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Michael Laing Chief Executive

19th September 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 27th SEPTEMBER 2007** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider development control application 3/2007/0623 – Change of use from open space to garden land and erection of 2 metre high fence on two sides at 6 Rutherford Court, Willington for Mr. I. Ward.	1 - 5
3. To consider development control application 3/2007/0550 – Proposed fence at 18 Malvern Walk, Coundon for Mrs. H. Hunter (retrospective).	6 - 10
4. To consider development control application 3/2007/0487 – Revert one dwelling back into two dwellings at 1 and 2 Lime Terrace, Eldon Lane, Bishop Auckland for Mr. P. A. Iceton.	11 - 15
5. To consider development control application 3/2006/0460 – Detached dwelling at land west of Sunny View, Hunwick Lane, Sunnybrow, Crook for M M H Properties.	16 - 34
6. To consider development control application 3/2007/0614 – Outline proposal for 2 no. semi-detached houses at land rear of 12 Whitwell Terrace, Crook for Ms. Sutcliffe.	35 - 43
7. To consider development control application 3/2006/0952 – Conversion and extension to existing car showroom/service area to form retail and residential units at the Old Mill Station Road, West Auckland for Challenger Developments Limited.	44 - 56
8. To consider development control application 3/2007/0020 – Surface Mine, Coal and Fireclay scheme at Park Wall North, near	57 - 69

Tow Law for U.K. Coal Mining Limited.

9. To receive for information appeal decision 3/2006/0799 – Two storey extension to the rear of 39 Albert Street, Crook for Mr. and Mrs. J. Moss. 70 - 72
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

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0623 - CHANGE OF USE FROM OPEN SPACE TO GARDEN LAND AND ERECTION OF 2 METRE HIGH FENCE ON TWO SIDES AT 6 RUTHERFORD COURT, WILLINGTON FOR MR. I. WARD – 14.08.2007

description of site and proposals

1. This application is reported to the Committee because the proposal represents a departure from the Wear Valley District Local Plan.
2. Planning permission is requested for a change of use from protected open space to residential curtilage at the above address. The parcel of land measures approximately 6 metres in length by approximately 3 metres in width. It is proposed that the parcel of land be enclosed by 2 metres high close boarded timber fencing to match the existing boundary treatment to the rear of the property. At present the land is designated as protected open space under policy BE14 of the Wear Valley District Local Plan, and also forms part of Ancient Woodland, as designated under policy ENV15 of the Wear Valley District Local Plan.
3. Members may recall that the neighbouring property to the north, 53 Armstrong Drive, had a similar scheme approved at the Development Control Committee on 1st March 2007 (ref: 3/2007/0012), as did 52 Armstrong Drive at the Development Control Committee on 26 April 2007 (ref: 3/3007/0169) .
4. The application site comprises of a modern new build detached property within the residential estate of Burn View in Willington. There are neighbouring properties to north, east and south of the application site, with an unmarked public footpath running along the side of the property to the west. The property has a small, open plan front garden, and a large enclosed garden to the rear. Two metres high timber fencing bounds the rear garden at present.

planning history

5. The following planning applications have been received in respect of this site:
 - 3/2001/0110 Erection of 175 Dwellings Withdrawn 22.10.2001
 - 3/2001/0533 Erection of 169 Dwellings Approved 15.01.2003

planning policies

6. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
- GD1 General Development Criteria
 - H3 Distribution of Development
 - BE14 Open Spaces within Built-up Areas
 - ENV15 Ancient Woodlands

consultations

7. Durham County Landscape Section: I can determine no historical reason for the indentation to the rear boundaries of houses 51–53. It would normally be considered an undesirable feature of a boundary, from a crime prevention perspective, to have such an indentation. Therefore I have no objection to this application, nor would there be to similar ones from the neighbours to get rid of the whole indentation.
8. Open Space Society: No response received.

officer analysis

9. The key issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity

principle of development

10. The application site lies within the settlement limits for Willington as identified under policy H3 of the Wear Valley District Local Plan, and as such the proposed extension of the residential garden is acceptable in principle providing that the other relevant policies in the Local Plan are met.
11. The site lies within an area designated as Protected Open Space, as identified under Policy BE14 of the Wear Valley District Local Plan. Policy BE14 states that open spaces that contribute to the character and amenity of the area within the defined development limits will be protected against development.
12. The site is also designated as forming part of an ancient woodland and as such Policy ENV15 applies. Policy ENV15 states that proposals that would be detrimental to the nature conservation value and landscape quality of ancient woodlands will not be permitted.

13. It is considered that the proposed change of use would regularise the rear garden boundary of the application site and would bring the boundary in line with the other rear boundaries of neighbouring properties on Armstrong Drive and would eliminate part of the indentation to the rear of 51-53 Armstrong Drive and 6 Rutherford Court. It is considered that the proposal would not result in the loss of land that provides amenity and character to the area of Protected Open Space, and would not be to the detriment to the conservation value and landscape quality of the area of Ancient Woodland.
14. As such, it is considered that the proposal accords with policies GD1, BE14, H3 and ENV15 of the Wear Valley District Local Plan.

visual impact

15. Turning to the issue of visual impact, the site is clearly different in appearance to that of land used for useable quality public open space. The land to the north of the site is in garden use and so the change of use of the application site to garden land would not have an adverse visual impact. The proposal does not conflict with policies GD1 and BE14 of the Wear Valley District Local Plan.
16. The proposed boundary treatment to enclose the application site would be in keeping with the host property and the surrounding area in terms of scale, design and materials. The erection of a 2 metre high fence around this parcel of land would not enclose a significant area of open space and therefore would not be detrimental to the visual amenity of the surrounding area. Given the comments of the County Landscape Architect, it is considered that the proposal would help to deter crime and increase public safety for users of the public right of way. The proposal accords with policies BE14, ENV15 and GD1 of the Wear Valley District Local Plan.

residential amenity

17. It is considered that the proposed fence would not have an overbearing or overshadowing impact on the host property or the surrounding area. The proposed fence would have a maximum height of 2 metres and would follow the slope of the land. As such it is considered that the proposal would not be detrimental to the residential amenity of neighbouring residents. It is considered that the proposal accords with policy GD1 of the Wear Valley District Local Plan.

objections/observations

18. The application has been advertised on site and local residents have been notified by letter. The application has also been advertised in the press.
19. No comments have been received.

conclusion and reasons for approval

1. The application site lies within the settlement limits for Willington as identified in policy H3 of the Wear Valley District Local Plan where residential uses are considered to be acceptable.
2. The change of use of this area of open space to private garden and the proposed boundary treatment would not have an adverse visual impact on the host property and would not be detrimental to the landscape quality of the remaining area of protected open space or to the detriment of its conservation value. The proposal does not undermine the objectives of policies GD1, ENV15 and BE14 of the Wear Valley District Local Plan.
3. The proposed change of use would not be to the detriment of the residential amenity of neighbouring properties in terms of overbearing or overshadowing impacts. The proposal accords with policy GD1 of the Wear Valley District Local Plan.

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application files, WVDLP.

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number of days to Committee	<input type="text" value="44"/>	target achieved	<input type="text" value="√"/>
explanation			

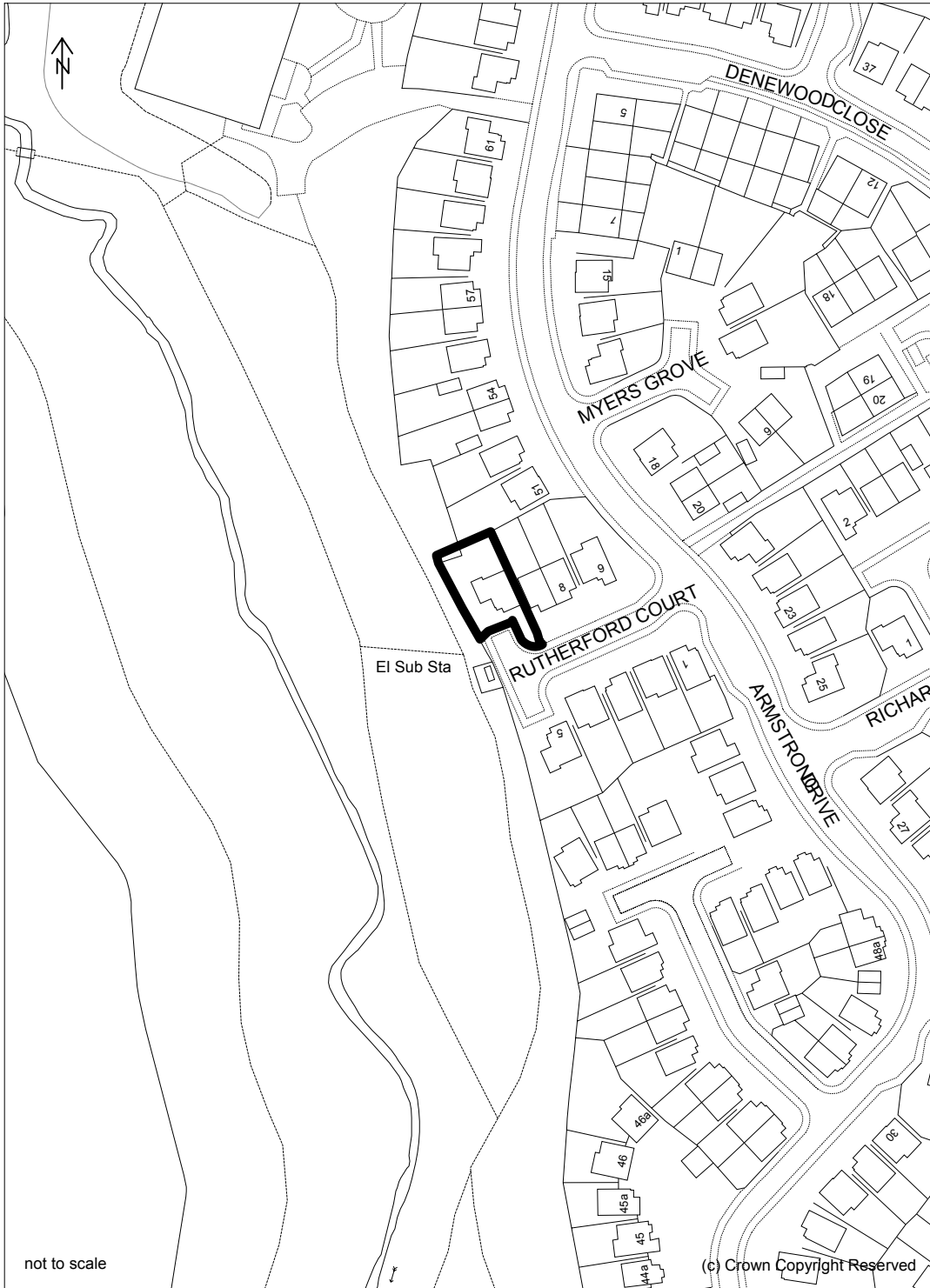
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

3/2007/0623 - CHANGE OF USE FROM OPEN SPACE TO GARDEN LAND AND ERECTION OF 2 METRE HIGH FENCE ON TWO SIDES AT 6 RUTHERFORD COURT, WILLINGTON, CROOK FOR MR. I. WARD -14.08.2007



DEVELOPMENT CONTROL COMMITTEE

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0550- PROPOSED FENCE AT 18 MALVERN WALK, COUNDON FOR MRS. H. HUNTER (RETROSPECTIVE) - 01.08.2007

description of site and proposals

1. Retrospective planning permission is requested for the erection of a 1.55 metre high fence to the rear of the host property. The fence is close boarded in design and constructed from timber. The extent of the fence measures 3.9 metres in length to the rear of the host dwelling incorporating access gates and 13 metres in length delineating the side elevation of the rear garden. The fence requires planning permission as it measures more than 1 metre in height when adjacent to a highway.
2. The application site comprises of an end terraced property within the predominantly residential area of Malvern Walk in Coundon. There are neighbouring properties to the north and south of the host site. The property has a garage to the rear with an enclosed private garden area. There is a highway to the rear of the dwelling with additional parking facilities. A footpath runs adjacent to the host property to the south. There are various styles and designs of fence within close proximity to the application site.
3. The application has been reported to Committee as the application has received 4 objections.

planning history

4. There is no recent planning history relevant to this application.

planning policies

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

consultations

6. Crime Prevention Officer Durham Constabulary – The Crime Prevention Officer was requested to visit the application site as a result of concerns from nearby residents that the fence in question may have resulted in an increase in anti social behaviour and criminal activity. The officer had no objections to the development and stated that there was no visible evidence of anti – social behaviour. Police records have been checked for the area and no incidents have been reported. In addition, the means of enclosure in question was considered to be an improvement on various other fences in the same street and on the surrounding estate.

officer analysis

7. The main issues for consideration are:
 - Residential Amenity
 - Crime Prevention and Anti Social Behaviour

residential amenity

8. The fence erected to the rear of the host property is in keeping with the host dwelling and the surrounding area in terms of scale, design and materials. The fence compliments the similar means of enclosure evident within close proximity to the application site. It is considered that the fence does not have an adverse visual impact on the host property and is not detrimental to the character of the surrounding area. The erection of the fence which has a maximum height of 1.55 metres does not have an overbearing or overshadowing effect on the occupiers of adjacent properties as the existing boundary treatments to the adjacent dwellings are of a similar height and structure. The fence does not create a dominant feature within the street scene. The development accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan.

crime prevention and anti social behaviour

9. It is considered that as the fence has a maximum height of 1.55 metres it would not create a corridor effect which may lead to an increase in anti social behaviour. The proposal accords with policy GD1 of the Wear Valley District Local Plan.

objections/observations

10. Occupiers of surrounding properties have been notified in writing and a site notice has been posted.
11. Four letters of objection have been received, the details of which are summarised below:
 - a) I have no front access to my property and now have no access at the back because of the fence.

