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Michael Laing Chief Executive

25th July 2007

Dear Councillor,

I hereby give you Notice that a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 2nd AUGUST 2007** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider the minutes of the meetings of the Committee held on 26 th April, 7 th June and 3 rd July 2007, and the Special meetings held on 30 th May and 2 nd July 2007, as true records.	Copies previously circulated
3. To consider development control application 3/2007/0403 – New fence to the front of the property to replace existing one (retrospective) at 5 Durham Road, Bishop Auckland for Mr. Tremewan.	1 - 5
4. To consider development control application 3/2007/0244 – Construction of 2 no. detached dwellings. Plot 2 with detached double garage, plot 3 with integral double garage. Temporary caravan accommodation x 2 at plots 2 and 3 Holdforth Stables, South Church Road, Bishop Auckland for Holdforth Developments.	6 - 14
5. To consider development control application 3/2007/0080 – Proposed new four bedroom dwelling with integral garaging at 11 Hall View, Hunwick, Crook for Mr. Goundry.	15 - 22
6. To consider development control application 3/2007/0363 – Outline application for erection of 10 no. dwellings with layout and means of access considered at land south of Boltsburn Crescent, Rookhope for Mr. Forster, c/o T. H. Vikers.	23 - 37
7. To consider development control application 3/2007/0482 – Retrospective application for minor amendments to three bedroom bungalow style dwelling (3/2004/1053) at rear of the bungalow,	38 - 43

Luvson Hill, Oakenshaw, Crook for Mr. and Mrs. J. Wilson.

8. To consider development control application 3/2006/0848 – 44 - 60
Erection of 41 no. detached, semi-detached and terraced 2, 3 and 4 bedroom dwellings at land rear of Hood Street, St. Johns Chapel for Dere Street Limited.
9. To consider development control application 3/2007/0340 – Class 61 - 81
A1 (retail) foodstore of 7,246 sq. m gross floorspace, petrol filling station, car parking and ancillary works – resubmission at Asda Supermarket, 6 South Church Road, Bishop Auckland for Asda Stores Limited.
10. To consider development control application 3/2007/0288 – 82 - 91
Substitution of house types relating to existing permission 3/2005/0673 for 28 units and the creation of an additional 14 units at former Tow Law Auction Mart, Church Lane, Tow Law for McInerney Homes Limited.
11. To receive for information appeal decision 3/2006/0586 – Change 92 - 95
of use to form children's day nursery at Red Cottage, High Road, Stanley, Crook for Mrs. Readman.
12. To receive for information appeal decision 3/2006/0707 – Single 96 - 98
dwelling at land opposite depot, The Batts, Frosterley for Mr. and Mrs. Rogers.

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

2ND AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0403 - NEW FENCE TO THE FRONT OF THE PROPERTY TO REPLACE EXISTING ONE (RETROSPECTIVE) AT 5 DURHAM ROAD, BISHOP AUCKLAND FOR MR. TREMEWAN – 17.05.2007

description of site and proposals

1. Retrospective planning permission is requested for the erection of a 1.5 metre high fence to the front of the above address. The fence has been constructed from timber and is close boarded, is approximately 33 metres in length, and is set back by approximately 1 metre from the face of the retaining wall. The applicant has stated that the proposed fence will be stained a dark colour, and would have screen planting placed between the fence and the highway. The fence requires planning consent because it measures more than 1 metre in height adjacent to a highway.
2. The application site consists of a large detached dwelling located on Durham Road, Bishop Auckland. The dwelling is set above the level of the highway by approximately 2 metres, with a retaining wall marking the boundary to Durham Road, which slopes steeply from east to west. There are a number of mature trees which line Durham Road, with 3 trees located in the front garden of the application site. The property lies outside the Bishop Auckland Conservation Area, which lies approximately 70 metres to the west of the application site. Photographs have been received which show that previously a fence measuring approximately 1 metre in height was located to the front of the property. The properties on Durham Road have varying styles of boundary treatment, both in terms of design and materials. The application site has neighbouring properties to the north, south and west.
3. The application has been reported to Committee as the application has received 5 objections.

planning history

4. There is no planning history relevant to the determination of this application

planning policies

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

- GD1 General Development Criteria
- FPG5 Alteration and Extension Guidelines

consultations

6. CDE&TS (Highways): No objection.
7. The Woodland Trust: No objection.

officer analysis

8. The application site lies outside the Bishop Auckland Conservation Area, the boundary of which is approximately 70 metres to the west of the application site. As such it is considered that the erection of a 1.5 metre high timber fence in this location is acceptable, as it would not be to the detriment of the character of the area. As the fence is set back from the edge of the retaining wall it is considered that it does not appear prominent from the highway. This will be reinforced as the applicant has stated that planting will be placed in front of the fence to provide additional screening from the highway. It is considered that the proposed fence is in keeping with the character of the host dwelling and is appropriate to the setting of neighbouring buildings.
9. The proposed fence does not create any overbearing or overshadowing impacts to occupiers of neighbouring properties, and does not create an overbearing appearance within the street scene.
10. It is considered that the proposal accords with policies GD1 and FPG5 of the Wear Valley District Local Plan.

objections/observations

11. Occupiers of surrounding properties have been notified in writing, and a site notice has also been posted.
12. Five letters of objection have been received, the details of which are set out below;
 - a) I am appalled at the huge ugly wooden fence. The fence looks like it should be around an allotment or a builders yard.
 - b) I cannot believe that the house owner has erected such a monstrosity without planning permission.
 - c) The fence jumps out at motorists and pedestrians alike and makes a mockery of the good works that the Council and the local community are doing to enhance the area.
 - d) I shudder at this ugly and incongruous fence and urge you to consider the effects it has on people visiting from out of the region.
 - e) It is far far too high and far far too ugly.
 - f) The word 'retrospective' added by your department is not enough to alert viewers to the fact that the householder has already erected this enormous, unnecessary and appalling fence without planning permission.

- g) This structure gives a very negative effect and resembles the fence around an industrial building not a private home on an important gateway to the town.
- h) It is a total monstrosity, a hideous fence, totally out of keeping with the rest of the houses.

response to objections

13. In response to the issues raised, I would make the following comments:

- a) It is considered that the fence is of an acceptable size and design for its location, and is not detrimental to the character or setting of the host or neighbouring buildings.
- b) The application has been submitted following an Enforcement complaint.
- c) The County Highways Engineer has not objected to the proposal.
- d) It is considered that the fence is of an acceptable size and design for its location, and is not detrimental to the character or setting of the host or neighbouring buildings.
- e) It is considered that the fence is of an acceptable size and design for its location, and is not detrimental to the character or setting of the host or neighbouring buildings.
- f) As the planning application is retrospective, the word retrospective states that the work has already been started or completed.
- g) It is considered that the fence is of an acceptable size and design for its location, and is not detrimental to the character or setting of the host or neighbouring buildings.
- h) It is considered that the fence is of an acceptable size and design for its location, and is not detrimental to the character or setting of the host or neighbouring buildings.

conclusion and reasons for approval

- 1. The application seeks retrospective planning permission for a 1.5 metre high fence. It is considered that the fence does not appear out of character with the host property or the surrounding area. The fence does not cause a danger to users of the highway, and does not create an overbearing appearance within the street scene. The proposal accords with policies GD1 and FPG5 of the Wear Valley District Local Plan.

RECOMMENDED

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

conditions

- 1. No development shall take place until details of the colour treatment of the fence shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

2. Within 56 days of the date of this permission, details of a hedge to be planted in front (on the roadside) of the fence shall be submitted to the local planning authority for approval. The hedge shall be planted in the first planting season following approval in writing by the local planning authority of these details. Thereafter the hedge shall be maintained and retained.

reasons

1. To achieve a satisfactory and acceptable form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To ensure that a satisfactory development is obtained, in the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

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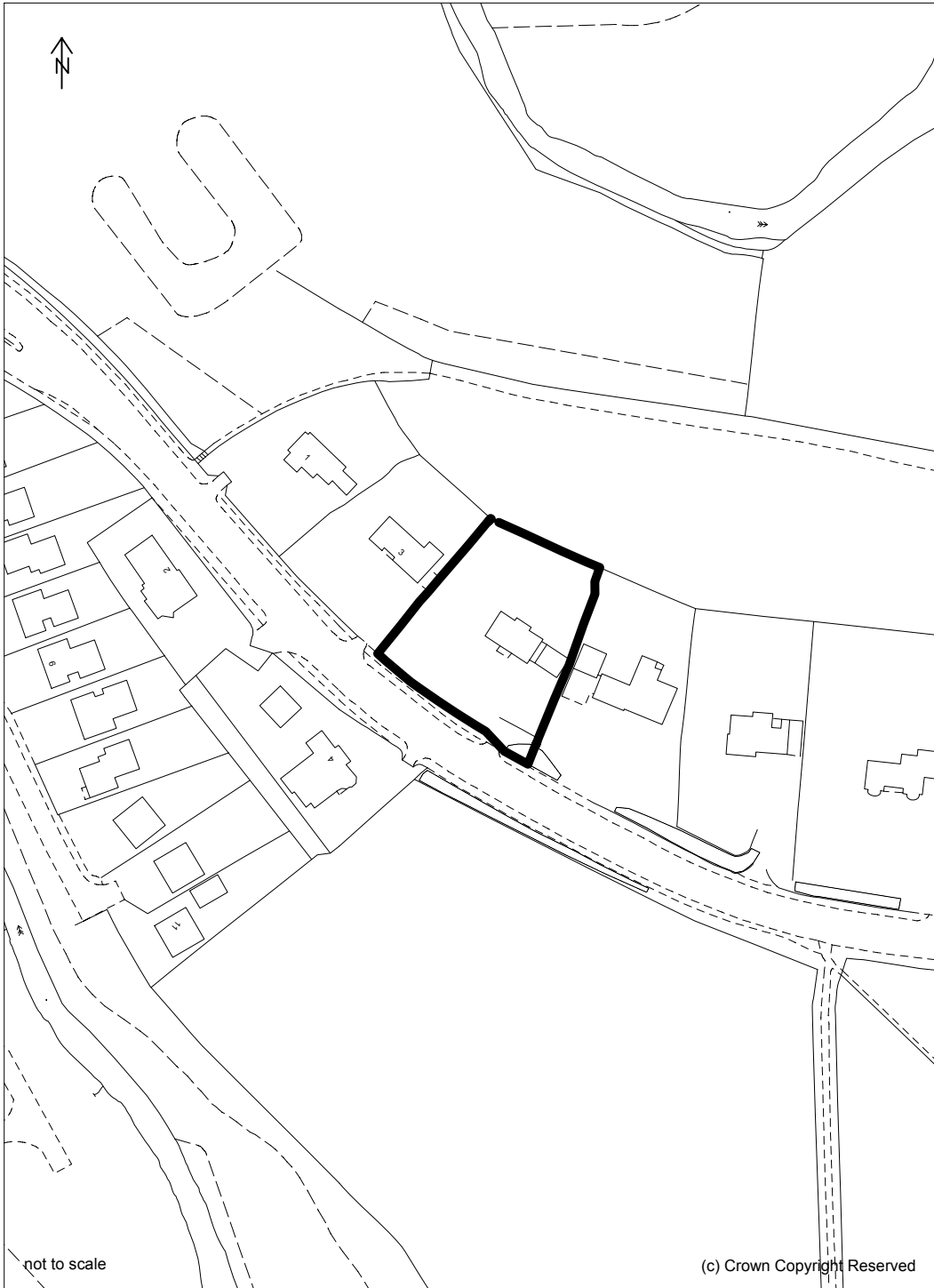
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

