings and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
8. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the building hereby approved is first occupied.
9. Before the occupation of any dwelling hereby approved the proposed estate road(s), footways and footpaths, turning spaces and parking bays and the existing highway, shall be properly consolidated and surfaced in accordance with details to be first submitted to and approved in writing by the local planning authority. The footways and footpaths between any dwelling and the existing highway shall be completed within three months from the date of occupation of the dwelling, or such longer period as may be agreed in writing by the local planning authority.
10. The car parking spaces shown on the approved plans shall be constructed before any of the dwellings hereby approved are occupied and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the standing of private motor vehicles.
11. Before the development hereby approved is commenced details of the arrangements for dealing with surface water discharges from the site shall be submitted to and approved in writing by the local planning authority and the works that are subsequently approved shall be implemented before the buildings are first occupied.

reasons

1. To ensure the satisfactory appearance of the completed development, in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In the interests of the visual amenity of the area and in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To ensure implementation of the approved landscape scheme within a reasonable time In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To safeguard the residential amenity of surrounding occupiers in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interest of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of safeguarding residential and visual amenities. In accordance with policy GD1 of the Wear Valley District Local Plan and amended by Saved as Expired Policies September 2007.
7. To secure a satisfactory standard of development and, in particular, to protect the adjacent residents from overlooking or other loss of amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. In the interests of highway safety and the amenities of the occupiers of the proposed residential development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interests of highway safety; to ensure and adequate supply of off-street parking is provided and In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. To safeguard against flooding and to ensure a satisfactory means of disposal in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, PPS3, RSS, PPG13

