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Michael Laing Chief Executive

17th October 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 25th OCTOBER 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 29 th August and 27 th September 2007, and the special meetings held on 19 th September and 11 th October 2007, as true records.	Copies previously circulated
3. To consider development control application 3/2007/0699 – Replacement of existing windows and doors with UPVC double glazed windows and UPVC doors to the same size and style at 2, 2A, 3, 3A, 4, 4A, 17 West Road, Bishop Auckland for Wear Valley District Council.	1 - 4
4. To consider development control application 3/2007/0611 – Outline application for residential development comprising 19 no. 5/6 bedroom executive detached dwellings at field 4775, Lowside Farm, High Grange, Crook for Mr. and Mrs. Chicken.	5 - 15
5. To consider development control application 3/2007/0639 – Wind turbine installation at Brandywell, 21B Acorn Drive, Oakenshaw, Crook for Mr. Milton.	16 - 21
6. To consider development control application 3/2007/0530 – Change of use of part of site to pallet storage and distribution yard and erection of industrial building at former brickworks, Newton Cap Bank, Bishop Auckland for Messrs. Seagraves.	22 - 29
7. To consider development control application 3/2007/0604 – New build, 3 bedroom detached property with garage under, demolish existing garage and relocate attached to existing property at land on the east side of Valley Terrace, Howden le Wear for Mr. Jopling.	30 - 35

8. To consider development control application 3/2007/0616 – Kennels at 1 High Road, Stanley, Crook for Mr. Boam. 36 - 41
9. To receive appeal decision 3/2006/0803 – Change of use from redundant workshop to live/work unit at 9 Gibbon Street (back), Bishop Auckland for Mrs. Moran. 42 - 44
10. 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



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

25th OCTOBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0699 - REPLACEMENT OF EXISTING WINDOWS AND DOORS WITH UPVC DOUBLE GLAZED WINDOWS AND UPVC DOORS TO THE SAME SIZE AND STYLE AT 2, 2A, 3, 3A, 4, 4A, 17 WEST ROAD, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 14.09.2007

description of site and proposals

1. Planning permission is sought for the replacement of existing windows and doors with U.P.V.C double glazed windows and doors at 7 flats. The properties are managed by Dale and Valley Homes.
2. The existing windows and doors are currently in poor condition and in need of replacement. The properties are within Bishop Auckland Conservation Area.

planning history

3. There has been no recent relevant planning history.

planning policies

4. The following saved policies of the Wear Valley District Local Plan (WVDLP) are relevant in the consideration of this application:
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas
 - GD1 General Development Criteria
 - FPG5 Alteration and Extensions Guidelines

consultations

5. Bishop Auckland Town Council: No response.

officer analysis

6. The key issues for consideration are:
 - Impact on the Appearance of the Properties and Conservation Area
 - Residential Amenity

impact on the appearance of the properties and conservation area

7. It is considered that the proposed replacement windows and doors would be in keeping with the character of the existing dwellings in terms of mass, scale, design and materials. The proposed replacement windows and doors would not have a detrimental effect upon the appearance of the host properties and would not have an adverse impact on the visual amenity of the conservation area. It is considered that the proposed development would improve the appearance of the properties and the area as the existing windows and doors are currently in need of replacement due to their poor condition and appearance. The proposal conforms to policies GD1, BE5, BE6 and FPG5 of the Wear Valley District Local Plan.

residential amenity

8. As there are no new openings proposed at the properties nor the enlargement of existing openings it is considered that the proposed development would not adversely affect the privacy or amenity of neighbouring properties in accordance with policy GD1 of the Wear Valley District Local Plan.

objections/observations

9. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. The application has also been advertised in the press.
10. No observations have been received.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, BE5, BE6 and FPG5 of the Wear Valley District Local Plan as the new windows and doors:
 1. Are in keeping with the host properties in terms of design, scale, mass and materials and would improve the appearance of the properties and conservation area.
 2. Would not result in loss of privacy or amenity for occupiers of neighbouring properties

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application file, WVDLP.

PS code

10

number of days to Committee

4

target achieved

√

explanation

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

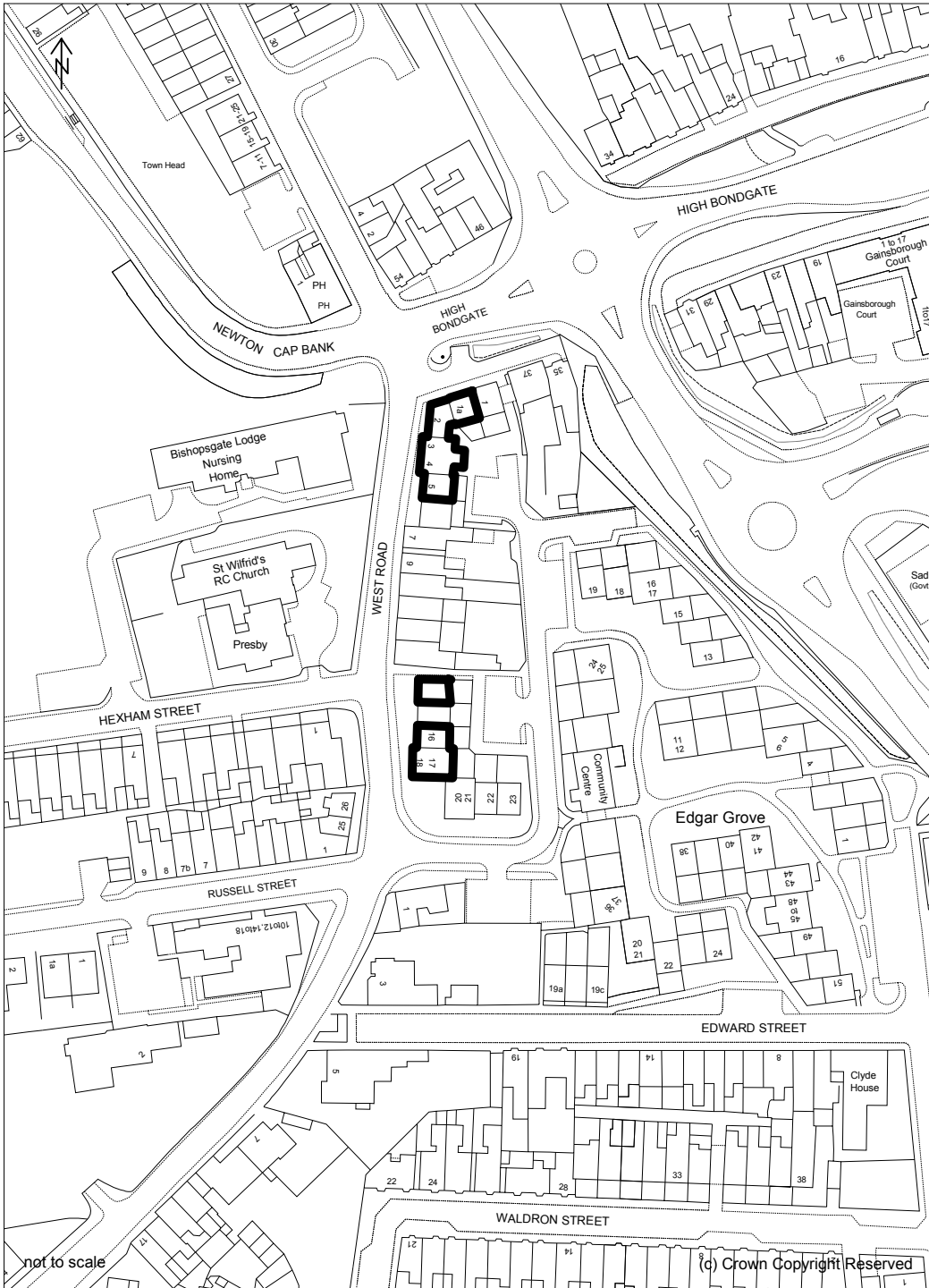
Author of the report

Sinead Folan

Planning Officer

Ext. 272

3/2007/0699 - REPLACEMENT OF EXISTING WINDOWS AND DOORS WITH UPVC DOUBLE GLAZED WINDOWS AND UPVC DOORS TO THE SAME SIZE AND STYLE AT 2, 2A, 3, 3A, 4, 4A, 17 WEST ROAD, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 14.09.2007



DEVELOPMENT CONTROL COMMITTEE

25th OCTOBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

**3/2007/0611-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
COMPRISING 19 NO. 5/6 BEDROOM EXECUTIVE DETACHED
DWELLINGS AT FIELD 4775, LOWSIDE FARM, HIGH GRANGE, CROOK
FOR MR. AND MRS. CHICKEN - 17.08.2007**

description of site and proposals

1. Outline permission is sought for the residential development of an open agricultural field (OS 4775) to the south east of High Grange. The proposal is therefore a departure to the Wear Valley District Local Plan. Details are illustrative, but the type of development envisaged is for 19 No. 5/6 bedroom, executive, detached dwellings, set in large plots and located around a green open space. A vehicular access would be taken directly from the A689 to the south of the site.
2. The site is greenfield land in the open countryside. It is an open, grassed field of approximately 2.3 hectares, surrounded largely by hedgerows with several mature trees interspersed between. The land level falls considerably from north to south. The surrounding countryside has an attractive rolling pasture character and is accordingly designated in the saved Wear Valley District Local Plan (SLP ENV3) as an Area of Landscape Value.

planning history

3. There is no relevant planning history for the site.

planning policies

4. The following saved policies of the Wear Valley District Local Plan (WVDLP) are relevant in the consideration of this application:
 - ENV1 Protection of Countryside
 - ENV3 Areas of County Landscape Value
 - GD1 General Development Criteria
 - H24 Residential Design Criteria
 - H3 Distribution of Development

- MW1 Safeguarding of Mineral Reserves
- T1 Highways – General Policy

Also relevant are: Durham County Structure Plan policies 2 and 4: Location of development, 14: Housing in the countryside, and 64: Protection of high value landscapes.