3/2007/0403 - NEW FENCE TO THE FRONT OF THE PROPERTY TO REPLACE EXISTING ONE (RETROSPECTIVE) AT 5 DURHAM ROAD, BISHOP AUCKLAND FOR MR. TREMEWAN – 17.05.2007



DEVELOPMENT CONTROL COMMITTEE

2ND AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0244 - CONSTRUCTION OF 2 NO. DETACHED DWELLINGS. PLOT 2 WITH DETACHED DOUBLE GARAGE, PLOT 3 WITH INTEGRAL DOUBLE GARAGE. TEMPORARY CARAVAN ACCOMODATION X 2 AT PLOTS 2 AND 3 HOLDFORTH STABLES, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR HOLDFORTH DEVELOPMENTS – 22.03.2007 - AMENDED 24.05.2007 – REVISED FLOOD RISK ASSESSMENT

description of site and proposals

1. Full planning permission is sought for the erection of 2 No. 5 bedroom, two storey, detached dwellings on plots 2 and 3 at Holdforth Farm, Bishop Auckland, including a detached double garage serving plot 2. The dwelling on plot 3 would have an integral double garage.
2. The application site is part of a larger site adjacent to the River Gaunless where outline planning permission was granted for 4 No. dwellings in 2003 ref 3/2003/0567.
3. Full planning permission was granted in 2006 ref 3/2006/0669 for the erection of 2 No. dwellings on plots 3 and 4. This new application includes an amended house design for the dwelling on plot 3. The proposed dwelling on plot 2 would match that already approved on plot 4.
4. The application site is contained within the defined settlement limits to the east of Bishop Auckland town centre (Policy H3), but lies within the valley landscape of the River Gaunless and is designated as an area of Open Space within a Built-up Area (Policy BE14), as defined in the Proposals Map of the Wear Valley District Local Plan. Accordingly this proposal is to be considered as a departure to Policy BE14 of the Wear Valley District Local Plan. However, despite being located within a designated Open Space Area, the site is considered to be a brownfield (previously developed) site which used to contain a number of agricultural buildings and stables associated with the previous use of the land in connection with racehorse training. In addition the former auction mart site is located across the river to the south and has planning permission for the erection of 23 No. dwellings.

5. The barns and stables have now been cleared from the site, as have the auction mart buildings opposite, but the Holdforth Farm house remains. There are no trees on the application site. The land towards the north east of the application site rises steeply away from the river with a wooded embankment above the site.
6. The site is currently accessed by two unadopted roads off South Church Road, the north westerly of which is on a steep gradient. The new housing development on the auction mart site will take access from the southeastern access, as will the dwellings already approved on plots 3 and 4 at Holdforth Farm.
7. A small part of the site lies within Flood Zones 2 and 3. A flood risk assessment (FRA) has been submitted with the application to demonstrate that the development will not increase the risk of flooding. This FRA has subsequently been amended (24.05.2007) through the application process to consider issues raised by the Environment Agency.

planning history

8. The following planning history for the site (and the Auction Mart Site) is considered relevant to determination of this application:

- | | | |
|---------------|---|----------------------|
| • 3/2007/0042 | 2 No. Dwellings and Detached Garage Plots 2 and 3 | Withdrawn 10.04.2007 |
| • 3/2006/0685 | Detached Garage to Serve Main Farm House | Approved 06.10.2006 |
| • 3/2006/0669 | 2 No. Dwellings and Detached Garage for Plots 3 and 4 | Approved 06.10.2006 |
| • 3/2003/0567 | Outline for 4 No. Dwellings | Approved 07.10.2003 |

Auction Mart Site

- | | | |
|---------------|------------------|---------------------|
| • 3/2006/0243 | 23 No. Dwellings | Approved 24.08.2007 |
|---------------|------------------|---------------------|

planning policies

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

- | | |
|--------|--|
| • BE14 | Open Spaces within Built-up Areas |
| • FPG1 | Highway Design Standards for New Development |
| • GD1 | General Development Criteria |
| • H24 | Residential Design Criteria |
| • H3 | Distribution of Development |
| • T1 | Highways – General Policy |

Also relevant is PPS3: Housing, PPS25: Development and Flood Risk and Regional Spatial Strategy (RSS) Policy 3: Sequential Approach.

consultations

10. Environment Agency: After initially objecting to the proposal because of problems with the submitted flood risk assessment (FRA), the Environment Agency have now withdrawn their objection following receipt of a revised FRA and suggested conditions regarding ground levels, floor levels and surface water discharge rates.

officer analysis

11. The main issues for consideration are:

- Principle of Development
- Design and Siting
- Access
- Residential Amenity
- Flood Risk

principle of development

12. The principle of housing development on the site has already been approved under the outline planning permission for 4 No. dwellings and the full planning permission for 2 No. dwellings on plots 3 and 4. This is a material consideration when assessing this application. Circumstances have not changed and the site is a previously developed site located within the settlement limits of Bishop Auckland, which is one of the main urban areas of the district and therefore appropriate for new housing (Priority 1 site). This meets the criteria of Policy H3 of the Wear Valley District Local Plan, Policy 3 of the RSS and national guidance in PPS3 Housing.
13. However, the site is also located within an area designated as an Open Space within a Built-Up Area (Policy BE14), which seeks to protect Open Space Areas from development. The new development however is to be confined to the extent of the previously developed area of the site without intruding into the Open Space Area. Therefore, despite being a departure to Policy BE14 of the Wear Valley District Local Plan, it is considered that agreeing to the principle of housing development on this site will not prejudice the aims of this policy.
14. The principle of housing development is therefore considered to be acceptable as the proposal is not considered to be contrary to the aims of policies H3 and BE14 of the Wear Valley District Local Plan.

design and siting

15. Both proposed dwellings would be large 5 bedroom dwellings of similar style located centrally within plots 2 and 3. They are to be constructed with rendered walls above a brick plinth and will have hipped roofs containing red tiles – samples can be conditioned. The dwelling on plot 2 would have a detached double garage in materials to match the house, and would be located in the northern corner of the plot, while the dwelling on plot 3 would have an integral double garage. The proposed house type on plot 2 is the

same as that already approved on plot 4 (ref: 3/2006/0669) and both proposed dwellings would be similar in scale and height to the existing Holdforth Farm House. The proposed dwelling on plot 3 is considered to be an improvement on the design of the previously approved dwelling on the plot (ref: 3/2006/0669) as it no longer would have a long front projection making it more balanced.

16. Overall the design style of the dwellings and garage is considered to reflect the style and character of modern development in the district and is considered appropriate to the character of the setting of the site. The low density of development is appropriate in this case to maintain the character of the Open Space Area and will offer some variety in house type and size in connection with the Auction Mart housing development.
17. The site may be visually prominent at present within the valley when viewed from South Church Road; however this will change when the new dwellings are completed on the Auction Mart site, which will give the area more of a residential character. In addition the proposed dwellings will be viewed against the large embankment to the rear of the site, which can give the impression of reduced scale to the dwellings. Further details would be required by condition in the form of cross sections through the site to demonstrate how the buildings and gardens will be accommodated on the sloping site.
18. Overall the design and siting of the proposed dwellings are considered to be acceptable subject to conditions and the proposal is therefore in accordance with policies GD1 and H24 of the Wear Valley District Local Plan in this respect.

access

19. The dwellings would be accessed from the previously approved arrangement whereby access would be achieved from the south easterly access point from South Church Road, through the new housing development on the Auction Mart site and across the existing bridge. The approved access details for the Auction Mart site includes a road to an adoptable standard extending to the bridge over the river to allow the connection to be made. The previous permission for dwellings on plots 3 and 4 included a condition requiring the steeper northwesterly access road to be blocked from domestic use so that it can only be used to access the adjacent field, and this would be appropriate again. The access arrangement within the site connecting the new dwellings would be very similar to that previously approved.
20. Accordingly there are no objections to the access arrangements and this aspect of the proposal is considered to be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

residential amenity

21. Each proposed dwelling would include gardens to the front and rear with private rear gardens being largely over 10m in length. The siting and design of the dwellings would prevent any direct overlooking of these rear gardens or those of the immediate neighbouring plots in each case. There would be one

window in the northern gable elevation of the dwelling on plot 3 serving a bedroom. This should be obscure glazed to remove any doubts about loss of privacy to the neighbouring occupants even though it is accepted that views would be largely of the side of the neighbouring property.