PS code

1

number of days to Committee

63

target achieved

√

explanation

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

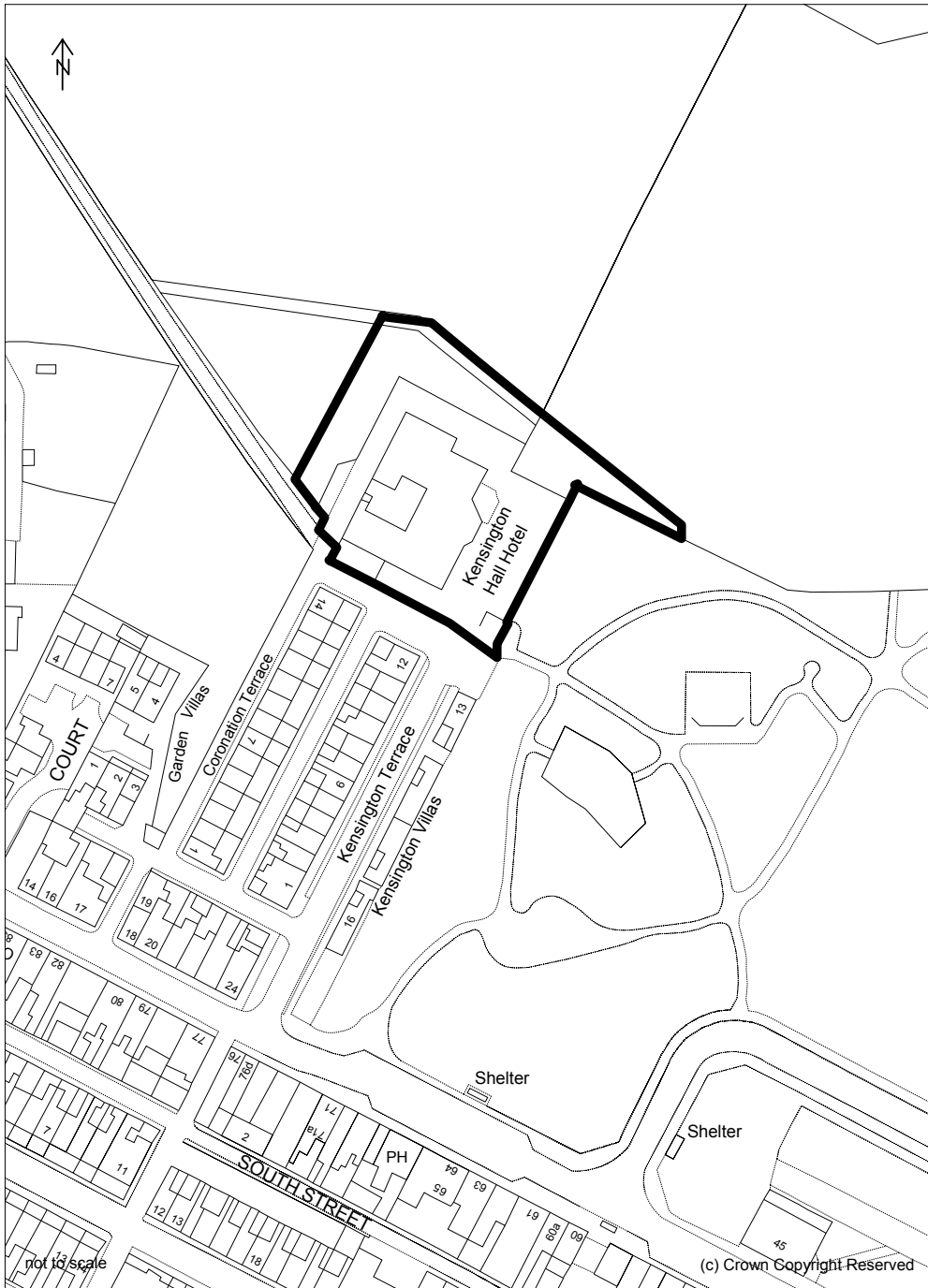
Author of the report

Sarah Eldridge

Principal Planning Officer

Ext 267

**3/2007/0774 - AMENDMENT FROM PREVIOUS PLANNING PERMISSION
3/2006/0930 FROM 31 APARTMENTS AND 7 TOWN HOUSES TO 44
APARTMENTS AT KENSINGTON HALL HOTEL, KENSINGTON TERRACE,
WILLINGTON FOR MR. AYRE, KNIGHTSBRIDGE DEVELOPMENTS (UK)
LIMITED - 19.10.2007 - AMENDED 07.12.2007**



DEVELOPMENT CONTROL COMMITTEE

20TH NOVEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0739 – SUBSTITUTION OF 10 NO. AND ADDITION OF 11 NO. DWELLINGS TO HOUSING DEVELOPMENT AT LAND EAST OF HIGH ROAD, STANLEY FOR MR. RICHARDSON, PERSIMMON HOMES – 10.10.2007

description of site and proposals

1. Planning permission (Ref: 3/2006/0779) has previously been granted for 40 No. houses on land to the east of High Road, Stanley. Permission is sought in this application for the substitution of 10 No. units from permission 3/2006/0779 and the construction of 11 No. new residential properties. The new 11 No. residential units would be constructed on land to the east of the original housing estate in permission 3/2006/0779. The proposed properties would be accessed from the existing access from High Road. The proposal would raise the number of residential units on the site from 40 units to 51 units. There would be 12 different house types within the overall housing estate.
2. The application site is located within the settlement limits to development for Stanley as defined by the Proposal Maps of the Wear Valley District Local Plan. The properties on the west boundary of the site are currently under construction. There are neighbouring residential properties located along the south, west and north west of the site. The application site was previously allotment gardens. A unilateral undertaking was completed through the previous planning permission 3/2006/0779 to relocate the allotments.

planning history

3. The following applications are relevant in the consideration of this application:
 - 3/2003/0443 Outline Residential Development Approved 27.04.2004
 - 3/2006/0420 Housing Development Withdrawn 05.09.2006
 - 3/2006/0779 Housing Development Approved 22.04.2007

planning policies

4. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- FPG1 Highways Design Standards for New Developments
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways – General Policy
- GD1 General Development Criteria