- b) I have twin boys with special needs who are highly sensitive to noise so we need to park as close to our house as possible so they do not get alarmed.
- c) The fence has made the alley very very dark as the lamp posts are over the other side of the square.
- d) It has now attracted a bad crowd of kids because they have somewhere to hang out and hide.
- e) The fence is hanging over into the alley about 6 inches and there has already been one accident.
- f) There are limited parking facilities and the applicants object to anyone else parking there. They have made it clear that they have no intention of parking in their drive.

response to objections

12. The following comments are a response to the issues raised by the objectors:

- a) It is considered that the fence is acceptable in terms of style and design. Therefore if the occupiers of this property choose to erect a means of enclosure around land within their ownership it cannot be controlled by the planning legislation.
- b) Unfortunately, the individual requirements of the occupiers of the neighbouring dwelling are not material planning considerations. As the fence would not block or restrict any of the available parking bays to the rear of the site it is considered that there is still adequate parking within close proximity to the site.
- c) The Crime Prevention Officer has no objection to the proposal.
- d) The Crime Prevention Officer has no objection to the proposal.
- e) Unless the fence is causing an obstruction to the footpath this is not a material planning consideration.
- f) Neighbour disputes are not something which can be dealt with under planning legislation.

conclusion and reasons for approval

1. It is considered that the fence does not appear out of character with the host property or the surrounding area in terms of scale, design and materials. The fence does not have an adverse visual impact on the host property and would not be detrimental to the surrounding area. The fence does not cause a hazard to pedestrian or motorist safety as it does not obstruct the adjacent footpath or limit parking facilities. In addition, there is no evidence to suggest that there has been an increase in anti social behaviour as a result of the development. The development accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan.

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application file, WVDLP.

PS code

13

number of days to Committee

60

target achieved

X

explanation Next available committee after the consultation deadline.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

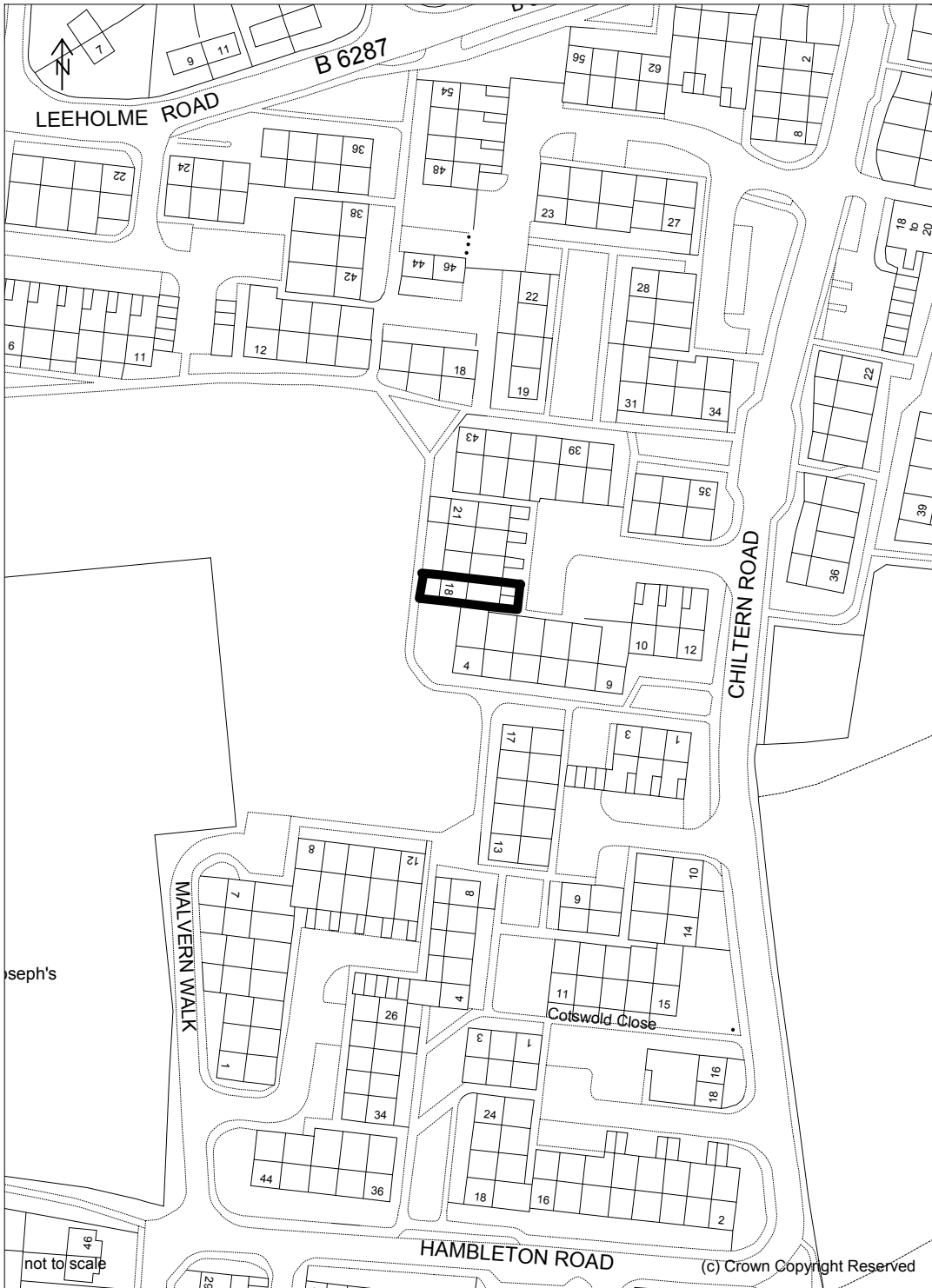
Author of the report

Joy Whittington

Planning Officer

Ext 268

3/2007/0550 - PROPOSED FENCE AT 18 MALVERN WALK, COUNDON FOR MRS. H. HUNTER – 01.08.2007



DEVELOPMENT CONTROL COMMITTEE

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0487- REVERT ONE DWELLING BACK INTO TWO DWELLINGS AT 1 AND 2 LIME TERRACE, ELDON LANE, BISHOP AUCKLAND FOR MR. P. A. ICETON - 19.07.2007

description of site and proposals

1. This application seeks planning permission for the sub-division of the existing end-terrace dwelling back into a pair of terraced properties. Proposed alterations include the provision of a front door and new windows at first floor in the front elevation, along with a new rear door. It is also proposed to subdivide the rear yard to form the rear boundary between the two dwellings.
2. The site is located in a residential area within the Settlement Limits to Development of Dene Valley as identified in the Wear Valley District Local Plan. The prevailing character of development in the area is terraced dwellings.
3. The property is located approximately 500m from the defined settlement limits of Bishop Auckland. This application is reported to Committee as it does not comply with the local interpretation of RSS Policy 3 which was endorsed by Regeneration Committee on 2nd April 2007 and Full Council on 11th April 2007.

planning history

4. None.

planning policies

5. The following 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 relevant is The North East of England Regional Spatial Strategy (Policies 3 and 5)

consultations

6. Durham County Council Highways: No objection.

officer analysis

7. The key issues for consideration are:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Access and Parking

principle of development

8. The site is within a well established residential area and involves the subdivision of an existing dwelling back into two separate dwellings. The property was previously two dwellings. The site is within the built up framework of Dene Valley and is in close location to the built framework of Bishop Auckland.
9. The site falls outside of the urban areas which have been identified as sequentially preferable for development in line with policies 3 and 5 of the RSS and would therefore be classified as a priority four site where development would not normally be acceptable until priority 1, 2 and 3 sites have been developed.
10. In this instance, the proposal is the sub-division of a large dwelling back into two smaller units and it is envisaged that the resultant dwellings would be more desirable in this location which is in need of investment. The site is also considered to be in a sustainable location close to the urban area of Bishop Auckland. In the circumstances that the application proposes the reinstatement of the original use of the buildings, and taking into account the brownfield nature of the site in a sustainable location, it is considered that the development is therefore acceptable in principle and the proposal is in accordance with policy H3 of the Wear Valley District Local Plan.

design and visual impact

11. The proposed external alterations to facilitate the sub-division include the provision of a front door to match the existing, along with the installation of first floor windows and a rear door. It is also proposed to form a rear boundary between the rear yards of the two dwellings although no information has been provided in respect of the specific details of this proposal. The proposed alterations are in keeping with the character of the building and indeed that of the wider area. Subject to the provision of specific details of the fencing, and the incorporation of appropriate stone cills and lintels in respect of the new

windows and doors, the proposal is in accordance with policies GD1, H24 and FPG5 of the Wear Valley District Local Plan.

residential amenity

12. The proposal would not impact on the residential amenities of any adjoining or surrounding occupiers. The proposed new boundary to the rear would ensure that adequate privacy is maintained for the occupiers of both proposed dwellings and sufficient amenity space is provided for each dwelling commensurate with the size and location of the resulting dwellings. The application is in accordance with policies H24 and FPG5 of the Wear Valley District Local Plan.

access and parking

13. The existing property benefits from one on-site parking space in the rear yard. The application proposes that this space is retained and could be used by the western most dwelling. No additional parking is proposed, however adequate on-street parking is available in the vicinity. Durham County Council Highways have not objected to the proposal which is in accordance with policies H24, T1 and FPG5 of the Wear Valley District Local Plan.

objections/observations

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

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, H3, H24, T1 and FPG5 of the Wear Valley District Local Plan as it:
 1. Is in a sustainable location in an existing residential area.
 2. Would be in keeping with the existing building in terms of scale, design and materials.
 3. Would not adversely impact on the amenities of surrounding occupiers and would maintain adequate amenity levels for future occupiers of the proposed dwellings.
 4. Would result in on-street parking in a location where there is sufficient capacity which would not generate any highway safety issues

RECOMMENDED

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

conditions

1. 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 dwellings hereby approved are first occupied.
2. Notwithstanding the details included on the approved plans, exposed stone sills and lintels to match the existing shall be used below and above all new window openings and exposed stone lintels to match the existing shall be used above the new external door opening in the south facing elevation.

reasons

1. To achieve a satisfactory form of development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
2. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, H24 and FPG5 of the Wear Valley District Local Plan.

background information

Application file, WVDLP, RSS.

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explanation – Next available Committee following consultation responses.			

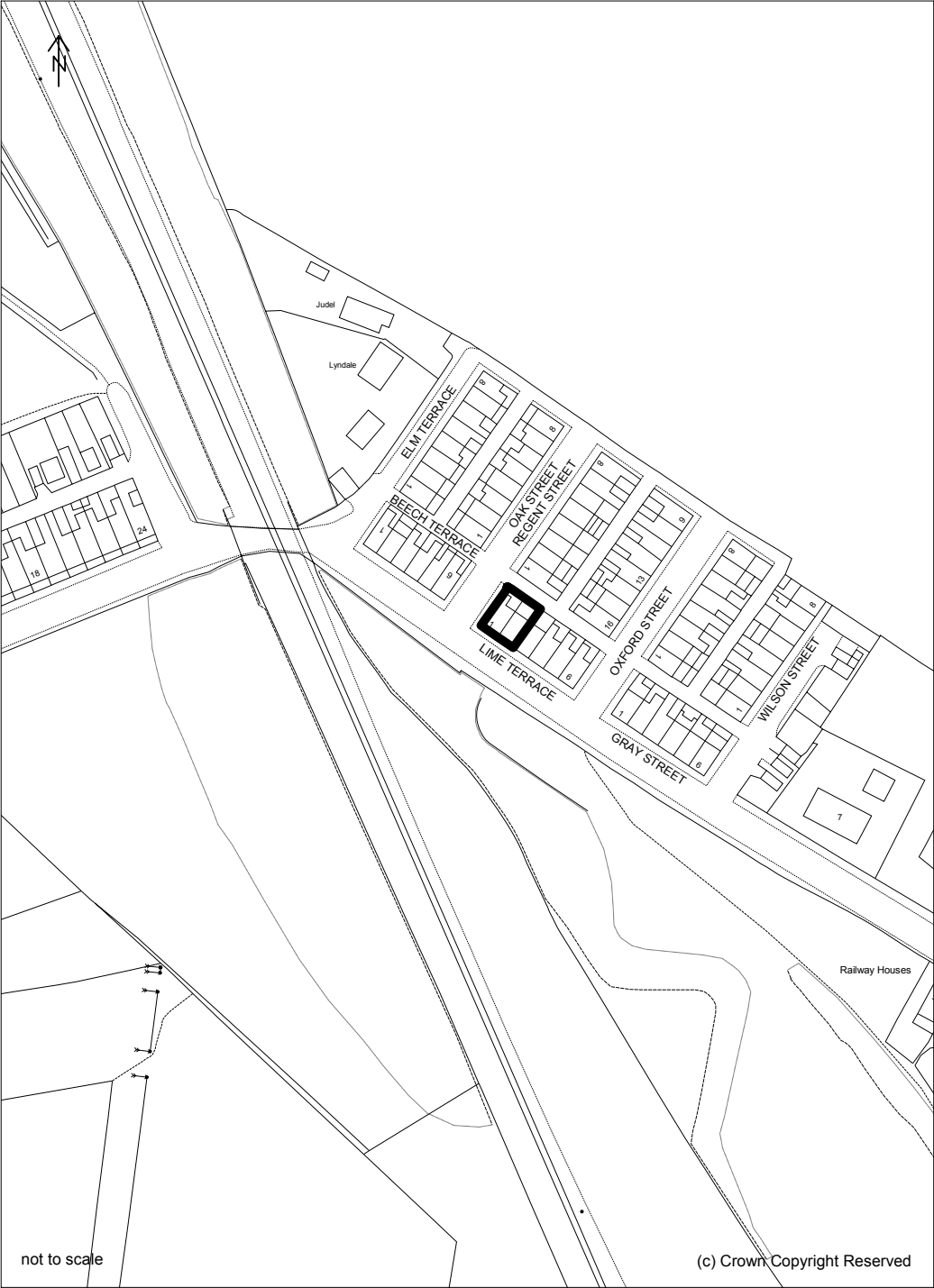
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Sarah Eldridge
Senior Planning Officer
Ext 267

3/2007/0487- REVERT ONE DWELLING BACK INTO TWO DWELLINGS AT 1 AND 2 LIME TERRACE, ELDON LANE, BISHOP AUCKLAND FOR MR. P. A. ICETON - 19.07.2007



DEVELOPMENT CONTROL COMMITTEE

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

**3/2006/0460 - DETACHED DWELLING AT LAND WEST OF SUNNY VIEW,
HUNWICK LANE, SUNNYBROW, CROOK FOR M M H PROPERTIES –
23.05.2006 - AMENDED 30.08.2007**

description of site and proposals

1. Members will recall that this application was considered at the Development Control Committee on 7th June 2007. The Committee resolved that provided an agreement on the siting of the property was reached with the neighbours planning permission could be issued without referral back to the Committee. In the event of the siting not being agreed with the neighbours, the Committee required the matter to be referred back to the Development Control Committee.
2. The matter is being referred back to the Development Control Committee as the siting of the proposed property has not been agreed with all the neighbouring occupiers. The applicants have agreed with Mr. Streich, the owner of Two Oaks (neighbouring property to the south), that the siting of the property is to be positioned centrally within the site. The proposal showed the siting of the property situated 4 metres from the north boundary of the site and 200 mm from the south boundary. The proposal has been amended to show the proposed property 2.4 metres away from the south boundary and 2 metres from the north boundary. The owners of 'The Bungalow' (the neighbouring property to the north) have not agreed to the proposed position. They objected also to the original proposal.
3. For recollection, full planning permission is sought for the erection of a two storey detached property on land which lies on the southern edge of Sunnybrow. The proposal is for a five bedroom property which would have an overall footprint of 13 metres by 11 metres. The property would reach a height of 5.6 metres to the eaves and 9 metres to the ridge. The proposal incorporates an integral double garage and the access to the site would be taken from the west off Hunwick Lane.