22. The new dwellings on the Auction Mart site are a sufficient distance away, being well over 21m, to ensure there are no privacy concerns in that respect.
23. This accords with policies GD1 and H24 of the Wear Valley District Local Plan.

flood risk

24. The submitted FRA (amended) has assessed the development with the benefit of a topographical survey and flood level information. After initially objecting to the proposal because of problems with the submitted flood risk assessment (FRA), the Environment Agency have now withdrawn their objection following receipt of a revised FRA and suggested conditions regarding ground levels, floor levels and surface water discharge rates.
25. The majority of the site falls outside Flood Zones 2 and 3, however, to prevent adding to risk of flooding in those areas that do fall in zones 2 and 3, it will be necessary to set floor levels at 83.95mAOD. This level includes an allowance for climate change effects. Detailed drawings to show this integrated into the design of the dwellings will be required by condition. Further details will also be required to demonstrate how a drainage system can be designed to reduce the discharge rate to the River Gaunless to no more than 15 litres per second. Additionally, to ensure that flood routing is maintained there should be no raising of external ground levels.
26. Subject to the identified mitigation measures the proposal should not increase the risk of flooding to people and property on the site and in the surrounding area. This accords with advice in PPS25.

objections/observations

27. Occupiers of the properties in the immediate surrounding area have been notified in writing, two site notices were posted and the application was advertised in the local press. No representations have been received.

conclusion and reasons for approval

1. The proposal is considered acceptable in relation to policies GD1, H3, H24, BE14, T1 and FPG1 of the Wear Valley District Local Plan, and PPS25 as it:
 1. Involves residential development on a brownfield site located within the settlement limits of Bishop Auckland and within close proximity to the facilities contained within Bishop Auckland town centre.
 2. Would not jeopardize the aims of policy BE14 in terms of protecting the character and amenity of a designated area of Open Space within a Built-Up Area.
 3. Would be acceptable in terms of design, scale and siting and would not cause harm to the character and appearance of the area.

4. Would be served by an acceptable access arrangement.
5. Would not cause harm to the living conditions of neighbours and would offer an acceptable level of amenity.
6. Would not increase the risk of flooding to people and property on the site and in the surrounding area.

RECOMMENDED

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

conditions

1. No development shall take place until samples of the bricks and roof tiles to be used in the construction of the external surfaces of the dwellings hereby approved 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 have been submitted to and approved in writing by the local planning authority. This shall include longitudinal and horizontal cross sections through the sites showing the approved dwellings and garage. Thereafter the works shall be completed in accordance with the approved details.
4. There shall be no raising of ground levels as part of the development hereby approved.
5. Development shall not begin until full plans and elevations have been submitted to and approved in writing by the local planning authority to demonstrate how finished floor levels set at 83.95mAOD have been incorporated into the design of the development hereby approved.
6. Development shall not begin until details of surface water attenuation, to ensure the surface water discharge rate to the River Gaunless does not exceed 15 litres per second, have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with and retained in accordance with the approved details.
7. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with

others of similar size and species, unless the local planning authority gives written consent to any variation.

9. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the dwellings hereby approved are first occupied.
10. Notwithstanding the approved details no development shall take place until details of the site access linking the site to South Church Road (the adopted highway) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the downgrading of the western access through the removal and landscaping of a section of the western access. The development shall be implemented in accordance with the approved details.
11. Notwithstanding the details shown on the plans hereby approved, the window and any other glazing to be inserted in the gable elevations of the approved dwellings shall be fixed shut (without any opening mechanism) and glazed in obscure glass of factor 3 or above and shall thereafter be retained as such.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policies 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 policy GD1 of the Wear Valley District Local Plan.
4. To prevent an increase in flood risk. In accordance with PPS25: Development and Flood Risk.
5. To protect the development from flooding. In accordance with PPS25: Development and Flood Risk.
6. To prevent an increase in flooding in the receiving watercourse. In accordance with PPS25: Development and Flood Risk.
7. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
8. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan.
9. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. To prevent use of this substandard access by occupants of the new dwellings. In the interests of highway safety and in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

11. In the interests of the amenity of neighbouring properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, RSS, PPS3, PPS25.

PS code

6

number of days to Committee

101

target achieved

No

explanation: Problems with the Flood Risk Assessment had to be sorted out with the Environment Agency.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

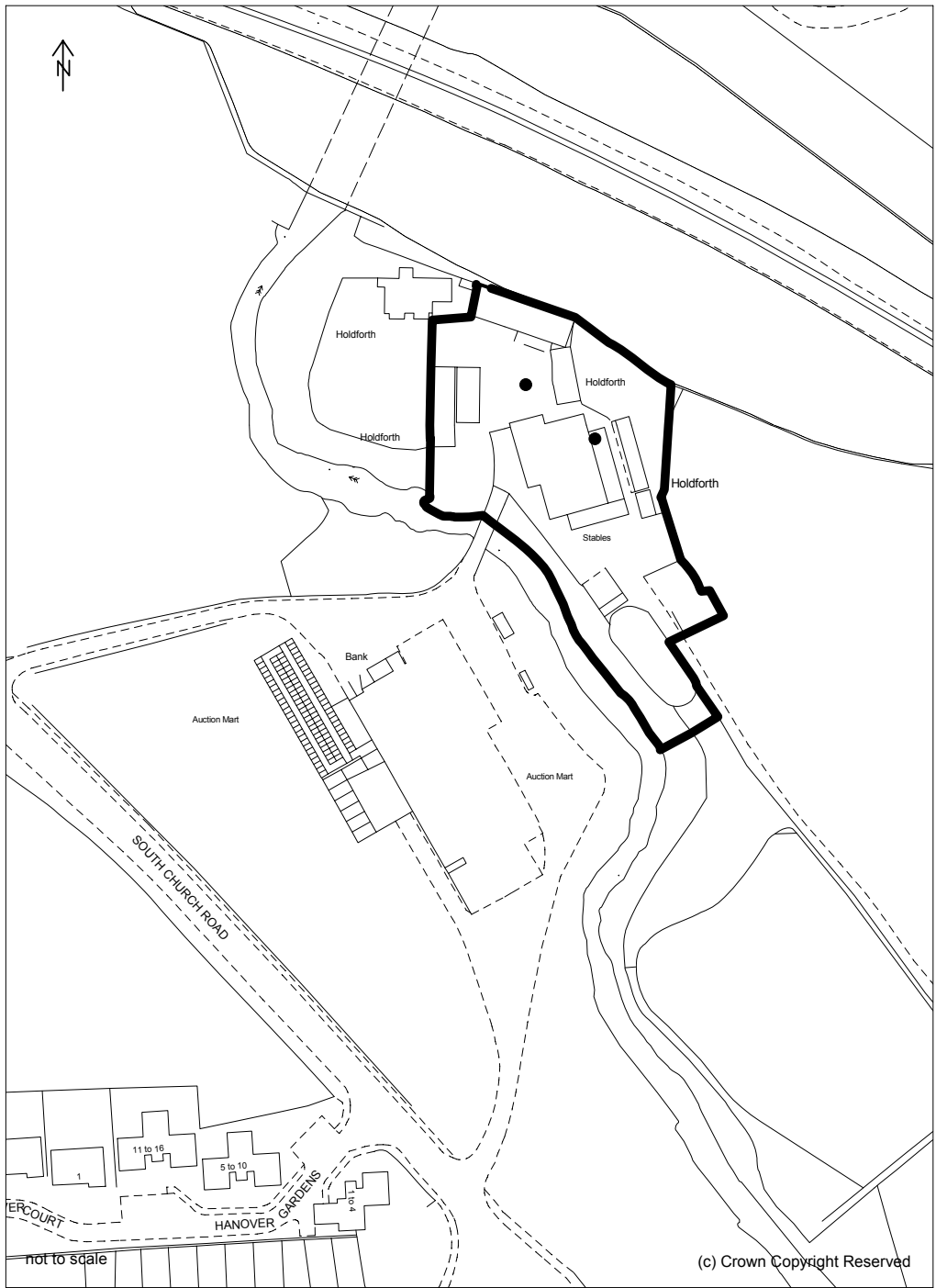
Author of the report

Adrian Caines

Planning Officer

Ext 369

3/2007/0244 - CONSTRUCTION OF 2 NO. DETACHED DWELLINGS. PLOT 2 WITH DETACHED DOUBLE GARAGE, PLOT 3 WITH INTEGRAL DOUBLE GARAGE. TEMPORARY CARAVAN ACCOMODATION X 2 AT PLOTS 2 AND 3 HOLDFORTH STABLES, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR HOLDFORTH DEVELOPMENTS – 22.03.2007 - AMENDED 24.05.2007 – REVISED FLOOD RISK ASSESSMENT



DEVELOPMENT CONTROL COMMITTEE

2nd AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0080- PROPOSED NEW FOUR BEDROOM DWELLING WITH INTEGRAL GARAGING AT 11 HALL VIEW, HUNWICK, CROOK FOR MR. GOUNDRY - 13.02.2007

description of site and proposals

1. Planning permission is sought for the erection of a four bedroom dwelling with integral garage. The proposed dwelling would range from a two and half storey building dropping to a single storey and stepping up to two storey. The overall footprint of the proposed dwelling would measure a maximum of 25 metres by 12 metres. The maximum height of the building would be 9.4 metres. There is an existing building on site which is to be demolished.
2. The application site is described by the agent for the application as being within the curtilage of No. 11 Hall View in Hunwick. The majority of the site is located within the limits of development for Hunwick as allocated on the Proposal Maps of the Wear Valley District Local Plan. The application site is bounded by open fields to the north and west. Residential bungalows are located to the east (Hall View). To the south (West End) neighbouring properties are located which are set at a higher level than the application site.

planning history

3. The following planning application was received previously:
 - 3/2003/0097 Greenhouse Approved 10.04.2003

planning policies

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

Also of relevance are Planning Policy Statement 3: Housing (PPS3), Submission Draft Regional Spatial Strategy (RSS), Regional Planning Guidance (RPG).