Also relevant are: Regional Spatial Strategy (RSS) Policies 3 and 5, PPG13: Housing.

consultations

5. Durham County Council (Highways Authority): No objections to the amended scheme which has been submitted. The Section 38 Agreement would have to be amended to take into account the amended turning head at plots 53-60.
6. Police (Architectural Liaison): No objections.
7. Northumbrian Water: No objections.

officer analysis

8. The key issues for consideration are:
- Principle of Development
 - Visual Impact
 - Residential Amenity
 - Access and Parking
 - Section 106 Agreement

principle of development

9. The application site falls within the settlement limits to development for Stanley Crook under policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The fact that planning permission has been granted previously for residential development on the majority of the site carries weight in determining whether the principle of development is acceptable.
10. The principle of development has been established on part of the application site through the previous permission 3/2006/0779. It is considered that the main assessment has to be whether the principle of development is acceptable for the additional area of land which is proposed. The proposed development would be an extension to the existing residential estate which has previously been approved and would straighten and create a uniformed boundary on the east of the site. It is acknowledged though that the application site is located within Stanley Crook, which is not identified as an

'urban area'. Therefore the development is not considered to be high in the sequential approach.

11. Although, in principle, the proposed development may not be in a sequentially preferable location, the proposal has to be weighed against the fact that this is an extension to a recently approved housing estate. It is noted that there are a number of community facilities within walking distance to the proposed development.
12. Each planning application has to be determined on its own merits. It is considered, in this instance, that the principle of development is acceptable given the special circumstances that the proposed new housing would be an extension to a recently approved housing estate. The proposed development is supported by policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within PPS3.

visual impact

13. The proposed development comprises of a mixture of detached and semi-detached properties which offers 12 different house types within the whole estate. The proposed development would give the whole estate a range of houses from 2 bedroom up to four bedroom properties. In relation to the type of properties currently within the Stanley area, this development would provide a wide range of different house types. Given the size of the site, the mixture of house types is considered acceptable.
14. The proposed dwellings would be of a two storey and two and a half storey design. The proposed properties all follow a design style which is reflective of the style and character of modern development throughout the district. It is considered that the design and style of the properties would be in keeping with the adjacent neighbouring properties and would not cause an adverse impact on the appearance of the immediate street scene. If the application is approved a condition is suggested to agree the choice of materials in order to ensure they would complement the existing properties in the vicinity of the site. The design of the house types are considered to accord with GD1 of the W Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. I am satisfied that the layout, massing and design of the proposed development are appropriate in the locality and would not be detrimental to the surrounding landscape or built form in accordance with policies GD1, H24 and H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

16. There are no alterations proposed to the houses on the west side of the estate. The layout has been designed to respect the privacy and outlook of existing and future occupiers. The minimum separation requirements set out in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 have been met. The internal

relationship between the properties has been assessed and is considered to generally accord with the standards set out in policy H24. Each of the proposed dwellings would have private amenity space to the rear and in most cases the garden depths would be in accordance with policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

17. Concerns have been raised from neighbouring property No. 14 High Road and the occupiers of No. 15 High Road had raised concerns in the previous application (3/2006/0779) with respect of loss of privacy. The houses on plots 44-52 which adjoin the boundary of 14 and 15 High Road are not to be altered. The separation distances between the properties at 14 and 15 High Road and the houses on plots 44-52 have been assessed in planning permission 3/2006/0779 and are considered acceptable. The proposed development in this application would not have any adverse impacts on the residential amenities of No. 14 and 15 High Road.
18. Subject to the imposition of various conditions, it is considered that the proposal would not be harmful to the residential amenities of the existing or future residential properties in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

access and parking

19. Vehicular access to the proposed site would be achieved from the existing highway on High Road. Amended plans have been submitted showing alterations to the internal road layout, which satisfies the County Council's adopted highways standards. Durham County Council Highways Authority have raised no objections to the proposed development. The proposal therefore accords with policies GD1, T1 and FPG1 of the Wear Valley District Local Plan.
20. Each property is to be allocated two car parking space in the form of both a garage and an area of hardstanding. Additional car parking space would be provided for those plots with larger houses.
21. The vehicular access, road layout and parking provision accord with current standards and as such the proposals are acceptable in relation to policies GD1, T1 and FPG1 of the Wear Valley District Local Plan.

