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Michael Laing Chief Executive

20th August 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 **WEDNESDAY 29th AUGUST 2007** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider the minutes of the meeting of the Committee held on 2 nd August 2007, and the special meeting of the Committee held on 12 th July 2007, as true records.	Copies previously circulated
3. To consider development control application 3/2007/0434 – Change of use from bakery and coffee shop to adult gaming centre (sui generis) at 58 Newgate Street, Bishop Auckland for J. Noble and Sons Limited.	1 - 7
4. To consider development control application 3/2007/0477 – Retrospective re-positioning of stable block following planning permission appeal ref. APP/A1340/A/06/2033207 at 5 Ascot Court, Leeholme, Bishop Auckland for Mr. J. Duval.	8 - 16
5. To consider development control application 3/2007/0488 – Change of use to tanning and beauty salon (retrospective) at 209 Newgate Street, Bishop Auckland for Woods Heatwave Sunbeds Limited.	17 - 20
6. To consider development control application 3/2007/0456 – To remove condition 12 of planning permission 3/1998/0329 to allow unrestricted opening at Asda Supermarket, 6 South Church Road, Bishop Auckland for Asda Stores Limited.	21 - 30
7. To consider development control application 3/2007/0445 – Erection of two storey side extension and single storey rear extension to dwelling – replacement / refurbishment of windows (like for like), installation of railings to top of front wall and removal	31 - 43

of external render. Reconstruction of garage incorporating studio in roof space. Removal of 2 no. trees at 41 Front Street, Wolsingham, Bishop Auckland for Mr. T. E. Lintelo.

8. To consider development control application 3/2007/0505 – 44 - 52
Convert double garage into single camping barn at Cromer House, 48 Front Street, Frosterley, Bishop Auckland for Ms. Knight.
9. To consider development control application 3/2007/0412 – 53 - 67
Crematorium with associated parking and landscaping at land to the south of former Leasingthorne Colliery, Coundon, Bishop Auckland for Mercia Crematoria Limited.
10. To consider the proposed stopping up of part of the adopted 68 - 70
footpath adjacent to 10 Heather Lane, Crook.
11. 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

29TH AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0434 - CHANGE OF USE FROM BAKERY AND COFFEE SHOP TO ADULT GAMING CENTRE (SUI GENERIS) AT 58 NEWGATE STREET, BISHOP AUCKLAND FOR J. NOBLE AND SONS LIMITED – 21.06.2007

description of site and proposals

1. This application has been reported to Committee as it does not accord with guidance contained in policy S2 'Newgate Street North' of the Wear Valley District Local Plan.
2. Planning permission is requested for a change of use from a bakery and coffee shop (use class A3) to an adult gaming centre (sui generis use) at the above address. The floor area of the bakery/coffee shop measures approximately 25 square metres. The shop has an attractive traditional timber shopfront, with the existing amusement centre at the rear of the premises which is accessed via a shared access between the bakery and the amusement centre. It is indicated that a retail display window would be provided to the front of the premises.
3. The application site lies within the Newgate Street North Shopping Area, as identified under policy S2 of the Wear Valley District Local Plan. Newgate Street is a long straight street lined with shops and other commercial uses and forms the primary shopping area for Bishop Auckland. The application site is located within the Bishop Auckland Conservation Area. There are two other amusement centres in the street, approximately 100 metres and 180 metres to the south of the application site. No details of any external alterations have been provided.

planning history

4. The following planning history is considered relevant to this planning application:
 - 3/1980/0353 Modification to Slaughterhouse Approved 30.07.1980
 - 3/2002/0445 Partial Demolition of Buildings Approved 02.09.2002

- 3/2002/0414 Demolition of Outbuildings, Change of Use, Single Storey Extension Refused Against Officer Recommendation 31.10.2002
- 3/2004/0414 Appeal - Demolition of Outbuildings, Change of Use, Single Storey Extension Appeal Allowed with Costs 24.06.2005

Also considered to be of relevance are;

- 3/1989/0439 73-77 Newgate Street Change of Use to Amusements Approved 05.10.1989
- 3/1993/0607 71 Newgate Street Change of Use to Amusements Refused Appeal Allowed 02.02.1994
- 3/1994/0657 71 Newgate Street Vary Consent 3/1991/0346 Refused 25.01.1995
- 3/2001/0345 64b Newgate Street Rear Extension to Arcade Approved 29.10.2001
- 3/2002/0441 66 Newgate Street Change of Use from A1 to Amusement Arcade Refused 28.11.2002

planning policies

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

- GD1 General Development Criteria
- S1 Town Centres
- S2 Newgate Street North Shopping Area
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas

consultations

6. Design and Conservation: No objection.

Officer analysis

7. The key issues for consideration are:

- Principle of Development
- Impact on Residential Amenity

principle of development

8. The application must be determined in relation to the relevant policies of the WVDLP. In this case it is considered that the most relevant policy in relation to this proposal is policy S2 (Newgate Street North Shopping Area).

9. The application site has a complex planning history. In 2004 an application for demolition of outbuildings, erection of a single storey extension, and the change of use from butcher shop to a bakery and coffee shop and amusement centre at rear, was refused by the Development Control Committee against the officer recommendation because "*The proposal is for a predominantly non retail use of the premises. The proposed non retail use would be dominant both in terms of floor area taken up and income to be derived. Therefore if the application were to be approved it would lead to a proliferation of non retail uses in the primary shopping area of Bishop Auckland town centre, in conflict with policies S1 and S2 of the Wear Valley District Local Plan.*"
10. The applicants appealed the decision. The appeal was allowed and costs were awarded in June 2005.
11. The Inspector stated in his report that "*Numerous surveys demonstrate that this sort of amusement centre can attract rather more customers than many other nearby 'town centre' of Class A1 uses, and there is also evidence that the vast majority of them (from 65% to over 80%) visit such places as part of a shopping trip. It follows that this element of the scheme would be likely to add to the bustle in this part of the street and serve to complement its predominantly retail role.*"
12. The inspector also stated that "*PPG6 advises that amusement centres would be most appropriately located in secondary shopping areas and be unlikely to be acceptable in primary shopping streets. But that does not mean that they should never be countenanced in 'primary' locations.*"
13. It is noted that PPG6 'Town Centre and Retail Developments' has been superseded by PPS6 'Planning for Town Centres' in 2005 which emphasises the importance of the planning system in respect of the viability and vitality of town centres, but seeks to integrate policies for Town centre uses with other elements such as social inclusion, the encouragement of high density mixed use development and regeneration, but the wider policy stance has not been substantially altered.
14. There have been numerous planning appeal decisions nationally in the past in respect of the change of use of retail units to amusement centres in primary retail frontages. In 2000, an appeal decision for Medway Council (10/11/00 (DCS No 50764369)) stated that an Inspector placed weight on the fact that amusement centres attracted shoppers that might not otherwise visit the town and thus overall it would add to diversity and would not damage the town centre. In another appeal decision (Sutton LB 15/8/03 DCS No. 39905421) the Inspector stated that "*Amusement centres needed to be located centrally within centres because they were largely intended to provide a recreational function for shoppers. There would be no material effect on pedestrian flows nor upon the image of the town as viewed by existing retailers or those wishing to invest in the town.*" The applicants provided significant survey evidence to support the 2002 application (ref 3/2002/0414) for a change of use to an amusement centre which demonstrated that overall amusement centres attract more customers than many retail premises in the surrounding area.

15. Noting the history of appeal decisions relating to the change of use of amusement centres, it is considered that the characteristics of the proposed amusement centre of the type proposed are akin to an A1 use, not distinguishable from A2 uses, and that such centres are not inappropriate in primary shopping areas. As such the proposal itself would not have any significant effect on the numbers of shoppers visiting the centre compared to what might be the case if the premises remained in retail use.
16. The concern raised in respect of losing an active retail frontage, a condition is recommended requiring the provision of a priced display of goods for sale in the window for the period of use, indeed this element is shown of the submitted plans.
17. As such, whilst the proposal is strictly contrary to policy S2 of the Wear Valley District Local Plan, it is considered that the proposed change of use would not harm the vitality or viability of the primary shopping area for the reasons stated above, and following the provision of a condition requiring the provision of a priced display of goods for sale in the window for the period of use, the proposal would not lead to a dead retail frontage within the primary shopping area. As such I consider the proposal to be an acceptable departure from guidance contained in policy S2 of the Wear Valley District Local Plan.

impact on residential amenity

18. The proposed change of use would involve the expansion of a sui generis use within predominantly a shopping area in the town centre. There are a limited number of residential units within the direct vicinity of the application site.
19. The existing amusement centre use at the rear of the site is not restricted in terms of hours of operation and it is therefore considered unreasonable to impose a limitation in the opening hours of the approximately 25 sq. metres change of use which is sought under this application.

objections/observations

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

conclusion and reason for approval

1. On balance and having addressed the proposal in relation to the relevant policies of the Wear Valley District Local Plan it is considered that the introduction of an sui generis use would contribute to the balanced mixed-use commercial nature of the area. It is considered that the characteristics of the proposed amusement centre of the type proposed are akin to an A1 use, not distinguishable from A2 uses, and that such centres are not inappropriate in primary shopping areas, and the proposal would not be to the detriment of the vitality or viability of the primary shopping area.

RECOMMENDED

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

conditions

1. The shop window of the premises shall at all times have a display window of retail goods available for sale within the premises.
2. The use of the premises shall be limited to the playing of amusement with prize machines and prize bingo only.
3. No games of a sessional character shall be played on the premises.
4. The development hereby approved shall not be brought into use until a scheme for soundproofing the premises has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No amplified or other music shall be played on the premises other than background music within the building, unless the local planning authority give consent to any variation.

reasons

1. In order to achieve a satisfactory form of development. In accordance with policies GD1, S2 and BE6 of the Wear Valley District Local Plan.
2. In order to protect the vitality and viability of the shopping area. In accordance with policies GD1, S2 and BE6 of the Wear Valley District Local Plan.
3. In order to protect the vitality and viability of the shopping area. In accordance with policies GD1, S2 and BE6 of the Wear Valley District Local Plan.
4. In order to achieve a satisfactory form of development. In accordance with policies GD1, S2 and BE6 of the Wear Valley District Local Plan.
5. In order to achieve a satisfactory form of development. In accordance with policies GD1, S2 and BE6 of the Wear Valley District Local Plan

background information

Application files, WVDLP, Inspectors letter 24th June 2003.

PS code

12

number of days to Committee

70

target achieved

No

explanation

Next available committee after consultation deadline.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

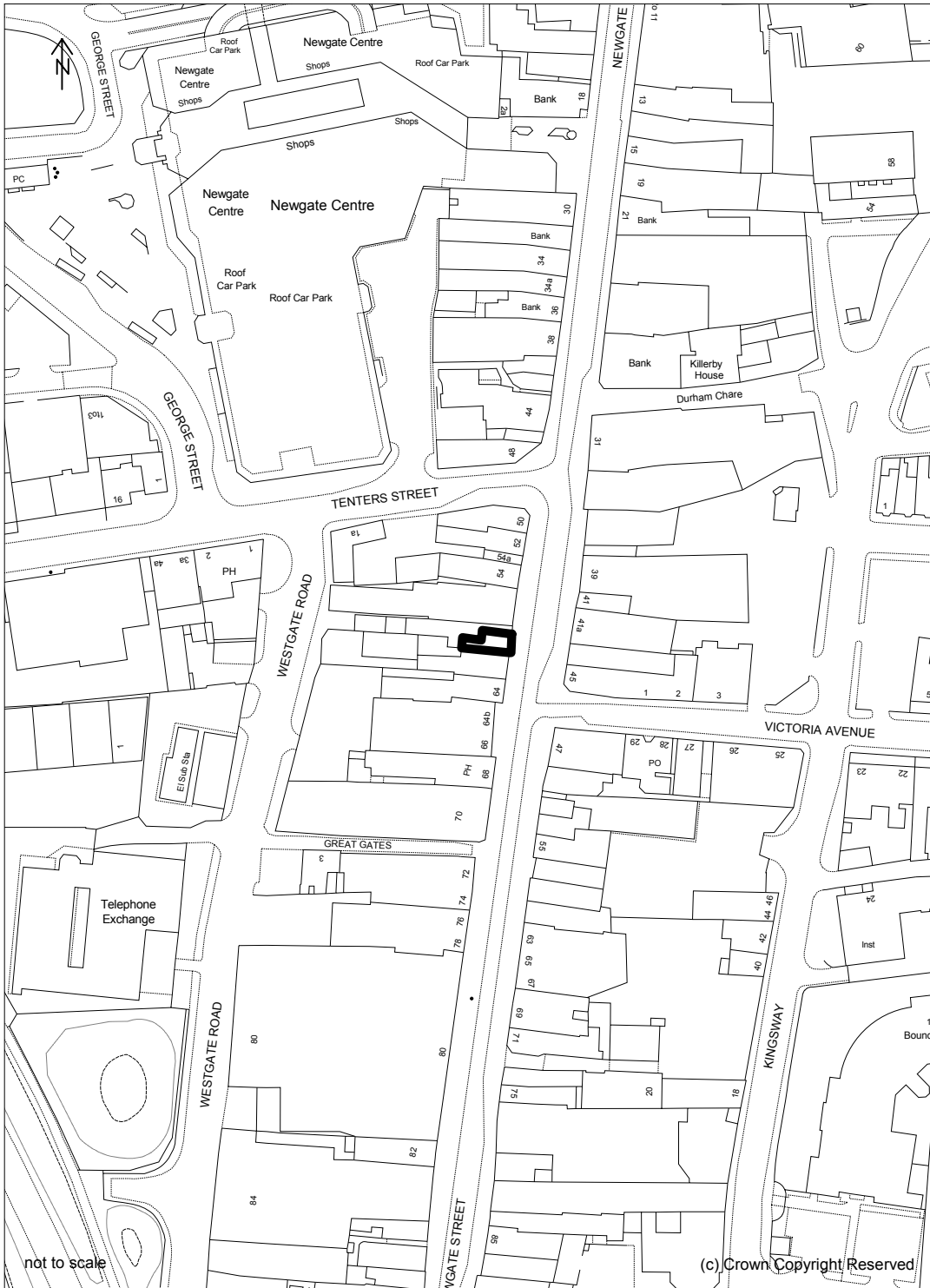
Author of the report

Adam Williamson

Planning Officer

Ext 495

3/2007/0434 - CHANGE OF USE FROM BAKERY AND COFFEE SHOP TO ADULT GAMING CENTRE (SUI GENERIS) AT 58 NEWGATE STREET, BISHOP AUCKLAND FOR J. NOBLE AND SONS LIMITED - 21.06.2007



DEVELOPMENT CONTROL COMMITTEE

29TH AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0477 - RETROSPECTIVE RE-POSITIONING OF STABLE BLOCK FOLLOWING PLANNING PERMISSION APPEAL REF APP/A1340/A/06/2033207 AT 5 ASCOT COURT, LEEHOLME, BISHOP AUCKLAND FOR MR. J. DUVAL - 17.07.2007

description of site and proposals

1. This application has been reported to the Committee as a result of the sites planning history.
2. Retrospective planning permission is requested for the re-siting of two stables which were previously allowed at appeal on 9 May 2007 to the rear of the above address. The stables are constructed from steel sheeting coloured brown, with a corrugated steel roof and measure 10.8 metres in length, 3.6 metres in width and 3 metres to the highest point. The stables contain space for two horses with a tack/hay store to the eastern side. The stable has a mono pitched roof. The stables are accessed via a hardsurfaced path measuring approximately 45 metres in length leading from the northern side of the dwelling to the site of the proposed stables.
3. The application site consists of an area of land in the open countryside to the east of the rear garden of 5 Ascot Court. The rear garden of 5 Ascot Court measures approximately 11 metres in length, but the owners of 5 Ascot Court also own land measuring in total approximately 230 metres in length from the rear of the dwelling. The land is triangular in shape, measuring approximately 20 metres wide at the western end of the garden where the dwelling is, and approximately 37 metres wide at the eastern end of the garden, and slopes to the east. The proposed stables would be located to the northern boundary of the plot of land, approximately 66 metres from the rear of the house, approximately 20 metres further away from the dwelling than the original distance of 46 metres. There is an existing access to the rear garden via a passage to the northern elevation of the dwelling. At present a 1.5 metre high timber fence delineates the rear boundary of both the rear garden of 5 Ascot Court, and the land to which the application site relates.