consultations

5. Durham County Council (Highways Authority): No objections.
6. Durham County Council (Public Right of Way): No comments.
7. Northumbrian Water: No comments
8. Environment Agency: No objections.

officer analysis

9. The key issues for consideration are:
 - Principle of Development
 - Visual Impact
 - Residential Amenity
 - Access and Parking Provision

principle of development

10. It is recognised that not all the application site is located within the settlement boundary of Hunwick which is covered by policy H3 of the Wear Valley District Local Plan. Part of the garden area for the proposed development is situated outside the settlement boundary.
11. Strong emphasis has to be placed on the status of the application site. The agent has indicated that the site is a brownfield site as it was part of the curtilage for No. 11 Hall View. There is history on this particular site which clarifies that the land is actually greenfield. Planning permission was required for the greenhouse, which is situated on the application site, due to the fact it is situated on agricultural land and is therefore not permitted development. The subsequent planning application (Ref: 3/2003/0097) clarified that the land was part of a larger agricultural field. In 2005, the land to which the application site relates was subject to a number of enforcement complaints. The complaint indicated that the garden of No. 11 Hall View had been extended into the agricultural field. After consultations between the enforcement officer and Mr. Goundry (the owner of No. 11 Hall View and the applicant), Mr. Goundry sent a letter confirming that there was no intention or desire to extend his domestic curtilage and that the area is only used for agricultural purposes namely the keeping of livestock, poultry and ducks and the growing of fruit and vegetables. PPS3 states that the definition of previously developed land (brownfield land) does not include land that is or has been occupied by agricultural or forestry buildings. Given the evidence provided by the applicant in 2005, that the land is agricultural, it is clear that the application site is greenfield land.

12. It is then confirmed that the application is for a proposed dwelling to be located on greenfield land. Since the adoption of the Wear Valley District Local Plan in 1997 there have been significant changes in circumstances in relation to development plan production and national and regional planning policy. It has been identified that the number of housing units (including those units completed since 2004, units under construction and units subject to unimplemented planning permissions) in Wear Valley District exceeds the target set out in the Submission Draft Regional Spatial Strategy (RSS) for the period 2004 to 2021. On the 2nd April 2007 the Regeneration Committee agreed a proposal to align local decision making with RSS policies on housing proposals. This therefore means that proposals for new houses have to be selected in the following priority regardless of site size:
- 1: Previously developed (brownfield) sites within the settlement limits of the identified 'urban areas' of the relevant sub- area;
 - 2: Previously- undeveloped (greenfield) sites which are not designated for nature conservation or amenity purposes, within the settlement limits of the identified 'urban areas' of the relevant sub- areas:
 - 3: Sites adjoining the settlement limits of the identified 'urban areas' of the relevant sub area, with preference being given to previously- developed sites; and finally
 - 4: Appropriate sites within settlements outside the identified 'urban areas' in the relevant sub area, with preference being given to previously- developed sites.
13. Hunwick is not classified as an urban area, therefore under the points stated above, the proposal is classified as a low priority. There are sequentially preferable brownfield sites within the urban areas of Wear Valley District. As such there is brownfield land available for residential development and it is considered that the release of greenfield land would prejudice the development of those other sequentially preferable sites and cannot be justified at this stage.
14. Policies DP1, DP2 and H3 of the Regional Planning Guidance are considered relevant to the consideration of this application. Policy DP1 (The Sequential Approach to Development) states that 'Development Plans should adopt a sequential approach to the identification of land for development to give priority to previously developed land buildings in the most sustainable locations. Locations should be selected in the following priority order:
- suitable previously developed sites and buildings within urban areas;
 - other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes; and
 - suitable sites in settlements outside urban areas, particularly where this involves the use of previously developed land and buildings.
15. Policy DP2 (Sustainability Criteria) states that the following criteria should be taken into account in assessing the suitability of land for development in accordance with the sequential approach set out in DP1; the nature of the development and its locational requirements; the availability and location of

previously developed land and buildings; the accessibility of development sites to homes, jobs and services by all modes of transport, in particular public transport, walking and cycling, and the potential to improve such accessibility; the capacity of existing infrastructure to accommodate such development; physical constraints on the development of land including the level of contamination, flood risk and land stability; the impact that the development of sites will have on the region's natural resources, environmental and cultural assets, and the health of local people; the economic viability of the development of the site, the suitability of sites for mixed use development; and the contribution that development might make to the strengthening of local communities.

16. Finally, policy H3 (Managed Release of Land for Housing Development) states that 'Plans should incorporate policies to ensure that the managed release of land and buildings for housing accord with the principles set out in Policies DP1 and DP2 and Policy H2. Policies should be underpinned by up-to-date urban housing capacity studies and give priority to the re-use of suitable previously-developed land and buildings in urban areas. Consideration should be given to the wider effects of greenfield land releases so as to avoid undermining the renaissance of the region's urban areas'.
17. Having given consideration to the principle of development in the light of the adopted Local Plan and all other material considerations, it is considered that the proposed development would be contrary to policy 3 of the draft RSS and in direct conflict with PPS3: Housing.

visual impact

18. The proposed dwelling is of a modern design showing different roof levels. The main bulk of the proposed property (two and half storey section) would replace an existing outbuilding. The proposed dwelling would be no higher than the existing outbuilding. The modern design of the property incorporates a lot of glazing in the north elevation to take advantage of the views.
19. The proposed dwelling would be positioned to the rear of the neighbouring properties on West End and Hall View, and the proposal would not be located within an existing street frontage. Whilst the proposed property might be visible through the breaks of the existing housing, it is considered that the proposed development would not be highly noticeable from the main street scene of Hunwick. The proposed development would be well screened from the south and the east by existing neighbouring properties.
20. The proposal would not have a detrimental impact on the appearance of the surrounding buildings and the Hunwick streetscape. The proposal is not contrary to the aims of policy GD1 of the Wear Valley District Local Plan.

residential amenity

21. When designing the proposed property, the applicant and agent have taken into consideration the impact the development would have on neighbouring properties.

22. Given the proposed property would be situated to the north of neighbouring properties on West End, and the sympathetic design of the property showing a low roof line, it is considered that the proposed development would not create any overbearing or overshadowing impacts upon the properties on West End.
23. In terms of privacy, there would be no windows to habitable rooms which would directly overlook the properties on West End. Concerns have been raised with regards to potential overlooking from the roof lights to be situated in the west elevation of the main bulk of the proposed property. The applicant has agreed to install obscure glazing within the roof lights to ensure there would be no overlooking onto neighbouring properties. It is considered there would be no overlooking issues onto the properties on Hall View as there are conifer trees along the boundary which would screen the balconies. Adequate private and useable garden amenity space for the future occupiers of the property would be provided.
24. The proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed dwelling and surrounding neighbouring properties. The proposal does not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

access and parking provision

25. The proposed development would incorporate a double integral garage and plenty of land within the curtilage of the site for off street parking. Durham County Council Highways Authority have been consulted on the application. The highways officer has raised no objections to the proposed development. It is considered that the proposed dwelling would have an acceptable access and adequate parking provision and would not have an adverse impact on highway safety. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

26. The occupiers of neighbouring properties have been notified in writing and a site notice has been posted. A notice was also advertised in the local press. Five letters of objection have been received with the contents of the letters summarised below:
 - (a) The proposed access road is used by properties on West End.
 - (b) Loss of sunlight to neighbouring properties.
 - (c) Concerns that the development would look modern and out of keeping with the area.
 - (d) The access is not within the applicant's ownership.
 - (e) The proposed building extends beyond the boundary.
 - (f) Planning permission was previously granted for a greenhouse. It seems this was a step to gain permission for this proposal.
 - (g) Overbearing issues.
 - (h) Would there be any security or external lighting on the proposed dwelling, as this may impact on the neighbouring properties.
 - (i) Privacy or noise issues as the proposed dwelling would only be one metre from the boundary of neighbouring land.

- (j) Loss of view.
- (k) Devaluation of neighbouring properties.
- (l) Concerns that trees and hedges would block views.

27. Two letters of support have also been received for the proposed development.

response to objections

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

- (a) There are to be no alterations to the access.
- (b) The proposed development is to the north of properties on West End. Therefore there would be no direct loss of sunlight to these properties.
- (c) Discussed in officer analysis under heading 'visual impact'. It is considered the development would not have an adverse impact on the appearance of the surrounding area.
- (d) Ownership of land is not a material planning consideration.
- (e) It is assumed that this point relates to the settlement boundaries of Hunwick. The garden area for the proposed property would be located beyond the settlement boundaries of Hunwick.
- (f) Planning permission has previously been granted for a greenhouse. The application for a greenhouse bears no relation to the considerations for assessing the acceptability of a house in this location.
- (g) Discussed in officer analysis under heading 'residential amenity'.
- (h) No security or external lighting is proposed in this application.
- (i) The issue of privacy is discussed in officer analysis. With regards to noise, it considered the noise from a residential property would not have an adverse impact on the amenities of surrounding dwellings.
- (j) Although loss of view is not a material planning consideration, it is noted that the proposed property has been designed to maintain the views of the properties on West End.
- (k) Not a material planning consideration.
- (l) Although the planting of trees and hedges does not normally fall under the control of planning, a condition is attached for a landscaping scheme to be submitted to and agreed in writing by the local planning authority, and implemented.

conclusion and reasons for refusal

1. From previous correspondence with the applicant, through an enforcement complaint, Mr. Goundry confirmed in writing that the application site is not part of the residential curtilage of No. 11 Hall View and that the land is used for agricultural purposes. The delegated report for planning application 3/2003/0097 for a greenhouse also stated that the land forms part of a larger agricultural field. It is therefore confirmed that the application site is part of a larger agricultural field. Under the definition stated in PPS3: Housing the application site is therefore classified as being a greenfield site. Although the majority of the application site is located within the settlement boundaries for Hunwick, the site is not considered to be a sustainable location and lies outside the district's main urban areas. There are a number of sequentially preferable brownfield sites within urban areas the development of which would be prejudiced should this development be approved. As such there can

be no justification for the release of greenfield land at this location. The proposed development is not considered to accord with guidance contained in PPS3: Housing, RPG1 or the Draft RSS.