Regional Spatial Strategy (RSS) policies 3 and 5: Sequential approach to location of development, 4: Plan, monitor and manage approach to housing development; and Wear Valley District Council's adopted local interpretation of RSS policies 3 & 5 for a sequential approach to development.

National planning policy in PPS1: Delivering Sustainable Development, PPS3: Housing, PPS7: Sustainable Development in Rural Areas, PPS25: Development and Flood Risk, PPG13: Transport, and PPG16: Archaeology and Planning.

Durham County Council's Guide to the Layout and Construction of Estate Roads.

consultations

5. Durham County Archaeology: The site is in an area of high archaeological potential. Because of the size and location of the site, there should be a minimum of an archaeological desk-based assessment, which has not been provided. A condition to secure an agreed programme of archaeological works would be appropriate.
6. Durham County Highways Authority: Object strongly to the proposal for the following reasons and point out that the design and access statement is misleading because no agreement was given to the access arrangements, as claimed:
 - The increase in conflicting traffic movements on the de-restricted A689 road would be prejudicial to highway safety.
 - The site has insufficient frontage to enable an access to be laid out incorporating the visibility splays that are essential in the interests of highway safety. The proposal shows a 160m visibility splay, but because of the road speed and accident history a 210m splay would be required.
 - The proposed access roads do not conform to the agreed highway standards in the 'Guide to the Layout and Construction of Estate Roads' and are not therefore adequate to serve the proposed development.
 - The proposal is contrary to PPG13 in that it is in a location poorly related to local facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping,

leisure facilities and services by public transport, walking and cycling, and therefore fails to reduce the need to travel by car.

7. Durham County Policy: Object to the proposal as it is contrary to Durham County Structure Plan policies 2, 4, 14 and 64 because:

- the site is outside the physical framework of existing towns and villages;
- the proposal would increase the need to travel by car to work, shops and services;
- housing development in the countryside is only allowed in exceptional circumstances where there is agricultural and forestry justification, of which there is none for this proposal;
- the proposal would detract from the special rural character of the Area of Landscape Value.

8. Environment Agency: Object to the proposal:

- no flood risk assessment has been submitted and the site falls within flood risk zone 1. Although not necessarily at risk of flooding itself, the development may increase the risk of flooding elsewhere because of its size.

officer analysis

9. The key issues for consideration are:

- Principle of Development
- Impact on the Character and Appearance of the Surrounding Area and Area of Landscape Value
- Highways
- Flood risk
- Archaeology

principle of development

10. There is a whole raft of local and regional policy reflecting the overarching objectives of national planning policy in PPS1, PPS3, PPS7 and PPG13, which all seek to secure sustainable patterns of development by focusing new development on Brownfield land within existing towns and villages to reduce the need to travel by private car to access employment, shops, community and leisure facilities. At local and regional level specifically, this is reflected in the sequential approach to development which is set out in RSS policies 3 and 5, as well as Wear Valley District Council's adopted local interpretation which limits new housing development to within the settlement limits of the main 'urban areas'. In Wear Valley District, these are defined as Bishop

Auckland, West Auckland, St Helen's Auckland, Crook/Willington, Tow Law, Coundon, Stanhope and Wolsingham.

11. High Grange is therefore not one of the defined urban areas and is not even considered to be a settlement. It has no defined settlement limits and is accordingly considered to be in the open countryside. Additionally, the application site is a greenfield site in the open countryside to which there is the strongest presumption against development. It is not served by a good range of facilities, services, employment or public transport. Housing development in this location would therefore represent the most unsustainable form of development and would lead to an unacceptable increase in private car journeys.
12. The proposal also puts forward a low density development (8 per hectare) of large 5/6 bedroom dwellings, which would cater only for the upper level of the housing market. This is in direct conflict with the Government's Sustainable Communities objective of promoting a mix of housing types and tenures and maximizing the development potential of land. So, as well as representing wasteful development, the proposal would create an exclusive 'enclave' with the undesirable potential to foster social exclusion. The whole development would be inward focused thereby creating a clear social and physical separation from High Grange.
13. In addition, in light of the Council's Annual Monitoring Report 2005/2006, which indicates that the housing target for the district (2004-2021) has already been exceeded, residential development of this site, in a completely unsustainable location, would further contribute to the housing oversupply and prejudice future housing targets and the development of more sequentially preferable sites now and in the future. This would have a detrimental effect on the environmental benefits and regeneration aims of concentrating housing development within the identified urban areas, where there are still brownfield sites undeveloped.
14. It is therefore considered that this proposal represents the most blatant disregard of basic planning policy. The supporting statement makes no attempt to assess or address the relevant policy context and is misleading in its claims of consultation. This is a highly misinformed proposal that has served only to stir up major public objection in High Grange. The proposal is in direct conflict with planning policy in PPS1, PPS3, PPS7, PPG13, RSS policies 3, 4 & 5, the Council's adopted sequential approach to development, and saved policies H3 and ENV1 of the Wear Valley District Local Plan; and this alone is sufficient grounds to justify refusal of this proposal.

impact on the character and appearance of the surrounding area and area of landscape value

15. Notwithstanding the strong objection in principle to the proposal, it would involve the large scale development of an open field in an attractive pastoral landscape, designated as an Area of landscape Value because of the high quality of the landscape. This landscape represents some of the most significant, intact, mature and unspoilt rural countryside in the County and is therefore worthy of protection from inappropriate development. The application site is approximately twice the size of High Grange and would therefore represent a significant encroachment of built form in the countryside. The scale and form of the dwellings would not relate in any way to their surroundings and the whole character of the development would be suburban. It would thus appear as a most incongruous element in the landscape. It is also likely that the mature hedgerows surrounding the site would be lost and there would be risk to specimen trees. This would in turn impact on wildlife habitats around the site. The whole concept of the development is of the poorest design quality with absolutely no thought being given to how the development would relate to its surroundings and the natural environment. Because of the rising level of the site away from the A689, the development would be highly visible. The resultant harm to the character of the surrounding area and landscape would therefore be great and again this is sufficient grounds for refusal on this basis alone. The proposal is therefore contrary to PPS1, PPS3, PPS7 and saved policies GD1, ENV1, ENV3 and H24 of the Wear Valley District Local Plan.

highways

16. There is a very strong objection on highways grounds from the Highways Authority. The proposal indicates that an access would be taken directly off the A689, which is a derestricted road with a design speed of 60mph. Highway Authority records indicate that the actual average recorded speeds on the road exceed 60mph and there is a record of vehicle accidents near the site. The proposed point of access would be in the western corner of the site in close proximity to an existing road and the junction on the opposite side of the road. This would be an extremely dangerous point of access onto a busy road and it is considered that there is insufficient frontage on the site to achieve the required 210m visibility splays. In addition, it is likely that additional vehicles would be waiting on the highway to enter the site from the south, which would create an additional risk of hazard for all road users. It is therefore considered that the proposal would be seriously dangerous and prejudicial to highway safety. It is also apparent that the site includes land not in the applicant's ownership, which would prevent the access from being constructed in any case.

17. As well as proposing a dangerous vehicular access, the indicative site layout and internal roadway is considered to be very poor. It does not comply with basic County Highway standards and would not therefore be adequate to serve the proposed development. There would also be no pedestrian or cycle links, and the existing bus stop would even be relocated further away from High Grange. Overall, this is another representation of the poor design of the proposal.
18. The proposal is therefore contrary to saved policies GD1, T1 and H24 of the Wear Valley District Local Plan, the Durham County Highway Standards and advice in PPS1 and PPS3. Again this is sufficient for refusal on this ground alone.

flood risk

19. The site falls within Flood Zone 1, is greater than 1 hectare in size, and therefore in accordance with PPS25, the proposal requires a flood risk assessment to determine whether the development could increase the risk of flooding elsewhere and identify any mitigation measures. This has not been submitted and therefore it cannot be determined that the development would not increase the risk of flooding. The Environment Agency has objected to the proposal on this basis.
20. There is a history of site specific flooding at the southern end of the field with standing water accumulating over the winter months in particular. The gradient of the site is such that water will naturally collect at this end of the site. It is therefore considered that the submission of a flood risk assessment is crucial for this site. Therefore, without any information to prove otherwise, it is considered that there is a high risk that development on the site could increase the risk of flooding to surrounding areas and that there is a high likelihood that dwellings at the southern end of the site would experience some site specific flooding. Given the recent experiences of flooding throughout the country, this approach of caution is most appropriate.
21. The proposal is therefore considered to be contrary to PPS25 and saved policy GD1 of the Wear Valley District Local Plan. Again this is sufficient justification for refusal on this ground alone.

archaeology

22. The County Archaeology section has advised that the site is of the type that may be ideal for the location of a prehistoric settlement. Because of the size and location of the site, there should be a minimum of an archaeological desk-based assessment, which has not been provided. In normal circumstances though, a condition to secure an agreed programme of archaeological works prior to development would have been appropriate to comply with PPG16.

objections/observations

23. Occupiers of the surrounding properties have been notified in writing, and a site notice and press notice, advertising the proposal as a departure from the Local Plan, were posted.
24. The proposal has caused significant local objection with 30 letters of objection and a 45 signature petition having been received from residents to date. One letter of support has been received from a local business:
25. The relevant main points of objection have been addressed in the report, but are nevertheless summarised below:
 - a) The residents of High Grange were not consulted, as claimed.
 - b) The development is contrary to planning policy because it is outside the development limits and on greenfield land.
 - c) The development will promote unsustainable transport patterns because there are no facilities in High Grange.
 - d) The vehicle access will be dangerous and there have already been a number of accidents on that stretch of road.
 - e) Residents will lose their parking in Pipe Row.
 - f) 5/6 bedroom houses are not in keeping with High Grange.
 - g) 5/6 bedroom houses will promote social exclusion and will not meet housing need in the area.
 - h) The development is twice the size of High Grange and will harm the rural character of the village and landscape.
 - i) The development will result in the loss of mature hedgerows and trees with resultant destruction to wildlife habitats.
 - j) The development will result in the loss of attractive countryside.
 - k) The site includes land not in the applicant's ownership.
 - l) The existing bus stand would be relocated further from High Grange making it more difficult for elderly and disabled residents to access public transport.
 - m) The field floods in winter and water collects at the bottom of the field and across the road (A689).

responses to objections/observations

26. The following points are made in response to the issues raised by the objectors:
 - a) The submission makes reference to speaking with local residents, it does not state that a full public consultation exercise was carried out by the agents.
 - b) Agreed.
 - c) Agreed.
 - d) Agreed and also identified by the DCC Highways Officer.
 - e) Noted, however provision is made within the scheme for alternative residents parking.