4. The application site comprises of a vacant untidy parcel of greenfield land which is located to the east of Hunwick Lane at the edge of Sunnybrow. The site lies within the settlement limits of development for Willington. Outline planning permission for a single property exists on the application site. The main highway is located to the west with an access lane running along the south boundary of the site. The means of access has previously been approved. Residential properties surround the application site. The Bungalow (No. 6 Hunwick Lane) is to the north, Two Oaks to the south and Sunny View to the east. Sunnybrow School is located to the west on the west side of Hunwick Lane. There are a number of conifer trees located along the south boundary of the site.

planning history

5. There have been a number of planning applications related to this site. The following are considered relevant to the determination of this application:

- 3/2002/0715 Outline Application for Two Dwellings Approved 05.06.2003
- 3/2006/0499 Renewal of Permission For 2 Dwellings 3/2002/0715 Approved 26.07.2006

6. For clarification, the above applications granted outline approval for two dwellings on two separate plots. This application relates to plot 1 is the plot indicated in this application and plot 2 is located to the south of Sunny View.

planning policies

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

- GD1 General Development Criteria
- H3 Distribution of Development
- H24 Residential Design Criteria
- T1 Highways – General Policy

consultations

8. Durham County Council (Highways Officer): No highway objection subject to the following comments:

1. The proposed dwelling must be served by a new vehicular access. The access must be constructed in accordance with Section 184(3) of the Highways Act 1980. The applicant will need to contact the Durham County Council Southern Area Office.
2. This proposal will require the re-location of a pole carrying the overhead electricity supply. This requirement has not been shown on the submitted plan. A further dwelling taking access from the existing access to the south will be opposed.

3. No development should commence on site until the proposed new access has been constructed.
9. Northumbrian Water: The developer should make early contact with Northumbrian Water.

officer analysis

10. The key issues for consideration are:

- Siting of Property
- Principle of Development/Visual Impact/Highway Issues

siting of property

11. Members will recall that Mr. Streich (owner of Two Oaks) spoke at the Development Control Committee on 7th June 2007 and raised concerns regarding the position of the proposed property in relation to his property to the south. Mr. Streich requested that the proposed property be re-sited 1.5 metres further north. Mr. Moffat (the applicant) stated that he had worked with officers to try and ensure everyone was satisfied with the proposal and had not realised that problems had arisen for Mr. Streich. Mr. Moffat was happy to try and resolve any issues regarding the siting of the property.
12. Meetings have taken place between the applicant and the neighbouring occupiers to try to agree on a suitable siting for the proposed property which would be acceptable for all parties. Mr. Streich has submitted a letter indicating that he withdraws his objection to the proposal and the revised siting of the proposed property is acceptable. The applicant has confirmed that Mr. Richardson was not able to agree on a suitable siting for the proposed property.
13. The proposed property would be 2.4 metres from the south boundary and 2 metres from the north boundary. Given the orientation of the buildings, the proposed property would not create any overbearing or overshadowing impacts upon Two Oaks (to the south) and Sunny View (to the east). There is a window to a habitable room in the south elevation of The Bungalow (to the north) which is partially screened by an existing fence. Whilst it is accepted that this habitable room may lose some light in the morning by the afternoon this window would receive substantial amounts of natural sunlight.
14. There are to be no windows to habitable rooms in the north and south elevation of the proposed property. The proposed development would not result in the loss of privacy to neighbouring properties.
15. It is considered that the siting of the proposed property would not have an adverse impact on the residential amenities of the neighbouring properties. The proposal is in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

principle of development/visual impact/highway issues

16. The issues surrounding the principle of development, along with the visual impact of the proposed property and the related highway issues were all detailed within the initial committee report presented at the Development Control Committee on the 7th June 2007. The minutes for the Development Control Committee of 7th June 2007 show there were no adverse comments on any of these issues. As there are no changes to the appearance of the proposed property or to the access arrangements to the site, it is considered that the development would not have an adverse impact on the appearance of the surrounding area and would not have a detrimental effect on highway safety. The conditions recommended in the initial Committee report are still considered relevant and are again recommended should Members decide to grant planning permission. The proposal is in accordance with policies GD1, H3 and T1 of the Wear Valley District Local Plan.

objections/observations

17. Four letters of objections were received originally against the proposed development. The contents of these letters were summarised and commented upon in the previous Committee report (see appendix 2 **previous committee report**).
18. The occupiers of surrounding properties, who originally objected to the proposal, have been notified and sent copies of the amended plans showing the resiting of the house. The occupiers of the surrounding properties were offered time to submit any further observations they may have. No observations were received before this report was published.

conclusion and reasons for approval

1. This application is being referred back to the Development Control Committee as an agreement cannot be achieved between the applicant and the neighbouring occupiers regarding the siting of the proposed property. The occupier of Two Oaks (property to the south) has indicated that he withdraws his objection to the proposal however the occupiers of The Bungalow (property to the north) have not withdrawn their objections. It is considered that the proposed siting of the property would not compromise the residential amenities of the occupiers of surrounding properties. The proposed development would not result in the loss of privacy to neighbouring properties. The development would not have an adverse impact on adjoining properties in terms of overbearing or overshadowing impacts. The proposed development accords with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.
2. The issues surrounding the principle of development, along with the visual impact of the proposed property and the related highway issues were all detailed within the initial Committee report presented at the Development Control Committee on the 7th June 2007. There are no alterations to the scale and appearance of the proposed property and no changes to the proposed access. It is considered that the development would not have an adverse

impact on the appearance of the surrounding area and would not have a detrimental effect on highway safety. The conditions recommended in the previous Committee report are still considered to be relevant and are recommended in this report. The proposal is in accordance with policies GD1, H3 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 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. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwelling 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.
4. No development shall commence until the exact location of the proposed building has been pegged out on site for inspection and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.
5. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
6. 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.
7. 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.

8. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F and G of Part 1 and Classes A, 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 site without an application for planning permission having been first made to and approved in writing by the local planning authority.
9. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq no additional openings shall be formed in the north and south elevations of the building hereby approved.
10. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq the windows in the north and south elevations of the building hereby approved shall be fixed shut and glazed with obscure glass before the occupation of the building hereby approved and thereafter they shall be so retained to the satisfaction of the local planning authority.
11. Prior to the commencement of works to the building hereby approved the vehicular access shall be constructed in accordance with Section 184(3) of the Highways Act 1980.
12. The new access hereby approved shall be at a gradient of no more than 4% (1:25) for the first 10 metres from the carriageway.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. To ensure that the existing ground conditions are protected from undue disturbance and to safeguard the occupiers of existing neighbouring dwellings from loss of privacy or other residential amenities arising from the construction of the new dwelling at a higher level without adequate separation. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. For the avoidance of doubt. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
5. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
6. 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.

7. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
8. Due to the restrictions of the site, and the position of neighbouring dwellings, the local planning authority wishes to control future extensions and alterations of the dwelling hereby approved in the interests of safeguarding residential and visual amenities. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
9. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
10. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
11. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
12. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	<input style="width: 40px; height: 20px;" type="text" value="6"/>			
number of days to Committee	<input style="width: 40px; height: 20px;" type="text" value="374"/>	target achieved	<input style="width: 40px; height: 20px;" type="text" value="X"/>	
explanation				
Further discussions and negotiations between planning officers, the architect, the applicant and neighbouring occupiers, involving the siting of the proposed property.				

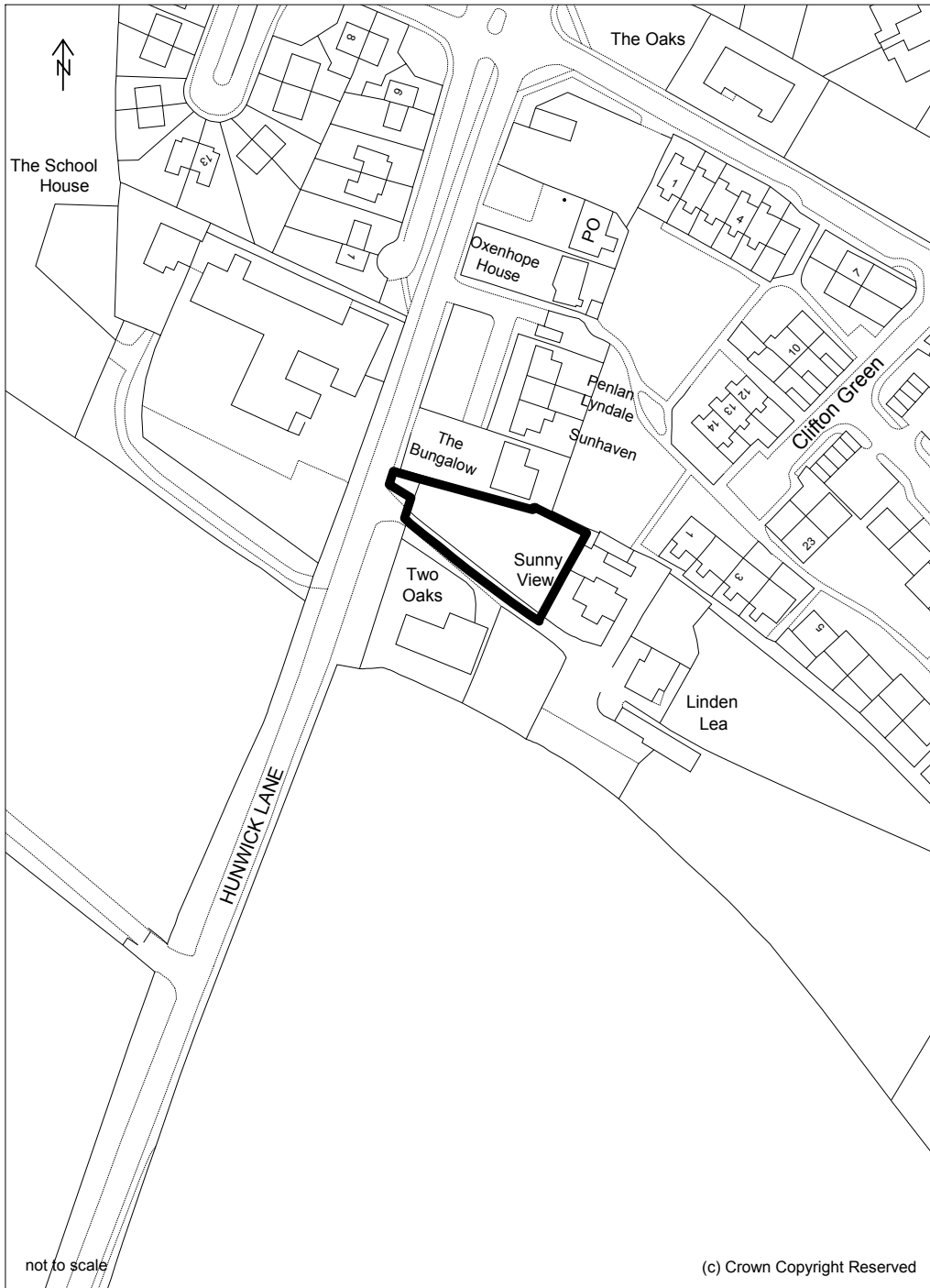
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Chris Baxter
 Planning Officer
 Ext 441

**3/2006/0460 - DETACHED DWELLING AT LAND WEST OF SUNNY VIEW,
HUNWICK LANE, SUNNYBROW, CROOK FOR M M H PROPERTIES -
23.05.2006 - AMENDED 30.08.2007**



DEVELOPMENT CONTROL COMMITTEE

7th JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

**3/2006/0460 - DETACHED DWELLING AT LAND WEST OF SUNNY VIEW
HUNWICK LANE, SUNNYBROW, CROOK FOR M M H PROPERTIES - 23.05.2006
- AMENDED 21.09.06, 26.06.06, 06.12.06 AND 15.05.07**

description of site and proposals

1. Full planning permission is sought for the erection of a two storey detached property on land which lies on the southern edge of Sunnybrow. The proposal is for a five bedroom property which would have an overall footprint of 13 metres by 11 metres. The property would reach a height of 5.6 metres to the eaves and 9 metres to the ridge. The proposal incorporates an integral double garage and the access to the site would be taken from the west off Hunwick Lane.
2. The application site comprises of a vacant untidy parcel of greenfield land which is located to the east of Hunwick Lane at the edge of Sunnybrow. The site lies within the settlement limits of development for Willington. Outline planning permission for a single property exists on the application site. The main highway is located to the west with an access lane running along the south boundary of the site. The means of access has previously been approved. Residential properties surround the application site, The Bungalow (No. 6 Hunwick Lane) is to the north, Two Oaks to the south and Sunny View to the east. Sunnybrow School is located to the west on the west side of Hunwick Lane. There are a number of conifer trees located along the south boundary of the site.

planning history

3. There have been a number of planning applications related to this site. The following are considered relevant to the determination of this application:
 - 3/2002/0715 Outline Application for Two Dwellings Approved 05.06.2003
 - 3/2006/0499 Renewal of Permission For 2 Dwellings 3/2002/0715 Approved 26.07.2006

4. For clarification, the above applications granted outline approval for two dwellings on two separate plots. This application relates to plot 1 is the plot indicated in this application and plot 2 is located to the south of Sunny View.

planning policies

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

consultations

6. Durham County Council (Highways Officer): No highway objection subject to the following comments:
 1. The proposed dwelling must be served by a new vehicular access. The access must be constructed in accordance with Section 184(3) of the Highways Act 1980. The applicant will need to contact the Durham County Council Southern Area Office.
 2. This proposal will require the re-location of a pole carrying the overhead electricity supply. This requirement has not been shown on the submitted plan. A further dwelling taking access from the existing access to the south will be opposed.
 3. No development should commence on site until the proposed new access has been constructed.
7. Northumbrian Water: The developer should make early contact with Northumbrian Water.

officer analysis

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

principle of development

9. The site to which the application relates already enjoys planning permission as part of the previous outline approval. The application site is located within the limits to development for Willington as identified within the Wear Valley District Local Plan. The site is situated within an established residential area.