RECOMMENDED

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

1. The application proposes the development of a greenfield site. No justification has been submitted to explain why this land should be released for residential purposes prior to the development of sequentially preferable brownfield sites. The application is therefore considered to be unacceptable and contrary to policies DP1, DP2 and H3 of the Regional Planning Guidance for the North East (RPG1), Policy 3 of the Draft Regional Spatial Strategy and guidance contained in PPS3: Housing.

background information

Application files, WVDLP, PPS3, RPG1, RSS.

code	<input type="text" value="6"/>	number of days to Committee	<input type="text" value="168"/>	target achieved	<input type="text" value="No"/>
explanation	The principle of development has been subject to further internal discussion.				

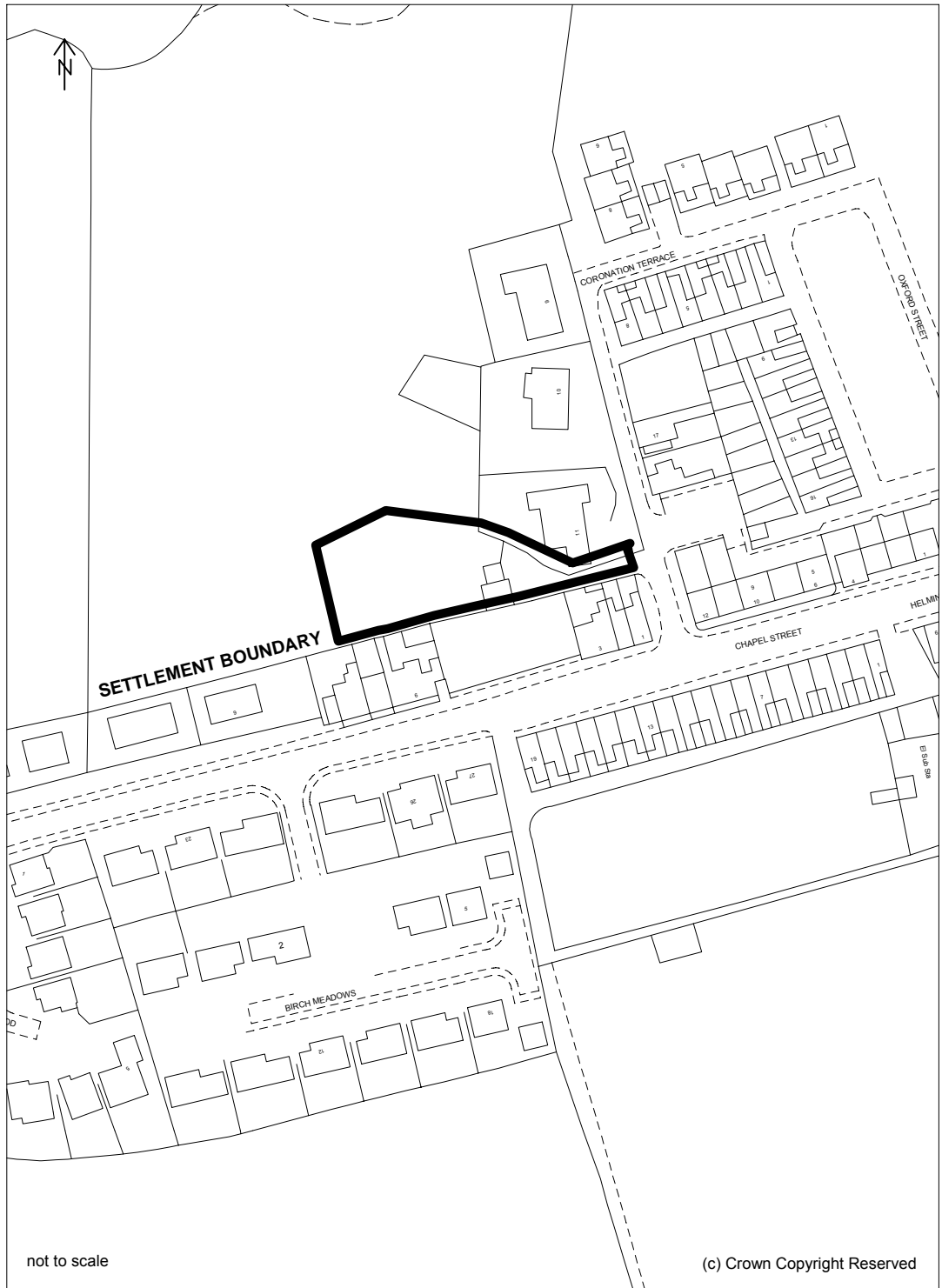
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Planning Officer
Ext 441

3/2007/0080 - PROPOSED NEW FOUR BEDROOM DWELLING WITH INTEGRAL GARAGING AT 11 HALL VIEW, HUNWICK, CROOK FOR MR. GOUNDRY - 13.02.2007



DEVELOPMENT CONTROL COMMITTEE

2ND AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0363 - OUTLINE APPLICATION FOR ERECTION OF 10 NO. DWELLINGS WITH LAYOUT AND MEANS OF ACCESS CONSIDERED AT LAND SOUTH OF BOLTSBURN CRESCENT, ROOKHOPE FOR MR. FORSTER, C/O T. H. VIKERS – 02.06.2007

description of site and proposals

1. The application seeks outline planning permission for the erection 10 No. dwellings with consideration of the layout of the dwellings as well as the means of access. All other matters relating to scale, appearance and landscaping have been reserved.
2. The application indicates that the dwellings might be low cost social housing, however the applicant is not a registered social landlord and no evidence of agreements with a registered social landlord or explanation how the dwellings would be affordable has been submitted. Therefore, the application has to be treated as a regular market housing development.
3. The site is located on the south western perimeter of the village of Rookhope, which is within the North Pennines Area of Outstanding Natural Beauty. It comprises grassed, low-lying floodplain land adjacent to the Rookhope Burn and to the south of Boltsburn Crescent. There is a significant change in level downwards of a number of metres from Boltsburn Crescent to the application site. While the site is within the development limits of Rookhope, it is not allocated for housing in the Wear Valley District Local Plan and is a greenfield site for planning policy purposes. Being on low lying floodplain land, the site accordingly falls within Flood Zone 1 and directly abuts Flood Zone 3. No Flood Risk Assessment (FRA) has been submitted with the application.
4. Boltsburn Crescent is a narrow cul de sac road that serves a number of semi-detached dwellings on the higher northern side of the road and a small group of 6 dwellings on the lower land to the east of the application site. These dwellings do not have any off street parking on the properties. There is a dedicated parking area at the end of the cul de sac, however many cars park on the street, which significantly reduces the width of the carriageway.

5. The application proposes to take vehicular access off Boltsburn Crescent with a steep-mounded access road into the site (to overcome the level change). The proposed dwelling layout comprises an informal arrangement of staggered dwellings centered around a large cul de sac turning head. There would be two detached dwellings with attached double garages; four semi-detached dwellings with attached garages; and four semi-detached dwellings without garages.

planning history

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

- 3/2006/006 Outline Application for 10 No. Dwellings Withdrawn 12.07.2006

planning policies

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

- ENV2 The North Pennines Area of Outstanding Natural Beauty
- ENV11 Sites of Nature Conservation Importance and Local Nature Reserves
- FPG1 Highway Design Standards for New Development
- H15 Affordable Housing
- H16 Exceptions Policy
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways – General Policy

Also relevant are PPS1: Delivering Sustainable Development, PPS3: Housing, PPS7: Sustainable Development in Rural Areas, PPS9: Biodiversity and Geological Conservation, PPS25: Development and Flood Risk, and the emerging Regional Spatial Strategy (RSS).

consultations

8. Durham County Highways: Object for the same reasons given on previous withdrawn application:

“The submitted road layout is unacceptable and unworkable. No radii are shown, there is a significant level difference across the site and road centre line radii appear to be inadequate. I must therefore recommend that this application be refused for the following reason – The local planning authority and the local highway authority, in agreeing the Durham County Council publication ‘Guide to the Layout and Construction of Estate Roads’, have agreed standards for the layout of new streets. The proposed access roads do not conform to these agreed standards and are not therefore adequate to serve the development proposed.”

9. Environment Agency: Object because no Flood Risk Assessment (FRA) has been submitted to ascertain the means and effects of discharge of surface water drainage from the site. The development requires a FRA because it falls within Flood Zone 1 and abuts Flood Zone 3.
10. Consider that development of this scale should incorporate sustainable energy use/ renewable energy generation principles in line with policies 39 and 40 of the RSS. Building design should ensure energy consumption is minimised and the development should have embedded a minimum of 10% energy supply from renewable resources.
11. Foul drainage should be connected to the foul sewer. The sewerage undertaker should be consulted to demonstrate the sewerage systems can cope with the new development.
12. Durham County Archaeology: The site potentially may have been subject to previous, as yet unknown use by humans, including Post Medieval or earlier prehistoric settlement. Suggest the applicant supplies a desk based assessment to aid in determining the archaeological potential of the site, either as a condition or for pre-determination.
13. Police Architectural Liaison: Plot 10 needs repositioning to provide natural surveillance of the entrance to the estate. There should be a range of housing types in terms of size, type and tenure to attract a mix of people, which gives potential for the estate to be occupied throughout the day, thereby increasing surveillance and community interaction. There should be no windowless elevations.
14. Northumbrian Water: Advice given regarding water supply and connections to public sewers. However, the sewerage system to which the development will discharge has reached its design capacity and may not be able to accept the anticipated flows. The applicant must contact Northumbrian Water for advice.