4. To the south of the application site lies 7 Ascot Court, which is located approximately 52 metres from the proposed stables to the nearest point, and to the north of the application site is a plot of land that has permission for a dwelling, but as yet has not been built. The dwellings to the eastern side of the cul-de-sac all possess rear gardens measuring between 75 and 230 metres in length.
5. The stables are to be accessed via a hardcore path leading from the rear of 5 Ascot Court, and would provide a small area of hardstanding to the front of the stables.
6. The proposed stables would be located outside the settlement limits for development as identified in policy H3 of the Wear Valley District Local Plan, and the plot of land was not included as domestic curtilage when planning permission was granted for the house (3/2002/0165).

planning history

7. The following planning history is considered relevant to the consideration of this application.
 - 3/1984/0070 Infill by Tipping Approved 26.04.1984
 - 3/1992/0501 Outline Residential Approved 27.01.1993
 - 3/1998/0503 Renewal of Outline Approved 02.12.1998
Planning Permission
 - 3/2002/0165 19 Dwellings Approved 23.05.2002
 - 3/2004/0465 Renewal of Outline Approved 08.11.2001
Planning Permission
 - 3/2003/0309 Amendment to Approved 23.06.2003
3/2002/0165 to Replace
2 Dormer Bungalows
 - 3/2006/0645 Erection of 2 stables Refused 13/10/2006
 - 3/2006/0645 Erection of 2 stable (Appeal) Allowed 9/5/2007

planning policies

8. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - BE19 New Agricultural Buildings
 - ENV1 Protection of the Countryside

Also relevant is PPS7: "Sustainable Development in Rural Areas".

consultations

9. County Minerals and Waste: Although it is shown in the Wear Valley District Local Plan as being subject to Policy MW2 (Development on landfill sites) which requires applicants to carry out a site investigation, the County Council's records do not show the application site as having been subject to tipping. The County Durham Waste Local Plan does not include a policy relating to the control of built development on former landfill sites.
10. Northern Gas Networks: NGN has no gas mains in the area of the application. However our records indicate that gas pipes owned by other Gas Transporters may be present in this area. Further information should be obtained from British Gas Connections, 30 The Causeway, Staines, Middlesex, TW18 3BY, quoting sketch number PPS16278.
11. Public Rights of Way officer: There are no rights of way recorded on the Definitive Map within the area boarded red on your plan. Footpath 92 runs adjacent to the eastern edge of the area. The footpath should be unaffected by the proposed works, therefore I have no objection to the proposal.
12. CDE&TS (Highways): Confirmed verbally no objection.
13. WVDC Community Services: It is noted that the stables are to be located in a field that is adjacent to the rear garden of the neighbouring residential property. I have concerns therefore regarding the potential for odour and flies to occur from the storage of agricultural waste and for this to adversely affect the amenity of neighbouring residential properties. There needs to be designated areas for the storage of waste that are located sufficiently away from the boundary of the garden of the neighbouring residential property to ensure both emissions of odour and flies do not have a detrimental impact on the use of the neighbour's garden.
14. All areas that are designated for the storage of waste material must be provided with an appropriate means of drainage for the purpose of removing any effluent arising. To prevent the blockage of the surface drainage system an interceptor chamber should be incorporated to remove any solid soiled debris.
15. The burning of agricultural waste giving rise to smoke emissions on the site should not be permitted and an alternative means adopted for the disposal of waste.
16. Environment Agency: No response received.

officer analysis

17. The key areas for consideration are;
 - Principle of Development
 - Residential Amenity
 - Visual Amenity
 - Access

principle of development

18. Members may recall that the previous application refused by members against officers recommendation at the Development Control Committee on 12th October 2006. The reasons for refusal are set out below;
 - a) The access to the proposed stables is considered to be of insufficient width to adequately serve the development and would not provide an acceptable access to the site in event of an emergency contrary to policies GD1 and T1 of the Wear Valley District Local Plan.
 - b) The siting of the proposed stables is such that the development would cause harm to neighbouring dwellings in terms of odour and other nuisance related to animal wastes, contrary to policy GD1 of the Wear Valley District Local Plan.
19. The applicants appealed the decision. The Inspector allowed the appeal in his letter 9th May 2007. As such the principle of development of stables on the site has already been established.

residential amenity

20. The proposed stables would be situated in the vicinity of several dwellings and their rear garden. The Inspector noted the Council's and resident's concerns over the potential for smells, flies and vermin in his previous appeal decision. The concerns expressed in relation to drainage problems and run off due to the slope of the land towards the houses were also considered. The Inspector agreed that because of the proximity there could be a risk of odour and other nuisances from the horse manure particularly in warm weather. This could have a harmful effect on the living conditions of the occupants of nearby dwellings reducing the enjoyment of their house and gardens significantly.
21. However, the Inspector noted that the stables are very modest in scale and are intended to accommodate only two ponies. Moreover they would be now be positioned 60 metres away from the nearest dwelling compared with the original siting of the stables which were approximately 40 metres distant. Although the Council's own Environmental Health Department had raised concerns that there is potential for odour and flies to occur they suggest ways in which these problems could be overcome. These concur with the applicants Environmental Consultant recommendations. These recommend that animal waste could be managed effectively through a number of measures including, the provision of a suitable metal surfaced storage area for the animal waste with drainage to a storage tank ensuring that any run-off or liquid spillage is controlled and the placing of manure in sacks, covering it on site with regular removal. Good animal husbandry to ensure cleanliness is also stated to be beneficial.
22. As such it is considered that the proposal does not undermine the objectives of policy GD1 of the Wear Valley District Local Plan.

visual amenity

23. Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas sets out the main issues surrounding development involving horses in rural areas. It states that high *"standards of design, construction and maintenance of buildings and care of land are necessary to ensure that equestrian activities do not have an adverse effect on the countryside and that the horses are well housed and cared for"*.

"As for all development in the countryside, applicants for planning permission for development involving horses should take particular care to minimise the effect their proposals will have on the appearance of the countryside. Buildings should be sited and designed to blend with their surroundings. When considering such planning applications, local planning authorities should bear in mind recommended standards for the safety and comfort of horses as well as other material planning considerations". Within the framework set out in this PPS, the Government wishes to see a positive approach towards planning applications for horse-based development, which respect the rural environment.

24. It is considered that the stables are of a traditional design and are of a sympathetic scale and size for the location in which they are to be located. It is considered that the proposal does not detract from the character of the surrounding area and would appear appropriate to the surrounding landscape features. Given the overall scale and nature of the development, it is considered that the stables are not visually prominent when viewed from the neighbouring residential properties. Indeed the relocation of the stables has further reduced the potential visual impact when viewed from neighbouring properties.
25. The materials and colour of the stable building complement the existing surroundings and open countryside. The proposal accords with policies GD1, ENV1 and BE19 of the Wear Valley District Local Plan.

residential amenity

26. The site lies in an area identified as open countryside under policy H3 of the Wear Valley District Local Plan. Concerns have been raised concerning drainage on the site. A condition is recommended requiring further details of drainage to be submitted for approval by the local planning authority. It is noted the proposed stables are in the vicinity of residential properties, however the revised distance between the stable and the nearest neighbouring property has increased to be over 60 metres. This is considered to be sufficient distance to ensure the stables would not have a detrimental effect upon the residential amenity of neighbouring residents. Community Services have not objected to the proposal I am satisfied that the proposal would not be to the detriment to the residential amenity of neighbouring residents. The proposal accords with policies GD1 and BE19 of the Wear Valley District Local Plan.

access

27. Members refused the previous application partly for issues relating to the access of the site.
28. In his appeal decision the Inspector stated that he acknowledged the concerns of the Council in relation to the width of the access and the local residents concerns that access through a residential property to a site for horses and stabling is not ideal. However, the appellant stated the width of the access is capable of accommodating the vehicle and trailer used to serve the needs of the two ponies.
29. The Inspector considered large vehicles are unlikely to be necessary to collect or remove materials from the site given the small scale of the use. The Inspector therefore saw no difficulties in bringing a horse box to the site. This would be no worse than parking other recreational vehicles such as a caravan at a dwelling. In this respect the Inspector considered the width of the access is adequate and the development would not result in harm to highway safety conditions. Moreover, since the ponies could continue to be kept on the site the provision of stables for their shelter would not increase the current use of the access.
30. The Inspector appreciated local concerns that this development could lead to more stabling, liveryes and horse related businesses in the future. However, he noted that the Council would still have control over future applications for such uses at this site. Moreover, whilst he assessed the access to be acceptable for the small stables proposed, the lack of an independent access and its width would need to be carefully assessed in relation to any future additional or commercial use.
31. Overall the Inspector concluded that the access arrangements would be adequate to serve the modest development proposed and he found no conflict with policies GD1 or T1 of the Wear Valley District Local Plan or the guidance in the Manual for Streets in this respect.

objections/observations

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

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, ENV1 and BE19 of the Wear Valley District Local Plan as it:
 1. Would be sited and designed to blend with its surroundings and the size of the stables meets the recommended standards for the safety and comfort of horses as set out in PPS7.

2. Will complement the existing setting in terms of type and colour of materials.
3. Would be sited far enough away from neighbouring dwellings as to not cause a loss of residential amenity.
4. Will not cause harm to pedestrians and vehicular users.

RECOMMENDED

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

conditions

1. At no time whatsoever shall any waste material, goods, merchandise or any article of any description be burnt on the site.
2. Within 56 days of the date of this permission details showing the siting of the temporary storage and method of disposal of animal waste shall be submitted to and approved in writing by the local planning authority. The details shall thereafter be implemented in accordance with the approved details within a period of 28 days.
3. The stables hereby approved shall only be used for purposes incidental to the enjoyment of the dwellinghouse only. No trade or business shall be carried out from the site.
4. Within 56 days of the date of this permission details of drainage and interceptor chamber on the site shall be submitted to and approved in writing by the local planning authority. The drainage details shall thereafter be implemented in accordance with the approved details within a period of 28 days.

reasons

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

background information

Application files, WVDLP, Inspectors letter dated 9 May 2007.

PS code	10		
number of days to Committee explanation	37	target achieved	√

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

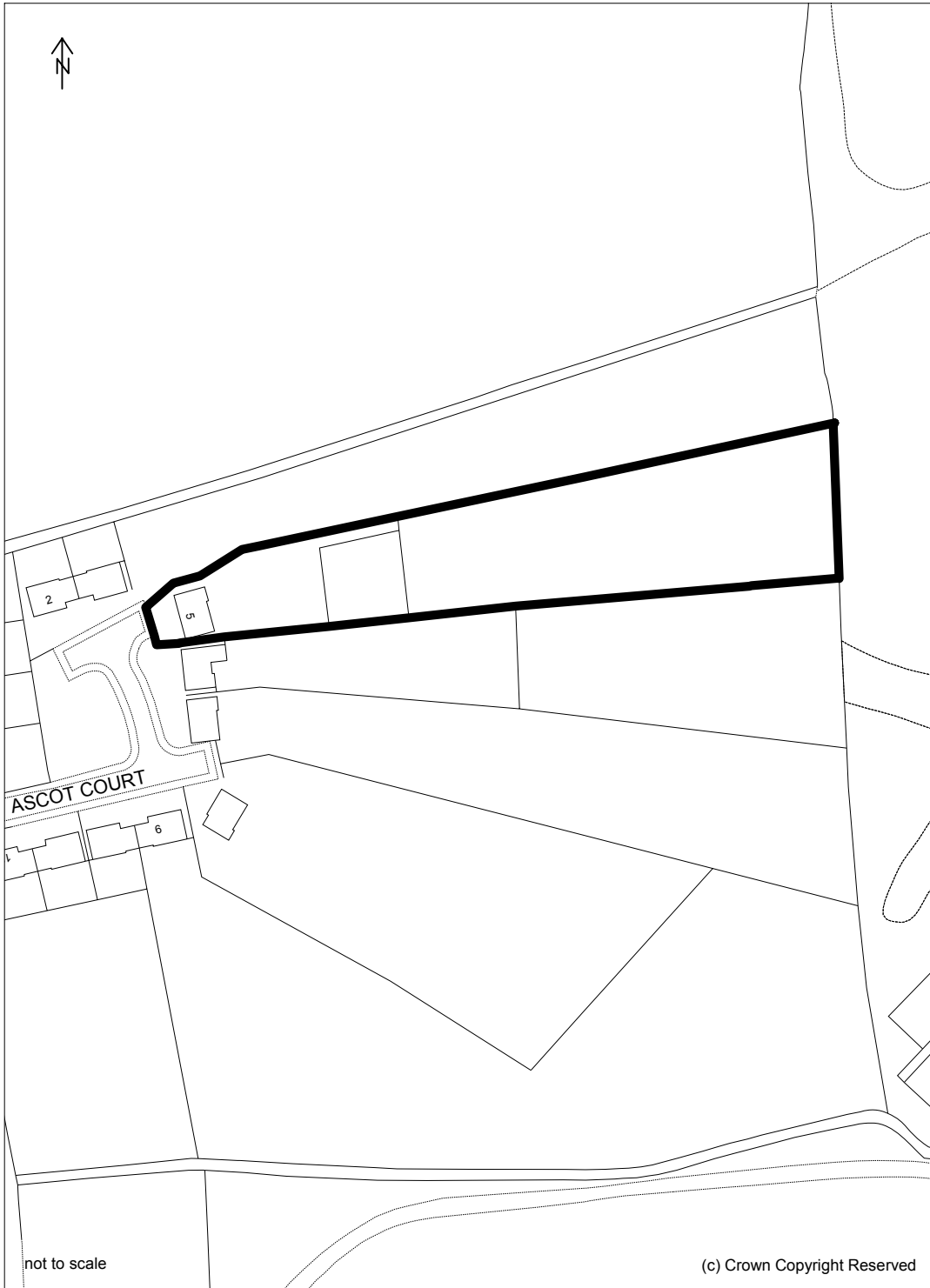
Author of the report

Adam Williamson

Planning Officer

Ext 495

3/2007/0477 - RE-POSITIONING OF STABLE BLOCK AS PLANNING PERMISSION APPEAL REF APP/A1340/A/06/2033207 AT 5 ASCOT COURT, LEEHOLME, BISHOP AUCKLAND FOR MR. J. DUVAL -17.07.2007



DEVELOPMENT CONTROL COMMITTEE

29TH AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0488 - CHANGE OF USE TO TANNING AND BEAUTY SALON (RETROSPECTIVE) AT 209 NEWGATE STREET, BISHOP AUCKLAND FOR WOODS HEATWAVE SUNBEDS LIMITED – 19.06.2007

description of site and proposals

1. Planning permission is sought for the continued use of the property as a tanning and beauty salon (sui generis). The site is located at the southern end of Newgate Street, within the Bishop Auckland town centre and also the Newgate Street South shopping area. The site immediately adjoins a florist and is in close proximity to other retail, professional and industrial premises.

planning history

2. There is no planning history relevant to this application.

planning policies

3. The following policies of the Wear Valley District Local Plan (WVDLP) are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - S1 Town Centres
 - S3 Newgate Street South/Fore Bondgate Shopping Area

consultations

4. Durham County Council Highways: No objection.

officer analysis

5. The application must be determined having consideration for the relevant policies of the Wear Valley District Plan. It is considered that the most relevant policy in relation to this proposal is policy S3 (Newgate Street South/Fore Bondgate Shopping Area).