10. When the outline application 3/2002/0715 was reported to Committee the site was considered to be greenfield land. The report stated that the development

'comprises a small infill site well related to the existing built-up area where no significant visual harm will be caused if it were developed. The proposed development of this plot will not prejudice the redevelopment of the available brownfield land.'
11. Despite its Greenfield status given that an extant outline permission already exists, it is considered that the principle of development is established at this present time.

residential amenity
12. It should be noted that the proposed development has been amended a number of times in order to achieve an acceptable development which would not compromise the residential amenities of the occupiers of neighbouring properties. The main outlook from the proposed dwelling would be to the west and east. There are no windows to habitable rooms proposed in the north and south elevations (gable elevations).
13. The separation distance between the proposed dwelling and Sunny View to the east is 14 metres. There are no windows to habitable rooms in the west elevation of Sunny View which would look onto the proposed property. In view of this circumstance although 14 metres separation does not meet the guidelines set out in policy H24 of the Wear Valley District Local Plan it is considered acceptable in this instance as it would not result in any loss of privacy to the occupiers of Sunny View and it would not create any overlooking issues. The residential amenities currently enjoyed by Sunny View would not be compromised.
14. There are no windows to habitable rooms located in the north elevation of Two Oaks which would directly overlook the proposed dwelling. There are no windows to habitable rooms in the south elevation of the proposed dwelling which would overlook the residential property of Two Oaks. It is considered that the privacy of the occupiers of Two Oaks would not be adversely affected.
15. The relationship between the proposed dwelling and The Bungalow to the north of the site has been carefully assessed. There is a window to a habitable room in the south elevation of The Bungalow facing the proposed dwelling. There is currently a 2 metre high timber fence on the north boundary of the host site which restricts the views from the window in The Bungalow.
16. Several meetings between planning officers, the architect and the applicants have taken place in order to achieve an acceptable development which would not compromise the amenities currently enjoyed by the occupiers of The Bungalow. A number of amendments have been made to the development from the original scheme submitted. These amendments include 'handing' the property, therefore a single storey garage would be situated to the north, the pitch of the roof has been reduced in order to lower the overall height of the property and the property itself has been relocated further south, away from

The Bungalow. The roof of the single storey garage has also been hipped to reduce the impact. The architect for the application has produced a landscape view showing the position of the proposed dwelling in relation to The Bungalow. It is recognised that the architect and the applicant have made significant alterations to the proposed scheme to reduce the impact upon the window to a habitable room in the south elevation of The Bungalow.

17. The outlook from the habitable room on the gable elevation of The Bungalow is minimal due to the existing two metre high fence located within two metres of the window. The 15 metre separation distance between windows to habitable rooms and gable ends of a property, stated in policy H24 of the Wear Valley District Local, is not relevant in this instance because of the two metres high fence. It is considered that the proposed property would not have an adverse impact on the outlook currently enjoyed from this neighbouring window in the gable elevation of The Bungalow.
18. An assessment has to be made on whether the proposed dwelling would create any overshadowing or overbearing impacts upon The Bungalow and the window in the gable elevation. As stated previously the application has been amended on several occasions in order to reduce the impact upon The Bungalow and the window in the gable elevation. Given the orientation of the proposed property, that the proposed property has been resited further away from The Bungalow and would have a shallow roof pitch, it is considered that the proposed development would not have a detrimental impact on The Bungalow in terms of overbearing and overshadowing impacts. It is accepted that some loss of light may be apparent in the habitable room of The Bungalow in the mornings however by midday the window in the gable elevation would receive substantial amounts of natural sunlight.
19. It is considered that the future occupiers of the proposed dwelling would enjoy adequate levels of residential amenity. The proposed rear garden measures 8 metres in depth and 24 metres in width. There is sufficient amount of private and useable garden area provided within the curtilage of the site.
20. Due to the amendments made to the proposed development, it is considered that the proposed property by virtue of its positioning within the site and design would not have an adverse impact on the residential amenities of existing occupiers of neighbouring dwellings and the future occupiers of the proposed dwelling would enjoy a satisfactory standards of residential amenity. The proposed development does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.
21. A condition is recommended for permitted development rights to be removed from the proposed property. Due to the restrictions of the site, and the position of neighbouring dwellings, the local planning authority wishes to control future development on the site.

visual impact

22. The proposal is for a two storey detached property set back from the main highway. There are different styles, designs and materials of buildings surrounding the application site. There are bungalows to the north, two storey properties to the east and a property to the south which has been extended and is higher than the bungalows to the north. Given that the site is at a lower level than the road, the proposed dwelling would not appear intrusive within the street scene. There are a number of different building materials visible in the surrounding area and although the proposed materials for the property have not been stated, it is considered that an acceptable external appearance can be agreed through the use of conditions which would not be detrimental to the visual amenity of the immediate surroundings.
23. There are currently conifer trees located along the south boundary of the site. The applicants intend to remove these trees. There are no other conifer trees visible within the vicinity of the application site. The trees are not protected and it is considered that if they are removed the appearance of the area will not be harmed. A condition is recommended for a scheme of landscaping to be submitted to and approved by the local planning authority. A landscaping scheme would incorporate proposed boundary hedging along the south of the site
24. The proposed development by virtue of its siting, design and external appearance would have an acceptable impact on the appearance of the surrounding area and 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

25. The means of access was agreed through the outline planning permission. It is noted that this is a full planning application however, as per the outline approval, the access is to be taken from the west directly from Hunwick Lane. Speed is restricted to 30 miles per hour on this highway and it is considered that the creation of an access is acceptable, as it relates only to one dwelling. Durham County Council Highways Authority have raised no objections to the proposal subject to a number of conditions. These conditions are recommended accordingly. The proposed property incorporates a double garage and a large driveway which provides sufficient space for off street parking. Whilst the development provides over the current parking standards issued in Local Transport Plan 2, the Highways Officer has indicated that it is acceptable in this instance as the development is on the edge of the settlement and no on-street parking is recommended in this area.
26. It is considered that the proposed development would not cause harm to highway safety or the safety and convenience of pedestrians. The proposed development accords with policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

27. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. Four letters of objections have been received. The contents of these letters are summarised below:

- a) The proposed dwelling does not meet the separation distance stated in the Council's policies.
- b) The proposal will impact upon neighbours' human rights to privacy.
- c) The Local Government Ombudsman was contacted at the time of the outline planning permission. The Ombudsman responded:

'If an application is submitted in the future, the Council should consult you and the Ombudsman would expect it to consider all the relevant planning policies and any impact on you'.

- d) The access poses a health and safety issue.
- e) A fence has been erected along the north boundary of the site blocking neighbouring windows.
- f) The original application was for a dormer bungalow.
- g) The outline application detailed that the existing trees on the site would be retained. This application states that the trees are to be felled.
- h) Loss of light.
- i) The proposal is a 3 storey house.
- j) The roof pitch is not great enough to provide rooms in the roof space.
- k) The applicant has not shown the relativity of the proposed house alongside the bungalow.
- l) Overdevelopment of the site.
- m) Works have begun on site by dumping soil and rubble.
- n) Given the level of the proposed access road, there are concerns with regards to drainage issues.
- o) The proposed property is out of keeping with neighbouring buildings.

response to objections

28. The following points are made in response to the issues raised by the objectors:

- a) Discussed in officer analysis under heading 'residential amenity'.
- b) The issue of privacy is discussed under the heading 'residential amenity'.
- c) The statement issued by the Ombudsman has been adhered to. The occupiers of neighbouring properties have been notified in writing, the development has been considered against the policies of the Wear Valley District Local Plan, and the impact on neighbouring properties has been carefully assessed.
- d) Durham County Council Highways Authority have not objected to the proposed development. The means of access was granted approval at the outline stage and is still considered acceptable.
- e) This fence along the north boundary is permitted development and does not require planning permission.

- f) The outline application did show some indicative drawings for a dormer bungalow however this application proposes a two storey property. The development in this application has to be determined on its own merits.
- g) Agreed. Discussed in officer analysis under heading 'visual impact'.
- h) The scheme has been amended several times in order to alleviate any overshadowing impacts on neighbouring properties. It is considered that this has been achieved. Overbearing and overshadowing impacts are discussed in officer analysis.
- i) The property proposes rooms in the roof space however the appearance of the building is a two storey dwelling with roof lights.
- j) The Building Control Officer has confirmed that the roof is of sufficient pitch to provide rooms in the roof space.
- k) The architect for the application has produced a drawing showing the relationship between the proposed dwelling and the bungalow to the north.
- l) There is sufficient land to accommodate a property which provides adequate levels of residential amenity. The proposal is not considered overdevelopment.
- m) Agreed. Any works done by the applicants is at their own risk. This is not a material planning consideration.
- n) A condition is recommended for a drainage scheme to be submitted to and agreed in writing by the local planning authority.
- o) Discussed in officer analysis under the heading 'visual impact'.

conclusion and reasons for approval

1. The site to which the application relates already enjoys planning permission as part of the previous outline approval and therefore the principle of development for residential purposes is currently established.
2. It is noted that the proposed development has been amended a number of times in order to achieve an acceptable development which would not compromise the residential amenities of the occupiers of neighbouring properties. The main outlook from the proposed dwelling would be to the west and east. There are no windows to habitable rooms proposed in the north and south elevations (gable elevations). The proposed development would not result in the loss of privacy to neighbouring properties. Due to the position of the proposed dwelling, the building would not have a detrimental impact on adjoining properties in terms of overbearing or overshadowing impacts. The outlook for the occupiers of neighbouring properties would not be compromised. There is sufficient amounts of private and useable amenity space provided within the curtilage of the site. The proposed development would not have an adverse impact on the residential amenities of existing occupiers of neighbouring properties and the future occupiers of the proposed dwelling would enjoy a satisfactory standard of residential amenity. The proposed development does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

3. There are different styles, designs and materials of buildings surrounding the application site. There is no constant house type within the vicinity of the application site. The proposed dwelling would be set low in the site and it is considered that the proposed property would not appear intrusive within the street scene. The conifer trees along the south boundary of the site are the only ones found within the area and it is considered they do not add to the appearance of the development. The proposed development would have an acceptable impact on the scenic qualities of the surrounding area and on the visual appearance of the street scene. The proposal is in accordance with the aims of policy GD1 of the Wear Valley District Local Plan.
4. Access is to be taken directly from the highway to the west of the site. The means of access was agreed through the outline planning application. Durham County Council Highways Authority have not objected to the proposed development. The proposed property provides sufficient space for off street parking. The proposed development would not cause harm to highway safety or the safety and convenience of pedestrians. The proposed development accords with policies GD1 and T1 of the Wear Valley District Local Plan.
5. In order to safeguard residential and visual amenities it is recommended that permitted development rights are removed so that the local planning authority can control future development.

RECOMMENDED

That 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 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. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwelling 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.
4. No development shall commence until the exact location of the proposed building has been pegged out on site for inspection and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.

5. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
6. 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.
7. 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.
8. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F and G of Part 1 and Classes A, 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 site without an application for planning permission having been first made to and approved in writing by the local planning authority.
9. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq no additional openings shall be formed in the north and south elevations of the building hereby approved.
10. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq the windows in the north and south elevations of the building hereby approved shall be fixed shut and glazed with obscure glass before the occupation of the building hereby approved and thereafter they shall be so retained to the satisfaction of the local planning authority.
11. Prior to the commencement of works to the building hereby approved the vehicular access shall be constructed in accordance with Section 184(3) of the Highways Act 1980.
12. The new access hereby approved shall be at a gradient of no more than 4% (1:25) for the first 10 metres from the carriageway.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. To ensure that the existing ground conditions are protected from undue disturbance and to safeguard the occupiers of existing neighbouring dwellings from loss of privacy or other residential amenities arising from the construction of the new dwelling at a higher level without adequate separation. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. For the avoidance of doubt. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
5. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
6. 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.
7. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
8. Due to the restrictions of the site, and the position of neighbouring dwellings, the local planning authority wishes to control future extensions and alterations of the dwelling hereby approved in the interests of safeguarding residential and visual amenities. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
9. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
10. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
11. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
12. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code

6

number of days to Committee

289

target achieved

N

explanation

Lengthy discussions and negotiations between planning officers, the architect and the applicants, involving the submission of a number of amended plans.

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

DEVELOPMENT CONTROL COMMITTEE

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0614 - OUTLINE PROPOSAL FOR 2 NO. SEMI-DETACHED HOUSES AT LAND REAR OF 12 WHITWELL TERRACE, CROOK FOR MS. SUTCLIFFE - 17.08.2007

description of site and proposals

1. Outline planning permission is sought for the erection of a pair of semi detached properties to the rear of Whitwell Terrace in Crook. Details of layout, appearance, landscaping and scale of the proposed development have been reserved for future consideration.
2. The site to which the application relates is to the rear of an existing terrace. The plot is separated from the terrace by a narrow access lane which serves the rear of these dwellings. Access to the site would be taken from the existing access adjacent to No. 12 Whitwell Terrace. The site is currently being used as amenity space and there is existing domestic paraphernalia on the site. The site slopes towards the access lane to the south. There are existing allotments to the west of the site with two storey terraced dwellings to the south east.
3. The southern section of the application site is within the settlement limits for development however the northern section of the application site is outside of this boundary. The proposal is to site the dwellings within the settlement limit and leave the additional land which falls outside of this limit for amenity area to the proposed dwellings. No new build is proposed outside of this settlement limit. Parking facilities would be provided to the front of the proposed dwellings as there would be an integral garage to each property and a driveway adequate for two vehicles.

planning history

4. There is no recent planning history relevant to this application.

planning policies

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

Also relevant is PPS3: Housing and Regional Spatial Strategy (RSS).

consultations

6. Durham County Council Highways Department: No objections on condition that the site levels to the front part of the site are reduced to be level with the highway.
7. Public Rights of Way Officer Durham County Council: No objection.
8. Northumbrian Water: No objections.

officer analysis

9. The main issues for consideration are:
 - Principle of Development
 - Residential Amenity
 - Access

principle of development

10. Wear Valley District Local Plan Policy H3 and advice contained within Planning Policy Statement 3: Housing require that new development be directed within the development limits of existing urban areas and preferably on brownfield sites. Additionally, Policy 3 of the Regional Spatial Strategy sets out a sequential approach to the location of new housing, an approach which has been formally adopted by the Council on 2nd April 2007. This approach requires new housing to be located within the main urban areas of the district, of which Crook is one such area.
11. While part of the site lies outside the development limits of Crook, the proposed dwellings would be wholly located within the development limits. The part of the site that falls outside the development limits is already used as garden for no.12 Whitwell Terrace. This use would not change as the area would remain as garden for the proposed dwellings. No new build is proposed in the area outside the settlement limits. Therefore, the proposal is not considered to be a departure from the local plan. Additionally, the site is not allocated for any particular use. It is part of the garden area for no. 12 Whitwell Terrace and is therefore considered to be brownfield land.