- f) Agreed.
- g) Agreed.
- h) Agreed.
- i) Agreed.
- j) Agreed.
- k) The certificate submitted with the application indicates that the entire application site is within the ownership of the applicant. In the event that there is an ownership dispute, this would be a civil matter and not one to be settled through the planning system.
- l) Agreed.
- m) Noted, the EA have objected to the proposals due to the lack of Flood Risk Assessment.

27. The single letter of support is not based on material planning considerations, but rather that a local business will get a dedicated access.

conclusions and reasons for refusal

1. The proposal is considered to be entirely unacceptable and contrary to saved policies GD1, ENV1, ENV3, H24, T1 and H3 of the Wear Valley District Local Plan and The Council's sequential approach to development, policies 3, 4 and 5 of the Regional Spatial Strategy (RSS), Durham County Highways Authority Standards, and national planning policy in PPS1, PPS3, PPS7, PPS25 and PPG13 as:
 1. The proposal is for low density development of a greenfield site, which is in the open countryside and outside the main urban areas of the District. Accordingly, the development would be in a location that is poorly served by employment, facilities and services, which would lead to unsustainable transport patterns, particularly an increase in private car journeys. This is in direct conflict with the main thrust of planning policy at national, regional and local level, to secure sustainable patterns of development.
 2. The proposal would contribute to the housing oversupply in the District in an unsustainable way, thereby prejudicing future housing targets and the development of more sequentially preferable sites within the identified urban areas.
 3. The proposal would fail to demonstrate that it could provide a suitable mix of dwelling types and tenures, and together with its inward focused design could foster social exclusion, contrary to the government's wider Sustainable Communities objectives.
 4. The proposal fails to demonstrate that it can be served by a safe and suitable vehicle access, or internal road layout, and would therefore be to the detriment of highway safety.

5. The proposal, by reason of its scale, suburban character and resultant loss of open countryside, would fail to relate to, or respect its surroundings and would represent an unacceptable urban encroachment in the countryside. This would cause unacceptable harm to the character of High Grange and the special landscape character of the designated Area of Landscape Value.
6. The site falls within Flood Zone 1 and is prone to site specific flooding from time to time. Without the submission of a Flood Risk Assessment to prove otherwise, it is considered that there is a high risk that the proposal could increase the risk of flooding to surrounding areas, and there is a high likelihood that dwellings at the southern end of the site would suffer from some site specific flooding.

RECOMMENDED

That planning permission be **REFUSED** for the following reasons:

1. The proposal for the low density development of a greenfield site, which is in the open countryside and outside the main urban areas of the District, would represent an unsustainable form of development that would also prejudice future housing targets for the district and the development of sequentially preferable sites. This is contrary to the sustainable development objectives of national planning policy in PPS1, PPS3, PPS7 and PPG13, as well as policies 3, 4 and 5 of the Regional Spatial Strategy and the Councils adopted sequential approach to development.
2. The proposal has failed to demonstrate that a suitable mix of dwelling types and tenures could be achieved, or that the development could foster social integration with its surroundings and is therefore contrary to the government's wider Sustainable Communities objectives and advice in PPS1 and PPS3 to prevent social exclusion through new development.
3. The proposal fails to demonstrate that it can be served by a safe and suitable vehicle access, or internal road layout, and would therefore be to the detriment of highway safety. It would also fail to improve pedestrian and cycle access, or access to public transport. This is contrary to saved policies GD1, T1 and H24 of the Wear Valley District Local Plan, the Durham County Highway Standards and national planning advice in PPS1, PPS3 and PPG13.
4. The proposal, by reason of its scale, suburban character and resultant loss of open countryside, would fail to relate to, or respect its surroundings and would represent an unacceptable urban encroachment in the countryside. This would cause unacceptable harm to the character of High Grange and the special landscape character of the designated Area of Landscape Value; contrary to saved policies

GD1, ENV1, ENV3 and H24 of the Wear Valley District Local Plan and national planning policy in PPS1, PPS3 and PPS7.

5. The proposal fails to demonstrate that it would not increase the risk of flooding to surrounding areas and that dwellings at the southern end of the site would not suffer from some site specific flooding. This is contrary to national planning policy in PPS25 and saved policy GD1 of the Wear Valley District Local Plan.

background information

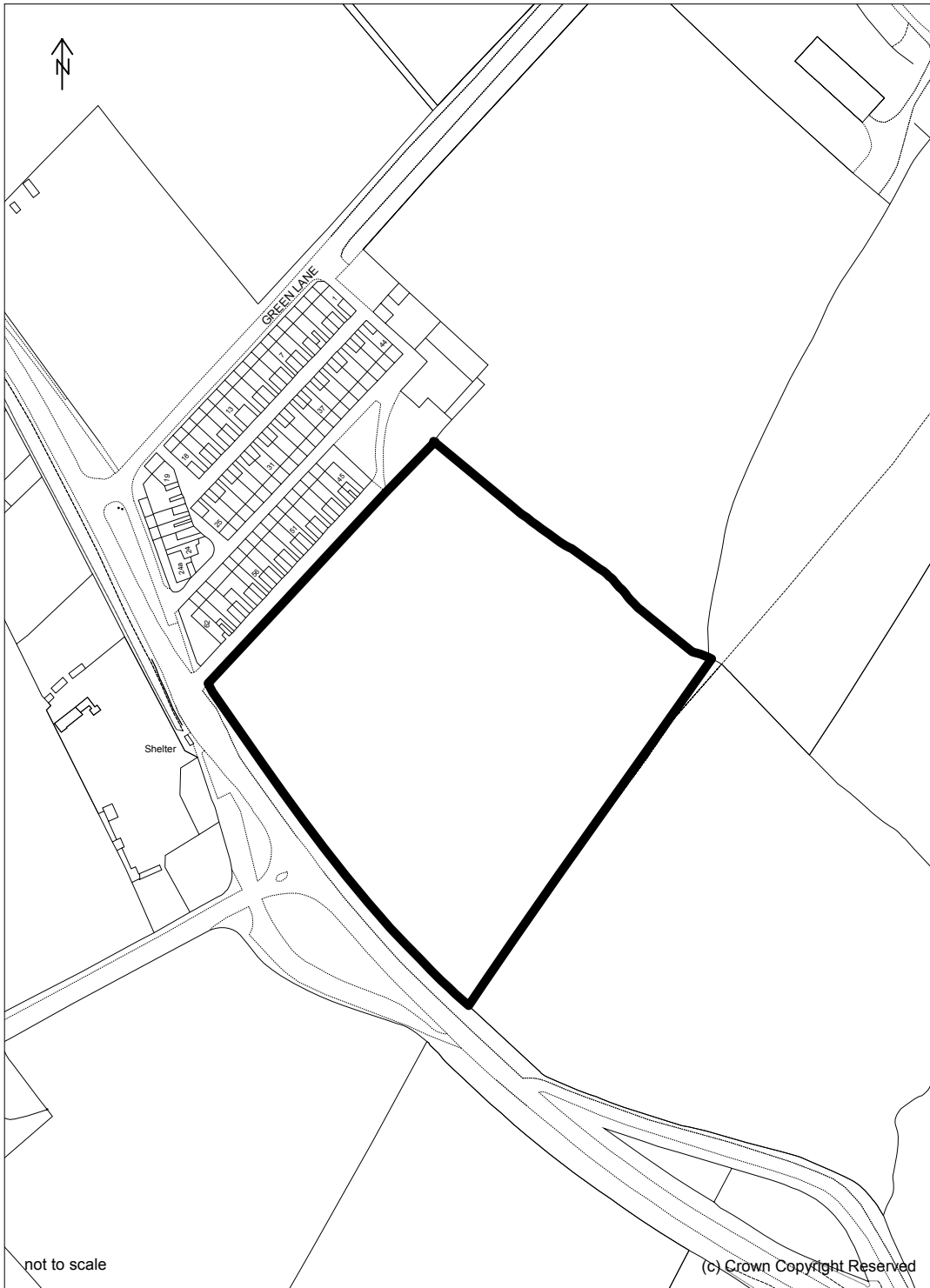
Application files, WVDLP, DCSP, Durham County Highways Standards, RSS, PPS1, PPS3, PPS7, PPS25, PPG13, PPG16.