6. A tanning and beauty salon is a sui generis use but has characteristics which are akin to A1 uses and are indistinguishable from A2 uses. As such the use is considered appropriate within the town centre and the Newgate Street South/Fore Bondgate shopping area identified by Policy S3 of the Wear Valley Local Plan which makes specific provision for A1, A2 and A3 uses.
7. Despite the fact that the application site forms part of a secondary shopping frontage, the proportion of A1 uses among the same frontage is relatively high at around 72%. In view of this fact and the nature of the use, the change of use would not have an adverse impact on the vitality and viability of this secondary shopping frontage.
8. On balance, whilst the proposal is technically contrary to Policy S3 of the Wear Valley Local Plan, it is considered that the change of use would not harm the vitality or viability of the shopping area and maintains a frontage appropriate to the retail character of the area. As such the proposal is an acceptable departure from Policy S3 of the Wear Valley Local Plan.
9. There are a limited number of residential units in the vicinity and in view of the nature of the use, it is not considered that there would be an increased or detrimental impact on amenity.

objections/observations

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

conclusion and reasons for approval

1. The change of use would not harm the vitality or viability of the shopping area and maintains a frontage appropriate to the retail character of the area. As such the proposal is an acceptable departure from Policy S3 of the Wear Valley District Local Plan.
2. The use is appropriate to the town centre location and would not detrimentally impact on the amenities of the occupiers of any nearby residential properties. As such the change of use is in accordance with Policy GD1 of the Wear Valley District Local Plan.

RECOMMENDED

That planning permission be **APPROVED**.

background information

Application files, WVDLP.

PS code

12

number of days to Committee

73

target achieved

No

explanation

Departure application which needed to fit in with Committee cycle.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

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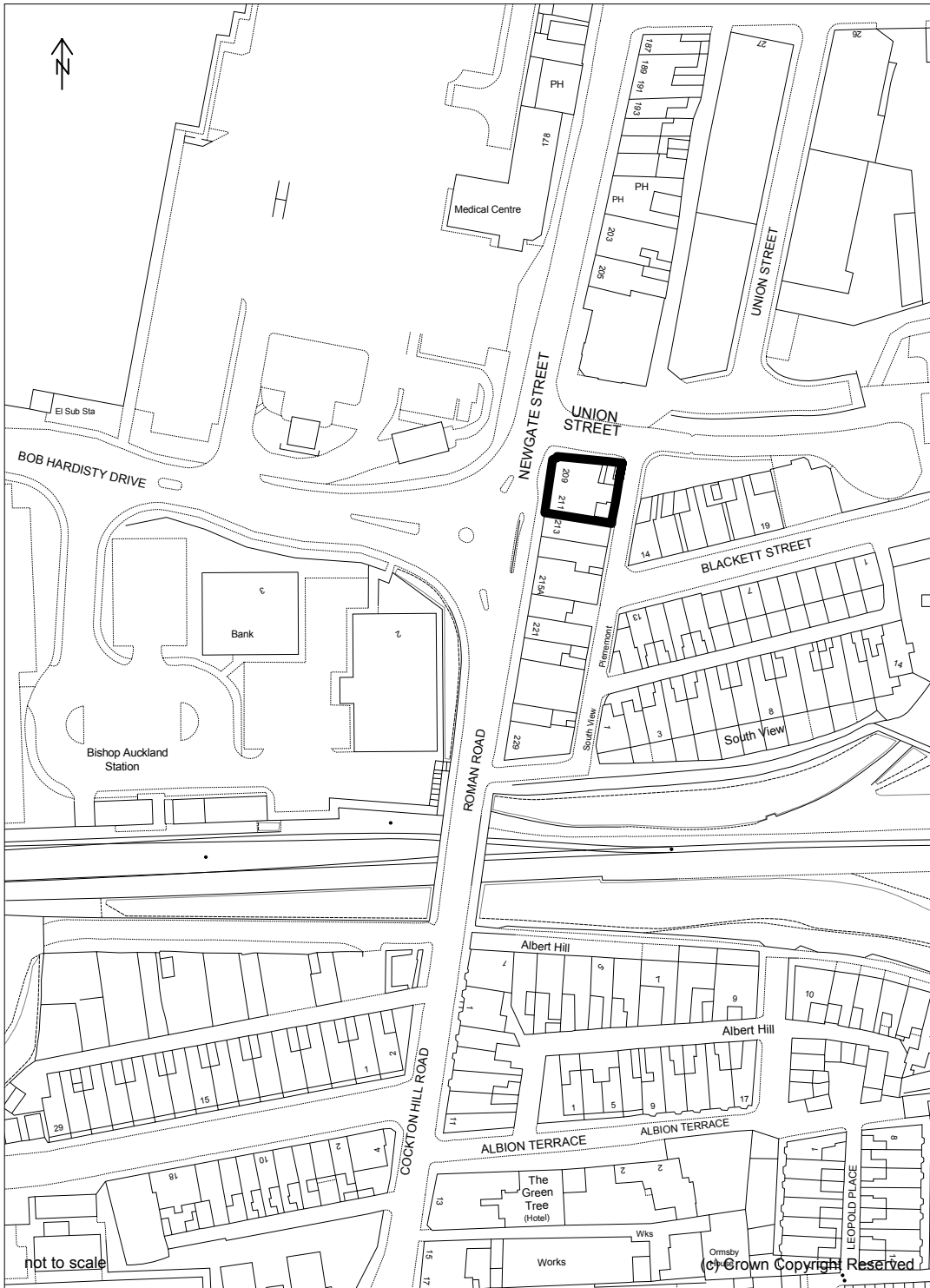
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3/2007/0488 - CHANGE OF USE TO TANNING AND BEAUTY SALON (RETROSPECTIVE) AT 209 NEWGATE STREET, BISHOP AUCKLAND FOR WOODS HEATWAVE SUNBEDS LIMITED -19.06.2007



DEVELOPMENT CONTROL COMMITTEE

29th AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0456 - TO REMOVE CONDITION 12 OF PLANNING PERMISSION 3/1998/0329 TO ALLOW UNRESTRICTED OPENING AT ASDA SUPERMARKET 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED - 08.06.2007.

description of site and proposals

1. Planning permission is sought to remove condition 12 of planning permission 3/1998/0329. Condition 12 currently reads:

'The premises shall not be open for business outside the hours of 0800 hrs and 2100 hrs (Mondays – Saturdays), and 1000 hrs and 1600 hrs (Sundays).'
2. This planning application proposes the removal of this condition in order to allow the Asda store to trade up to 24 hours a day, seven days of the week.
3. This application is a resubmission of planning application 3/2006/0729. Following discussions with the planning officer, application 3/2006/0729 was withdrawn as there was not sufficient information within the application to make a detailed analysis of the proposal. Detailed pre-application advice has taken place between planning officers and the agents for Asda, in order to determine the necessary information required to make a full assessment of 24 hour opening. In this resubmitted application the following information has been provided which was not included within the previous application 3/2006/0729:
 - Design and Access Statement
 - Transport Statement
 - Acoustic Report
 - Clarification on the implementation of anti-social behaviour measures.
 - Information on the maintenance of plant to reduce high noise levels.
 - Clarification on the restriction of tannoy use.
 - Confirmation that the delivery hours would not be altered.
4. In order to undertake a full assessment on the impact of 24 hour opening at the Asda Store in Bishop Auckland, evidence has been provided by the agents comparing this application with a similar Asda Store at Peterlee. The Asda Store at Peterlee currently opens on a 24 hour basis. The surveys and

figures received in the transport statement for the Asda at Bishop Auckland have been compared to similar surveys of the Asda at Peterlee.

5. The application site comprises of the Asda Supermarket situated to the west of South Church Road in Bishop Auckland. There are two entrances to the site, from the east and the west. The west entrance is predominantly used by shoppers arriving on foot and is close to public transport links. The east entrance is used mainly by shoppers arriving by car. The Asda Supermarket is located on the west side of the site with the main car park to the east. Planning permission has been granted recently for a petrol filling station to the north of the site. The delivery entrance and the loading bays are located to the south of the site.
6. Beyond the application site there is a mixture of commercial and residential buildings. The majority of the buildings to the north are all commercial buildings. The residential streets of Blakett Street and South Street are located to the west, Queens Road, Woodlands Road and Salisbury Place are located to the east, with Holdforth Drive located to the south of the application site. South Church Road and associated traffic lights abut the east boundary of the site. A railway line runs along the south boundary of the site.

planning history

7. There are a number of past planning applications on this site, however the following are considered relevant to the determination of this application:
 - 3/1998/0329 Retail Store/Car Parking and Approved 27.04.1999
 Ancillary Works
 - 3/2006/0729 Variation of Condition 12 from Withdrawn 01.12.2006
 Planning Application 3/1998/0329
 To Allow 24 Hour Opening

planning policies

8. 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

consultations

9. WVDC (Environmental Health): No adverse comments to make.
10. Durham County Council (Highways Authority): No objections.
11. Bishop Auckland Town Manager: No comments.
12. Parish Council: No comments.
13. Health and Safety Executive: No comments.

14. Police (Architectural Liaison Officer): The Architectural Liaison Officer has met with representatives from Asda and the following topics relating to Anti Social Behaviour have been discussed:
- It was agreed that only the entrance from South Church Road shall be open during the night.
 - The trolley shelter on Union Road shall be secure to prohibit its use as a congregating area.
 - Security personnel to be observant and aware of any anti social behaviour incidents and to utilise Asda's external CCTV.

officer analysis

15. The key issues for consideration are:

- Principle of Development
- Impact on Surrounding Area
- Delivery Vehicles
- Anti Social Behaviour

principle of development

16. The proposal is to remove condition 12 of planning permission ref: 3/1998/0329 to allow for 24 hour opening at the Asda Store. The main consideration for this proposal is the impact the 24 hour opening would have on the surrounding area, including the local residents. The impact on the surrounding area is discussed below. The application site is within the limits to development for Bishop Auckland (policy H3 of the Wear Valley District Local Plan), and the proposal is acceptable in principle.

impact on surrounding area

17. The main impact of 24 hour opening of the Asda Store would be on the residential amenities of the occupiers of surrounding properties. It is essential that the impact on residential amenities is fully assessed when determining this application. The previous application was withdrawn as insufficient information was provided to make a full assessment of the impact 24 hour opening. Further information has been provided within this application. Paul Horsley Acoustics Limited and Cottee Transport Planning have produced an 'Acoustic Report – Environmental Noise Assessment' and a 'Transport Statement' respectively.
18. The Acoustic Report – Environmental Noise Assessment makes an assessment of the existing noise levels at the Asda Store and the proposed noise levels should 24 hour opening be introduced. The Acoustic Report further examines the impact of the noise resulting from 24 hour opening. Surveys of noise levels were taken from 16 different locations, within the store, within the grounds of Asda and beyond the curtilage of Asda. The noise levels taken from these surveys are compared against guidance given in the World Health Organisation 1999 'Guidelines for Community Noise' (WHO). The Acoustic Report concludes:

'that an impact assessment of the proposed noise likely to be generated by the increase in store trading hours has been made and deemed to increase the existing noise levels by +2dB when compared to the lowest pre-existing noise climate outside the nearest residences of Woodlands Road. This is based upon 10 vehicle movements per hour at the store throughout the full night time period. This still places the stores output within the WHO guideline figures.'

19. Given the evidence provided in the Acoustic Report it is considered that 24 hour opening of the store would not increase noise to a level which would adversely affect nearby residents. Environmental Health were also consulted on the application and they have analysed the Acoustic Report. Environmental Health have no objections to the proposal.
20. The Transport Statement compiled by Cottee Transport Planning is a comprehensive report indicating traffic surveys, existing and predicted figures of the volume of customers and existing and predicted customer movements. In order to offer a true reflection the impact 24 hour opening may have on the surrounding area of Asda in Bishop Auckland, the site has been compared with a similar Asda store in Peterlee which currently trades at 24 hours. Comparing the site to an existing store which opens 24 hours offers a better assessment of the impact 24 hour opening would have at the Asda in Bishop Auckland. The Asda store at Peterlee was considered most appropriate to be used a comparison as they are very similar types of stores. The gross floor area of the Bishop Auckland store is 6,541sqm and Peterlee's is 6,956sqm. The population of Bishop Auckland is 24,764 close to the population of Peterlee's which is 29,936. The Asda store in Peterlee is also situated within the vicinity of residential properties.
21. In order to determine customer and vehicle movements at both stores (Bishop Auckland and Peterlee) the following traffic surveys were conducted:
 - Manual Customer Count (MCC) entering Asda Bishop Auckland.
 - MCC entering Asda Peterlee.
 - Customer questionnaire survey at Asda Peterlee.
 - Automatic Traffic Count (ATC) survey at Asda Bishop Auckland.
 - ATC at Asda Peterlee.
22. The figures from these surveys go into detail and from these surveys two important results come out. These are the anticipated weekly customer volumes at Asda Bishop Auckland between the hours 21:00 and 08:00 and the predicted common mode of transport to visit the Asda Bishop Auckland between 21:00 and 08:00.
23. Using the survey data from the Asda Peterlee it is predicted that the weekly customer volume at Asda Bishop Auckland between the hours of 21:00 and 08:00 would be 3,235 customers. The current weekly volume of customers at Asda Bishop Auckland is 49,534. Therefore the proposal for 24 hour opening of the Asda Bishop Auckland would show an increase in the volume of customers by 6.5%. The Transport Report concludes, *'that a 6.5% increase in*

customers is small and would not lead to a material impact on the surrounding locality.'

24. From the results received from the questionnaire survey of Asda Peterlee it is predicted that approximately 75% of visitors to the Asda Bishop Auckland between the hours of 21:00 and 08:00 would be by car and approximately 21% of visitors will visit the Asda Store by foot. It is therefore considered that the traffic movements to the Asda Store would mainly be from South Church Road (to the east of the store) as the main car park is situated on this side. There would be little disturbance to the residents of the properties to the west of the store. In order to prevent vehicles from visiting the Asda Store from the west, Asda have agreed that the west entrance to the Asda building would be closed after 21:00 and access can only be taken from the east entrance. This will deter customers from visiting the store from the west. A condition is recommended accordingly.
25. Given the above and the evidence provided within the 'Acoustic Report – Environmental Noise Assessment' and a 'Transport Statement' It is considered that the removal of condition 12 of permission 3/1998/0329 to allow 24 hour opening at the Asda Store would not have an adverse impact on the residential amenities currently enjoyed by the neighbouring occupiers. The proposal would not be contrary to policy GD1 of the Wear Valley District Local Plan.

delivery vehicles

26. It is confirmed in writing by the agents for Asda that this application does not propose to alter the delivery times to the Asda Store. Condition 13 of planning permission 3/1998/0329 restricts deliveries between the hours of 07:00 and 23:00. A service vehicle delivery schedule has been produced with the application showing the first deliveries scheduled at 07:00 with the last deliveries scheduled at 21:00. Newspaper deliveries are made at 06:00 however this involves the newspapers been dropped off at the gates.
27. It is understood that several enforcement complaints have been made with regards to disturbance from delivery vehicles arriving earlier than 07:00. This issue is currently being investigated by the Enforcement Officer. This application for the 24 hour opening of the store has no relation to delivery times. The condition for restricting delivery times is not to be altered.

anti social behaviour

28. Issues have been raised with regards to anti social behaviour which may occur should 24 hour opening be granted at the Asda Store. The Architectural Liaison Officer (Police) has been consulted on the application. The Liaison Officer has been in discussions with Asda to overcome problems of anti social behaviour which occurs at the store. Some of the steps include securing the trolley shelter on Union Road and closing the west entrance at night. A condition is suggested for the west entrance to the building to be closed after 21:00 should permission be granted. CCTV cameras are also present within the grounds of the Asda Store which help deter anti social behaviour.