officer analysis

15. The application is in outline with layout and access being considered and therefore the main issues for consideration are:
 - Principle of Development
 - Consideration of Layout and The Impact on the Character and Appearance of Rookhope and the AONB
 - Consideration of Layout and The Impact on The Residential Amenity of Neighbours
 - Consideration of Access and Highways
 - Flood Risk Impact
 - Environmental Impact and Archaeology

principle of development

16. The Council's Annual Monitoring Report 2005/2006 and the draft Regional Spatial Strategy (RSS) identified that the number of housing units (including those completed since 2004, units still under construction and unimplemented permissions) in Wear Valley District, already exceeds the target set out in the RSS for the period 2004 to 2021. In the context of this oversupply of housing it is crucial that the Council does not grant consent for unsustainable housing developments.
17. WVDLP Policy H3 and advice contained within PPS1: Delivering Sustainable Development, PPS3: Housing, and PPS7: Sustainable Development in Rural Areas require that priority is afforded to development of previously developed sites (brownfield sites) within locations which are well related to community facilities, employment and public transport.
18. The emerging RSS policies, which are in the latter stages of production and therefore afforded significant weight as a material planning consideration, reflect this policy direction and Policy 3 sets out a housing policy framework, which the Regeneration Committee formally adopted on 2nd April 2007.
19. This policy framework sets out a sequential approach to prioritise the location of new housing development to brownfield sites in the main 'urban areas' of the district, which are:

Bishop Auckland, West Auckland, Coundon and St. Helens (Bishop Auckland Sub Area),
Crook and Willington (Crook Sub Area)
Tow Law, Stanhope and Wolsingham (Weardale Sub Area)
20. Rookhope is not one of the identified 'urban areas' listed above and is relatively isolated. In addition, the application site is a greenfield site. This site was discounted when the Council prepared its Urban Capacity Study as it scored very poorly in all areas of the sustainability appraisal, conducted in accordance with the criteria set out in PPG3 at the time. It is therefore not considered to be a suitable and sustainable location for new housing as it is not served by a good range of facilities, services, public transport and employment. Accordingly, development of a greenfield site in this location would represent an unsustainable form of development that would not make the most efficient use of land and would lead to an unacceptable increase in private car journeys. This is in direct conflict with the thrust of local and national planning policies which seek to prevent unsustainable development.
21. In what appears to be an attempt to overcome the presumption against such unsustainable development, the application indicates that the dwellings could be low cost social housing. However, no information has been provided of the special circumstances to support development of this site and the applicant is not a registered social landlord. PPS3 defines affordable housing as including social-rented and intermediate housing (A full definition is provided in PPS3: Annex B). Low cost market housing by private developers is not included in the definition of affordable housing.

22. Any consideration of an exceptions site through special circumstances has to be evidence based and there are a number of steps that have to be taken by the applicant before such a development can be considered. The applicant has to first provide evidence of a clear demonstration of overriding local need for affordable housing in Rookhope. If such a need can be proved, then consideration may be given to the principle of a wholly affordable housing scheme of less than 10 dwellings; subject to all other matters being acceptable. Once the evidence base is established the applicant, if not a registered social landlord, must provide further evidence of appropriate agreements with a registered social landlord to ensure how all dwellings will be and will remain available at an affordable cost in perpetuity for local people who are either current residents or have an existing family or employment connection.
23. No such evidence has been provided and therefore the application does not meet the needs test and definitions of affordable housing. No special circumstances therefore exist to overcome the very strong policy presumption against the proposal.
24. The unjustified release of a greenfield site in an unsustainable location would contribute to the oversupply of housing in the district and therefore prejudice future housing targets and the development of more sequentially preferable sites now and in the future. This would have a detrimental effect on the environmental benefits and regeneration aims of concentrating housing development within the identified 'urban areas', where there are still brownfield sites undeveloped.
25. The proposal is therefore unacceptable in principle and contrary to Regional Spatial Strategy Policy 3 and the Council's related sequential approach to housing development; as well as national planning guidance in PPS1, PPS3 and PPS7.

consideration of layout and the impact on the character and appearance of Rookhope and the Area of Outstanding Natural Beauty

26. Rookhope is located within the North Pennines Area of Outstanding Natural Beauty (AONB). PPS7 states that AONBs have the highest status of protection in relation to landscape and scenic beauty and that major developments should not take place in these designated protected areas, except in exceptional circumstances. Where developments in the AONB are acceptable in principle, they should be of the highest standard of design and applications should contain full details in order for the local planning authority to make a full assessment of the potential effects of the development. Outline applications for major development in the AONB are therefore rarely acceptable as more detail is needed to assess the full impact of large proposals in such sensitive areas. PPS1 and PPS3 also emphasise the importance of good design. With particular regard to housing, PPS3 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

27. This application is for 10 dwellings and is therefore classed as a major development, which is immediately at odds with guidance in PPS7. It has already been shown that no special circumstances exist to justify the proposal. The supporting information and other documents submitted with the application are considered to be of the lowest quality and an outline application is not considered to be appropriate for a major development in this sensitive location.
28. The site is open greenfield land that comprises undeveloped grassland forming part of the floodplain of Rookhope Burn. It is considered that this land contributes significantly to the rural setting of Rookhope and therefore to the character of the AONB. Being a riverside location, the land undoubtedly also has a significant wildlife value in terms of fauna and flora. Damage to the visual amenity of this area has already been caused by the small-scale modern housing built some time ago adjacent to the application site. This however, should not serve as justification to create more harm, as the landscape and fauna and flora of the AONB must be given the highest status of protection. Further large-scale housing development on the application site would considerably urbanise the surrounding area and erode an attractive area of countryside, thereby causing harm to the setting of Rookhope and the landscape and character of the AONB.
29. Furthermore, the proposed layout, which is to be considered in this application, would be very suburban and therefore not appropriate in its form to a rural dales village in the AONB. The suburban layout would fail to relate to the existing development form of the village and fail to respect its rural character, as well as that of the wider local area. This failure to respect the character of the surrounding environment is reflected in the very poor quality of the accompanying Design and Access Statement, which contains insufficient information on the design process and consideration of how the proposed development would relate to its surroundings, as well as providing a safe and secure environment. There is also no supporting information demonstrating that the applicant has undertaken consultation with the local community in the form of a Statement of Community Involvement.
30. The Architectural Liaison Officer has raised an issue regarding the siting of plot 10, which should be reorientated to provide better surveillance in the interests of security. Garden areas on some of the plots would also be very limited with very few plots meeting the requirements in WVDLP Policy H24 for a 10m deep private garden. Plots 1, 6 and 7 in particular would offer very poor levels of private amenity space for the size of the dwellings. There is also insufficient information to ensure the design of the dwellings would be appropriate in any future submissions.
31. Notwithstanding the principle of the new access arrangement, the visual impact of the proposed access also has to be considered. The level drop from Boltsburn Crescent to the site would result in the construction of an access road that would be on a raised earth mound where entering the site. This would be a most incongruous feature that would detract from the character and appearance of the landscape. The safety implications of this arrangement are also likely to require unattractive road barriers to stop vehicles driving off

the mound and potentially into plots 1 and 10. This again would significantly detract from the appearance of the development and character of area.

32. For all of the above reasons, the proposed layout is considered to represent very poor design and would accordingly have a significantly harmful impact on the character and appearance of Rookhope and the AONB. This is in conflict with Wear Valley District Local Plan policies GD1, ENV2, and H24, and national planning policy in PPS1, PPS3 and PPS7. PPS1 and PPS3 state that poor design alone is justification for refusal.

consideration of layout and the impact on the residential amenity of neighbours

33. WVDLP Policy H24 seeks to ensure the relationship between new dwellings and neighbours maintains adequate levels of privacy. To this effect there should be 21 metres between walls of dwellings containing windows to habitable rooms. Plots 8 and 9 in the proposal would have rear elevations only 18.5m away from the neighbouring dwellings to the east (nos 17-20). This distance does not meet the above requirement and is not considered to offer a sufficient level of privacy to the existing neighbouring occupants of nos 17-20. The proposal would therefore be harmful to the living conditions of those neighbours. This is contrary to policies GD1 and H24 of the Wear valley District Local Plan.

access and highways

34. As already mentioned, the site has significant constraints to access because of the severe level change down from Boltsburn Crescent and the effect of on-street parking in Boltsburn Crescent.
35. The on-street parking problems effectively reduce Boltsburn Crescent to a single width road. This causes great difficulties for an already significant number of passing vehicles. The road is a cul de sac and with no driveways on the properties, vehicles entering the street have to turn at the turning head at the end of the street to exit again. It is considered that until on street parking is no longer a problem in Boltsburn Crescent this road is not suitable for accommodating the additional traffic movements that would result from a large housing development containing large dwellings with provisions for at least two cars per dwelling. The level of additional traffic using Boltsburn Crescent would add to the existing difficult situation resulting in a detrimental effect on highway safety and the free flow of traffic in Boltsburn Crescent.
36. Durham County Highways have also raised an objection to the design of the access. The design of the access is considered to be unworkable and therefore completely unacceptable. It does not show or comply with the required turning radii and does not conform to the Local Highway Standards as set out in the Guide to the Layout and Construction of Estate Roads. The sharp left turning angle is particularly inappropriate, compounded by the fact that cars are likely to be parked opposite the entrance. It would not be physically possible for a vehicle to make the manoeuvre. The narrow width of the road of only 4m in places and the tight angles would also make it especially difficult for any refuse or emergency vehicles to access the site and avoid any other pedestrian or vehicular traffic using the road. This would

increase the chance of collisions and would be seriously detrimental to highway safety.