PS code	<input type="text" value="1"/>		
number of days to Committee	<input type="text" value="70"/>	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

**3/2007/0611 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
COMPRISING 19 NO. 5/6 BEDROOM EXECUTIVE DETACHED DWELLINGS
AT FIELD 4775, LOWSIDE FARM, HIGH GRANGE, CROOK FOR MR. AND
MRS. CHICKEN -17.08.2007**



DEVELOPMENT CONTROL COMMITTEE

25th OCTOBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0639- WIND TURBINE INSTALLATION AT BRANDYWELL, 21B ACORN DRIVE, OAKENSHAW, CROOK FOR MR. MILTON -18.08.2007

description of site and proposals

1. Planning permission is sought for the erection of a domestic wind turbine in a field to the south of Brandywell, 21B Acorn Drive, Oakenshaw. The proposal is for a Cyclone 3kW Turbine which would reach a height of 9 metres to the centre of the turbine blades. The blades' diameter would be 4.5 metres.
2. The site to which the application relates is an open field to the south of Brandywell, 21B Acorn Drive, in Oakenshaw. There are dwellings located to the north and east of the application site, with the nearest property being approximately 145 metres away. There are open agricultural fields to the south and west.

planning history

3. No past planning history on this site.

planning policies

4. The following saved policies of the Wear Valley District Local Plan (WVDLP) are relevant in the consideration of this application:
 - ENV1 Protection of Countryside
 - GD1 General Development Criteria

Also relevant are policy 41 of the RSS and PPS22.

consultations

5. WVDC (Environmental Health): No comments.
6. WVDC (Regeneration - Environmental Officer): No comments.
7. Parish Council: No comments.

8. Durham Bat Group: Concerns regarding the impact of the development upon bats.

officer analysis

9. The key issues for consideration are:

- Principle of Development
- Impact on the Surrounding Area
- Effect on Protected Species

principle of development

10. Policy 41 (Planning for Renewables) of the Regional Spatial Strategy outlines the key criteria which needs to be considered when determining an application for renewable energy developments. The main criteria relating to domestic wind turbines would be the impact the development would have upon the surrounding area and the effect it would have on protected species and their habitats. These issues are to be discussed below.

11. Although the proposed development is small scale, it is considered that a proportionate scheme of restoration would have to be incorporated with the application. A condition is imposed to ensure the land is restored to its original condition should the wind turbine be removed.

12. It is considered that in principle the erection of a wind turbine is acceptable in this location. The proposal is in accordance with Policy 41 of the Regional Spatial Strategy. Government Guidance in Planning Policy Statement 22 (PPS22): Renewable Energy also encourages the use of alternative uses to produce electricity, providing there is no significant environmental detriment to the area concerned. The proposal accords with PPS22.

impact on the surrounding area

13. There are open fields to the south and west with residential properties to the north and east. The proposed wind turbine would not be highly visible from any highway or public viewpoint. It is recognised that the wind turbine would be visible from the nearby residential properties however it is considered that the turbine would not be highly noticeable. The wind turbine would be located sufficient distance away from neighbouring properties to ensure there would be no overbearing or overshadowing impacts and there would be no adverse impacts in terms of noise or air pollution. As the development is small scale and would not appear overly prominent within the surrounding landscape, it is considered the proposal would not have a detrimental effect upon the scenic qualities of the open countryside and would not have an adverse impact on the residential amenities of neighbouring properties. The proposal would not have an impact upon local road networks. There are to be no additional buildings to be constructed along with the proposed turbine. Cabling from the wind turbine is usually buried underground, and given the distance from any residential or public viewpoint this would not impact upon the visual appearance of the area.

14. The proposed wind turbine would not adversely impact on the surrounding area. The proposal is in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan and Policy 41 of the Regional Spatial Strategy.

effect on protected species

15. Durham Bat Group has raised concerns that the installation of the proposed wind turbine could result in the mortality of bats. There is currently no published research to support this objection and currently there is no Government legislation or advice relating to the effect of domestic wind turbines on the species.
16. Therefore, it would be inappropriate to refuse the application on the grounds that it would be detrimental to bats. The proposal would not conflict with the aims of Policy 41 of the Regional Spatial Strategy.

objections/observations

17. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. Three letters of objection have been received. The contents of these letters are summarised below:
 - a) The turbine is too high.
 - b) There is a business being run from the site.
 - c) Noise disturbance above and below ground.
 - d) This wind turbine would create a precedent.
 - e) Loss of view.
 - f) Vibrations from the turbine.
 - g) Impact upon wildlife.
 - h) Is the size of the turbine within the range of a domestic turbine?

response to objections

18. The following points are made in response to the issues raised above:
 - a) The height of the turbine would not create any overbearing or overshadowing impacts upon neighbouring properties. It is not considered the proposal is too high.
 - b) Not a material consideration for determining this application.
 - c) The proposed turbine would be situated approximately 145 metres away from the nearest residential property. Given the distance from neighbouring buildings and the size of the wind turbine, it is not considered that the local residents would be disturbed by noise from the turbine.
 - d) Any new wind turbines of this nature would presently require a planning application. Other wind turbines would have to be assessed and determined on their own merits.
 - e) Loss of view is not a material planning consideration.
 - f) Similar to point c), given the distance of the turbine away from neighbouring properties, there would be not adverse effect on nearby residents in terms of vibration.

- g) Discussed in officer analysis under the heading 'effect on protected species'.
- h) The size of the wind turbine is a 3kW turbine. The Environmental Officer has confirmed verbally that 3kW is a standard size for domestic use. This size turbine would generally not be large enough to supply anything more than a domestic property.

reasons for approval

- 19. The proposal is acceptable in relation to policies GD1 and ENV1 of the Wear Valley District Local Plan, Policy 41 of the Regional Spatial Strategy, and Government guidance contained within Planning Policy Statement 22: Renewable Energy as it:
 - 1. Would not result in any overbearing, overshadowing or loss of privacy to the occupiers of neighbouring dwellings.
 - 2. Would not detract from the appearance of the surrounding properties and open countryside.
 - 3. Would not have a detrimental impact on the residential amenities of nearby residents, in terms of noise and vibration disturbance.
 - 4. There is no evidence provided to suggest the proposed turbine would be detrimental to protected species.

RECOMMENDED

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

conditions

- 1. Should the development hereby approved cease to be used, the site shall be restored to its original condition within 56 days of the date of cessation of operation.
- 2. Before the development hereby approved is constructed details of the colour and finish of the wind turbine shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

reasons

- 1. To safeguard the appearance of the surrounding area. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan.
- 2. To ensure a satisfactory development. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan.

background information

Application file, WVDLP, RSS, PPS22.