29. Concerns have also been raised with regards to the sale of alcohol on the premises after 23:00, which may lead to anti social behaviour. The sale of alcohol is a licensing issue and is not a material planning consideration.
30. Whilst it is accepted that at present around the Asda Store there may be some levels of anti social behaviour, measures can be put in place to control such behaviour. It is not considered that the opening of the Asda Store for 24 hours would encourage anti social behaviour. The proposal would not be contrary to the aims of policy GD1 of the Wear Valley District Local Plan.

objections/observations

31. The application has been advertised on site and in the local press. The occupiers of neighbouring properties have been notified individually in writing of the proposal. Eight letters of objection has been received. The contents of the letter is summarised below:
 - a) Cars parking in surrounding streets.
 - b) Will the change in trading hours effect the restrictions on delivery hours?
 - c) Noise disturbance from delivery wagons.
 - d) Light nuisance from loading bays and the car park.
 - e) Noise disturbance from additional cars visiting the site.
 - f) Rise in anti social behaviour.
 - g) 24 hour opening would encourage people to drink more as people would call in after pubs shut to obtain more alcohol.
 - h) The extra energy consumed by the store being opening all night will increase the carbon footprint of the store.
 - i) Emergency food supplies are already available at 24 hour petrol stations nearby.
 - j) 24 hour opening may lead to further expansion of the Asda Store.
 - k) The original application in 2006 was refused for valid reasons. These reasons still apply and Asda have done nothing to alleviate them.
 - l) Increase problems in South View/Blackett Street area with regards to traffic.

response to objections

32. The following points are a response to the issues raised by the objectors:
 - a) It is noted that the majority of objections to cars being on the surrounding streets are from the residents of Blackett Street and South View which are to the west of the Asda Store. The west entrance to the store would be closed after 21:00 therefore encouraging visitors to park in the main Asda car park.
 - b) No. The condition restricting delivery hours is not to be altered.
 - c) As stated above. Deliveries hours to the store are not to be changed.
 - d) Deliveries to the store are to remain the same therefore there would be no light nuisance from the delivery bays. It is not considered that the vehicle activity in the car park would create any light nuisance.
 - e) Discussed in officer analysis. An acoustic report has indicated that the noise levels would not have an adverse impact upon nearby residents.
 - f) Discussed in officer analysis.

- g) Discussed in officer analysis. It is a licensing issue whether Asda obtains a late license to sell alcohol.
- h) This is not an adequate reason to refuse the application.
- i) Accepted, although the fact that there are other 24 hour shopping facilities in the area is not a valid reason to refuse this application.
- j) Further expansion of the Asda Store would have to be considered through a separate planning application and cannot be determined with this proposal.
- k) Planning application 3/2006/0729 which was received in 2006 was not refused. It was withdrawn to allow time to provide additional information.
- l) Discussed in point a).

conclusion and reasons for approval

1. In assessing the impact of 24 hour opening at the Asda Store in Bishop Auckland, it is essential to establish whether the proposal would adversely affect the residential amenities of neighbouring occupiers. In order to establish if the amenities of surrounding properties would be affected, an 'Acoustic Report – Environmental Noise Assessment' has been submitted to determine noise levels. The Acoustic Report concludes that the increase in trading hours would likely to increase the noise levels by 2dB which would be within the guideline figures of the World Health Organisation 1999 'Guidelines for Community Noise' (WHO). Environmental Health have not objected to the application. It is considered based on this evidence that the noise arising from 24 hour opening of the store would not have an adverse impact on the residential amenities of surrounding properties. The proposal would not be contrary to the aims of policy GD1 of the Wear Valley District Local Plan.
2. To establish whether the proposal would adversely affect neighbouring amenities a 'Transport Statement' has also been produced to give an indication of how many customers would be expected between the hours of 21:00 and 08:00. Surveys and questionnaires were taken at a similar Asda Store in Peterlee in order to make clearer predictions. Results indicated that in a week the predicted volume of customers visiting the store between 21:00 and 08:00 would be 3,235. The proposal for 24 hour opening of the Asda Store would show an increase in the total volume of customers by 6.5%. Results also predict that approximately 75% of visitors to Asda between 21:00 and 08:00 would be by car. It is considered that given the overall increase in the volume of customers would be relatively low and that most would travel by car which is likely to be from the east side of the store, the proposal would not adversely affect the residential amenities of neighbouring occupiers. The proposal would not contradict the aims of policy GD1 of the Wear Valley District Local Plan.
3. Condition 13 of planning permission 3/1998/0329 restricts deliveries between the hours of 07:00 and 23:00. There are to be no alterations to this condition and delivery times are to remain the same. It is accepted that complaints have been received with regards to deliveries being made outside these specific times however this is an enforcement issue. This application for the 24 hour opening of the store has no relation to delivery times.

- It is accepted that at present there may be some levels of anti social behaviour around the Asda Store, however measures can be put in place to control such behaviour. The Architectural Liaison Officer (Police) has raised no objections to the proposed 24 hour opening and has been in discussions with Asda to overcome problems of anti social behaviour. A condition is suggested for the west entrance to the building to be closed after 21:00 should permission be granted. Concern have been raised with regards to the sale of alcohol after 23:00, however this is a licensing issue and not a material planning consideration. The proposed 24 hour opening of the Asda Store would not encourage anti social behaviour. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan.

RECOMMENDED

That the removal of condition 12 of planning permission 3/1998/0329 be **GRANTED** subject to the following conditions and reasons;

conditions

- The west entrance (from Union Street) to the building shall be closed between the hours of 21:00 and 08:00.
- The tannoy system shall not be operational between the hours of 21:00 and 08:00 except in circumstances of an emergency.

reasons

- To deter customers from visiting the store via Union Street, in the interests of residential amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
- In the interests of residential amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.

INFORMATIVE:

All other conditions of planning permission 3/1998/0329 continue to apply to this site and as varied by planning permission 3/2007/0340.

background information

Application files, WVDLP.

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explanation			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

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Chris Baxter

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**3/2007/0456 - TO REMOVE CONDITION 12 OF PLANNING PERMISSION
3/1998/0329 TO ALLOW UNRESTRICTED OPENING AT ASDA
SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR
ASDA STORES LIMITED - 08.06.2007**



DEVELOPMENT CONTROL COMMITTEE

29TH AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0445 - ERECTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TO DWELLING – REPLACEMENT/REFURBISHMENT OF WINDOWS (LIKE FOR LIKE), INSTALLATION OF RAILINGS TO TOP OF FRONT WALL, AND REMOVAL OF EXTERNAL RENDER. RECONSTRUCTION OF GARAGE INCORPORATING STUDIO IN ROOF SPACE. REMOVAL OF 2 NO. TREES AT 41 FRONT STREET, WOLSINGHAM BISHOP AUCKLAND FOR MR. T. E. LINTELO – 19.06.2007 - AMENDED 03.08.2007 AND 15.08.2007

description of site and proposals

1. Planning permission is sought for the erection of a two storey side extension and single storey rear extension, as well as the demolition of an existing garage and erection of a new garage/store with studio space in the roof. As a result of the property being covered by an Article 4 direction, additional permission is sought for refurbishment works to the front of the dwelling including removal of pebble dash render (retrospective), installation of metal railings to the front wall, and refurbishment and like for like replacement of windows. It is also proposed to remove 2 No. trees in the Wolsingham Conservation Area.
2. The property is a substantial dwelling located within the Wolsingham Conservation Area. It fronts onto Front Street and adjoins an L-shaped group of dwellings known as Tower Mews on the corner of Front Street and The Causeway. The property has a large wall-enclosed rear garden and there is a small private courtyard with garaging to the rear of Tower Mews. Dwellings known as Gables Cottages and The Gables also look out onto the rear courtyard. A lean-to rear conservatory has already been demolished.
3. The application is a resubmission following withdrawn application 3/2007/0240, which included a two storey rear extension, now reduced to a single storey extension in line with pre-application discussions with Council Officers. The plans were amended on 03/08/2007, 15/08/2007 and 17/08/2007 to show a complete 1:500 block plan with all neighbouring properties; show the nearest windows of 39 Front Street on the elevations; show the correct boundary on the plans between 41 and 39 Front Street; show the outline of the previous lean-to extension for comparison purposes;

correct the dimensions of the garages, and show the replacement window to the front. These plans have been checked on site and verified for accuracy.

planning history

4. The following planning applications have been received in respect of this site:
 - 3/2007/0240 Demolition of Existing Conservatory Withdrawn 30.05.07 to Rear, Erection of Two Storey Rear Extension and Single Storey Side Extension to dwelling. Replacement/ Refurbishment of Windows (Like for Like), Installation of Railings to Top of Front Wall, and Removal of External Render. Reconstruction of Garage Incorporating Studio in Roof Space.

planning policies

5. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas
 - BE9 Trees in Conservation Area
 - FPG5 Alteration and Extensions Guidelines
 - GD1 General Development Criteria
 - H24 Residential Design Criteria
 - H25 Residential Extensions

Also relevant is PPG15: Planning and the Historic Environment and the Building Research Establishment Guidelines (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.

consultations

6. Durham County Highways: No objection.
7. Design and Conservation: No objections. Welcome the refurbishment of the original building. The approach suggested is sensitive to the property and the surrounding Conservation Area. Removing the modern render and returning the original stonework will significantly improve the appearance of the building. To the rear of the property the removal of the conservatory is extremely welcome as it was in very poor condition. In terms of its replacement with the proposed extension I have no objections to the scale, design and materials in terms of impact on the Conservation Area. The roof lights are of appropriate scale and design. I have no objection to the proposed side extension. I propose to raise no objection to the garage structure; it is reminiscent of other buildings within the settlement and displays a number of traditional features.

officer analysis

8. The key issues for consideration are:

- Impact on the Character and Appearance of the Building and Conservation Area
- Impact on the Residential Amenity of Neighbours

impact on the character and appearance of the building and conservation area

9. The proposal contains a number of separate elements including refurbishment and extension of the dwelling, erection of a garage and removal of 2 No. trees.

10. The proposed single storey rear extension would be sympathetic to the dwelling in terms of scale, appearance and materials. Additionally, being located to the rear in a well-enclosed garden and courtyard, wider public views of the extension from outside the courtyard would be very limited. It is therefore considered that the extension would have a minimal visual impact on the dwelling and wider Conservation Area from a public viewpoint and would therefore preserve the character of the Conservation Area.

11. Similarly, the proposed two storey side extension would be sympathetic to the dwelling in terms of scale, appearance and materials. It would be set well back from the front of the dwelling, behind an existing garage, and remains subservient to the host building, thereby retaining the character of the dwelling. The appearance from the street would therefore be acceptable and accordingly, the character of the Conservation Area would be preserved.

12. The removal of the modern render and reinstatement of the original stonework is very much welcome, as is the reinstatement of traditional metal railings to the front wall. While the render has already been removed, the work has been carried out to an acceptable standard under the guidance of the Durham County Conservation Section. The original timber sash windows are in a poor state of repair and would be refurbished where possible. However, one window has already had to be replaced with an acceptable double sash window, and new stone heads and cills have been inserted above and below the opening, representing an improvement on the original. Overall, the refurbishment works would be acceptable and are considered very much beneficial to restoring the original grandeur of this traditional dwelling. The dwelling occupies a prominent position and its refurbishment would contribute significantly to enhancing the character of the Conservation Area.

13. The proposed garage would replace an existing mostly concrete block garage with tin roof in the south of the property's garden. The garage is attached to the rear of the monopitch stone garage block in the rear courtyard of Tower Mews and shares an access from the courtyard through a single timber door. The garage would be reconstructed in stone with a pitched slate roof running away from the adjacent garages. The existing door access from the courtyard would be retained. Most window openings, including 2 No. half dormers would be located on the blind west elevation, although there would be an external staircase, door and window on the north elevation. The footprint of the

proposed replacement garage would remain unaltered, however the garage would be raised in height with the eaves approximately 300mm above the adjacent garages and would incorporate a pitched roof of 6m at its highest point (2.6m above the adjacent garages).

14. These works would undoubtedly increase the prominence of the garage within the courtyard, where the roof would be clearly visible above the adjacent garages. However, being visible does not necessarily equate to being harmful and due to the overall scale, design and use of materials, it is considered that the proposed garage would not be visually harmful. At 6m in height the garage would be a one and half storey building as opposed to a two storey building, which would usually measure around 7.5m-8m in height. For the purpose of comparison, a single storey double garage with a pitched roof could measure up to 5m. The scale of the proposed garage should therefore not be overestimated, and in this open courtyard setting, surrounded by much higher buildings, is considered to be an acceptable height in the context of the surroundings. The garage building would be reminiscent of other buildings within the locality and would display a number of traditional features. As this would be a new build as opposed to a conversion, and the dormers would be small in scale and located on the mostly hidden west elevation, the dormers would not be objectionable. Additionally, the dormers are specifically required because of the limited head height in the roof space. Without the dormers, the garage would have to be a full two storey height and therefore they serve a useful purpose in reducing the physical presence of the proposed garage.
15. The proposed building would therefore be appropriate in this part of the Conservation Area. Additionally, the wider visual impact would be very minimal as public views would be limited to within the private courtyard, which only serves a small number of dwellings. The proposed garage building would therefore preserve the character of the Wolsingham Conservation Area.
16. It is proposed to remove 2 No. trees within the rear garden. One is a small apple tree and the other is a conifer tree. The apple tree is barely visible outside the property and in poor health (possibly dead/dying) and therefore makes no positive contribution to the Conservation Area. The conifer is seen against other conifers and is not prominent in the wider surroundings outside the courtyard. Its removal would also have a minimal wider impact on the character of the Wolsingham Conservation Area.
17. The proposal as a whole is therefore considered to be acceptable as it would not have an adverse visual impact on the appearance of the dwelling or character and appearance of the surrounding area, and this view is endorsed by the Conservation and Design Officer. The property is large and could easily accommodate the proposed developments without being overdevelopment. The proposal would therefore preserve, and in some parts enhance the character of the Wolsingham Conservation Area. This accords with policies GD1, BE6, BE9, H25 and FPG5 of the Wear Valley District Local Plan, as well as with national planning guidance in PPG15 regarding development in conservation areas.

impact on the residential amenity of neighbours

18. The three main elements of the proposal that could potentially impact on neighbours are the proposed two storey side extension, single storey rear extension and the replacement garage building. Each will be assessed in turn in terms of overbearing, privacy and overshadowing.
19. The nearest neighbouring dwelling to the east is no.39 Front Street, attached to the application property. No.39 Front Street is stepped down in height from the application dwelling and has a small rear garden. The change in level has been considered on site. There is a high stone wall, approximately 2.3m in height on the boundary with the application property. Ordnance Survey plans do not show a slight change in angle of the boundary wall at a point approximately 4.7m out towards 41 Front Street, however this has been marked on the floor plan and taken into account in the assessment. No.39 has a ground floor (living room) window and first floor (bedroom) window near to the boundary wall with the application property. The nearest neighbouring dwelling to the west is No. 43 Front Street, approximately 11m away. There is a first floor (bedroom) window in the facing gable. Nos.1-3 Tower Mews form an L shape to the building group to the east of the application property and overlook the small courtyard and garage block. The internal courtyard-facing elevations of Tower Mews are the main windowed elevations of the converted former brewery buildings and the importance the residents attach to this has been considered in the assessment. There is approximately 15.5m between the main rear elevations of Tower Mews and the eastern wall of the applicant's existing garage (and the proposed garage). To the south of the courtyard are 2 and 4 Gables Cottages and a detached bungalow The Gables, which shares its northern boundary with the existing garage wall on the application property.
20. The proposal has been viewed from within the application property, the properties 39 Front Street, 1 Tower Mews and The Gables, as well as externally around the courtyard.

overbearing and privacy

21. The proposed two storey side extension would be relatively small in scale and located towards the rear of the side elevation. There would be no windows in the gable elevation facing No. 43 Front Street. At the proposed scale and location on the dwelling, the extension would not have a harmful overbearing or overshadowing impact on No. 43. There would also be no loss of privacy to No. 43. The windows in the rear elevation would overlook the large rear garden of the application property, a situation similar to the existing regarding first floor windows in the dwelling, and therefore there would be no additional loss of privacy to neighbours to the south.
22. The proposed single storey rear extension would replace a now demolished lean-to extension. The original lean-to extension was built directly adjacent to the boundary wall with No.39 Tower Mews. The proposed extension would be located approximately 1.1m away from the boundary with No.39 and would therefore be an improvement in that respect. The extension would terminate almost at the point where the wall becomes slightly angled and would

therefore not encroach further towards No. 39 Front Street. Most of the bulk of the extension would be behind the existing boundary wall, apart from the sloping roof. The pitched roof would slope away from the boundary and there would be a hipped end. This would limit the ridge projection to just 2m from the rear elevation, at a distance of nearly 4.5m away from No. 39 Front Street and a further 10.5m away from 1 Tower Mews. Accordingly, the roof of the proposed extension would be seen from the garden of No. 39 and windows of 1 Tower Mews, but given the distance away from the boundary and sloping roof with hipped end, it would not have an unacceptably overbearing effect on the occupants of no.39, nor on no.1 Tower Mews further to the east. This impact has been assessed from both the garden of No. 39 Front Street and from within the rooms of No.1 Tower Mews. The minor change in levels does not affect this assessment as the finished height of the proposed extension remains as the reference point for assessment. There would be a rooflight in the east facing roof slope of the proposed rear extension, however, it would not be possible to gain views into the neighbouring windows from the rooflight and therefore it is not objectionable.