12. As it is brownfield land within an identified area for housing, the application site is considered to be a priority 1 site in accordance with the sequential approach to site selection and satisfies the policy requirements. The principle of housing development is therefore acceptable and in accordance with policy H3 of the Wear Valley District Local Plan, the Council's sequential approach to housing location and RSS Policy 3, as well as national advice in PPS3: Housing. The site is located in a sustainable location within walking distance to services and facilities in Crook Town Centre. The application site is therefore considered sequentially preferable.

residential amenity

13. It is indicated in the Design and Access Statement that the proposed semi-detached 3 bedroomed properties would closely match in style and design those properties within the existing terrace. Each dwelling would have adequate parking facilities in the form of a double driveway and integral garage. Each property would have a rear garden area with a minimum depth of 10 metres with additional patio area. Although details of the proposed properties have been reserved for future consideration initial plans state that the ground level of the site would be reduced in order to limit any overbearing impacts on the occupiers of Whitwell Terrace and that the proposed dwellings would reflect these existing dwellings in terms scale and proportion.
14. The illustrative plans show the proposed dwellings would be sympathetically designed to compliment the existing terrace which is in close proximity to the site. The properties would be constructed from materials which closely match those used on existing properties within the surrounding area. The proposed properties would be prominent from the main access road to Whitwell Terrace however it is considered that as they have been carefully designed to reflect the character of the surrounding area they would not have an adverse visual impact on the front street scene.
15. The proposed houses would be visible from the surrounding residential properties and would change the outlook of their occupiers. The existing dwellings most affected by the proposed development would be No. 12 Whitwell Terrace and Nos. 1 and 2 Tennyson Terrace which are located to the south of the site. As details of the proposed properties have been reserved for future consideration it is difficult to assess whether adequate separation distances can be achieved on this site between the proposed dwellings and the surrounding neighbouring properties. However, submitted plans do confirm that adequate levels of amenity space and parking facilities can be achieved on the site.
16. As the neighbouring properties are set to the south of the site it is considered that the occupiers of these properties would not suffer any overbearing or overshadowing effects as a result of the development.
17. The proposal is acceptable in accordance with policy GD1 of the Wear Valley District Local Plan.

18. It is recommended that permitted development rights be withdrawn so that the local planning authority can control future development in order to ensure the site is not overdeveloped and in order to safeguard residential amenities.

access

19. The application asks for details of the means of access to be considered. It is proposed to create a new access from Whitwell Terrace and have separate parking areas to the front of the proposed dwellings. There would be no alterations to the existing access point onto Whitwell Terrace. Durham County Council Highways Department have not raised any objections to the proposed access however further details have been controlled by condition. The means of access and highways impact are therefore considered to be acceptable and in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

20. Occupiers of neighbouring properties have been notified individually in writing and a site notice was displayed near the application site. The proposed development has also been advertised in the local press. 7 letters of objection have been received, the contents of which are summarised below:
- a) I understand that an outline application is broadly to establish the principles of development on a particular site. By approving the outline application the Council would be accepting the principle of housing development on the site.
 - b) Access to the proposed site will only increase the risk of serious injury to pedestrians and young children. There are already two access roads one to the left and one to the right. The entrances to these two dwellings lead directly onto the access roads which are narrow and residents park their cars at either side.
 - c) The building of these houses will severely restrict my view of open fields and countryside.
 - d) The development will also restrict the daylight into my kitchen and living room which in turn will devalue our property.
 - e) There are also concerns that our privacy will be severely infringed upon.
 - f) The previous owner applied for planning permission and was turned down due to extent of mine works which cover the area. I would bring into question whether this site is suitable for such use.
 - g) If the Council were to deem that the houses should be developed I would question whether this is reasonable as it would set a precedent for further development.
 - h) The houses will be out of character with the surrounding area. Looking at the plans no thought has been given to the design, appearance or layout to conform to the surrounding area.
 - i) The Coal Authority once owned this land and restrictions are still in place regarding mineral rights.
 - j) We have a tree adjacent to the site which will be adversely affected by excavation work.

- k) The proposed development is within 30 metres of a Public Right of Way.
- l) Ms. Sutcliffe did not ask views on this matter before applying for planning permission.
- m) Concerns regarding noise pollution and dirt while construction takes place.

response to objections

21. The following is a response to objections raised:

- a) Agreed. An outline application seeks to establish whether the principle of building on the site is acceptable.
- b) Durham County Council Highways Department has raised no objection to the proposed development. Although I am aware that there are existing difficulties due to residents parking their cars in the area each of the proposed dwellings would have additional parking facilities for three motor vehicles. Therefore it is considered that the erection of these properties would not have any further impact on this issue.
- c) Loss of view is not a material planning consideration.
- d) As details of the proposed development have been reserved for future consideration it is difficult to assess the impact the properties would have on the occupiers of adjacent dwellings. However, from the details submitted it can be seen that the proposed dwellings would be set away from the adjacent dwellings and would be offset slightly from the rear of Tennyson Terrace. As the terrace is situated to the south of the site it is considered that there would be no significant loss of light to any habitable room windows within these properties.
- e) The proposed dwellings would be sited away from the existing terrace and from the details provided would not result in any loss of privacy to the residents of these properties. However, details of the exact layout and scale of the properties have been reserved for future consideration.
- f) There is no recent planning history on the site according to our records. Informal pre application advice may have been sought by the previous owner however, this information would be confidential.
- g) Each application is determined on its own merit. Any further development within this area would be determined according to the policies set out within the Wear Valley District Local Plan and Government Guidance.
- h) The indicative plans show the proposed houses to be simple in design and reflect both the existing terrace and properties within the modern housing estate at Uplands Close which is within close proximity to the site. Details of the scale and appearance of the properties are reserved for further consideration. The final materials to which the houses would be constructed would be controlled by conditions.
- i) An informative is added to every permission to instruct the applicant to contact the Coal Authority.
- j) As the tree in question is not covered by a tree preservation order and not within a Conservation Area the possibility of damage to the tree would be a civil matter and not an issue which could be dealt with under planning legislation.

- k) The Public Rights of Way Officer at Durham County Council has raised no objection to the proposal.
- l) The relationship between applicant and neighbours is not material planning consideration.
- m) Hours of work have been conditioned to restrict disruption to occupiers of adjacent dwellings.

conclusion and reasons for approval

1. The proposed site is a priority 1 brownfield site located predominantly within the settlement limits of development as identified within the Wear Valley District Local Plan and in accordance with the Council's sequential approach to housing development. The principle of development is therefore considered acceptable and in accordance with policy H3 of the Wear Valley District Local Plan as well as Policy 3 of the Regional Spatial Strategy and national planning guidance in PPS3: Housing.
2. A satisfactory means of vehicular access can be achieved with suitable parking and turning facilities in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
3. The erection of a pair of modest semi-detached properties as indicated in the application would be in keeping with the character and appearance of the existing terrace and other properties within close proximity to the site. This type of development would be desirable within this location as it would blend in with the scale of the surrounding properties. The submitted plans also show that adequate levels of amenity space can be achieved to the rear of the dwellings. Due to the location of the proposed dwellings it is considered that occupiers of adjacent properties would not suffer any unreasonable overbearing or overshadowing effects as a result of the proposed development. The proposal accords with policy GD1 of the Wear Valley District Local Plan.

RECOMMENDED

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

conditions

- 1/2. Standard outline conditions (layout, appearance, scale and landscaping).
3. Prior to the commencement of works to the dwellings hereby approved the vehicular access shall be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980.
4. Before the development hereby approved is commenced samples of all materials to be used in the construction of the external surfaces of the buildings 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.

5. Before the development hereby approved is commenced details of the surface treatment and construction of all hardsurfaced areas 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.
6. 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 commenced.
7. 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.
8. 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.
9. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F and G 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. Development shall not begin until details of 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.
11. No activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. and 6.00 p.m. on any other day.

reasons

- 1/2. Standard outline reasons.
3. To ensure satisfactory access to the site in the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
4. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.

5. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
6. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
7. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
8. 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.
9. The local planning authority wishes to control future development to ensure the site is not overdeveloped and in order to safeguard residential amenities. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. To ensure that the existing ground conditions are protected from undue disturbance and to safeguard the occupiers of existing neighbouring dwellings from loss of privacy or other residential amenities arising from the construction of the new dwellings at a higher level without adequate separation. In accordance with policies GD1 and H24 of the Wear valley District Local Plan.
11. 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.

background information

Application files, WVDLP, PPS3 and RSS.

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explanation				

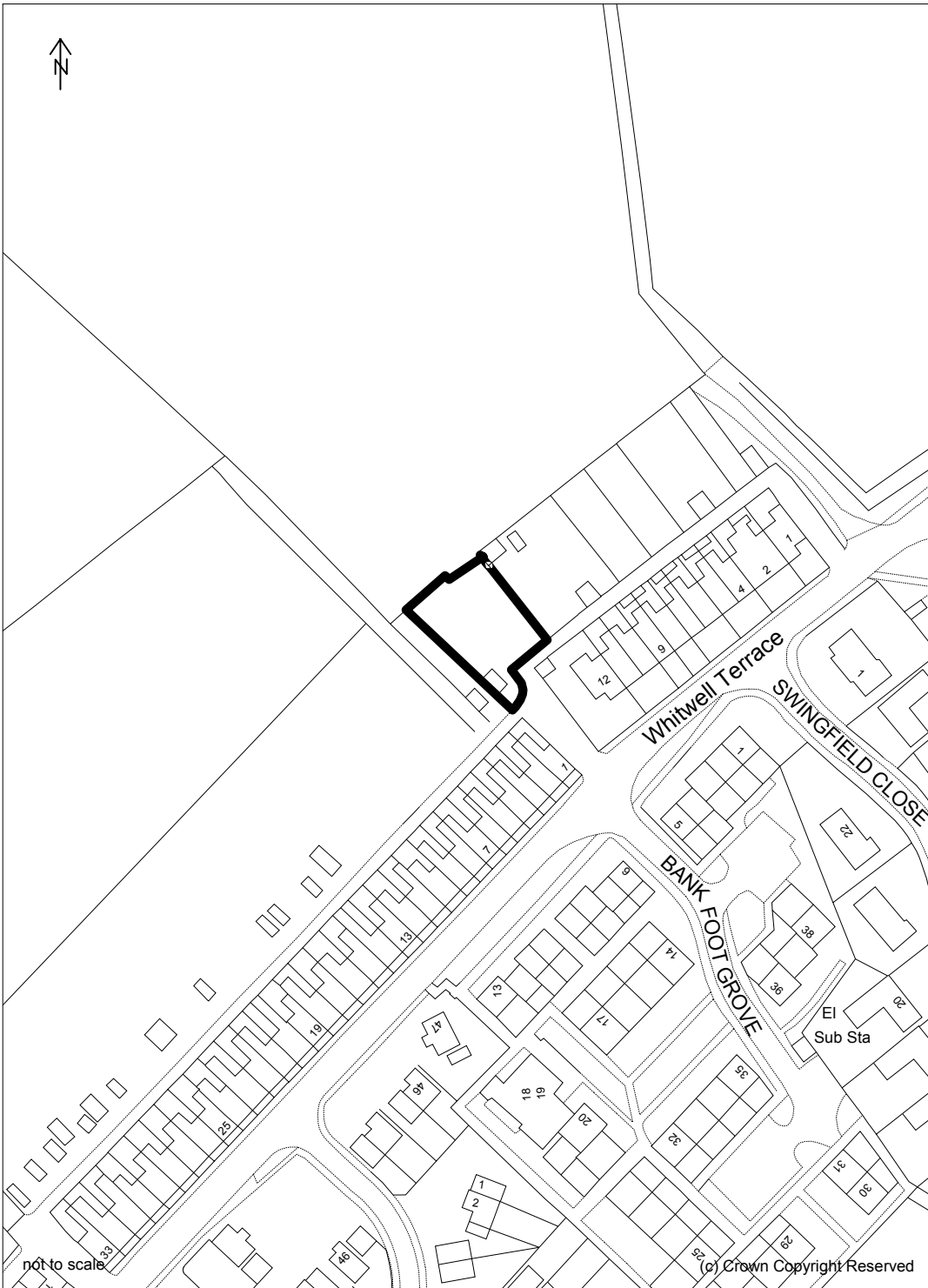
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Joy Whittington
 Planning Officer
 Ex 268

**3/2007/0614 - OUTLINE PROPOSAL FOR 2 NO. SEMI-DETACHED HOUSES
AT LAND REAR OF 12 WHITWELL TERRACE, CROOK FOR MS. SUTCLIFFE
-17.08.2007**



DEVELOPMENT CONTROL COMMITTEE

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

**3/2006/0952 - CONVERSION AND EXTENSION TO EXISTING CAR SHOWROOM/
SERVICE AREA TO FORM RETAIL AND RESIDENTIAL UNITS AT THE OLD
MILL STATION ROAD, WEST AUCKLAND FOR CHALLENGER DEVELOPMENTS
LIMITED – 27.03.2007 – AMENDED 22.08.2007**

description of site and proposals

1. Detailed planning permission is sought for the conversion of the existing Mill and some new build providing a mixed use development of apartments and retail units. The site is within the defined settlement limits of West Auckland. The application site is also situated within the West Auckland Conservation Area. The site has been used in connection with the adjacent car showroom which has recently relocated to a new site at Tindale Crescent.

2. The schedule of development is as follows:

	Ground Floor	First Floor	Second Floor	Third Floor
Conversion	3 Retail units	3, 2 bed apts	3, 2 bed apts	3,2 bed apts
New Build	1, 2 bed apt	1, 3 bed apt	1, 3 bed apt	

3. The property is bounded to the north by an existing access road into The Nursery. Beyond this access road is a development recently completed on the former forecourt of the car sales garage. To the south and west of the site are existing residential properties at Station View and The Nursery. The eastern boundary of the site is formed by the main road through West Auckland (A688).

4. The site is deemed to be an important part of the conservation area and is likely to be subject of significant investment from the ongoing building grant scheme which is being delivered by Wear Valley District Council in partnership with Durham County Council and English Heritage. The retention of the Mill is considered to be an important element of the improvements to the conservation area and is supported in principle by English Heritage, Durham County Council and the Parish Council.

planning history

5. The following planning history is considered relevant to the consideration of the current application. The last active use of the site was a car sales garage although this use ceased approximately 2 years ago.