PS code

10

number of days to Committee

69

target achieved

No

explanation First available Committee

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

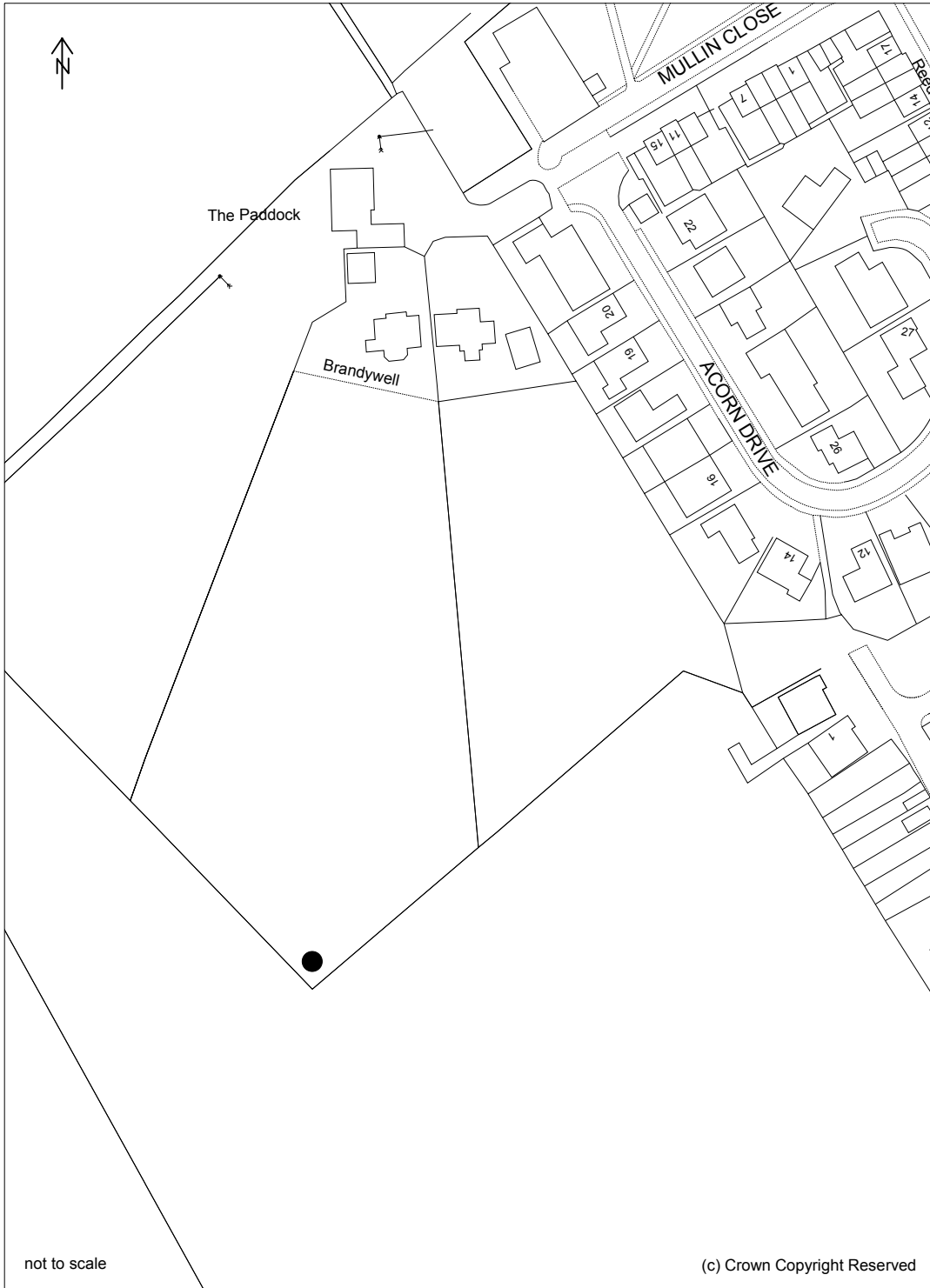
Author of the report

Chris Baxter

Planning Officer

Ext 441

**3/2007/0639 - WIND TURBINE INSTALLATION AT BRANDYWELL, 21B
ACORN DRIVE, OAKENSHAW, CROOK FOR MR. MILTON -18.08.2007**



DEVELOPMENT CONTROL COMMITTEE

25TH OCTOBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0530 - CHANGE OF USE OF PART OF SITE TO PALLET STORAGE AND DISTRIBUTION YARD AND ERECTION OF INDUSTRIAL BUILDING AT FORMER BRICKWORKS, NEWTON CAP BANK, BISHOP AUCKLAND FOR MESSRS. SEAGRAVES – 03.07.2007

description of site and proposals

1. Planning permission is sought for the change of use of the site to a pallet storage and distribution yard, with the erection of an industrial building on the site. The proposed industrial building would measure 31 metres in length by 15 metres in width and to the highest point it would measure 8.8 metres. The industrial building would be situated to the east of the site with the remaining area to be utilised as a storage area for the pallets.
2. The application site is part of the former brickworks at Newton Cap Bank on the outskirts of Bishop Auckland. There are existing buildings and business uses currently within the former brickworks site. There is a modern office, several industrial buildings which appear to be used as storage and distribution, and an area which holds steel containers used for storage. There is an existing access to the site from the A689 highway located to the south of the site.
3. The application site itself is currently a vacant parcel of land which is rubble land made up of a mixture of hard standings and soiled grass areas. It is clear that the site is previously developed land and the site is therefore classified as 'brownfield land'. The site is set lower than the level of the highway to the south. There is heavy tree coverage along the south and east boundaries, with open fields to the north.
4. The site is situated outside any defined settlement boundaries therefore the site is classified as being within the open countryside. The proposal is a departure from the Local Plan. Therefore the application is to be determined at the Development Control Committee.

planning history

5. The following planning applications have been received:

- | | | |
|---------------|--|---|
| • 3/1987/0146 | Restoration of Clay Pits | Approved 28.05.1987 |
| • 3/1993/0516 | Renovation of Office and Ancillary | Approved 13.10.1993 |
| • 3/1994/0089 | Vary Condition of 3/1987/0146 | Approved 03.05.1994 |
| • 3/2002/0560 | New Building and Associated Works for Recycling Facility | Withdrawn
(Resubmitted to the County Planning Authority) |
| • 3/2003/0291 | Proposed New Building and Associated Works for Recycling | County Matter
Approved 15.12.2003 |

planning policies

6. The following saved policies of the Wear Valley District Local Plan are relevant in the consideration of this application:

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

Also of relevance: Planning Policy Statement 7: Sustainable Development in Rural Areas.

consultations

7. Durham County Council (Highways Authority): The Highways Officer originally objected to the proposed scheme on the grounds that the increased use of the existing access, together with the increase in conflicting traffic movements on the derestricted A689 road generated by this proposal, would be prejudicial to highway safety.
8. After further assessment of the site it was made aware to the Highways Officer that there is an extant permission for a Waste Transfer Station on the site. The Highways Officer confirms that the level of traffic proposed in this application would be less than that approved for the Waste Transfer Station. The application site in this proposal includes more than 50% of the area included in the red line boundary of the Waste Transfer Station application. Provided that only one of these applications can be implemented, the Highways Officer withdraws his original objection.
9. Parish Council: No comments.

officer analysis

10. The key issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway Issues

principle of development

11. It is noted that the proposed site is not located within any defined limits to development as stated in Policy H3 of the Wear Valley District Local Plan. Therefore the proposal is classified as an industrial use within the open countryside and the application is a departure from the Local Plan.

12. The application site is part of what used to be the former brickworks site. From viewing the site, it is clear that the land would be classified as brownfield land, given the site is a mixture of concrete and rubble materials. The site is currently in a run down state. The site does not contribute positively to the surrounding countryside in anyway. Given the previous use of the site it is considered that the proposed use of the site is acceptable as it would reintroduce an industrial use to a site which is currently vacant.

13. Planning Policy Statement 7: Sustainable Development in Rural Areas states that *'Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.'*

14. At present the site detracts from the appearance of the countryside. The implementation of the proposed development would bring the site back into use and remove a redundant and run down parcel of land, therefore enhancing the appearance of the surrounding area. The proposal is considered to generally accord with the aim of PPS7 to protect and enhance the character of the countryside.

15. Given the proposal would reintroduce an industrial use to an existing run down site and therefore enhance the surrounding countryside, it is considered that the proposal is acceptable in principle and it is therefore acceptable to depart from the Local Plan in this instance.

visual impact

16. The site is currently in a redundant state therefore the proposal would bring the land back into use. The site is set lower than the A689 highway to the south. Due to the heavy tree coverage on the south and east boundaries, the site would be screened from any public view points from the south and east. There are open fields to the north, however it is considered that the proposed use of the site would not be overly intrusive within the surrounding countryside. A condition is recommended restricting the stacking of pallets to a height of no more than 3 metres above ground level. The proposed industrial building located within the site would be heavily screened from the

A689 highway and other public view points by the tree coverage along the boundaries of the site. There are other industrial style buildings within close proximity, therefore the proposed industrial building would not look out of place.

17. It is considered that the proposal would not have an adverse visual impact on the surrounding area and would not detract from the appearance of the open countryside. The proposal is in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan.

residential amenity

18. The entrance to the site from the A689 highway is approximately 100 metres from the nearest residential property. The application site is approximately 130 metres from this dwelling. There is a degree of separation from the site offered by the A689 highway and the landscaping belt. In addition there is a change of levels between the site and the residential properties which further mitigates the impact of the proposal on these dwellings.
19. Given the distance between the application site and the nearest residential properties, it is considered that the proposal would not have an adverse impact on the amenities of local residents. The proposal accords with policy GD1 of the Wear Valley District Local Plan. A condition is recommended restricting the hours of operation and activities.

highway issues

20. Access to the site would be from the existing entrance from the A689 highway. The A689 at this location consists of four lanes. In addition to the north bound and southbound lanes there is a climbing and a protected right turn lane. These were provided when the Newton Cap road scheme was built to provide access to the uses existing on the site at the time, as no alternative access was available.
21. The Highways Officer originally objected to the proposal due to the increase in traffic which would result from the proposed development. It is noted however that there is an extant planning permission 3/2003/0291 on the site for a Waste Transfer Station which has not been implemented. This permission 3/2003/0291, which can still be implemented, would actually create higher levels of traffic to the site than that proposed in this application. The application site in this proposal includes more than 50% of the area of the application site in permission 3/2003/0291. Therefore should planning permission be granted for the proposal in this application and the development implemented, then planning permission 3/2003/0291 would not be able to be implemented. On the basis that the levels of traffic would be less from a site used as a pallet storage and distribution business, than if the site were used as a Waste Transfer Station, the Highways Officer has withdrawn his objections to the proposal.

22. It is therefore considered that the levels of traffic created from the proposed use would not have a detrimental impact on highway safety and the proposal would not exceed the local road network. The proposal is in accordance with the aims of policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

23. The occupiers of surrounding properties have been notified in writing and a site notice has been posted. The application was also advertised in the local press.
24. No letters of observation have been received.

conclusion and reasons for approval

1. The site is currently a brownfield site which is redundant and run down. It does not contribute positively to the surrounding countryside. The proposal would reintroduce an industrial use to the site which would tidy the site and therefore add positively to the surrounding landscape quality. The proposed use would generally accord with the aims of PPS7 as the proposal would protect and enhance the character of the open countryside. Given the proposal would reintroduce an industrial use to an existing run down site and therefore enhance the surrounding countryside, it is considered that the proposal is acceptable in principle and it is therefore acceptable to depart from the Local Plan in this instance.
2. The application site is set lower than the surrounding areas. There is a strip of heavy tree and landscaped coverage along the south and east boundaries of the site. It is considered that the application site, including the proposed industrial unit, would be heavily screened from the A689 highway and any public view points. The proposal would not appear overly intrusive within the surrounding area and the site would not detract from the visual appearance of the open countryside. The proposal is in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan.
3. The nearest residential property is located approximately 130 metres away and is separated by the A689 highway and the tree and landscape strip on the south boundary of the site. Given the difference in site levels the site would not be visible from the neighbouring properties. It is considered that the proposal would not have an adverse impact on the amenities of local residents. The proposal accords with policy GD1 of the Wear Valley District Local Plan.
4. There is an extant planning permission 3/2003/0291 on the site for a Waste Transfer Station which would create higher levels of traffic than that proposed in this application. Planning permission 3/2003/0291 can still be implemented unless the proposal in this application is implemented. Given that the levels of traffic from the site would be less should this application be implemented and also that permission 3/2003/0291 would not be able to be brought into use, it is considered that the levels of traffic from the site would not have an adverse impact on highway safety. The proposal would not exceed the capacity of the

local road network. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan.