23. The proposed garage would be built on the existing garage footprint, within the large garden of the application property. The additional roof height would comprise of a pitched roof sloping away from Tower Mews to a height of 6m. The additional eaves height would be approximately 15.5m away from Tower Mews, behind the existing garage block and the ridge would be almost 20m away from Tower Mews. This meets the 15m guideline of WVDLP policy H24. At 6m to the highest point, the proposed garage building would be well short of two storey height. This spatial relationship is therefore considered to be more than adequate for the height of the building and would not be overbearing on the occupants of Tower Mews. Again it is stressed that being able to see something does not necessarily equate to harm and views over third party land cannot be protected.
24. In terms of the effect on The Gables to the south, there is already a high stone wall on the shared boundary at a height of approximately 3.5m. The proposed garage would be located to the north east of The Gables, out of the direct line from its north facing windows. The additional bulk of building above the boundary wall from the gable end of the proposed garage is not considered to be significant in terms of causing harm, as it would mostly comprise of the apex tapering towards the ridge, which by itself at 6m high, is not considered to be unacceptably high. Therefore, while it is acknowledged that the height of the wall on the boundary would be increased; because of the presence of an already high wall, location of the building in relation to windows, and the limit of the height of the proposed garage to 6m at the apex, the increase in height would not necessarily be harmful. It is therefore considered that the development would not be unacceptably overbearing from The Gables.
25. The studio space in the roof of the proposed garage would not be used for habitable accommodation or business use (beyond home working) and conditions can be applied to ensure this remains so. It must be stressed that it is not a material planning consideration to speculate about future intentions or scenarios with regards to use of the building. The proposal has to be assessed on its own merits as it is submitted. Nevertheless, because of the concerns raised, the views from windows have been assessed. To this effect, the first floor windows serving the proposed studio space would be located on

the west and north elevations where none would offer any direct views into neighbours' habitable rooms. Views north to 39 Front Street would be oblique and at a distance in excess of 21m. Views south to windows in The Gables would be even more oblique and at a distance of 15m. Additionally, the external staircase would be unlikely to encourage congregation, as it is not a balcony, and would nevertheless be approximately 16m from the windows in Tower Mews. All these separation distances comply with those set out in WVDLP Policy H24. It can therefore be concluded that the proposed studio space above the garage would not result in unacceptable loss of privacy to surrounding neighbours.

overshadowing

26. Full consideration has been given to the potential for loss of light and overshadowing by considering the position of the extension in relation to aspect and by applying the Building Research Establishment Guidelines (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, which is the accepted method for assessing overshadowing in planning applications.
27. The BRE guidelines identify two components of natural daylight: Skylight, which is light diffused all around (even on cloudy days); and sunlight, which is the light directly from the sun on clear days. Tests for skylight and sunlight obstruction have been applied to this proposal, both for the proposed single storey rear extension and garage building in the form of the BRE 25 degree line and 45 degree line tests, which are the appropriate tests in this case:

25 degree line – if a new building or extension significantly breaches a 25 degree line taken from a point 2m above ground level at, or just below the top of a neighbouring window, then overshadowing may occur (not applicable to north facing windows).

45 degree line – If a 45 degree line taken from the top of an extension and drawn down towards the nearest neighbouring window crosses the centre point of that window then some overshadowing may occur.

28. In this case the proposed single storey rear extension would be located on the south facing elevation of the dwelling and directly to the west of the neighbour's windows at No. 39 Front Street and no.1 Tower Mews. At this aspect, 39 Front Street and 1 Tower Mews are likely to get sunlight to the rear from mid day as the sun travels over Tower Mews to the west. Any potential loss of sunlight would therefore only be likely for a very small proportion of the day in the late afternoon/early evening, by which time the sun is already setting.
29. Specific application of the 45 degree line clearly shows that there will be no loss of general skylight to any of No. 39's windows, or their garden, from the proposed extension. There will also be no harmful overshadowing of no.1 Tower Mews as shown. Similarly, the 25 degree line to no.39's window would not be breached by the proposed extension, thereby indicating that there will be no significant obstruction of sunlight by the time the sun moves round to the west. This applies more so to no.1 Tower Mews.

30. The effect of the existing boundary wall and previous lean-to extension however should be noted, as a 45 degree line from either of those points does indicate a degree of overshadowing of 39 Front Street; and a 25 degree line would have been breached by the now demolished extension that was built right on the boundary. It is therefore considered that by locating the proposed rear extension further from the boundary with No. 39, the situation in terms of overshadowing would be better than the previous situation. Both the 45 and 25 degree tests show that any overshadowing that would occur after development is more likely to be from the existing boundary wall between the properties.
31. In terms of the proposed garage building, it too would be directly to the west of Tower Mews where any potential overshadowing would only occur for a very small proportion of the day in late afternoon/early evening. Application of both the 45 degree and 25 degree tests show conclusively that the proposed building would have minimal direct overshadowing effects on Tower Mews or the courtyard because of the limited height of the building and significant separation distance to Tower Mews, which again complies with separation guidelines in WVDLP policy H24. A 25 degree sunlight indicator taken from the top of the proposed building in fact shows that overshadowing in the late afternoon would not be significantly greater than from the existing garage block because of the greater proximity of the existing garage block to Tower Mews.
32. As far as overshadowing of The Gables, this would be most unlikely as the proposed garage building would be to the north east of the property and could not therefore cast a shadow to the south west.
33. It can therefore be concluded that the proposal as a whole would not have an adverse impact on the living conditions of the neighbours as neither the proposed rear extension, nor garage, would have an overbearing impact, result in loss of privacy to habitable rooms of neighbouring properties, or cause unacceptable overshadowing of neighbouring properties. This accords with policies GD1, H24, H25 and FPG5 of the Wear Valley District Local Plan.

objections/observations

34. Occupiers of the surrounding properties have been notified in writing, a site notice was posted and a notice was placed in the local press. 7 objections have been received. All letters are on file and the main points of objection are summarised as follows:
 - a) There are still inaccuracies in the plans regarding the boundary with 39 Front Street, the incorrect position of the extension on the floor plans and elevations, gradient not shown, incorrect garage measurements.
 - b) The two storey side extension would be disproportionate to the dwelling.
 - c) The single storey rear extension would be inappropriate in scale and appearance for a Conservation Area and would change the character of the dwelling.
 - d) The single storey rear extension would be overbearing and cause overshadowing of ground and first floor windows of 39 Front Street and 1 Tower Mews.

- e) The rooflight facing 39 Front Street and 1 Tower Mews will allow views into windows.
- f) A two storey high garage would be out of character with the surroundings and Conservation Area.
- g) The length, height and bulk of the garage will overwhelm and cut out light to all properties in Tower Mews, which have all their main windows facing the courtyard. It will also overshadow the courtyard.
- h) The gable end of the garage will dominate the north elevation of The Gables.
- i) Dormer windows are not appropriate on the garage and are not necessary for a studio.
- j) The dormer windows will allow overlooking of the lounge, bedroom and dining room windows in the north of The Gables.
- k) The studio is unnecessary and can be accommodated elsewhere.
- l) The exterior stairs will cause overlooking of windows in Tower Mews.
- m) The scale and appearance of the garage is more like a two storey house and it is likely that it will be converted to a house in the future.
- n) Removal of two trees is not justified in the Conservation Area.
- o) Questions are raised about right of access and Party Wall requirements.

response to objections

35. All points of objection have been addressed in detail in the report and responses are summarised as follows:

- a) The position of the boundary has been measured on site, corrected on plan and taken into account in the assessment; and it is concluded that this issue does not have a material effect on the suitability of the proposal. The accuracy of the plans and elevations has been checked on site regarding the position of the rear extension and measurements of the garages and have been amended where necessary and are now certified as being correct. The gradient has been noted on site and taken account in the assessment; and it is concluded that this issue would not have a material effect on the suitability of the proposal.
- b) Disagree. The Design and Conservation section has no objection and the two storey side extension has been assessed and shown to be greatly subservient to the dwelling, and would retain the character of the dwelling.
- c) Disagree. The Design and Conservation section has no objection to the single storey rear extension, which would also not be visible outside the courtyard. Wider visual impact would therefore be minimal.
- d) Disagree. The potential overbearing and overshadowing effect of the single storey rear extension on 39 Front Street and 1 Tower Mews has been fully assessed and shown to be acceptable, with any overshadowing only likely to occur from the existing boundary wall.
- e) Disagree. It has been shown that this would not be possible.
- f) Disagree. The Design and Conservation section has no objection to the scale and design of the garage and effect on the Conservation Area. The garage of 6m high would not be two story height, and the assessment has shown it would not be an inappropriate height given the size of the garden and courtyard and height of surrounding buildings.

- g) Disagree. The potential overbearing and overshadowing effect of the garage on Tower Mews has been fully assessed and shown to be acceptable in that there would be minimal or no overshadowing of the courtyard or windows of Tower Mews. It has also been shown that any overshadowing of the courtyard would be no greater than from the existing garage block.
- h) Disagree because of the position, distance from windows and height of the garage.
- i) Disagree. The Design and Conservation section has no objection to the dormers and design of the garage. The garage is a new build, not a conversion and the dormers would be very small. This together with the location of the dormers on the western elevation means they would have little visual impact and would not be inappropriate features. The dormers are specifically required because the head height in the roof space would be very limited. Without the dormers the building would have to be a full two storey height of between 7.5m-8m.
- j) Disagree. The studio would not be habitable accommodation, but nevertheless this potential impact has been assessed, and the because of the very oblique angle and separation distance of 15m between windows, the policy requirements regarding privacy distances are satisfied in any case.
- k) This is not a material planning consideration. It is unreasonable to dictate whether the studio is necessary and the application is judged as submitted.
- l) The external stairs are unlikely to result in congregation for long periods and not being a habitable space, the separation distance of at least 16m is within policy requirements.
- m) The height of the proposed garage at 6m does not equate to a two storey house that would be around 7.5m -8m or more in height. It is not a material planning consideration to speculate about future intentions or scenarios with regards to use of the building and any proposed use as a dwelling or commercial business would require planning permission. Conditions can be applied to ensure the garage remains incidental to the enjoyment of the dwelling.
- n) Disagree. The two trees in question, one of which is in poor health, do not make a positive wider amenity contribution to the character of the Conservation Area.
- o) These are not material planning considerations as they are private matters addressed outside the planning system.

conclusion and reasons for approval

1. The proposal has been fully assessed in terms of the impact of the proposed developments on the character and appearance of the dwelling and character of the Conservation Area; as well as the potential impact on the living conditions of neighbours, and it is concluded that the proposal would be acceptable and in accordance with policies GD1, BE6, BE9, H24, H25 and FPG5 of the Wear Valley District Local Plan, as well as national planning guidance in PPG15: Planning and the Historic Environment as it:
 1. Would not cause harm to the character and appearance of the dwelling.
 2. Would preserve and in parts enhance the character of the Wolsingham Conservation Area.

3. Would not have an adverse impact on the living conditions of neighbours from being overbearing, causing loss of privacy or from unreasonable overshadowing.

RECOMMENDED

That planning permission be **APPROVED** 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 framed; the windows in the dwelling shall be double hung vertically sliding sash and a schedule of works to windows shall be submitted to and approved in writing by the local planning authority prior to commencement of development; the works shall thereafter be implemented in accordance with the approved details;
 - b) all new windows shall be recessed from the face of the buildings;
 - c) exposed stone cills and lintels shall be used below and above all new window openings;
 - d) all external walls shall be formed using random, coursed natural stone with pointing to match existing; a sample panel of stonework shall be made up on site for inspection by and written approval shall be obtained from the local planning authority prior to construction works commencing; the development shall thereafter be implemented in accordance with the approved details;
 - e) all external doors shall be natural timber doors; development shall not commence until details of the garage doors have been approved in writing by the local planning authority and thereafter development shall be in accordance with the approved details;
 - f) exposed stone lintels shall be used above all external door openings;
 - g) the roof coverings shall be natural grey slates to match existing, samples of which shall be left on site to be approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - h) all rainwater goods shall be black;
 - i) all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar;
2. The garage/studio hereby approved shall be used for domestic purposes only incidental to the enjoyment of the dwelling and not for any habitable accommodation or industrial, commercial or business use, without the specific grant of planning permission by the local planning authority.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further window openings shall be formed in the development hereby approved.

reasons

1. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE6 and H25 of the Wear Valley District Local Plan.
2. To safeguard the occupiers of adjacent premises from undue noise, traffic generation or other loss of amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H25 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, PPG15, Building Research Establishment Guidelines – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.

PS code

13

number of days to Committee

74

target achieved

No

explanation

The application has been taken to the next available Committee following receipt of objections.