section 106 agreement

22. A Section 106 Agreement was signed at the outline application stage (Ref: 3/2003/0443) for the original housing estate. This agreement ensures that 75% of the houses approved on the site east of High Road (3/2006/0779) should be developed before development commences on the site adjacent to 17 Alma Terrace (3/2006/0780). The agreement also included a financial contribution for environmental improvements and off site sport and recreation provision. When reserved matters were approved (3/2006/0779) a unilateral undertaking was completed for a contribution to the relocation of allotments. This Section 106 Agreement and unilateral undertaking would have to be

amended should Members be minded to grant planning permission. Given the size of the additional land to be included within the housing estate is to be approximately 200 square metres, it is not considered appropriate for any additional financial contribution to be sought.

objections/observations

23. The application has been advertised on site, in the local press and neighbouring properties have been notified individually.
24. One letter of objection has been received from the occupiers of No. 14 High Road, Stanley. Their concerns are summarised below:
 - a) Loss of privacy from overlooking.

response to objections

25. The following points are a response to objections received:
 - a) Discussed in officer analysis under heading 'residential amenity'. The proposed development would not creating any overlooking issues or loss of privacy to the occupiers of No. 14 High Road.

conclusion and reasons for approval

1. The proposed development is within the limits of development for Stanley Crook under policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The principle of development has been established on part of the site through planning permission 3/2006/0779. It is considered, in this instance, that the principle of development is acceptable given the special circumstances that the proposed new housing would be an extension to a recently approved housing estate. The proposed development is supported by policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within PPS3.
2. The design and layout of the proposed development reflect the standards required by policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and Government guidance set out in PPS3 "Housing". The properties would have adequate levels of outlook and privacy and the residential amenity of existing adjoining properties would be protected. It is recommended that permitted development rights are removed so that the Council can control future development to safeguard visual and residential amenities.
3. The proposed vehicular and pedestrian access and parking provision meet with current standards in accordance with policies GD1, T1 and FPG1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

RECOMMENDED

That subject to the applicant completing a supplementary agreement amending the existing S.106 agreement and unilateral undertaking, planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
3. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously 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.
5. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the buildings hereby approved are first occupied.
6. Notwithstanding the submitted details, the visibility splays, at the access onto High Road shall be 2.4m x 70m.
7. Before any dwellings hereby approved are first occupied, the footway on High Road along the site frontage shall be widened to 1.8m in accordance with details to be first submitted to and approved in writing by the local planning authority.
8. Before any dwellings hereby approved are constructed the kerbs on High Road shall be improved in accordance with details to be first submitted to and approved in writing by the local planning authority.

9. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
10. No building activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 7:30 a.m. and 6 p.m. Mondays – Fridays, or 7.30 a.m. and 4.30 p.m. Saturdays.
11. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points to the satisfaction of the local planning authority. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To secure a satisfactory standard of development and, in particular, to protect the adjacent residents from overlooking or other loss of amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To ensure safe and satisfactory access. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. In the interests of pedestrian safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. To ensure satisfactory drainage on the highway. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. The Council wishes to control future development to safeguard visual and residential amenities. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. In the interest of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, RSS. PPS3.