- 3/2002/0717 Outline Application Invalid
Insufficient Information
- 3/2004/0537 Application to Demolish Mill Withdrawn
- 3/2006/0419 Application to Convert Mill Withdrawn

planning policies

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

- BE17 Areas of Archaeological Interest
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways - General Policy
- S10 Outside Shopping Areas

7. Government advice set out in PPS1 'Delivering Sustainable Development and 'The Planning System: General Principles', PPS3 "Housing", PPS6 'Planning and Town Centres' 'PPG13 'Transport', PPG 16: Archaeology and Planning, PPS 23 Planning and Pollution, PPS 25 Planning and Flood Risk, the Draft Regional Spatial Strategy for the North East (RSS), and the County Durham Structure Plan (Adopted March 1999) are also relevant to this proposal.

consultations

8. CDE&TS (Highways): Has objected to the proposed development on the grounds that insufficient off street parking spaces have been provided.
9. Archaeology (DCC): Condition should be imposed.
10. NWL: Technical advice to be forward to the applicants.
11. Environment Agency: Initially concern was raised about the implications for the development given its position within the flood plain. Details have since been provided by the applicant's agents and the initial objection has been withdrawn. It is understood that some minor amendments have had to be incorporated into the scheme to satisfy the concerns of the Environment Agency. These alterations should have no bearing on the appearance of the building.
12. Parish Council: Support the principle of development and the retention of the building and welcome the involvement of the Council's conservation officer to help achieve the right scheme.

officer analysis

13. The key issues for consideration are:

- Principle of Development
- Design and Siting
- Access/Parking
- Impact on Conservation Area
- Impact on Neighbouring Properties
- Sustainability
- Flood Risk
- Section 106

principle of development

14. This is a brownfield site within the settlement limits of Bishop Auckland. The scheme would involve a part conversion and a part new build of a building which occupies a very sustainable location within close proximity to West Auckland Local Centre and on a major public transport corridor.
15. On balance the principle of residential development is considered acceptable in relation to policy H3 of the Wear Valley District Local Plan and in respect of the guidance contained in PPS3 and the emerging guidance contained in the draft RSS. The development of this site is considered to comply with the sequential approach adopted by the Council.
16. In relation to the retail element, the application site is situated on the edge of the West Auckland Local Centre where policy S10 applies. This policy suggests that small shops of less than 100m² would be acceptable away from local centres. Whilst each of the shop units measures approximately 50m², cumulatively the floorspace would exceed the amount permitted by policy S10.
17. The application site is positioned between the existing Local Centre and the recently approved convenience store on the site of the Methodist chapel. The existing centre contains a limited number of retail units. It is considered that the new convenience store would effectively elongate the existing retail area and the application site would become part of this revised shopping area. The site had been used in the past commercially and it was deemed preferable to have an active use on the ground floor of the building rather than further flatted development.
18. For the reasons set out above, it is considered that the provision of three small retail units would be appropriate in this location.

design and siting

19. The design and siting of the building are considered to be of fundamental importance in the context of the conservation area and the ongoing grant regime. The scheme has been arrived at following numerous discussions between the applicant and his agent with the Council's conservation advisor who is also dealing with the grant scheme. Whilst it is considered necessary to impose some very stringent conditions to the approval, it is considered that the fenestration of the conversion and the design of the new build element are acceptable and may now be supported.
20. Given the importance of the design of the new build, which follows that of the original buildings on the site which were demolished some years ago, some of the usual standards which we would seek to adhere to have been sacrificed. Most notably is the parking ratio within the site which is discussed in more detail, in the following section.
21. The converted Mill is four storeys high with a pitched roof. The scheme seeks to use as many of the original openings as possible and aims to maintain the industrial appearance of the building rather than allowing the appearance to become over domesticated. It is considered that the current scheme successfully maintains the integrity of the original building while offering a practical and viable use to safeguard its future.
22. The new build section seeks to replicate the appearance of the building prior to the introduction of numerous unsympathetic additions. The new build element is three storeys in height and mirrors the scale illustrated in some archived images of the site from the middle of the last century.
23. It is considered that the proposed development satisfies policies H24 and BE6 of the Wear Valley District Local Plan and is therefore considered acceptable.

access/parking

24. CDE&TS (Highways) has objected to the proposed development on the grounds that the development would not provide sufficient off site parking. The level of provision is one space per unit however no spaces have been set aside for visitors to the residential/retail units or staff of the latter. In spite of the fact that the level of provision is low, this is not sufficient to outweigh the clear benefits of the scheme in terms of the improvements to the conservation area and the general environment surrounding the site.
25. The road serving the application site is comfortably wide enough to accommodate on street parking. Indeed on street parking was commonplace at the time of the last active use as a car sales garage. Visitors to the retail units and possible staff are more likely to park on the road outside the site and there are no measures in place to stop this happening. The units are generally small and would be unlikely to attract families or users which traditionally have multiple car ownership. The site is also situated in a highly sustainable location which in itself should encourage lower levels of car ownership.

26. For the reasons set out above and despite the objection from CDE&TS (Highways) the access and parking arrangements are considered acceptable in relation to policies GD1 and T1 of the Wear Valley District Local Plan and the guidance contained in PPS3 and PPG13.

impact on conservation area

27. The application site is in dire need of investment. The building itself is considered to be of considerable historical interest and forms an important part of the conservation area due to its physical prominence and its cultural heritage value. The current scheme has been prepared following numerous discussions involving the applicant, the conservation officer and English Heritage. It is now considered that a scheme has been achieved that would enhance the conservation area and ensure the long term viability of the building.
28. It is considered that the proposed building would represent a significant improvement to the site which would benefit the appearance and character of the conservation area. The proposed development is therefore considered acceptable in relation to policies BE5 and BE6 of the Wear Valley District Local Plan.

impact on neighbouring properties

29. Despite the fact that the building is large, the Mill occupied the site before any of the surrounding residential properties. Whilst there may be a perception of a slight increase in the height of the building due to the renovation, the scale of the proposals is considered to be acceptable and would not create an adverse impact on nearby properties.
30. The proposed development would involve the creation of some new openings and the reopening of a number of openings which have been previously blocked up. There are properties within close proximity to the application site particularly to the south and west.
31. To the south of the site is a row of 2 storey terraced properties. The gable of these properties faces directly onto the Mill. Attempts have been made to ensure that the new window openings are located in such a way as to minimise the potential for overlooking to the south, particularly into the private amenity space. This amenity space comprises relatively small back yards which are more likely to be used functionally for drying clothes, keeping bins etc rather than for relaxation. The Mill building would not have an impact on the sunlight enjoyed by these properties or the associated amenity space.
32. To the west is another row of two storey terraced properties which run east to west. Again the gable of the nearest property faces onto the Mill. None of the main habitable rooms within these properties would have their privacy compromised by the scheme.

33. Given the nature of the scheme it is inevitable that there would be some instances of overlooking, particularly into external amenity spaces. Policy H24 generally relates to new developments and is not always directly transferable to conversions. The objectives of this policy in terms of retaining privacy have been considered fully and it is considered that the reuse of the building would have a positive impact on the general appearance of the locality and that the impact on nearby properties would not be detrimental in accordance with policy GD1 of the Wear Valley District Local Plan.

34. In relation to the traffic generated, as expressed above, a relaxation of the normal parking standards is considered to be appropriate in this instance. There is evidence to suggest that on street parking was prevalent at the time of the previous use which caused limited disruption to residents close to the site. The proposed use would complement the surrounding area and the development is unlikely to give rise to significant highway safety concerns. Similar concerns were expressed in relation to the scheme to the north which has now been completed and is occupied. The situation which has resulted is acceptable.

sustainability

35. The application site is within easy walking distance of the facilities contained within West Auckland and is also well served by existing public transport, which passes the site. Based on the proximity to existing services the application site is considered to be in a sustainable location in accordance with the guidance contained in PPG13: Transport.

flood risk

36. The site is situated within the indicative flood plain. However works have recently been undertaken to alleviate any potential flood risk in this area. Following initial concerns about the threat from flooding the Environment Agency initially requested further details. This issue has now been resolved satisfactorily subject to the imposition of appropriate planning conditions. The proposed development is therefore seen to accord with the guidance contained in PPS25: Planning and Flood Risk.

section 106

37. It is considered that the investment in this building should be wholeheartedly welcomed as this is a key building within the West Auckland Conservation Area. In spite of the fact that the scheme would involve the erection of more than 10 units, it is likely that the investment in the building would need to be supplemented by the ongoing grant scheme and in these circumstances it is not considered appropriate to seek a financial contribution which would have been based on the area of the site.

objections/observations

38. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. The application has been advertised in the press. One objection has been received and the issues raised are summarised below.
- a) The residential road to the rear of the site should be made up to adoptable standards.
 - b) The development will cause mess and disturbance to residents.

response to objections

39. In response to these matters, I would make the following comments.
- a) It would not be reasonable to impose such an onerous obligation on the applicant.
 - b) An element of disturbance is inevitable during construction works, it is hoped that this will be controlled to some extent by the imposition of an appropriate planning condition.

conclusion and reasons for approval

1. The application site is contained within the defined settlement limits of West Auckland and would involve the development of an unsightly previously developed site. The principle of development is considered acceptable in relation to policy H3 of the Wear Valley District Local Plan, the emerging guidance contained the draft RSS, and the guidance contained in PPG3: Housing.
2. The proposed development is seen to accord with the guidance contained in PPS25: Planning and Flood Risk.
3. The application site is within easy walking distance of the facilities contained within West Auckland and is also well served by existing public transport, which pass the site. Based on the proximity to existing services the application site is considered to be in a sustainable location in accordance with the guidance contained in PPG13: Transport.
4. The relationship between the existing properties and the proposed development has been assessed and is considered acceptable in relation to policy GD1 of the Wear Valley District Local Plan.
5. It is considered that the proposed building would represent a significant improvement to the site which would benefit the appearance and character of the conservation area. The proposed development is therefore considered acceptable in relation to policies BE5 and BE6 of the Wear Valley District Local Plan.

6. The proposed parking provision is slightly sub standard. However it is considered appropriate in this instance to relax the normal standards in view of the location of the site and the conservation motives of the scheme.

RECOMMENDED

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

conditions

1. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) All windows shall be timber, painted, double hung vertically sliding sash; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before the development is commenced. The development shall be carried out in accordance with the approved specifications including the colour the windows will be painted. Large scale details (1:10 or 1:5 scale) of the proposed dormer windows shall be submitted to and approved in writing by the local planning authority before the development is commenced. The development shall be carried out in accordance with the approved details.
 - b) All windows shall be recessed 100 mm from the face of the building.
 - c) Details and samples of all new external materials shall be submitted to and approved in writing by the local planning authority before the development is commenced. The development shall be carried out in accordance with the approved details.
 - d) All external doors shall be natural timber doors with a painted finish and recessed 100mm into their openings; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before the development is commenced. The development shall be carried out in accordance with the approved specifications.
 - e) Exposed stone lintels shall be used above all external door openings on the front elevation.
 - f) The roof covering shall be natural slate; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before the development is commenced. The development shall be carried out in accordance with the approved specifications.
 - g) All rainwater goods shall be cast iron with traditional spiked brackets.
 - h) All rooflights shall be conservation flush-fit lights finished in black with a central glazing bar.

- i) No fascia or barge boards shall be affixed to the front of the building.
 - j) Large scale details of the shopfronts on at least a 1:50 or 1:20 scale shall be submitted to and approved in writing by the local planning authority before works commence. The shopfronts shall be timber with traditional raised and fielded moulded panels. Details of the colour scheme of the shopfronts, which shall be in dark traditional colours, shall be submitted to and approved in writing by the local planning authority before the development is commenced. The development shall be carried out in accordance with the approved details. No external security shutters shall be installed on the shopfronts.
 - k) Details of all signage to the shopfronts shall be submitted to and approved in writing by the local planning authority before the development is commenced. The signs shall be individual letters, hand painted directly onto the fascias of the shopfronts. The development shall be implemented in accordance with the approved details.
 - l) Details and methodology of the cleaning of the stonework to the external facades of the Mill building shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be implemented in accordance with the approved details.
 - m) Notwithstanding the details shown on the approved plans, large scale details (1:50 or 1:20 scale) of the proposed balconies to the central bay of the Mill building on the south east elevation of the Mill building shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be implemented in accordance with the approved details.
 - n) Large scale details of the chimneys and their pots shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be implemented in accordance with the approved details.
 - o) Notwithstanding the details shown on the approved plans, large scale details (1:10 or 1:5 scale) of the the paired sash windows with timber panels below on the north east elevation shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be implemented in accordance with the approved details.
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 buildings hereby approved are first occupied.

3. During the period of construction no machinery shall be operated on the site on Sundays or Bank Holidays or between the hours of 6 pm and 8 am on any other day.
4. 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 shall be submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
5. No development shall take place until details of the storage of refuse and returnable containers have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. Before the development hereby approved is commenced a scheme of a hard and soft landscaping shall be submitted to and approved in writing by the local planning authority which shall include details of the deliniation of the route of the Mill Race.
7. 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.
8. Before any part of the development hereby approved is commenced a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the separate and adjoining occupiers shall be submitted to and approved in writing by the local planning authority and the scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development .
9. Prior to the commencement of the development hereby approved, a structural survey shall be provided to demonstrate the capability for the building to be converted in accordance with the approved plans.
10. Threshold levels of the development shall be set to a minimum of 108.06m AOD.
11. Surface water drainage from the development must be discharged to the public sewerage system.

reasons

1. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan.
2. To achieve a satisfactory form of development. In accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan.
3. 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.
4. To ensure a satisfactory standard of development and to ensure that the development is not unduly prominent within the surrounding landscape. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
5. To enable the local planning authority to retain control over the provision of facilities for storage of refuse; to secure a satisfactory standard of development and in the interests of road safety. In accordance with policy GD1 of the Wear Valley District Local Plan.
6. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development . In accordance with policy GD1 of the Wear Valley District Local Plan.
7. 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.
8. To safeguard the proposed and adjoining residents from noise nuisance. In accordance with policy GD1 of the Wear Valley District Local Plan.
9. To ensure that the original building can be converted in accordance with the approved plans. In accordance with policy BE6 of the Wear Valley District Local Plan.
10. To protect the development from flooding. In accordance with guidance contained in PPS25 Planning and Flooding.
11. To ensure satisfactory provision of drainage facilities to serve the proposed development. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, PPS1, PPS3, PPS6, PPG13, PPG16, PPS23, PPS25, draft RSS, CDSP.

PS code	<input type="text" value="1"/>	number of days to Committee	<input type="text" value="170"/>	target achieved	<input type="text" value="x"/>
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explanation

This application required numerous discussions particularly in relation to the design in order to achieve a scheme which could be supported by the local planning authority. These discussions along with the need to address concerns raised by the Environment Agency led to a delay in dealing with the application beyond the period which we would usually expect to determine applications.