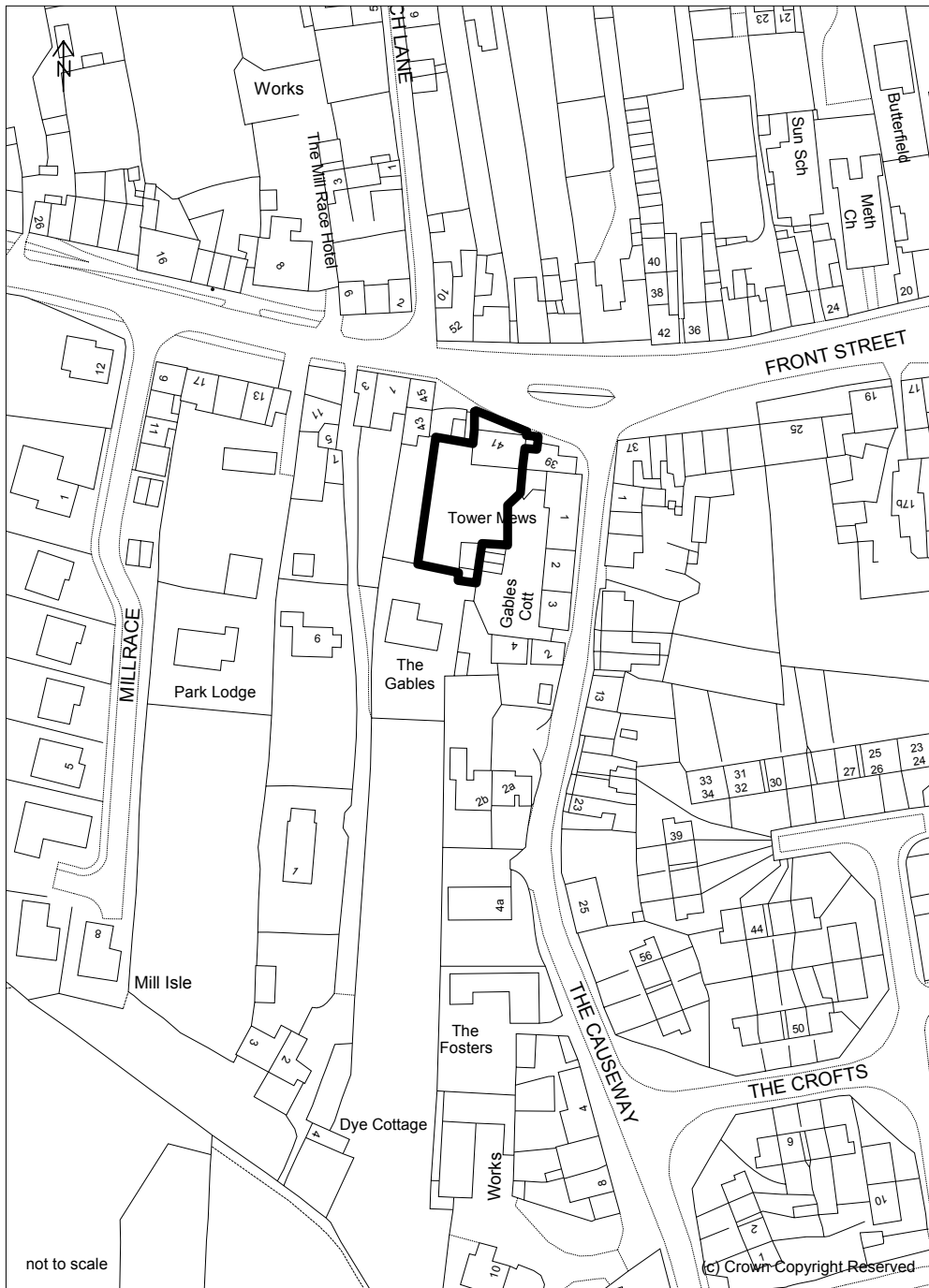
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adrian Caines
Planning Officer
Ext 369

3/2007/0445 - ERECTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TO DWELLING – REPLACEMENT/ REFURBISHMENT OF WINDOWS (LIKE FOR LIKE), INSTALLATION OF RAILINGS TO TOP OF FRONT WALL, AND REMOVAL OF EXTERNAL RENDER. RECONSTRUCTION OF GARAGE INCORPORATING STUDIO IN ROOF SPACE. REMOVAL OF 2 NO. TREES AT 41 FRONT STREET, WOLSINGHAM BISHOP AUCKLAND FOR MR. T. E. LINTELO – 19.06.2007 - AMENDED 03.08.2007 AND 15.08.2007



DEVELOPMENT CONTROL COMMITTEE

29TH AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0505 - CONVERT DOUBLE GARAGE INTO SINGLE CAMPING BARN AT CROMER HOUSE 48 FRONT STREET, FROSTERLEY, BISHOP AUCKLAND FOR MS. KNIGHT – 26.06.2007

description of site and proposals

1. Planning permission is sought for the conversion of a former barn to the rear of 48 Front Street into a self catering camping barn unit. The accommodation would be aimed at providing cheap, basic accommodation, predominantly marketed at walkers and cyclists. The proposed camping barn would have basic facilities to accommodate 4 people. Parking would be provided within the site in the form of a garage and 2no. parking spaces, and there would be a secure cycle store area.
2. External alterations would include new windows and doors in existing openings on the east, south and west elevations, as well as the erection of safety railings to a first floor decking area.
3. The barn is a traditional stone building located in the rear yard to the south of 48 Front Street. The site is surrounded by a stone wall to the east and south. The barn abuts the rear boundary with 46 Front Street. There is a vehicle access road between 48 and 50 Front Street, which leads to the church and vicarage, and parking area to the south. To the south east of the site is the recreation ground.
4. This application is a resubmission following withdrawn application 3/2007/0313, which was for 2no. camping barn units. This resubmission has reduced the camping units to one and provided parking within the site, as discussed with Council officers prior to resubmitting.

planning history

5. The following planning history is considered relevant to this planning application.

- 3/2007/0313 Conversion of Barn to Form Withdrawn 04.06.07
 Two Camping Barn Units

planning policies

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

- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- GD1 General Development Criteria
- H3 Distribution of Development
- T1 General Policy
- TM1 Criteria for Tourist Proposals
- TM5 New Tourist Accommodation
- TM8 Occupancy Conditions for Static Caravans, Chalets and Self Catering Accommodation

Also relevant is PPG15: Planning and the Historic Environment and the Durham County Council Parking Guidelines.

consultations

10. Durham County Highways: No objection. In the previous application additional parking was requested within the site. This proposal provides 3 parking spaces within the site.

11. Design and Conservation: No objection to the principle of the conversion and welcome the building being brought into beneficial use.

12. However, some concerns with the details of the windows and doors:

- Windows marked 2 on east elevation, 1 on west elevation and 1 in south elevation should either have a vertically boarded timber bottom or be a simplified sash without a central glazing bar.
- The window marked 2 in the south elevation should be a Yorkshire sliding sash.
- Lintels marked 1 and 5 on the east elevation should be faced in timber.
- The new large garage door should be vertically boarded timber, stained dark.
- The door and window unit marked 3 on the east elevation should be much simpler with a central boarded door and a simple glazed panel to each side with heavy timbers.

13. Parish Council: Object due to concerns about parking.

14. Environment Agency: No comment.

officer analysis

15. The key issues for consideration are:

- Principle of the Use.
- Impact on the Character and Appearance of the Building and Conservation Area.

- Impact on the Residential Amenity of Neighbours.
- Highways

principle of the use.

16. One of the main aims in the District is to realise the tourism potential of the District and encourage proposals that would help to diversify the range of visitor accommodation. Accordingly, policies TM1 and TM5 of the Wear Valley District Local Plan give encouragement to schemes which provide tourism facilities in the district and will allow new tourist accommodation within the development limits of existing towns and villages, provided there is no conflict with other policies in the Wear Valley District Local Plan. The reuse of redundant buildings is also particularly encouraged, providing all other matters are acceptable.
17. The proposed use would be located within the settlement limits of Frosterley and would involve the reuse of an existing building, rather than a new build. The site is on the main A689 through Weardale, close to local amenities and on the public transport route. It is also on the North Pennines AONB Wheels to the Wild cycle route. The applicant has identified a specific niche in the market to provide basic, low cost, self catering accommodation, predominantly for walkers and cyclists touring through Weardale.
18. The proposal is therefore considered to be suitably located and would contribute to filling a gap in the range of tourist accommodation in the district. The proposal would also be of a small scale (up to 4 people) and is therefore considered to be a suitable use in the context of a predominantly residential area. In accordance with WVDLP policy TM8, a condition restricting the use to short term holiday accommodation only would be appropriate to ensure that the development is kept available to contribute to the tourist accommodation stock in the area. The principle of the use is therefore acceptable and in accordance with policies TM1, TM5 and TM8 of the Wear Valley District Local Plan.

impact on the character and appearance of the building and Conservation Area.

19. The barn is located within the Conservation Area of Frosterley. Despite some minor insensitive alterations in the past, it retains most of its robust and traditional character. The barn is structurally sound, of substantial size and contains sufficient existing window and door openings. It would therefore be possible to accommodate the proposed use without significant alteration.
20. The proposed external alterations are limited mainly to new windows and doors in the existing openings. No new openings would be formed. There would also be a safety railing erected to the first floor terrace area, which is not visually objectionable. The Design and Conservation section has however expressed concern about the over-domestic appearance of the windows and doors and suggested changes. It is considered that these changes are minor and can be secured through conditions. A refusal on this basis is therefore not justified. To this effect, details of the design and construction of all windows and doors should be conditioned for further approval prior to commencement of development. Subject to this condition it is considered that the proposal

would not have an adverse impact on the character and appearance of the building. This would in turn preserve the character of the Conservation Area. The proposal therefore accords with policies GD1, BE6, TM1 and TM5 of the Wear Valley District Local Plan, as well as national planning guidance in PPG15.

impact on the residential amenity of neighbours.

21. The site is located within a predominantly residential area, bounded by terraced residential dwellings to the east, west and south, as well as the applicant's dwelling to the north, which is within the site. The barn itself abuts the rear boundary of no. 46 Front Street.
22. The barn is located within the domestic curtilage/garden of 48 Front Street and has been used for domestic purposes, ancillary to the dwelling, for a substantial time and could possibly be used as additional ancillary living accommodation without planning permission. This carries substantial weight in considering and comparing the level of activity that would be associated with the proposed use.
23. Tourist accommodation, such as bed and breakfasts, are generally considered to be a suitable use in residential areas, as the level of activity associated with such uses, is usually not much different to that of a family occupied dwelling. In this case the proposed use would cater for up to 4 visitors and is therefore considered to be a small scale use. The level of activity from such a small scale use would be unlikely to be over and above that which could be reasonably expected in a residential area and if the property were occupied by a large family, which it is capable of. This includes use of the garden/amenity area, which could already be used for such purposes. The proposal is therefore unlikely to cause unacceptable disturbance to neighbours.
24. It is proposed to reinstate the window opening in the west elevation, which is currently boarded up. This opening looks over the rear of the terraced dwellings to the west. As it is an existing opening however, its reinstatement could not be prevented, but with the proposed change of use it would at least be appropriate to condition that it is obscure glazed and non-opening to prevent loss of privacy to the adjacent properties.
25. The windows on the east elevation and the external terrace area would be a sufficient distance away from the properties to the east and would not offer direct views into habitable rooms. The same applies to the existing roof lights, which would have even less of an impact because of their small size, location above head height, and the angle on the roof slope. The barn is also at a much lower level than the dwellings to the east so window levels in the barn are below the first floor level of the adjacent properties. The existing wall between the barn and 48 Front Street, on the boundary with no.46, would be at least 2m above the level of the terrace on the north elevation. This would prevent overlooking to the west. For all these reasons it is considered that there would be no harm to neighbours from loss of privacy.

26. It is therefore considered that the proposal would not cause harm to the amenity and living conditions of neighbours and is in accordance with policies GD1, TM1 and TM5 of the Wear Valley District Local Plan.

highway

27. The proposed use would be basic accommodation, predominantly marketed towards walkers and cyclists on the North Pennines AONB Wheels to the Wild cycle route. The site is also on a bus route through Weardale. The type of basic camping accommodation proposed would certainly appeal more to those type of users, as opposed to typical car-borne bed and breakfast customers. It is therefore anticipated that many visitors would not arrive by car, and secure cycle storage would be provided to cater for and encourage those type of visitors. This would reduce the impact on the local road network.
28. Nevertheless, because it is likely that some visitors would still arrive by car, the proposal provides for 3 parking spaces within the site. This is in accordance with the Durham County Parking Guidelines for the scale of the proposed development. The use is unlikely to be occupied at all times and therefore bringing the yard back into use for parking will also enable the occupants of 48 Front Street to park off the street when the accommodation is not occupied. The proposal is therefore unlikely to exacerbate parking problems on Front Street.
29. The Durham County Highways Authority is further satisfied with the suitability of the vehicle access and manoeuvring arrangement, which uses an existing driveway and vehicle access.
30. Because the proposal is small in scale and provides suitable access and parking arrangements it is considered that the proposal would not exceed the local highway capacity, or prejudice road safety. This accords with policies GD1, T1 and TM1 of the Wear Valley District Local Plan.

other matters

31. The proposal does not involve any new building over sewers and is of a scale that would not place undue pressure on the sewerage system.

objections/observations

32. Occupiers of the surrounding properties have been notified in writing, a site notice was posted and a notice was placed in the local press.
33. 7 No. Objections have been received. The letters are on the file, but the main points of objection are highlighted as follows:
- a) The increase in car activity associated with the proposed use would exacerbate parking congestion on Front Street and make it difficult for residents to park outside their homes, or for pedestrians to pass.
 - b) There is insufficient space for cars to enter the rear yard, or to turn around in the yard.
 - c) There is a blind exit onto Front Street, which would be dangerous for walkers and children who use the church drive next to 48 Front Street.

- d) There will be undue stress on an old sewerage system, which runs directly under the building.
- e) There is concern about noise from the external amenity area.
- f) The existing roof lights overlook the kitchens and conservatories of neighbours to the east.
- g) Reinstating the existing window opening on the west elevation would impact on the privacy of 46 Front Street and should therefore be non-opening and heavily frosted.
- h) The external terrace area must not impact on the privacy of 46 Front Street.

response to objections

34. The points of objection have been assessed in the report however, a response to each point is summarised as follows:

- a) Durham County Highways has no objection and the proposal provides sufficient parking within the site in accordance with the County parking guidelines. The proposal would therefore not exacerbate parking problems on Front Street.
- b) Durham County Highways has no objection and considers the access arrangement to be suitable.
- c) Durham County Highways has no objection and considers the access arrangement to be suitable.
- d) The proposal does not involve new building over the sewer and the proposed use is small scale and unlikely to put undue pressure on the system.
- e) The proposed amenity area is within an existing domestic curtilage/garden that could be used presently for the same purposes. Additionally, the small scale of the proposed use would be unlikely to cause an unacceptably harmful level of disturbance to neighbours.
- f) The existing roof lights were installed under permitted development rights and would nevertheless not be objectionable as they are small, a sufficient distance away from the neighbours' windows, above head height angled on the roof slope, and do not therefore allow direct overlooking of habitable rooms.
- g) The window opening in the west elevation is existing and could be reinstated without planning permission. It would however be appropriate to condition that it is obscure glazed to prevent overlooking of 46 Front Street.
- h) There is an existing 2m high wall that would screen the external terrace area and prevent harm to the amenity of 46 Front Street.

conclusion and reasons for approval

35. Subject to conditions, the proposal is considered to be acceptable and in accordance with policies GD1, BE6, T1, TM1, TM5 and TM8 of the Wear Valley District Local Plan as it:

- 1. Would be suitably located and would contribute to filling a gap in the range of tourist accommodation in the district.
- 2. Would not cause harm to the character and appearance of the building.
- 3. Would preserve the character of the Conservation Area.

4. Would not cause harm to the amenity and living conditions of neighbours.
5. Would not exceed the local highway capacity, or prejudice road safety.

RECOMMENDED

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

conditions

1. Nothing in this permission shall be construed as giving approval to the window and door details shown on the plans accompanying the application hereby approved. Before the development is commenced details of the design and construction of all doors and windows, to a scale of 1:20, shall be submitted to and approved in writing by the local planning authority. Thereafter development shall be in accordance with the approved details.
2. 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 with a painted finish, the exact specifications for which shall be submitted to and approved in writing by the local planning authority in accordance with condition 1;
 - b) all windows shall be recessed 100 mm from the face of the building;
 - c) the lintels marked 1 and 5 on the east elevation above the large ground floor openings shall be faced timber;
 - d) all new stonework shall be formed using random, coursed natural stone with pointing to match existing;
 - e) all external doors shall be natural timber doors; the exact specifications for which shall be submitted to and approved in writing by the local planning authority in accordance with condition 1. The up and over garage door in the east elevation shall be of vertically timber boarded construction;
 - f) all rainwater goods shall be black;
 - g) no fascia or barge boards shall be affixed to the building; and
 - h) the window in the west elevation shall be non-opening and glazed in obscure glass of factor 3 or above, and shall be retained and maintained as such unless otherwise agreed in writing by the local planning authority.
3. The holiday accommodation hereby approved shall not be used for permanent residential accommodation, and shall only be used on a short-stay let basis of a maximum of three months in any twelve months period for any individual booking, for holiday accommodation.