37. As mentioned before, there are also safety implications with regards to the proposed raised mound required from the access point into the site. Regardless of the highways impacts though, this arrangement would require safety barriers, which would have a harmful visual impact on the surrounding area.
38. The proposed access arrangement is therefore considered to be unworkable and therefore completely unacceptable with potentially serious effects on highway safety. The suitability of Boltsburn Crescent to accommodate more vehicle movements at this time is also considered to be inadequate. The proposal is therefore in conflict with policies GD1, T1 and FPG1 of the Wear Valley District Local Plan.

flood risk impact and drainage

39. The importance of considering the risk of flooding has been highlighted by the recent floods throughout the country and the effects of climate change are high on the planning agenda.
40. The application site is located within the wider floodplain of the Rookhope Burn. According to the Environment Agency Flood Zone Maps, it falls wholly within Flood Zone 1 and directly abuts Flood Zone 3, which is the area of highest risk of frequent flooding. The whole of the land in the floodplain is low lying and flat and unlike the precise lines on a map, in reality, it would be very difficult to determine where on the site one Flood Zone begins and another ends. It is therefore highly likely that there is a potential merging of the Flood Zones 1 and 3 which affect the application site. An approach of greatest caution should therefore be adopted in this case in accordance with PPS25, which advises local authorities to take a risk-based approach to consideration of flood risk. Consideration should therefore be given to the risk of flooding, the potential for the development to add to the risk of flooding and identification of measures to prevent or manage the risk of flooding.
41. The applicant has not submitted a site-based Flood Risk Assessment to support the application. Without this information the local planning authority cannot determine that the proposal would not add to the risk of flooding. The Environment Agency has also objected on this basis.
42. Without at least adequate drainage measures to ensure the rate of surface water discharge are not reduced, the development is likely to add to the risk of flooding. Therefore, in line with an approach of greatest caution and without technical information to prove otherwise, it is considered that the proposed development in the floodplain would add to the risk of flooding in the area. The application is therefore contrary to national planning policy in PPS25 and policy GD1 of the Wear Valley District Local Plan.

43. Because the land is low lying, problems have been experienced with the existing sewerage system. Northumbrian Water has indicated that this sewerage system has reached its design capacity and may not be able to accept the anticipated flows. The applicant should therefore liaise first with Northumbrian Water to determine the infrastructure requirements for the site and provide full information of drainage and sewerage systems serving the proposed development. It does not appear that this has been done and therefore it has to be concluded that the proposal would exceed the capacity of the existing sewerage and drainage system, contrary to policy GD1 of the Wear Valley District Local Plan.

environmental impact and archaeology

44. The landscape, fauna and flora, and character (including heritage) of the AONB are of national significance and therefore afforded the strictest protection, as stated in PPS7 and highlighted previously in this report. PPS9 requires local planning authorities to ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
45. Although the site itself is not a designated nature conservation site, the application site comprises a natural environment adjacent to a river and is therefore highly likely to be a nature corridor along the river and habitat for wildlife. This view is enhanced by the presence of a designated Site of Nature Conservation Importance (WVDLP Policy ENV11) which lies adjacent to the north west of the application site and extends further along the northern riverside. Development on the application site could potentially have a direct adverse impact on the adjacent Site of Nature Conservation Importance, as well as on any nature interest at the application site and surrounding natural area. This is particularly the case with overflow and pollution from the drainage and sewerage systems which do not appear to have the capacity to accommodate the discharges from the proposed development.
46. It is therefore considered appropriate for a development of this scale in this location to be supported with an Environmental Impact Statement/Assessment. It is the developer's responsibility to demonstrate that the proposed development would not have an adverse impact on the biodiversity of this sensitive site and surroundings, including the adjacent Site of Nature Conservation Importance, and to identify any mitigation measures if required. Without information to determine otherwise and given the location, it is considered that a proposal of this scale would have a detrimental impact on wildlife habitats and biodiversity in the area. This would have an adverse impact on the AONB.
47. The application is therefore contrary to policies GD1, ENV11 and ENV2 of the Wear Valley District Local Plan as well as national planning policy in PPS9.

48. The Durham County Archaeology Section has advised that while there are no known archaeological sites within the application site, the area adjacent to the river may have been subject to previous, as yet unknown use by humans. Consequently, the applicant should provide an assessment to aid in determining the archaeological potential of the site. A condition would have been appropriate to ensure this issue is addressed.

objections/observations

49. Occupiers of the surrounding properties have been notified in writing, site notices were posted and a notice posted in the local press. Four letters of objection have been received. The main points of objection are summarised below:
- a) There will be loss of privacy and overshadowing because of the proximity of the proposed houses.
 - b) There are already traffic problems in Boltsburn Crescent because of the on street parking situation, narrow width of the road and the fact that Boltsburn Crescent is a cul de sac meaning most vehicles can only turn around at the end of the road. An increase in cars from the proposed development will add to the existing problems with an impact on vehicle and pedestrian safety in Boltsburn Crescent.
 - c) Emergency vehicles will not be able to access the site.
 - d) The development would affect noise and pollution levels.
 - e) There is no evidence of housing need or demand in Rookhope. Houses remain on the market for over a year and local authority properties remain empty and are difficult to let.
 - f) Rookhope is in an AONB and a large scale development would be to the detriment of the village.
 - g) There is an ongoing problem with the main sewers, which overflow numerous times of the year.
 - h) The felling of trees is not justified.
 - i) The site was the location of a former mine. There are issues of contaminated land and issues with altering the land and the effect on neighbouring properties.

response to objections

50. The following comments are made in response to the issues raised:
- a) Agreed, the proposed dwellings on plots 8 and 9 would be less than 21m from the habitable windows of the neighbours at 17-20 Boltsburn Crescent, as addressed in the report.
 - b) Agreed and addressed in the report.
 - c) Agreed, the radii and tight angles in the proposed access would be unworkable.
 - d) The resultant noise is unlikely to be harmful, but unless suitable drainage arrangements can be found it is likely that there would be pollution of the adjacent watercourse and surrounding land from sewer overflow, as addressed in the report.
 - e) Agreed. The Council has already exceeded its housing supply targets and sequentially more appropriate brownfield sites in the identified

urban areas remain undeveloped. The applicant has not supplied any evidence of housing demand and social housing need for Rookhope, as addressed in the report.

- f) Agreed. The proposal has been shown to represent poor design and would be of an inappropriate suburban form that would harm the character of Rookhope and the AONB, as addressed in the report.
- g) Agreed. Northumbrian Water has advised that the existing sewerage system has reached its design capacity and may not be able to accept the anticipated additional flows, as addressed in the report.
- h) There are no trees of significance within the application site.
- i) A survey to determine the extent of contamination could be conditioned.

conclusion and reasons for refusal

1. The application site is a greenfield site, not allocated for housing development, and is in Rookhope, which is not served by a good range of facilities, services, public transport and employment. It is therefore considered to be in an unsustainable location and is accordingly not included in the identified main 'urban areas' of the district, as defined in the draft RSS and the Council's sequential approach to housing supply, adopted April 2007. The site is therefore unsuitable for new housing provision. The unjustified release of such an unsustainable site would prejudice future housing targets and have a detrimental effect on the environmental benefits and regeneration aims of concentrating housing development within the identified 'urban areas' where sequentially preferable brownfield sites remain undeveloped. The proposal is therefore contrary to Regional Spatial Strategy Policy 3 and the Council's related sequential approach to housing development; as well as national planning guidance in PPS1, PPS3 and PPS7 with regards to sustainable development.
2. The applicant is not a registered social landlord and no information has been provided to meet the needs test and definitions of affordable housing and there is no evidence that a sufficient need could be established. There are therefore no special circumstances to overcome the strong policy presumption against the proposal. This is contrary to national planning guidance in PPS3.
3. Notwithstanding the policy objections, the proposal represents a major development of natural undeveloped (greenfield) land within the AONB and contains insufficient supporting design information. The layout of the proposed development would be out of character with the village of Rookhope and generally inappropriate for a rural village in the AONB. The loss of a natural environment to a major development of suburban form would significantly urbanise the character of the area thereby causing harm to the rural character and setting of Rookhope, as well as the character and appearance of the AONB. Insufficient consideration has also been given to Secure by Design principles and the proposed layout would fail to provide adequate levels of private amenity space for all proposed dwellings commensurate with the size of the dwellings and in accordance with the requirements of policy H24 of the Wear Valley District Local Plan for a 10 metre deep private rear garden. The proposal therefore represents poor design and is contrary to policies GD1, H24, ENV2 of the Wear Valley District Local Plan and national planning guidance in PPS1, PPS3 and PPS7.

4. Proposed plots 8 and 9 would be located less than 21 metres from the main elevations of the neighbouring dwellings 17-20 Boltsburn Crescent, which contain habitable windows. This would unacceptably reduce the level of privacy of those neighbours causing harm to their living conditions. This is contrary to policies GD1 and H24 of the Wear Valley District Local Plan.
5. Because of the existing on street parking problems and resultant reduced width of the carriageway, Boltsburn Crescent is considered to be unsuitable for accommodating the additional vehicular traffic that the proposal would create. An increased level of vehicular traffic in Boltsburn Crescent would further prejudice the free flow of traffic and highway safety. This is contrary to policies GD1, T1 and FPG1 of the Wear Valley District Local Plan.
6. The design of the proposed point of access and access road into the development with tight angles and insufficient width and radii does not conform to the Local Highway Standards and is considered to be unworkable for all vehicular traffic, including emergency vehicles. Additionally there is likely to be a requirement for unattractive safety barriers. This would prejudice highway safety and cause harm to the visual amenity of the surrounding area, contrary to policies GD1, T1 and FPG1 of the Wear Valley District Local Plan.
7. The proposal involves development of level, low-lying land within the floodplain of the Rookhope Burn. Accordingly the application site falls within Flood Zone 1 and abuts Flood Zone 3. The development could therefore be at risk from and potentially contribute to the risk of flooding. No Flood Risk Assessment has been submitted to demonstrate that this would not be the case. The proposal is therefore contrary to national planning policy in PPS25 and policy GD1 of the Wear Valley District Local Plan.
8. Northumbrian Water has indicated that the sewerage system that would serve the application site has reached its design capacity and may not be able to accept the additional anticipated flows. The proposal would therefore exceed the capacity of the existing sewerage and drainage system, contrary to policy GD1 of the Wear Valley District Local Plan.
9. The application site comprises a natural environment adjacent to a river and is therefore highly likely to be a nature corridor and habitat for wildlife. There is also a designated Site of Nature Conservation Importance adjacent to the north west of the site. It would be appropriate for a development of this scale in this location to be supported with an Environmental Impact Statement/Assessment. Without such information to determine otherwise it is considered that a proposal of this scale would have a detrimental impact on wildlife habitats and biodiversity in the area, including the adjacent Site of Nature Conservation Importance. This would in turn have an adverse impact on the AONB. The application is therefore contrary to policies GD1, ENV11 and ENV2 of the Wear Valley District Local Plan as well as national planning policy in PPS9.