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explanation					

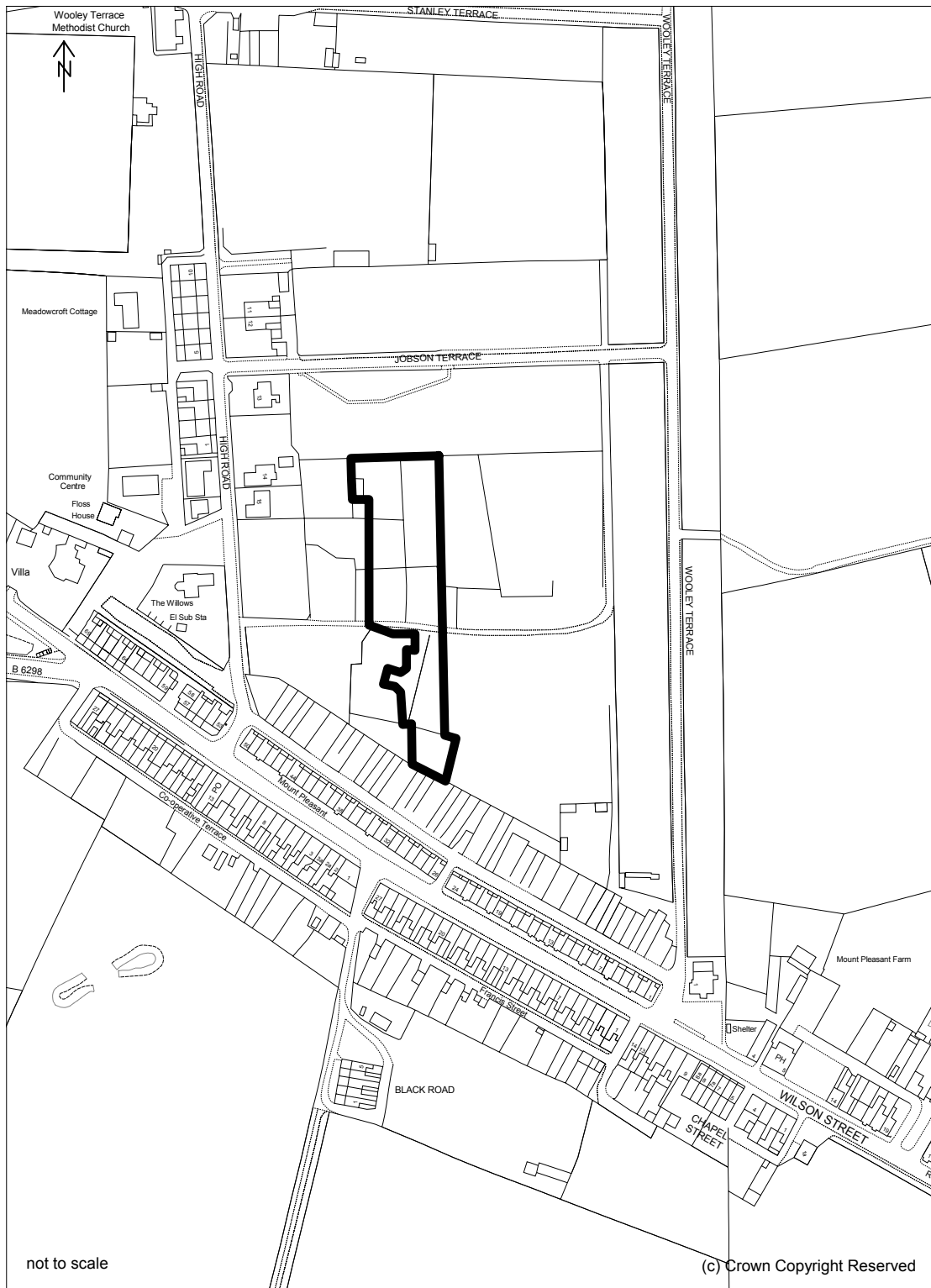
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Chris Baxter
 Senior Planning Officer
 Ext 441