4. The garaging and two parking spaces hereby approved, shall be permanently retained and kept clear of obstruction to make provision for three vehicle parking spaces within the site at all times.
5. Before the development hereby approved is brought into use, details of the secure cycle storage shall be submitted to and approved in writing by the local authority. The development shall thereafter be retained for storage of bicycles.

reasons

1. To achieve a satisfactory appearance of the development. In accordance with policies GD1, BE6, TM1 and TM5 of the Wear Valley District Local Plan.
2. For the avoidance of doubt and to maintain the character of the building and privacy of neighbours. In accordance with policies GD1, BE6, TM1 and TM5 of the Wear Valley District Local Plan.
3. To ensure that the development is kept open for the tourist stock of the area and so that it is not used as permanent residential accommodation contrary to housing policies for the area, and in the interests of amenity. In accordance with policies GD1 and TM8 of the Wear Valley District Local Plan.
4. To ensure that adequate provision is made within the site for vehicles likely to visit it. In accordance with policies GD1, TM1 and T1 of the Wear Valley District Local Plan.
5. To ensure that adequate provision is made within the site for storage of bicycles and to encourage sustainable means of transport. In accordance with policies GD1, TM1 and T1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	10				
number of days to Committee	66	target achieved	No		
explanation					
The application has been taken to the next available Committee following receipt of objections.					

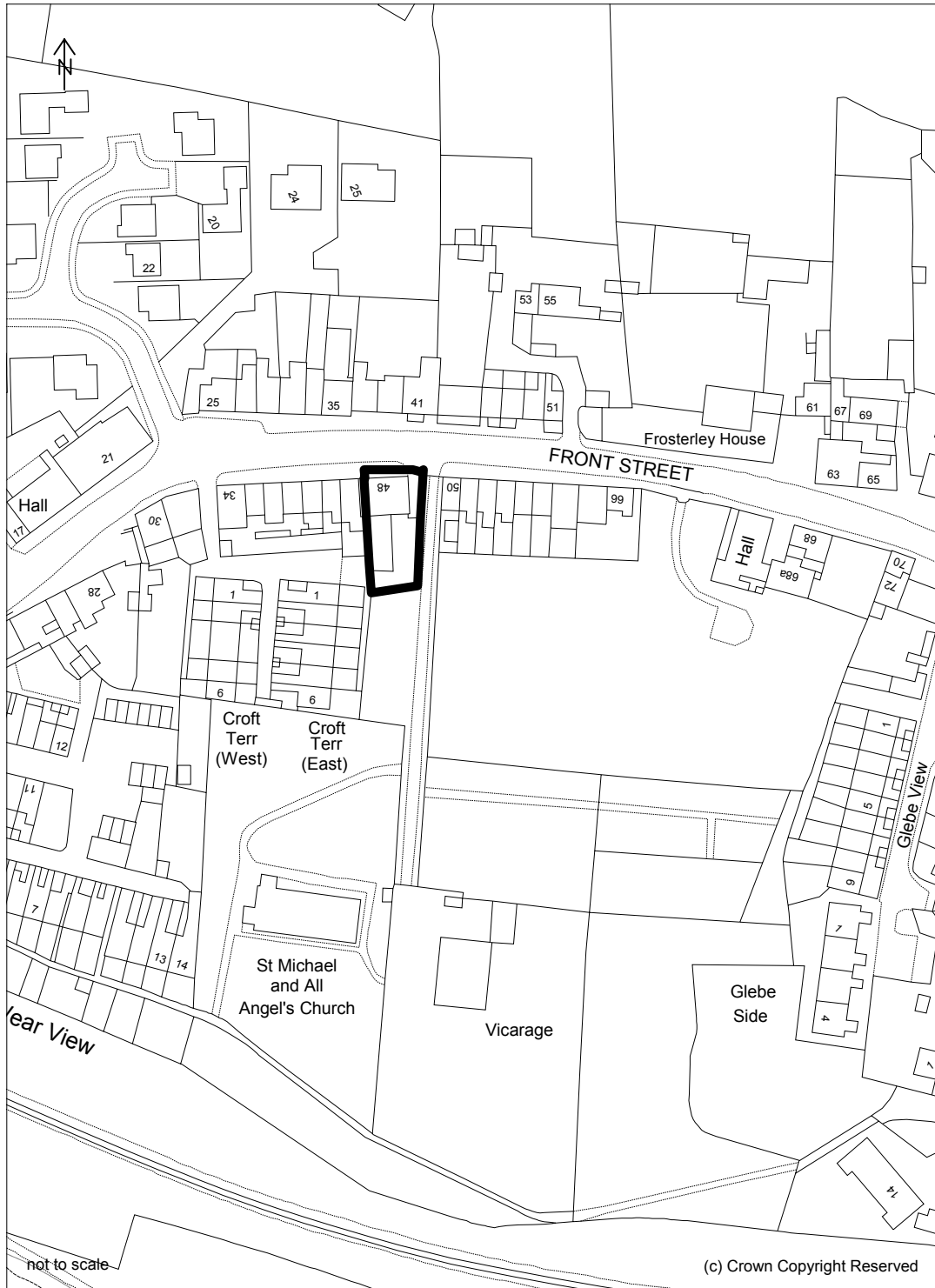
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext 369

3/2007/0505 - CONVERT DOUBLE GARAGE INTO SINGLE CAMPING BARN AT CROMER HOUSE, 48 FRONT STREET, FROSTERLEY, BISHOP AUCKLAND FOR MS. KNIGHT – 26.06.2007



DEVELOPMENT CONTROL COMMITTEE

29TH AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0412 - CREMATORIUM WITH ASSOCIATED PARKING AND LANDSCAPING AT LAND TO THE SOUTH OF FORMER LEASINGTHORNE COLLIERY, COUNDON, BISHOP AUCKLAND FOR MERCIA CREMATORIA LIMITED – 22.052007

description of site and proposals

1. Planning permission is sought for the construction of a crematorium with associated parking and landscaping. The proposed crematorium building would have an overall footprint measuring approximately 40 metres in length by 25 metres in width. The height of the proposed building to the eaves would measure 3 metres and to the ridge it would measure 7.8 metres (the only chimney on the building would extend a further metre above the ridge height). The design of the roof incorporates hipped elevations. The proposal incorporates 50 car parking spaces including two disabled spaces. A new access is to be constructed taken from the A689 highway to the south. Landscaping of the site incorporates retaining existing hedging and planting new trees and shrubbery along with creating embankments and an ornamental pond and waterfall.
2. The application site is currently an agricultural field located north of the A689 C Road. The site has been classified as being land to the south of Former Leasingthorne Colliery. In relation to the surrounding settlements the application site is 500 metres east of Lorne Terrace in Coundon, 220 metres south east of Rutland Street in Leeholme and 570 metres south west of Eden Terrace in Leasingthorne. The roundabout linking to the Coundon bypass (A689 A Road) is located approximately 110 metres to the east of the site. The nearest residential properties to the site is those found on Rutland Street. There are allotment gardens situated adjacent to Rutland Street. There are agricultural fields surrounding the application site with a strip of heavy tree coverage along the west boundary of the adjacent field.
3. Included with the application is a full planning statement for the proposal. This incorporates a design and access statement and a transport statement. The need and justification for a crematorium on this site is included within the planning statement along with a site search methodology which indicates 14 sites which were considered before this application site was decided upon.

planning history

4. No past planning history on this site.

planning policies

5. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - ENV1 Protection of Countryside
 - ENV13 Protection of Species and their Habitats
 - ENV7 Protection of Agricultural Land
 - GD1 General Development Criteria
 - H3 Distribution of Development
 - T1 Highways – General Policy

Also of relevance: Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), Planning Policy Guidance 13: Transport (PPG13), County Durham Structure Plan

consultations

6. WVDC (Environmental Health): Full report on file, summarised below;

The operation of crematoria is covered by Pollution Control legislation and requires a Permit to operate. In the first instance the applicant is required to submit a completed application from this section. The design and operation of crematoria installed must ensure that compliance is achieved with specified emission concentration limits for stipulated pollutants and to ensure the specified temperature and residence time within the combustion chamber can be achieved. Prior to the operation of the plant the requirements detailed within the Guidance covering crematoria must be complied with.

7. Durham County Council (Planning Policy Team): Full report on file, summarised below;

Attention is brought to policies 4, 37, 43 and 44A of the County Structure Plan. These policies relate to development in the countryside and ensuring development is developed in such a way that it encourages sustainable travel.

8. Durham County Council (Highways): Full report on file, summarised below;

The existing lay-by lies entirely within the highway and cannot be gated. The footways shown within the public highway must be constructed to adoption standards.

9. The footway leading from the site must be extended some 150 metres to the east to connect with the footway to the west. A footway must also be provided around the west side of the access. Improvements to the lay-by must be carried out by the applicants. These works are necessary in order to improve access to the site for pedestrians and public transport users.

10. A plan showing details of the access improvements must be submitted and approved prior to the commencement of any work on site.
11. The applicant will have to enter into agreement under Section 278 of the Highways Act 1980, in order to allow the required works within the existing highway to be carried out.
12. Durham County Council (Minerals/Waste Disposal): No comments.
13. Sedgefield Borough Council: Consultation response to be determined at Sedgefield Development Control Committee on Friday 17th August 2007.
14. Open Space Society: No comment.
15. Northumbrian Water: No objections.
16. Environment Agency: Objects to the proposal as there is no Flood Risk Assessment or information on the proposed means of foul drainage.
17. Natural England: Full report on file, summarised below;

It is suggested that the local planning authority seeks advice from their in house ecologist or undertakes this screening process using the principles and procedures covered in Planning for Biodiversity and Geological Conservation: A Guide to Good Practice (March 2006).
18. Durham Badger Group: There is a badger sett at Ref: NZ2344306. This is located approximately 2km away from the application site.

officer analysis

19. The key issues for consideration are:
 - Principle of Development
 - Need for a Crematorium
 - Site Selection
 - Residential Amenity
 - Visual Impact on Open Countryside
 - Highway Issues

principle of development
20. The application site is located outside any settlement limits of development and is therefore classified as being in the open countryside. Policy H3 of the Wear Valley District Local Plan indicates that new development should be directed towards towns and villages best able to support it. The proposal is therefore contrary to policy H3 and a departure from the Local Plan.
21. It is recognised in government guidance that new building development in the open countryside away from existing settlements should be strictly controlled and that priority should be given to the re-use of previously developed (brownfield) sites. However both PPS1 and PPS7 acknowledge that sustainable development is the core principle underpinning land use planning. PPS7 states:

'Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- *social inclusion, recognizing the needs for everyone;*
- *effective protection and enhancement of the environment;*
- *prudent use of natural resources; and*
- *maintaining high and stable levels of economic growth and employment.'*

22. The proposal would involve the development of an agricultural field which is classed as greenfield land however the development would be in a sustainable location. The application site has excellent road links, situated only 110 metres from the A689 road which connects traffic to Bishop Auckland and settlements to the west, and also settlement to the east with the A689 linking to the A1(M). There are bus stops within easy walking distance to the proposed crematorium site providing good public transport links. It is noted that given the general nature of a crematorium, the majority of visitors would arrive by car or by taxi, with a limited amount of people arriving by public transport. It is therefore essential that the proposed crematorium site is located within close proximity to good road links. It is considered that as the proposed crematorium is located next to excellent road network links supplying the surrounding settlements and beyond, the proposal is a sustainable development. Although no figures have been provided, it is noted that the development of the crematorium would provide employment opportunities.
23. The applicants have provided evidence within the planning statement that they have used a sequential approach when opting for this site. This will be discussed under the heading 'site selection' later in this report, however the applicants have demonstrated that they have looked at 13 other potential sites before deciding on this proposed site.
24. The proposed development would result in the loss of agricultural land which from visual evidence appears to be used for growing crops. Policy ENV7 of the WVDLP protects the loss of versatile agricultural land by development. There is plenty of agricultural land surrounding the application site and in comparison, given the size of the site, the loss of the agricultural land would not be considered significant in relation to the surrounding fields.
25. The impact the development would have on the open countryside and the protection of the surrounding environment is to be discussed later in the report under the heading 'visual impact on open countryside'.
26. It is acknowledged that the proposal is for development on greenfield land situated outside any settlement limits of development. However each application has to be determined on its own merits and weighed against guidance supplied within Government Planning Policy Statements. PPS1 and PPS7 both state that sustainable development is the core principle underpinning land use planning. The proposal is considered to be a sustainable development given its good transport links to the surrounding areas. The general nature of a crematorium is that while they should be easily

accessed, they should be in a location which is isolated and in a tranquil setting, set away from urban areas.

27. The proposal is directly in conflict with policy H3 of the Wear Valley District Local Plan however the proposal is in a sustainable location which accords with guidance set out in government guidance PPS1 and PPS7. Given the nature of a crematorium to be set in an isolated position away from urban areas however situated close to good transport links, the principle of development for a crematorium in this location is considered acceptable in relation to guidance set in PPS1 and PPS7. It is deemed acceptable for this application to be a departure from the Wear Valley District Local Plan.

need for a crematorium

28. The applicants have submitted detailed evidence in their planning statement indicating that there is a need for a crematorium in this location. It has been indicated that the catchment area for the proposed crematorium would generally be the Wear Valley District however it would include settlements within Sedgefield District, including Spennymoor, Shildon, Newton Aycliffe, Ferryhill and Sedgefield.
29. The applicant has indicated that demand for the new crematorium is driven by the following factors:
- Difficulties in obtaining a preferred time and date slot for a cremation service.
 - Increasing lack of cemetery space in church yards.
 - Travel distance to the nearest crematorium not only for cremation services but also for subsequent visits to the memorial of the deceased.
 - The quality of the crematorium buildings, grounds and memorial facilities.
 - The age profile, death rate and trends of the local population.
 - Inability of existing facilities to expand to cope with demand for services.
 - Inability of existing facilities to accommodate larger than average coffins.
30. Figures and statistics have been produced by the applicant to demonstrate how the existing crematorium facilities, the closest being at Durham and Darlington, are currently running at full capacity. Another issue which the applicant has raised is the cremator widths at Durham and Darlington are 31 ins and 30 ins respectively. The two cremators proposed in the new crematorium would have widths of 43 ins. It is noted by the applicant that there is an increasing demand for wider cremators to accommodate larger coffins.
31. The applicant has produced evidence including statistical data which, indicates that there is a specific need for a crematorium for the catchment area of Wear Valley District and part of Sedgefield Borough District. From the information provided it is considered that a need is required for a crematorium in this location.

site selection

32. The applicants have submitted detailed information regarding the site search procedure they went through before deciding on the site in this application.