RECOMMENDED

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

conditions

1. No activities associated with the use hereby permitted, including heavy goods vehicles entering and leaving the site, shall take place outside the following hours:

07:00 – 19:00 Monday to Friday

07:00 – 13:00 Saturday to Sunday

No operations shall take place outside these hours or any Public Holidays.

2. 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 use hereby approved is commenced.
3. Before the development hereby approved is commenced samples of all materials to be used in the construction of the external surfaces of the industrial building shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
4. No waste material, goods, merchandise, machinery or article of any description shall be stored or stacked at a height greater than 3 metres above ground level.

reasons

1. In the interests of residential amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. To protect the appearance of the surrounding area. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code

10

number of days to Committee

115

target achieved

No

explanation Clarifying highway issues.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

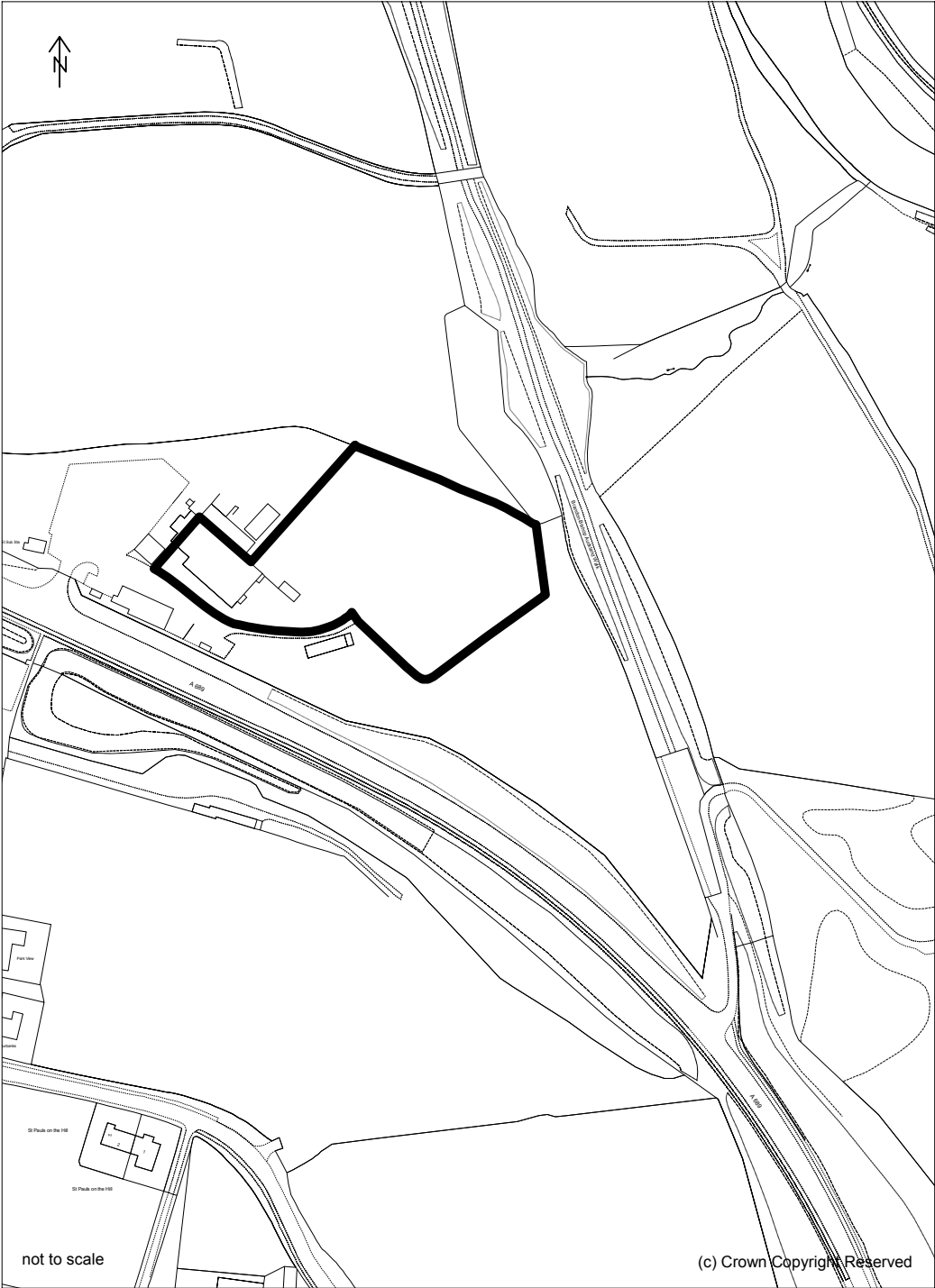
Author of the report

Chris Baxter

Planning Officer

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3/2007/0530 - CHANGE OF USE OF PART OF SITE TO PALLET STORAGE AND DISTRIBUTION YARD AND ERECTION OF INDUSTRIAL BUILDING AT FORMER BRICKWORKS, NEWTON CAP BANK, BISHOP AUCKLAND FOR MESSRS. SEAGRAVES – 03.07.2007



DEVELOPMENT CONTROL COMMITTEE

25TH OCTOBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0604- NEW BUILD, 3 BEDROOM DETACHED PROPERTY WITH GARAGE UNDER, DEMOLISH EXISTING GARAGE AND RELOCATE ATTACHED TO EXISTING PROPERTY AT LAND ON THE EAST SIDE OF VALLEY TERRACE, HOWDEN LE WEAR FOR MR. JOPLING – 01.09.2007

description of site and proposals

1. Planning permission is sought for the construction of a detached property. The proposed property would be a dormer style building with lounge, kitchen, dining room and a bedroom at ground floor level, with two bedrooms and a bathroom at first floor. Given the difference in levels on the site, a garage is proposed at sub ground level. The overall foot print of the proposed property would measure approximately 14 metres by 8 metres. A driveway and turning area would be incorporated to the front of the property with a garden area to the rear.
2. The application site comprises of garden area which is linked with the former Surtees Pub, to the east of Valley Terrace in Howden-le-Wear. The application site is located within the limits to development as defined by the Proposal Maps of the Wear Valley District Local Plan. There are open fields to the north and east of the site. The residential terrace of Valley Terrace is situated to the south with the Surtees Pub to the west. The Surtees Pub has recently been converted into a residential unit. Directly north of the application site is a highway.
3. This application is reported to the Development Control Committee for determination as the applicant is the husband of an Elected Member.

planning history

4. No past planning history relevant to this application.

planning policies

5. The following saved policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
- GD1 General Development Criteria
 - H24 Residential Design Criteria
 - H3 Distribution of Development
 - T1 Highways - General Policy

Also of relevance: Submission Draft Regional Spatial Strategy (RSS).

consultations

6. Durham County Council (Highways Authority): No objections subject to the access being constructed in accordance with Section 184(3) of the Highways Act 1980.
7. Northumbrian Water: No comments.
8. Environment Agency: No objections.

officer analysis

9. The key issues for consideration are:
- Principle of Development
 - Residential Amenity
 - Visual Impact
 - Highways Issues

principle of development

10. The application is for a single residential unit to be located on brownfield land on a site situated within the settlement boundaries of Howden-le-Wear as identified by policy H3 of the Wear Valley District Local Plan. Since the adoption of the Wear Valley District Local Plan in 1997 there have been significant changes in circumstances in relation to development plan production and national and regional planning policy. It has been identified that the number of housing units (including those units completed since 2004, units under construction and units subject to unimplemented planning permissions) in Wear Valley district exceeds the target set out in the Submission Draft Regional Spatial Strategy (RSS) for the period 2004 to 2021. On the 2nd April 2007 the Regeneration Committee agreed a proposal to align local decision making with RSS policies on housing proposals. This therefore means that proposals for new houses have to be selected in the following priority regardless of site size:
1. Suitable previously-developed sites and buildings within urban areas, particularly around transport nodes;

2. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
 3. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
 4. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.
11. Howden-le-Wear is not classified as an urban area, therefore under the points stated above, the proposal is classified as low priority. There are sequentially preferable brownfield sites within the urban areas of Wear Valley district. As such there is brownfield land available for residential development in urban areas and it is considered that the release of this land would prejudice the development of those other sequentially preferable sites and cannot be justified at this stage.
 12. Having given consideration to the principle of development in the light of the adopted Local Plan and all other material considerations, it is considered that the proposed development would be contrary to policy 3 of the Submission Draft Regional Spatial Strategy (RSS).

residential amenity

13. There would be no windows in the west elevation of the proposed property which ensures that there would be no loss of privacy to the occupiers of the dwellings to the west of the site. Given the orientation of the proposed property the windows in the south elevation would not look directly onto neighbouring properties. It is considered there would be no loss of privacy to neighbouring occupiers. Although a 10 metres garden depth is not provided, it is considered that adequate levels of private and useable garden space would be provided within the curtilage of the proposed property. Given the height and size of the proposed property and the position of neighbouring dwellings, there would be no adverse impact on adjacent buildings in terms of overbearing or overshadowing effects.
14. The proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring dwellings and the proposed property. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan.

visual impact

15. Although the proposed property is to be constructed on split levels, it is not considered that the development would be appear out of keeping with the area given there is a variety of different house types in Howden-le-Wear. The proposed property would not have a detrimental impact on the appearance of the surrounding area and would not have an adverse effect on the visual amenity of the street scene. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan.

highway issues

16. A single garage is proposed along with a driveway and turning area within the curtilage of the site. Durham County Council Highways Authority have been consulted and they raise no objections subject to the access been constructed to a suitable standard. The proposed development would not compromise highway safety. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

17. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
18. No observations have been received.

conclusion and reasons for refusal

1. Although the application site is located within the settlement boundaries for Howden-le-Wear, the site is not considered to be a sustainable location and lies outside the district's main urban areas. There are a number of sequentially preferable sites within urban areas, the development of which would be prejudiced should this development be approved. As such there can be no justification for the release of the land for residential purposes at this location. The proposed development is considered to be in conflict with policy 3 of the Submission Draft Regional Spatial Strategy.