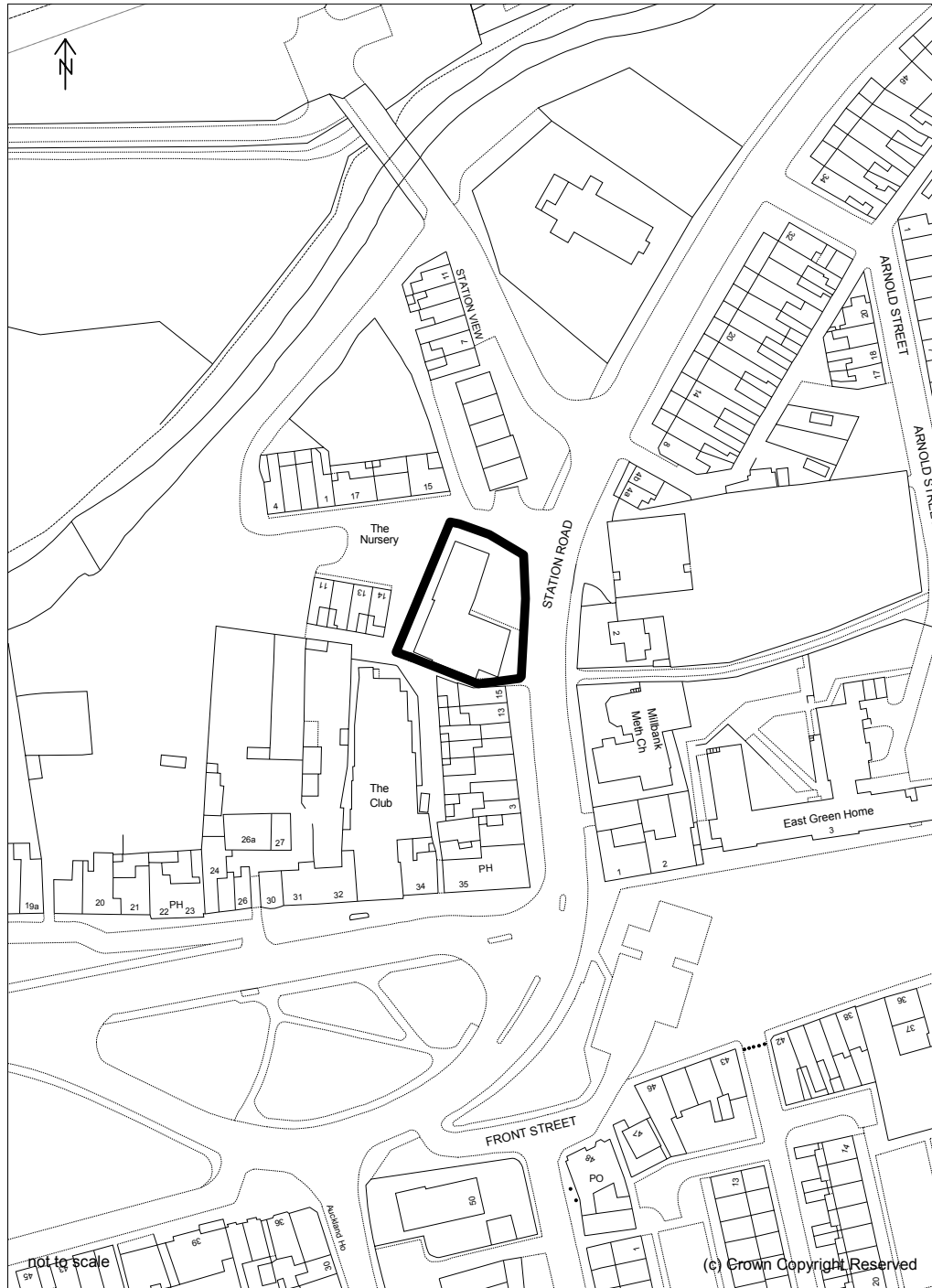
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Jeremy Good
Planning Officer
Ext 220

3/2006/0952 - CONVERSION AND EXTENSION TO EXISTING CAR SHOWROOM/SERVICE AREA TO FORM RETAIL AND RESIDENTIAL UNITS AT THE OLD MILL STATION ROAD, WEST AUCKLAND, BISHOP AUCKLAND FOR CHALLENGER DEVELOPMENTS LIMITED - 27.03.2007 - AMENDED 22.08.2007



DEVELOPMENT CONTROL COMMITTEE

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART II – CONSULTED APPLICATION FOR WVDC VIEWS

3/2007/0020 - SURFACE MINE, COAL AND FIRECLAY SCHEME AT PARK WALL NORTH, NEAR TOW LAW FOR U.K COAL MINING LIMITED 05.01.2007 – ADDITIONAL INFORMATION RECEIVED

description of site and proposals

1. Members may recall that this matter was considered at Committee on 1ST February 2007 when it was resolved to object to the proposals. A copy of the Officer's report is attached as an appendix 1. Additional information has now been submitted to Durham County Council in support of the application and the County Council has re-consulted in light of this.
2. The application lies in the open countryside and the proposal seeks consent for a surface mine, coal and fire clay scheme. Access to the site is proposed North West of the site, via a lay-by and the A68. The scheme is indicated to provide employment for approximately 61 people.
3. The proposals include early ecological and landscape works along with a comprehensive after care restoration scheme.

planning history

4. The following applications have been received for this site:
 - 3/1995/0632 Opencast Coal Extraction Dismissed on Appeal 1998
 - 3/1987/0552 Washing Plant No Comments 05.01.1988
 - 3/1993/0272 Variation of Condition Approved 15.07.1993
(Restoration)
 - 3/1988/0470 Extension to Opencast No Objection 06.10.1988
Site
 - 3/1986/0421 Opencasting Approved 30.10.1996
 - 3/1974/0113 Opencast Site Withdrawn

planning policies

5. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - ENV1 Protection of the Countryside
 - GD1 General Development Criteria
 - MW1 Safeguarding of Mineral Reserves
 - T1 Highways - General Policy

6. The following policies of the County Durham Minerals Local Plan 2000 are also relevant:

M7, M8, M19, M24, M29, M35, M36, M42 and M43

consultations

7. Durham County Council are responsible for undertaking all of the necessary consultations, however in order to forward an informed response, copies of the Durham County Council Highways comments have been obtained and these are summarised below.

8. The junctions of the lay-by need to be improved and the lay-by needs resurfacing, vehicle movements onto A68 acceptable subject to improvements. Route south for Coal vehicles is acceptable but route to Wardley is not. B6296 must not be used due to road conditions at Lanchester. 77 vehicles would be average, suggest 100 vehicles max daily flow with records to be maintained for checking. Route south for fireclay vehicles is acceptable, vehicles heading north should go via Castleside. Vehicles would need to be sheeted, road surface should be kept clean and HGV's leaving the site should be wheel washed. No objections subject to above.

officer analysis

9. A proposal of this nature raises a wide variety of issues including:
 - Access and Traffic
 - Restoration
 - Landscape and Visual Impact
 - Noise
 - Dust
 - Ecology

10. These issues were considered previously and Wear Valley District Council resolved to object to the application for the following reasons:
 1. The large amount of vehicle movements generated as a result of the proposal would have a significant impact on the surrounding road infrastructure to the detriment of the existing road users contrary to the

objectives of policies GD1 and T1 of the Wear Valley District Local Plan and M36 of the Minerals Local Plan.

2. The occupiers of surrounding properties would be adversely affected by the significant increase in vehicle movements on the A68 and in the locality, contrary to the objectives of Policies GD1 and T1 of the Valley District Local Plan and Policy M36 of the Minerals Local Plan.
 3. The view that the longer term benefits outweigh the harm caused are not supported by this local planning authority who fear that the visual and landscape impacts of the proposal would be vast over the period of the works and the time required to implement the restoration scheme. The proposal is considered to be harmful to the character of the rural area and therefore is considered to be in conflict with the aims of policies GD1 and ENV1 of the Wear Valley District Local Plan and M24 of the Minerals Local Plan.
 4. Given that the site lies within a predominantly rural area it is likely that the surrounding area will experience a noticeable change in the noise levels as a result of the proposal contrary to the objectives of policy ENV1 of the Wear Valley District Local Plan which seeks to protect and enhance rural areas and M36 of the Minerals Local Plan.
11. The above points, raised previously in our objection to the application, will be addressed in turn in light of the additional information now submitted.

impact on existing highways infrastructure

12. Subject to the amendments and routes suggested by Durham County Council Highways, and the proposed limitation on vehicle movements, the proposed vehicle movements resulting from the development would not place undue strain on the existing highways infrastructure and this has been demonstrated in the submitted Transport Assessment. In this respect, the proposal is considered to be in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan and M36 of the Minerals Local

impact on amenities of adjoining occupiers as a result of vehicle movements

13. Notwithstanding the above, the proposed development would generate a significant number of vehicle movements. Although on average there would be 70 vehicle movements (HGV), with a suggestion that a limitation of 100 vehicle movements be imposed, it is assumed that there would be other vehicles entering and leaving the site during the course of a normal working week. This would undoubtedly have an adverse impact on the amenities of occupiers of nearby properties by reason of noise and general disturbance. The proposal is therefore contrary to the objectives of Policies GD1 and T1 of the Valley District Local Plan and Policy M36 of the Minerals Local Plan.

visual and landscape impact

14. The application site extends to approximately 126ha. In view of the scale of the site and the level of the proposed workings, it is considered that there would be a significant landscape impact. It is noted that the working would be

for a temporary period of 4 years, however this is a considerable period of time, after which a further period would be necessary for the restoration works which would in turn take time to become established. It is considered that the visual and landscape impacts of the proposal would be vast and it has not been demonstrated to the satisfaction of this local planning authority that the long term benefits outweigh the harm that would be caused. The proposal is considered to be harmful to the character of the rural area and is therefore in conflict with the aims of policies GD1 and ENV1 of the Wear Valley District Local Plan and M24 of the Minerals Local Plan.

noise and amenity

15. The application has been supported by an assessment of noise impacts in relation to the proposal. Whilst this concludes that the predicted noise levels would fall within the limits set out in Mineral Policy Statement 2, there would undoubtedly be a noticeable change in noise levels as a result of the proposal. In addition, a Dust Action Plan would be implemented on the site, to include dust suppression measures. It is not considered that this would suppress all of the dust created on the site and there would be some carriage outside of the application site. Given the rural location of the site, it is likely that there would be a noticeable change in the local environment through the increase in noise levels and carriage of dust. The proposal is therefore contrary to the objectives of policy ENV1 of the Wear Valley District Local Plan which seeks to protect and enhance rural areas and M36 of the Minerals Local Plan.

RECOMMENDED

The amended scheme, supported by additional information, still gives rise to concern and in particular the damage to rural landscape, increase in noise levels and disturbance caused as a result of the vehicle movements. It is therefore recommended that the objections remain, with the exception of the impact on the road infrastructure which has been satisfactorily addressed and amendment to reason 3 to include reference to dust.

In short, it is recommended that the following **OBJECTIONS** be submitted to Durham County Council:

1. The occupiers of surrounding properties would be adversely affected by the significant increase in vehicle movements on the A68 and in the locality, contrary to the objectives of Policies GD1 and T1 of the Valley District Local Plan and Policy M36 of the Minerals Local Plan.
2. The view that the longer term benefits outweigh the harm caused are not supported by this local planning authority who fear that the visual and landscape impacts of the proposal would be vast over the period of the works and the time required to implement the restoration scheme. The proposal is considered to be harmful to the character of the rural area and therefore is considered to be in conflict with the aims of policies GD1 and ENV1 of the Wear Valley District Local Plan and M24 of the Minerals Local Plan.

3. Given that the site lies within a predominantly rural area it is likely that the surrounding area will experience a noticeable change in environment through an increase in noise levels as a result of the proposal and the carriage of dust from the site, contrary to the objectives of policy ENV1 of the Wear Valley District Local Plan which seeks to protect and enhance rural areas and M36 of the Minerals Local Plan.

background information

Application files, WVDLP, County Durham Minerals Local Plan

PS code	<input type="text" value="21"/>		
number of days to Committee	<input type="text" value="23"/>	target achieved	<input type="text" value="X"/>
explanation	First available Committee		

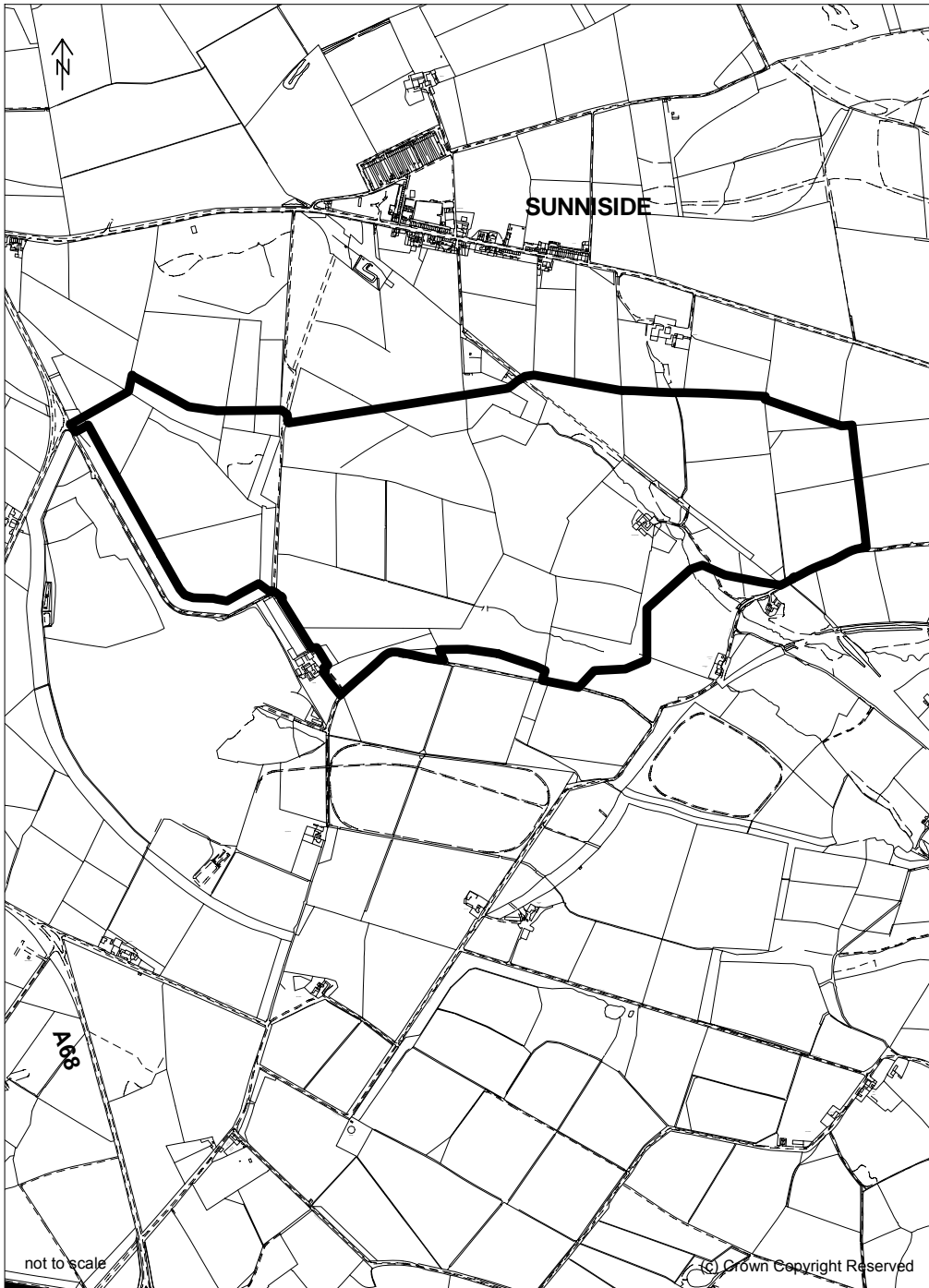
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Sarah Eldridge
Senior Planning Officer
Ext 267