33. Full analysis of each individual site has been prepared and justification has been made for why the sites were discounted. Full analysis of these sites are available on file. To summarise, 14 sites, including the application site, were considered to be potential sites for the proposed crematorium. All sites were situated to the east of Bishop Auckland town centre, with the furthest north being outside of Middlestone Moor and the furthest east being near Tindale Crescent. Two of the sites were previously developed (brownfield Land) with a further three sites considered to be quasi previously developed, the rest were greenfield sites. Two of the sites considered were in Sedgelyield Borough District.
34. The applicants explain through the site search methodology that they began their site search looking for previously developed sites on the edge of larger settlements before moving onto 'edge of village' locations. After exhausting potential options the search was extended to include sites in the open countryside which would be sustainable in respect of their ease of accessibility to main highway networks, bus routes and to settlements. The site search analysis of the 14 sites show an understanding of the components of each site and clearly indicates why a site has been discounted as an option. There are a number of reasons why the sites were discounted, the main reasons being: sites were currently being developed for an alternative use; sites were unavailable to buy; access to sites were difficult; sites were not of adequate size; and sites were not considered to be in sustainable locations.
35. From the 14 sites selected to be analysed, the reasons for why 13 of the sites were discounted is considered reasonable and acceptable. The application site is clearly the preferred option given that the site is considered sustainable, it can provide a suitable access and is set in a location which would not appear overbearing to its surroundings. The proposal would be in accordance with the aims of policy GD1 of the Wear Valley District Local Plan.

residential amenity
36. Crematoriums have to accord with the 1902 Cremation Act which states that crematoriums have to be sited 200 yards (183 metres) away from the nearest residential property and 50 yards (46 metres) away from the nearest public right of way. The proposed development meets these requirements by being over 200 metres away from the nearest residential property (situated on Rutland Street) and over 50 metres away from the nearest public right of way (the A689 to the south).
37. Environmental Health have confirmed that a permit would be required for the crematorium which would ensure that specified emission concentration limits for stipulated pollutants and specified temperature and residence time within the combustion chamber can be achieved. This permit would ensure that there would be no emissions from the crematorium which would be detrimental to the surrounding environment or have an adverse impact on the residential amenities of neighbouring residents.

38. In terms of outlook from residential properties, it is debatable whether the crematorium would be visible from any neighbouring houses. Potentially, there may be a few houses on Rutland Street and Osbourne Terrace which may have a view of the crematorium. However given the scale of the proposal, the screening from the heavy tree coverage to the west of the site and that the level of the crematorium is set much lower than the properties on Rutland Street and Osbourne Terrace, it is not considered that the proposed development would have an adverse impact on the current outlook of the surrounding neighbouring properties.
39. Given the distance between the proposed crematorium and the surrounding properties, there would be no loss of privacy to the residential occupiers.
40. It is considered that the proposed development would be relatively screened from neighbouring properties and is sufficient distance away. Therefore the proposed crematorium development would not have an adverse impact on the residential amenities of existing and future occupiers of the surrounding residential properties. The proposal accords with policy GD1 of the Wear Valley District Local Plan.

visual impact on open countryside

41. Policy ENV1 of the Wear Valley District Local Plan and Policy 4 of the County Durham Structure Plan both place emphasis on the character and appearance of the countryside being conserved and enhanced. It is essential that the visual impact of the development would not detract from the special scenic qualities of the open countryside.
42. It is acknowledged that given the application site is currently an open field, the proposed development would alter the appearance of the area. The proposed crematorium building has been sensitively designed as it is relatively small in scale with a low ridge height and a hipped roof design, similar to the height of a residential bungalow. The car park is situated to the south of the proposed building, in front of the main doors. Landscaping is proposed within the site in order to blend the development in with its natural surroundings. Embankments are proposed along with a lot of new trees, shrubbery and hedging. The existing hedging on the south boundary is to be retained and reinforced with natural local species. Within the curtilage of the crematorium there would be a memorial garden which would incorporate a pond along with an ornamental pond and waterfall.
43. Given the rise in the field to the north of the site, it is considered viewed from the south and the main highways, the backdrop of the crematorium would be the field embankment, and would therefore not appear overly intrusive within the landscape. The heavy tree coverage to the west also provides a certain level of screenage to the proposed development. The general nature of a crematorium is for the building and surroundings to appear tranquil and peaceful and to be in harmony with the natural surroundings. This has been achieved within the site by creating embankments and planting trees and shrubbery.

44. Whilst it is accepted that the proposed development would be visible in comparison to the existing field, the development has been sensitively designed and integrated into the surrounding area. Given the scale and position of the proposed crematorium, the building would not appear overly intrusive to the open countryside. It is considered that the proposed development would not have a detrimental impact on the character and appearance of the surrounding open countryside. The proposal generally accords with the aims of Policy ENV1 of the WVDLP and Policy 4 of the Structure Plan.

highway issues

45. The proposed access to the site would be onto the A689 C Road to the south of the site, showing a 215 m by 4.5 m visibility splay. Durham County Council Highways Authority have been consulted on the application. The Highways Officer has confirmed he has no objection to the proposed development however certain amendments are required with regards to the extension of footways and improvements to the existing lay-by. A condition is recommended for details of the access improvements to be submitted prior to the commencement of any works on site. The proposed development would not exceed the capacity of the local road network. The proposal is considered to be in accordance with policies GD1 and T1 of the Wear Valley District Local plan.
46. It has previously being stated that the proposed development is within close distance to the A689 which provides good road links to settlements to the east and west and linking with the A1(M). There are two bus stops within walking distance of the proposed crematorium. The Highways Officer has confirmed that these bus stops are serviced. Whilst it is accepted that the crematorium would be able to be accessed via public transport it is recognised that due to the nature of a crematorium, it is likely that the majority of visitors would arrive by car. The proposed development would offer alternative modes of transport other than the car, and it is considered that the development would encourage sustainable travel. The proposal is considered to be in accordance with the aims of Policies 37, 43 and 44A of the Durham County Structure Plan and guidance contained within Planning Policy Guidance 13: Transport.

objections/observations

47. The application has been advertised on site and in the local press. The occupiers of neighbouring properties have been notified individually in writing of the proposal. Seven letters of objection have been received along with a petition signed by approximately 207 people. The contents of the letter and the petition are summarised below:

- a) Loss of view.
- b) Devaulation of properties.
- c) Increase in traffic.
- d) Smoke and smell concerns.
- e) Loss of privacy.
- f) Dangerous access.
- g) Health and safety concerns.

- h) Concerns about traffic from funerals and mourners passing the villages of Coundon, Leasingthorne and Leeholme and the effect this could have on the community especially young children.
 - i) Structural damage to neighbouring properties due to vibrations from increased traffic.
 - j) Other funeral directors are against the proposal.
 - k) A crematorium is not required here.
 - l) Figures quoted in the application are not true.
48. Two letters of support have been received, one from a local resident of Bishop Auckland and one from the North Eastern & Cumbrian Co-operative Funeral Service. The contents of these letters are summarised below:
49. The local resident: The crematorium would be a benefit to the town as it would be closer than other crematoriums at Durham and Darlington therefore allowing for longer and more dignified services.
50. The Co-op Funeral Service: Families in this area who have suffered bereavement have had to endure the drive to Durham or Darlington. A new crematorium in this location would ease the additional burden and would be seen as a positive move. Also having a new crematorium in the area that takes into account the rising cases of oversized coffins will ease the additional stress of the bereaved. Currently cremations of obese remains may have to be conducted as far away as Nottingham.

response to objections

51. The following points are a response to the issues raised by the objectors:
- a) Loss of view for residential occupiers is not a material planning consideration however it is considered that the proposed crematorium integrates well into the surroundings and would not have an adverse impact on the view of the countryside.
 - b) Not a material planning consideration.
 - c) It is accepted there would be an increase in traffic however it is considered that the additional traffic would not exceed the capacity of the local road network. Durham County Council Highways Authority have raised no objections.
 - d) Environment Health has informed that a permit would be required for the crematorium which would ensure that specified emission concentration limits for stipulated pollutants and specified temperature and residence time within the combustion chamber can be achieved. The crematorium building has also been set a safe distance from adjacent highways and residential properties. The proposed development would not have an adverse affect on health and safety.
 - e) The nearest residential property is located over 200 metres away. There would be no loss of privacy to residential properties.
 - f) Durham County Council have no objections to the proposed access subject to some minor alterations. The proposed access is not considered to be dangerous.
 - g) As point d).

- h) The specific routes of funeral traffic can not be established. It has been confirmed that the local road network would not be exceeded by the proposed development. It would not be lawful under planning legislation to restrict which direction traffic arrived and left the crematorium.
- i) It is considered that the road network would be able to cope with the extra traffic demands and it would be unlikely that any damage to properties would be a direct result from the additional traffic created by the crematorium.
- j) A letter of support has been received from the Co-op Funeral Service. No objections have been received from other funeral directors.
- k) A need for a crematorium has been provided by the applicant.
- l) There seems no reason to dispute the figures and statistics provided within the planning statement.

52. It is noted that two objection responses received via email had given false names and addresses however the comments in these emails have been taken into consideration.

conclusion and reasons for approval

1. The application site is located outside any settlement limits of development and is therefore contrary to policy H3 of the WVDLP and is a departure from the Local Plan. Whilst Government guidance recognises that new development in the open countryside should be strictly controlled, PPS 1 and PPS7 do acknowledge that sustainable development is the core principle underpinning land use planning. The application site has excellent road links, situated close to the A689 which connects traffic to the Bishop Auckland and settlements to the west, and also settlements to the east linking to the A1(M). It is noted that the development of a crematorium would provide a level of employment opportunities. Given the size of the site, the related loss of agricultural land is not considered to be significant. The proposal is for development on greenfield land situated outside the settlement limits of development and is contrary to policy H3 of the WVDLP. However each application has to be determined on its own merits and weighed against PPS1 and PPS7 which state that sustainable development is a material consideration. Due to the excellent transport links the proposed development is considered to be a sustainable development. Given the nature of a crematorium to be set in an isolated position away from urban areas however situated close to good transport links, the principle of development for a crematorium in this location is considered acceptable in relation to guidance set in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 7: Sustainable Development in Rural Areas and is deemed acceptable as a departure from the Wear Valley District Local Plan.
2. The applicants have submitted detailed evidence with the application indicating that a need for a crematorium. A catchment area for the proposed crematorium has been indicated showing settlements to the east and west of the application site. Figures and statistical information has been provided to demonstrate the need, which compares information with the two nearest crematoriums in Durham and Darlington. From the information provided it is considered that a need is required for a crematorium in this location.

3. A comprehensive site selection process has been undertaken by the applicant with 14 specific sites analysed as potential sites for the crematorium. The search selection process has included sites which are brownfield and greenfield and those which are within the settlement limits and those which are not. Each of the 14 sites have been clearly analysed and 13 sites have been discounted for one of the following reasons: sites were currently being developed for an alternative use; sites were unavailable to buy; access to sites were difficult; sites were not of adequate size; and sites were not considered to be in sustainable locations. A satisfactory sequential approach has been implemented when deciding upon the application site.
4. The proposed crematorium accords with the 1902 Cremation Act as it is located over 200 metres away from residential properties and over 50 metres away from the nearest public right of way. Environmental Health have confirmed that a permit would be required for the operation of the crematorium. There would be no emissions from the crematorium which would be detrimental to the amenities of surrounding local residents. Given the distance between the proposed crematorium and residential properties and the existing tree coverage, there would be no adverse impacts in terms of loss of privacy or outlook. The proposed crematorium development would not have an adverse impact on the residential amenities of existing and future occupiers of the surrounding residential properties. The proposal accords with policy GD1 of the Wear Valley District Local Plan.
5. It is acknowledged that given the application site is currently an open field, the proposed development would alter the appearance of the area. The proposed crematorium building has been sensitively designed as it is relatively small in scale and would not be intrusive to its surroundings. The landscaping proposed, including tree planting and the creation of embankments would help with blending the development into the surroundings. The backdrop of the existing field and the heavy tree coverage to the west ensures that the development is not overbearing to the landscape. The development has been sensitively designed and integrated into the surrounding area. It is considered that the proposed development would not have a detrimental impact on the character and appearance of the surrounding open countryside. The proposal generally accords with the aims of Policy ENV1 of the WVDLP and Policy 4 of the Structure Plan.
6. Durham County Council Highways Authority have raised no objections to the proposal in principle subject to a number of minor amendments. A condition is recommended accordingly. The proposed access onto the A689 C Road to the south is acceptable. The proposed development would not exceed the capacity of the local road network. Given that the proposed development is situated close to good road network links and within walking distance to serviced bus stops, the development would encourage sustainable travel. The proposal is considered to be in accordance with the aims of policies GD1 and T1 of the Wear Valley District Local Plan, policies 37, 43 and 44A of the Durham County Structure Plan and guidance contained within Planning Policy Guidance 13: Transport.

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 dwellings 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 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.
4. 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].
5. 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.
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 details of the means of vehicular access, including the footways to be provided and the improvements to the lay-by, shall be submitted to and approved in writing by the local planning authority, and before the building hereby approved is commenced the subsequently approved details of access shall be fully implemented before the crematorium is first brought into use.

8. Notwithstanding the details shown on the approved plans, gates shall not be fitted across the lay-by.
9. Before the development hereby approved is commenced an ecological survey of the site shall be undertaken by a suitably qualified person and a report shall be submitted to and approved in writing by the local planning authority.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. 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 ENV1 of the Wear Valley District Local Plan.
4. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and protection of existing trees and hedgerows. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan.
5. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 and ENV1 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. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
8. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
9. To ensure the development would not have an adverse impact on the local environment. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, Durham County Structure Plan, PPS1, PPS7, PPG13.

PS code	<input type="text" value="5"/>		
number of days to Committee	<input type="text" value="100"/>	target achieved	<input type="text" value="No"/>
explanation			
A Flood Risk Assessment was required by the Environment Agency.			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

Author of the report

Chris Baxter

Planning Officer

Ext 369

DEVELOPMENT CONTROL COMMITTEE

29TH AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

**PROPOSED STOPPING UP OF PART OF THE ADOPTED FOOTPATH ADJACENT TO
10 HEATHER LANE, CROOK**

Introduction

1. Planning permission for the demolition of 10 Heather Lane and residential development on land at Thistleflat Farm Crook was granted on appeal to Mr. and Mrs. Arkley on 25th April 2007.
2. An application to stop up part of the adopted footpath adjacent to 10 Heather Lane, Crook has been made to the Council by Miller Homes Limited on behalf of Mr. and Mrs. Arkley. The proposal is to close the short section coloured black on the plan accompanying this report. The area will be replaced by an adopted roadway. The public will therefore still be able to use this route, although it will involve crossing an estate road rather than using a pedestrian only path.
3. Under Section 257 of the Town and Country Planning Act 1990, the Council as the local planning authority, has the power to make an Order to stop up or divert a footpath to enable development for which planning permission has been granted to be carried out. Under the Council's Scheme of Delegation the Strategic Director for Environment and Regeneration can make an Order but where there are more than three objections from consultees, members of the public or other organisations the matter has to be referred to the Development Control Committee.
4. No objections have been received from the statutory undertakers or the prescribed organisations that the Council is obliged to consult with prior to making an Order. Durham County Council have confirmed that they have no objection in principle to the proposal, but objections have been received from four residents.
5. The County Council has made a Temporary Footpath Closure Order under S.14(1) of the Road Traffic Regulation Act 1984 for the closure of the full extent of the footpath for a maximum period of 6 months from 1 August 2007 during construction of a new access road to the housing development.

analysis

6. An order under S.257 of the Town and Country Planning Act 1990 is made to enable a planning permission to be implemented, but the making of an Order is only the start of the formal process. The proposal is publicised by a notice being inserted in the local press and being erected on the effected length of the footpath. A copy of the Order and notice is also served on the statutory undertakers and prescribed organisations who have already been consulted on an informal basis.
7. If no objections are received within the objection period or if any received are subsequently withdrawn the Council can confirm the Order. If objections are received the Council cannot confirm the Order and it is referred to the Secretary of State for determination. An Inspector appointed by the Secretary of State will decide whether or not to confirm the Order usually following a Public Inquiry.

conclusion

1. It is acknowledged that objections to the proposed stopping up have been received. but as there is a valid planning permission for this development and objectors will have the right to make an objection once a formal Order is made it is recommended that a Stopping Up Order be made.

RECOMMENDED

1. That the Council make an Order to stop up the adopted footpath coloured black on the said plan under Section 257 of the Town and Country Planning Act 1990.

background information

File Number 99104

Officer responsible for the report	Author of the report
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PROPOSED STOPPING UP OF PART OF THE ADOPTED FOOTPATH ADJACENT TO 10 HEATHER LANE, CROOK