RECOMMENDED

That planning permission be **REFUSED** for the following reason;

1. The application proposes the development of land which is not classified as being within an urban area. No justification has been submitted to explain why this land should be released for residential purposes prior to the development of sequentially preferable sites within urban areas. The application is therefore considered to be unacceptable and contrary to Policy 3 of the Draft Regional Spatial Strategy.

background information

Application file, WVDLP, Submission Draft Regional Spatial Strategy.

PS code	<input type="text" value="6"/>		
number of days to Committee	<input type="text" value="55"/>	target achieved	<input checked="" type="checkbox"/>
explanation			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

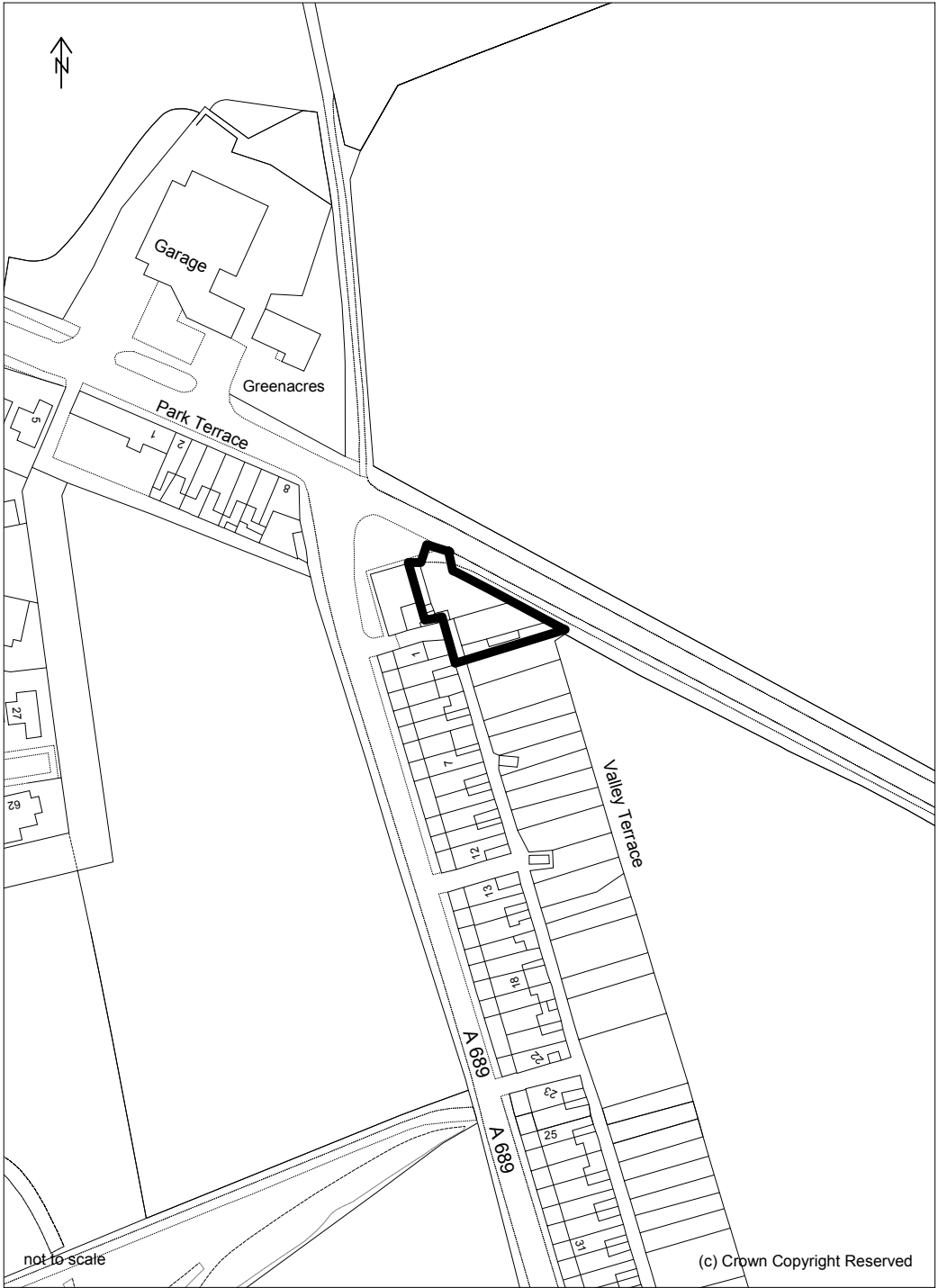
Author of the report

Chris Baxter

Planning Officer

Ext 441

3/2007/0604 - NEW BUILD, 3 BEDROOM DETACHED PROPERTY WITH GARAGE UNDER, DEMOLISH EXISTING GARAGE AND RELOCATE ATTACHED TO EXISTING PROPERTY AT LAND ON THE EAST SIDE OF VALLEY TERRACE, HOWDEN LE WEAR FOR MR. JOPLING -01.09.2007



DEVELOPMENT CONTROL COMMITTEE

25TH OCTOBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0616 - KENNELS AT 1 HIGH ROAD, STANLEY CROOK FOR MR. BOAM - 01.09.2007

description of site and proposals

1. Retrospective planning permission is requested for the erection of kennels which measure 6.6 metres in width, 5.1 metres in length, and 1.9 metres in height, and house 6 dogs. The kennels have been constructed from rendered blockwork, with a cage to the western elevation. The kennels have been constructed to the western elevation of an existing detached garage which lies in a detached garden to the rear of 1 High Road, Stanley Crook.
2. The application site consists of the rear garden of an end terraced property in Stanley Crook. The site is accessed via a rear lane which runs along the rear of the dwellings on High Road. To the south of the site is a Community Centre, whilst to the north are the remaining detached gardens for the dwellings on High Road. To the west of the site is open land which has been granted permission for housing in 2006 (ref: 3/2006/0780, 43 dwellings, Land adjacent to 17 Alma Terrace).

planning history

3. The following planning application has been received in respect of the above site:
 - 3/2006/0524 Erection of Dwelling (Outline) Withdrawn 01.08.2006

planning policies

4. The following saved policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - H25 Residential Extensions
 - FPG5 Alteration and Extension Guidelines

consultations

5. Environmental Health: There are residential properties in close proximity to where the kennels are situated. Further housing is being constructed close to the kennels. I therefore have concerns regarding the potential noise arising from dogs barking whilst being kept in the kennels. From discussions with the applicant it is understood the kennels are to be used solely for the housing of their own dogs that I understand are used for retrieving game and therefore the kennels are small scale in structure. When discussing the application no noise from barking occurred from the dogs being housed in the kennels at the time. However it is recognised that the situation may escalate given the type of dogs housed within the kennels and is also dependant on what the kennels are used for. There is also potential for the expansion of the kennels to provide the use of the kennels for a particular purpose e.g. for the boarding of animals that may occur once the use has become established in the future. To address the above issues appropriate conditions are considered necessary.
6. The keeping of dogs within kennels will create accumulations of dog waste. If the kennels are not cleaned and waste disposed of on a frequent basis this can give rise to odour to the residents of neighbouring properties. There also needs to be provision of suitable drainage for dealing with the discharge of waste when the surface of the kennels are cleaned/ washed down. To ensure solid waste is not discharged into the drain serving the kennels that could have a detrimental impact on the functioning of the drainage system it is recommended an interceptor be provided for the collection of waste.

officer analysis

7. The key issues for consideration are:

- Visual Amenity
- Residential Amenity

visual amenity

8. The dog kennels have been situated approximately 12.1 metres away to the rear of an existing detached garage from the neighbouring dwellings to the east of the application site to minimise noise from the animals. The kennels have been painted cream to compliment the rear of the existing property and the character of the surrounding area. The kennels are not visible from the rear lane as they are attached to the rear of a garage on the site and a 1.8 metre high fence marks the area to the rear of the driveway. The southern boundary is marked by 3 metres high conifer hedging, whilst the northern boundary of the garden is marked by a 1.8 metre high timber fence. It is considered that the kennels are of a typical design and are not visually prominent. As such the kennels do not undermine the objectives of policies GD1, H25 and FPG5 of the Wear Valley District Local Plan.

residential amenity

9. The Environmental Health Officer has been consulted on the application and raised no concerns regarding noise from the resident dogs. It would be unreasonable to condition the number of dogs in this proposal as they are pets and not kept for commercial purposes. Moreover, any increase in the number of dogs would require additional accommodation to be constructed which would require planning permission. The proposal accords with policy GD1 of the Wear Valley District Local Plan.
10. Given the location of the kennels, there have been no overbearing or overshadowing impacts created as a result of the development and the proposal has not lead to any loss of privacy to the occupiers of neighbouring dwellings. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan.

objections/observations

11. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. Five letters of objection have been received. The contents of these letters are summarised below;
 - a) The kennels have been erected without planning permission.
 - b) It is alleged the applicant is operating a business from the kennels. Evidence has been submitted of internet advertisements showing puppies for sale at the property. Planning permission 3/2006/0586 was refused for a children's nursery at Red Cottage because the development would increase pedestrian parking on a highway, interrupt the free flow of traffic, and cause unacceptable level of noise and disturbance.
 - c) The proposal has created unacceptable levels of noise.

response to objections

12. The following comments are made in response to the issues raised:
 - a) Agreed. This application is to regularise the proposal.
 - b) The applicant has stated that no business is being run from the premises, and that the kennels are used solely for the housing of his own dogs.