3/2007/0739 – SUBSTITUTION OF 10 NO. AND ADDITION OF 11 NO. DWELLINGS TO HOUSING DEVELOPMENT AT LAND EAST OF HIGH ROAD, STANLEY FOR MR. RICHARDSON, PERSIMMON HOMES – 10.10.2007



DEVELOPMENT CONTROL COMMITTEE

20th DECEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0369 - CHANGE OF USE FROM AGRICULTURAL LAND TO GARDEN LAND AT LAND ADJOINING AND TO THE REAR OF 36 OAKFIELDS, HUNWICK FOR MR. AND MRS. HUNTER – 09.11.2007

description of site and proposals

1. This application is reported to committee as it is a departure from the Local Plan. The site is located outside of the settlement limits for Hunwick as defined by the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Planning permission is sought for the change of use of agricultural land at the rear of 36 Oakfield's, Hunwick to garden land. The land subject to this application measures 9 metres in width and 10 metres deep.
2. Due to an appeal decision (ref 3/2007/1011) neighbouring properties at 35 to 41 Oakfield's have already been granted consent to extend their rear gardens in a similar manner.

planning history

3. The following applications are relevant in the consideration of this application:
 - 3/1977/0233 Housing Approved 01.06.77
 - 3/1981/0265 84 Units Refused 16.10.82
 - 3/2001/0295 95 Dwellings and Associated Works Approved 28.02.02
 - 3/2002/0637 House Type Substitution Approved 16.12.02
 - 3/2004/1011 Change of Use Agricultural Land to Garden Land Approved 07.02.05

planning policies

3. The following policies of the Wear Valley District Local Plan Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- ENV1 Protection of the Countryside
- GD1 General Development Criteria
- H3 Distribution of Development

consultations

4. None.

officer analysis

5. The key issues for consideration are:

- Principle of Development
- Impact on the Countryside

principle of development

6. The site lies outside of the settlement limits for Hunwick as defined by Policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The land is currently agricultural land used for grazing. The principle of the use has already been established through the inspector's decision which designated the adjoining land as acceptable in principle for the purposes of outdoor recreation in accordance with Local Plan Policy ENV1 as amended by the Saved and Expired Policies September 2007.

impact on the countryside

7. The land is not visible as open countryside except from properties at Oakfield's backing on to it and from the backs of houses in Belle Vue Terrace. The land is not visible from the main road which passes along the front of Belle Vue Terrace. While as a general policy encroachments into open countryside are to be resisted, the change of use from agricultural land to garden land would be a potential benefit for residents in terms of outdoor recreation. The proposal is in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

objections/observations

8. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.

9. No observations have been received.

conclusion and reasons for approval

10. The development is acceptable in principle and it is considered that the proposed development would not have an adverse impact on the appearance of the countryside.

RECOMMENDED

That planning permission be **APPROVED** subject to the following conditions and reasons;

conditions

1. Notwithstanding the provisions of Article 3 and Classes A, E, F and G of Part 1 and Class B of Part 2 of Schedule 2 of the Town and Country planning (General permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the extended curtilage without an application for planning permission having first been made to and approved in writing by the local planning authority.
2. Before the change of use takes place a fence shall be erected on the southern boundary of the appeal site of the same height, style and materials as the fence on the northern boundary of the site.

reasons

1. In order to control the appearance of the site in accordance with policies ENV1 and GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To ensure the satisfactory appearance of the completed development.

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007.

PS code	<input type="text" value="12"/>		
number of days to Committee	<input type="text" value="42"/>	target achieved	<input type="text" value="√"/>
explanation			

Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Sinead Folan
Planning Officer
Ext. 272

3/2007/0369 - CHANGE OF USE FROM AGRICULTURAL LAND TO GARDEN LAND ADJOINING AND TO THE REAR OF 36 OAKFIELDS, HUNWICK FOR MR. AND MRS. HUNTER – 09.11.2007