3/2007/0020 - SURFACE MINE, COAL AND FIRECLAY SCHEME AT PARK WALL NORTH, NEAR TOW LAW FOR TEASDALE DURHAM COUNTY COUNCIL – 06.01.2007 – ADDITIONAL INFORMATION RECEIVED





WEAR
VALLEY
DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

1ST FEBRUARY 2007

Report of the Strategic Director for Environment and Regeneration

PART II – CONSULTED APPLICATION FOR WVDC VIEWS

3/2007/0020 - SURFACE MINE, COAL AND FIRECLAY SCHEME AT PARK WALL NORTH, NEAR TOW LAW FOR U. K. COAL MINING LIMITED 05.01.2007

description of site and proposals

1. The above application has been submitted to Durham County Council. This Council has been notified as a consultee.
2. The application site lies in the open countryside. Tow Law is located 0.9 km to the north west of the application site, with Sunnyside 0.3 km to the north, Billy Row approximately 0.6 km to the east and Roddymoor some 0.5 km to the south east. Crook is over 1.4 km to the south east of the site.
3. The applicant seeks consent for a surface mine, coal and fire clay scheme at Park Wall North that aims to take account of the matters raised in the previous White Lea appeal decision (1998). It provides for the recovery of an estimated 1,274,500 million of high quality coal and 500,000 tonnes of fire clay from the 126 hectare site over a 4 year and 9 month period.
4. The applicants suggest that there would be improved methods of working in terms of the design and phasing of the construction of soil and overburden mounds with a smaller excavation area covering approximately 45 hectares along with the retention of Old White Lea Farm and associated trees with no extraction operations to the east of this property. The proposals also retain the majority of the 'u shaped' conifer plantation to the north west of the site, along with additional vegetation around the periphery of the scheme, and the restored Castle Farm site. The Park Wall North scheme provides for an increased separation distance from residential properties notably to the south east of the site involving the Old White Lea Cottage and Arthur Pit Cottages and from Sunnyside to the north.
5. The access to the site is located to the north west of the site and would connect with a lay-by then the A68 road.

6. Part of the coal from the site will be used for coking purposes at markets anticipated to include the steelworks at Redcar and Monckton Coke Works near Barnsley. Coal with coking qualities is rare in the UK and currently has to be imported by the steel industry. Fireclays are also scarce in the UK and will be supplied to brickworks in the North East and elsewhere.
7. The applicant indicates that the scheme is proposed to provide employment for an estimated 61 people.
8. The proposals also include early ecological and landscape enhancement works to the north west and south east of the scheme along with comprehensive restoration and after care proposals for the site. Some 43.3 hectares of new woodland and an extended public rights of way network will be provided. In addition, a Wildlife Enhancement Management Plan will be progressed for land to the north west of the site with the aim of enhancing the existing and proposed ecological habitats.
9. A Community Fund will be established to provide benefits to the local community. In addition, if approval is granted, the applicants intend to finance the installation of a mains gas supply to Sunnyside.

planning history

10. The following applications have been received for this site:
 - 3/1995/0632 Opencast Coal Extraction Dismissed on Appeal 1998
 - 3/1987/0552 Washing Plant
 - 3/1993/0272 Variation of Condition Approved 15.07.1993
Restoration
 - 3/1988/0470 Extension to Opencast No objection 06.10.1988
Site
 - 3/1986/0421 Opencasting Approved 30.10.1996
 - 3/1974/0113 Opencast Site Withdrawn

planning policies

11. The following policies of the Wear Valley District Local Plan (WVDLP) are relevant in the consideration of this application:
 - ENV1 Protection of the Countryside
 - GD1 General Development Criteria
 - MW1 Safeguarding of Mineral Reserves
 - T1 Highways - General Policy

The following policies of the County Durham Minerals Local Plan, 2000 are also relevant in the consideration of this application:

M7, M8, M19, M24, M29, M35, M36, M42 and M43.

consultations

12. Durham County Council are responsible for undertaking all of the necessary consultations.

officer analysis

13. A proposal of this nature raises a wide variety of issues including:

- Access and Traffic
- Restoration
- Landscape and Visual Impact
- Noise
- Dust
- Ecology

access and traffic

14. Coal and fireclay would be transported by lorry from the site via the A68. It is envisaged that the majority of coal would be transported south on the A68 to link with the A1 (M). Some would also be transported in a north bound direction with the A1 (M) then onward to the rail connected Wardley Disposal Point in South Tyneside.
15. Fireclays would be transported by lorry from the site mainly following the northbound coal lorry route largely along the strategic road networks to markets in the North East. Some fireclay might be transported to Todhills Brickworks.
16. It is envisaged that on average the site would generate an average of 7 HGVs leaving the site per hour between 0700 to 1800 hours on weekdays and 0700 to 1200 hours on Saturdays. This equates to approximately 420 vehicles leaving the site per week and consequently 840 HGV vehicle movements per week. All the vehicles would leave the site and join the A68 road and continue to their market. It is assumed that other vehicles would also enter and leave the site during the course of a normal working week.
17. The proposal, if implemented, would result in the temporary suspension of parts of four rights of way through the site. Alternative routes would be provided.
18. The large amount of vehicle movements generated as a result of the proposal would have a significant impact on the surrounding road infrastructure to the detriment of the existing road users contrary to the objectives of policies GD1 and T1 of the Wear Valley District Local Plan.
19. The occupiers of surrounding properties would be adversely affected by the significant increase in vehicle movements on the A68 and in the locality contrary to the objectives of policies GD1 and T1 of the Wear Valley District Local Plan and M36 of the Minerals Local Plan.

restoration

20. The applicants have designed the scheme to retain Old White Lea Farm and a number of adjacent trees to the east of the excavation area along with most of the 'U' shaped coniferous plantation to the north west of the site.
21. The restoration scheme and early ecological works aim to achieve a balance between the creation of a habitat and species biodiversity appropriate to the locality, recreational use, the enhancement of the landscape quality, the requirement for continued agricultural use and the need to create a viable long term landscape that can be managed in a sustainable manner. The better soils would be concentrated on the fields that would be restored to agricultural.

the restoration works provide for:

- 43.3 hectares of new woodland
 - 5.9 hectares of woodland pasture
 - Over 1.3 hectares of open water
 - 9.8 hectares of species rich grassland
 - Over 5 hectares of heath
 - 10.4 km of new hedgerows
22. The restoration scheme includes a variety of positive elements however it must be noted that the need for such an extensive restoration scheme is driven by the extent of the works proposed.

landscape and visual impact

23. The application site does not lie in an area with a particular landscape designation. Given the large amount of land included in the application site and the scale of the works it is difficult to understand how the applicants have reached their conclusions that the landscape and visual impact of the proposal would be 'moderate'. It is accepted that the works are temporary however it would operate for over 4 years which is a considerable period of time. During this time the works would cause extensive damage and scarring of the landscape which would require an extensive programme of restoration works as set out above.
24. It is not agreed that the longer terms benefits outweigh the harm that would be caused. The visual and landscape impacts of the proposal would be vast over the period of the works and the required restoration scheme illustrates the damage which would be caused. The proposal is considered to be harmful to the character of this rural area and therefore is considered to conflict with the aims of policies GD1 and ENV1 of the WVDLP and M24 of the Minerals Local Plan.

noise

25. Independent consultants have been commissioned to undertake an assessment of noise impacts in relation to the proposal. A variety of measures have been incorporated into the design of the scheme to control noise levels. These include:
- pumps or generators would be screened;
 - plant engines would be operated with doors in the closed position;
 - all vehicles would be fitted with silencers;
 - all internal haul roads would be constructed below ground level where possible;
 - reversing bells would be used in preference to sirens;
 - time restrictions on site operations especially near properties;
 - major plant to be fitted with noise suppression.
26. The consultants concluded that the predicted noise levels fall within the limits set out in the Mineral Policy Statement (MPS2) for noise sensitive properties. Members should be aware that this does not mean that there would be no noise audible from the site, simply that it is predicted to be of an acceptable level. Given that the site lies within a predominantly rural area it is likely that the surrounding area would experience a noticeable change in the noise levels as a result of the proposal contrary to the objectives of policy ENV1 of the WVDLP which seeks to protect and enhance rural areas and M36 of the Minerals Local Plan.

dust

27. A Dust Action Plan would be operated which takes into account best practice guidance. Dust suppression measures would include the constant spraying of all internal haul roads during dry weather and the seeding of storage mounds to grass at the earliest opportunity. It must be accepted that dust is a feature of a scheme of this nature and it would be evident on and around the application site.

ecology

28. An ecological assessment has been carried out for the scheme and details are contained in the Environmental Statement. The restoration scheme has been designed to develop an ecologically enhanced landscape. It is accepted that this would contribute towards the Durham Biodiversity Action Plan however the cost is the damage that would be incurred during the course of these extensive works.

objections/observations

29. Durham County Council have publicised this application. Two letters of observation were mistakenly submitted to this Department. They have been forwarded to the County Council for their consideration but this is an indication that there is local opposition to the proposal.

RECOMMENDED

The proposal seeks to address the issues which were raised during the course of the previous appeal on the site and as such the scale (including the time scale) of the works has been reduced. The amended scheme however still gives rise to concerns and in particular the damage to the rural landscape, the increase in noise levels and significant traffic movements. In short it is recommended that the following **OBJECTIONS** be submitted to Durham County Council:

1. The large amount of vehicle movements generated as a result of the proposal would have a significant impact on the surrounding road infrastructure to the detriment of the existing road users contrary to the objectives of policies GD1 and T1 of the Wear Valley District Local Plan and M36 of the Minerals Local Plan.
2. The occupiers of surrounding properties would be adversely affected by the significant increase in vehicle movements on the A68 and in the locality contrary to the objectives of policies GD1 and T1 of the Wear Valley District Local Plan and policy M36 of the Minerals Local Plan.
3. The view that the longer terms benefits outweigh the harm caused are not supported by this local planning authority who fear that the visual and landscape impacts of the proposal would be vast over the period of the works and the time required to implement the restoration scheme. The proposal is considered to be harmful to the character of this rural area and therefore is considered to conflict with the aims of policies GD1 and ENV1 of the WVDLP and M24 of the County Durham Minerals Local Plan.
4. Given that the site lies within a predominantly rural area it is likely that the surrounding area will experience a noticeable change in the noise levels as a result of the proposal contrary to the objectives of policy ENV1 of the WVDLP which seeks to protect and enhance rural areas and M36 of the Minerals Local Plan.

background information

Application files, WVDLP, County Durham Minerals Local Plan.

PS code

21

number of days to Delegation

26

target achieved

X

explanation It was felt necessary to report this application to the Development Control Committee for consideration and information given the significance of the proposal.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

Author of the report

Sharon Gray

Senior Planning Officer

Ext 267

DEVELOPMENT CONTROL COMMITTEE

27TH SEPTEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART 111 – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

3/2006/0799 – TWO STOREY EXTENSION TO THE REAR OF 39 ALBERT STREET, CROOK, COUNTY DURHAM FOR MR. AND MRS. J. MOSS

1. Planning permission was refused on 24th November 2006 for the erection of a two storey extension to the rear of 39 Albert Street in Crook.
2. The decision was made under delegated powers. The application was refused on the following grounds:
 - a) The proposed full width, two storey extensions would be harmful to the amenities of the occupiers of the adjacent property No. 38 Albert Street and would be contrary to the objectives of policy H25 of the Wear Valley District Local Plan and Guidance contained in FPG5.
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 of the proposed development on the living conditions of the occupiers of 38 Albert Street in respect of outlook, sunlight and daylight.
5. The Inspector's findings were as follows:
 - a) There would be a significant reduction in outlook and daylight to the first floor window at the rear of No. 38 Albert Street due to its close proximity to the boundary with No. 39 Albert Street and the length and height of the proposed extension along this boundary. This would add to the existing effect on outlook and daylight caused by the projection of No. 37 Albert Street to the other side. Due to the orientation of the properties there would also be a significant reduction in direct sunlight to this rear first floor window.

- b) The scale and design of the extension would be proportionate to the existing dwelling and would not harm the character and appearance of the dwelling or the area in general. He understood the appellant's desire for increased space and improved room layouts. However, he considered this was outweighed by the harm that would be caused to the living conditions of the occupiers of No. 38 Albert Street. Whilst he appreciated that the present occupant of No. 38 Albert Street did not object to the proposed development, he commented that he must also have regard to the interests of future occupiers of the property.
6. The Inspector concluded the proposed development would cause unacceptable harm to the living conditions of the occupiers of No. 38 Albert Street in respect of outlook, sunlight and daylight contrary to policy H25 and Further Planning Guidance 5 of the Wear Valley District Local Plan.

RECOMMENDATION:

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

background information

Application files, Inspector's decision letter dated 14th September 2007.

Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Joy Whittington
Planning Officer
Ext 268

**3/2006/0799 - 2 STOREY EXTENSION TO REAR AT 39 ALBERT STREET,
CROOK FOR MR. AND MRS. MOSS – 05.10.2006**