In *Wallington v S.O.S. for Wales and Montgomeryshire D.D.* 20/2/89 and 7/11/90 it was deduced that the keeping of more than 6 dogs may well be a material change of use. Whether an activity is for hobby/humanitarian purposes or commercial gain is not a determining criterion on its own, irrespective of whether a profit is made on the sale of the puppies. If the extent of the animal keeping is such that the domestic character of a particular house is significantly changed from what could be expected then there is a strong case that such a use is not incidental. As such at present, it is considered that the keeping of 6 dogs and the selling of puppies from the premises from the information

provided would not at present require planning permission as its current scale, is incidental to the dwelling, as the character of the house has not been significantly altered as a result of the erection of the kennels.

In *Bromley L.B. 5/1/89* an Inspector concluded that the keeping of 17 dogs could be considered excessive. However, the animals were kept for personal enjoyment, and the property still remained essentially residential in character. Noise could still be a problem with so many dogs, but was not necessarily a function of numbers. The use was incidental to the dwelling house.

- c) The Environmental Health Officer has not objected to the proposal. Issues of noise disturbance would be dealt with through a Noise Abatement Notice as the barking, howling and whining of dogs amounts to a statutory nuisance under the Environmental Protection Act 1990. This could not be controlled through the planning process.

conclusion and reasons for approval

1. The proposal is in accordance with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as:
 1. The scale, design and materials of the kennels are in keeping with the character and appearance of the surrounding area.
 2. The kennels do not create any loss of privacy to the occupiers of neighbouring buildings, nor any overbearing or overshadowing effects.
 3. A condition is recommended to ensure that the kennels would remain incidental to the use of the dwelling, and no business is operated.

RECOMMENDED

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

conditions

1. At no time whatsoever shall any waste material, goods, merchandise or any article of any description be burnt on the site.
2. Within 56 days of the date of this permission details of drainage and interceptor chamber to be provided on the site shall be submitted to and approved in writing by the local planning authority. These works shall be implemented within 56 days of the details being approved.
3. Within 56 days of the date of this permission details showing the siting of the temporary storage and method of disposal of animal waste shall be submitted to and approved in writing by the local planning authority. The details of temporary storage of waste shall be implemented within 56 days of the details being approved and animal waste shall be disposed of in accordance with the approved details.

4. The kennels hereby permitted shall be used only in connection with the domestic use of the site, and shall not be used for the boarding or keeping of dogs other than those kept and owned by the occupants of the dwelling. No trade or business shall operate within them unless otherwise agreed in writing by the Local Planning Authority.

reasons

1. In order to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To achieve a satisfactory and acceptable form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. In order to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. In order to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	<input type="text" value="13"/>		
number of days to Committee	<input type="text" value="55"/>	target achieved	<input type="text" value="√"/>
explanation			

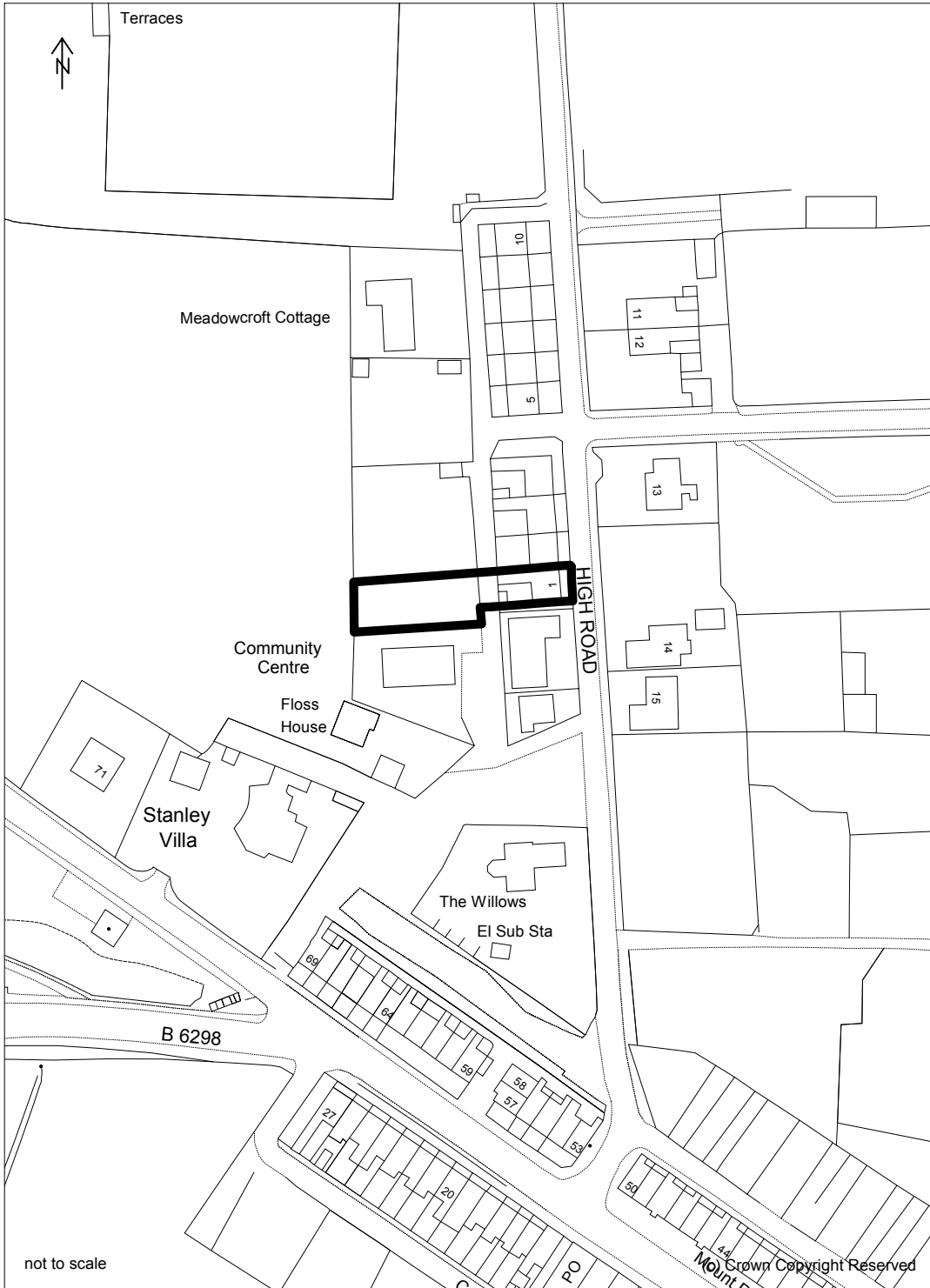
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
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Ext 495

3/2007/0616 – KENNELS AT 1 HIGH ROAD, STANLEY,CROOK FOR MR. BOAM – 01.09.2007



DEVELOPMENT CONTROL COMMITTEE

25th OCTOBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

**3/2006/0803- CHANGE OF USE FROM REDUNDANT WORKSHOP TO
LIVE/WORK UNIT AT 9 GIBBON STREET (BACK), BISHOP AUCKLAND FOR
MRS. MORAN – 29.09.2006**

1. Planning permission was refused on 16th November 2006 for the change of use from a redundant workshop to a live/work unit to the rear of 9 Gibbon Street, Bishop Auckland.
2. The decision was made under delegated powers. The application was refused on the following grounds:
 - a) The proposal represents an unsatisfactory and substandard form of housing development in conflict with and failing to meet the standards set out in policies H24 and GD1 of the Wear Valley District Local Plan.
3. The applicant appealed against the decision.
4. The Inspector has dismissed the appeal. The Inspector concluded that the main issues in the appeal were the potential effect the proposal would have on the occupiers of Lower Edward Street in respect of the effect on privacy and the lack of the provision of any amenity space to serve the development.
5. The Inspector's findings were as follows:
 - a) On the ground floor, whilst the rear yard wall on the back lane would restrict outlook, it would also preclude overlooking. However, in the two storey part of the building it is proposed to form a bedroom on the upper floor. There is at present no access to this area which is hidden behind the ground floor ceiling, but it clearly has not been used for many years. The main bedroom window would face the rear first floor windows of Lower Edward Street, less than 10 metres away. The Inspector considered that this would lead to significant additional overlooking of these properties and an unacceptable lack of privacy for existing residents and for future occupiers of the proposed development. As a consequence the proposal would fail to satisfy the

residential design criteria set out in policy H24 of the adopted Wear Valley District Local Plan in relation to privacy and amenity space.

6. The Inspector concluded that in making his decision he took into account the difficulty in finding a viable use for the building and the potential impact of its commercial re-use on the surrounding area. However the Inspector concluded neither these, nor any other matters, outweigh the harm the proposal would cause to living conditions.

RECOMMENDATION

That the Inspector's decision in relation to the above appeal be noted for future reference.

background information

Application file, Inspector's letter dated 27th September 2007.

Officer responsible for the report	Author of the report
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3/2006/0803 - CHANGE OF USE FROM REDUNDANT WORKSHOP TO LIVE/WORK UNIT AT 9 GIBBON STREET (BACK), BISHOP AUCKLAND FOR MRS. MORAN – 29.09.2006