RECOMMENDED

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

1. The application site is a greenfield site in an unsustainable location and is accordingly not included in the identified main 'urban areas' of the district, as defined in the draft RSS and the Council's sequential approach to housing supply, adopted April 2007. The site is therefore unsuitable for new housing provision. In addition, the application does not meet the needs test and definitions of affordable housing. The unjustified release of such an unsustainable site would prejudice future housing targets and have a detrimental effect on the environmental benefits and regeneration aims of concentrating housing development within the identified 'urban areas' where sequentially preferable brownfield sites remain undeveloped. The proposal is therefore contrary to Regional Spatial Strategy Policy 3 and the Council's related sequential approach to housing development; as well as national planning guidance in PPS1, PPS3 and PPS7 with regards to sustainable development.
2. The proposal, by reason of its suburban layout and access design, would be out of character with the village of Rookhope and generally inappropriate for a rural village in the AONB. This would cause harm to the rural character and setting of Rookhope, as well as the character and appearance of the AONB. There is also insufficient provision of private amenity space for all proposed dwellings and insufficient consideration given to the provision of a safe and secure environment. The proposal therefore represents poor design and is contrary to policies GD1, H24, ENV2 of the Wear Valley District Local Plan and national planning guidance in PPS1, PPS3 and PPS7.
3. The proposal, by reason of the proximity of the proposed dwellings on plots 8 and 9 to the main elevations of the neighbouring dwellings 17-20 Boltsburn Crescent, would unacceptably reduce the level of privacy of those neighbours causing harm to their living conditions. This is contrary to policies GD1 and H24 of the Wear Valley District Local Plan.
4. The proposal, by reason of the unsuitability of Boltsburn Crescent to accommodate additional vehicular traffic and the unacceptable and unworkable design of the proposed access, which does not comply with the standards of the Durham County Council Highways Authority, would prejudice highway safety and the free flow of traffic in Boltsburn Crescent, to the detriment of vehicle and pedestrian users of the road. This is contrary to policies GD1, T1 and FPG1 of the Wear Valley District Local Plan.
5. The application site falls within Flood Zone 1 and abuts Flood Zone 3. The development could therefore be at risk from and potentially contribute to the risk of flooding. No Flood Risk Assessment has been submitted to demonstrate that this would not be the case. The proposal is therefore contrary to national planning policy in PPS25 and policy GD1 of the Wear Valley District Local Plan.

6. The proposal would exceed the capacity of the existing sewerage and drainage system and is therefore contrary to policy GD1 of the Wear Valley District Local Plan.
7. The proposal, by reason of its location adjacent to a river and to a designated Site of Nature Conservation Importance, is likely to be a nature corridor and habitat for wildlife. Without an Environmental Impact Statement/Assessment, to determine otherwise it is considered that a proposal of this scale would have a detrimental impact on wildlife habitats and biodiversity in the area, including the adjacent Site of Nature Conservation Importance. This would in turn have an adverse impact on the AONB. The application is therefore contrary to policies GD1, ENV11 and ENV2 of the Wear Valley District Local Plan as well as national planning policy in PPS9.

background information

Application files, WVDLP, RSS, PPS1, PPS3, PPS7, PPS9, PPS25.

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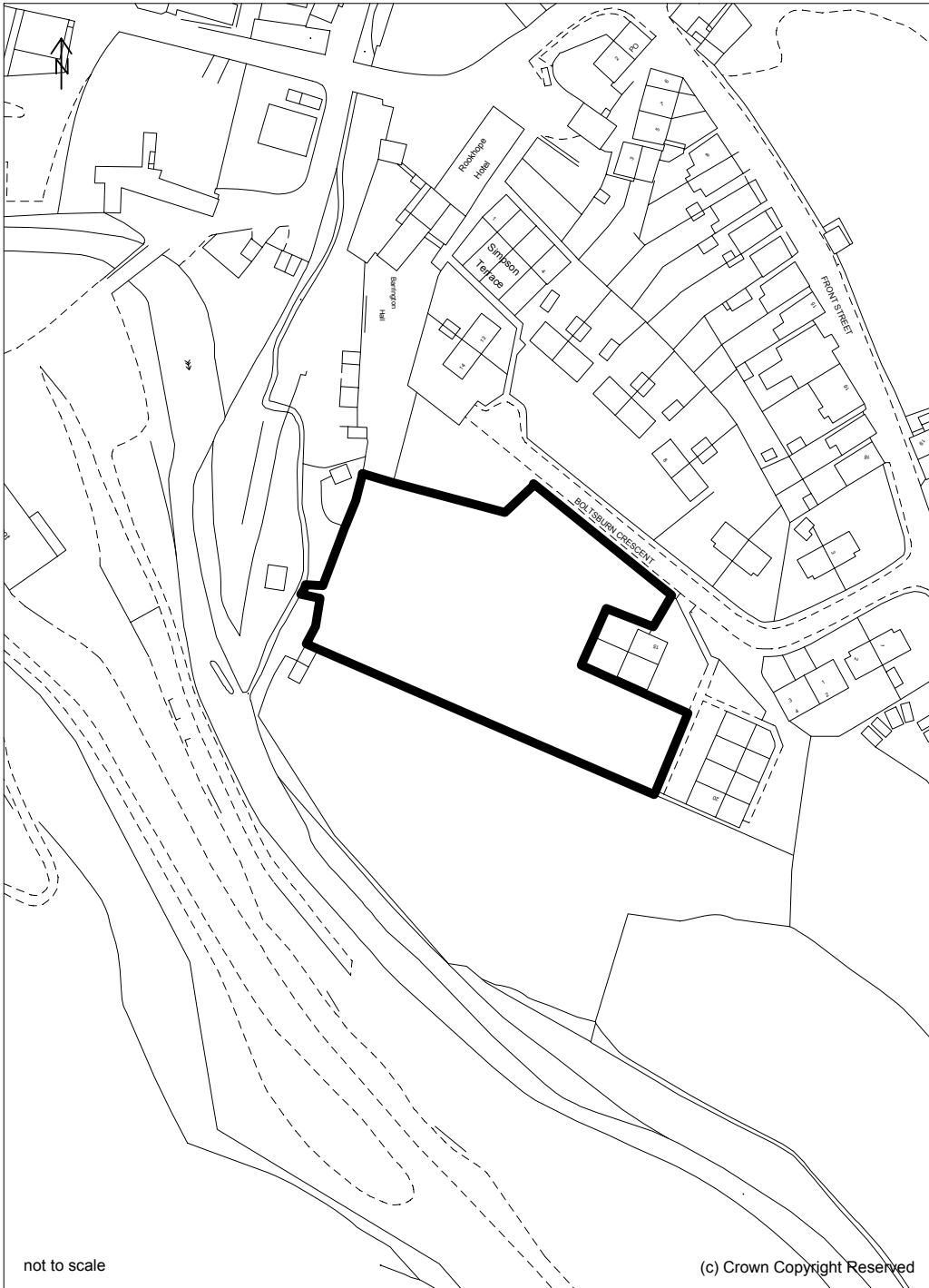
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext 369

3/2007/0363 - OUTLINE APPLICATION FOR ERECTION OF 10 NO. DWELLINGS WITH LAYOUT AND MEANS OF ACCESS CONSIDERED AT LAND SOUTH OF BOLTSBURN CRESCENT, ROOKHOPE FOR MR. FORSTER C/O T.H VIKERS - 02.06.2007



DEVELOPMENT CONTROL COMMITTEE

2ND AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0482 - RETROSPECTIVE APPLICATION FOR MINOR AMENDMENTS TO THREE BEDROOM BUNGALOW STYLE DWELLING (3/2004/1053) AT REAR OF THE BUNGALOW, LOVESOME HILL, OAKENSHAW, CROOK FOR MR. AND MRS. J. WILSON – 16.06 .2007

description of site and proposals

1. This application seeks planning permission for the retention of amendments to the scheme approved under planning application 3/2004/1053 which some Members may recall was considered by Committee on 17th February 2005. The amendments include the erection of a conservatory and extension to the rear of the dwelling and some revisions to the internal layout and fenestration, as well as a garage to the south east of the dwelling and a revised site access from School Row. This application also seeks approval of the boundary wall which was not specifically approved under the previous application but remained a consideration to be dealt with by way of condition.
2. The application site is bounded by the wall currently under construction. To the north of the site is the adopted highway Acorn Drive. To the south and west, the site adjoins School Row which is considered as highway for the purposes of this application but is not adopted. The surface of School Row is not made up and is in varying states of condition.
3. Built development in the vicinity varies in character and form. To the north and north-west are recently constructed two-storey dwellings. To the west there is a terrace of dwellings on School Row and to the south-west is School House, a large detached dwelling.

planning history

4. The following planning history is recorded on the site:
 - 3/1998/0456 Residential Development (Outline) Approved 21.10.98
 - 3/2004/0258 Residential (Outline) Approved 25.05.04
 - 3/2004/1053 3 Bedroom Bungalow Approved 18.02.05

planning policies

5. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
- GD1 General Development Criteria
 - H24 Residential Design Criteria
 - H3 Distribution of Development
 - T1 Highways - General Policy
 - T15 Garages

consultations

6. CDE&TS (Highways): No objections subject to the garage being used for purposes incidental to the enjoyment of the dwellinghouse only.
7. Parish Council: No comments received.
8. Northumbrian Water: No comments received.

officer analysis

9. The key issues for consideration are:

- Access and Parking
- Residential Amenity
- Design and Visual Impact

access and parking

10. The main access to the site would remain directly from Acorn Drive, with a secondary access proposed onto School Row as per the original application. The School Row access would be relocated approximately 8m to the north and has been realigned to feed into a driveway serving the garage to the south east of the dwelling.
11. The applicant has confirmed that the detached garage is intended to be used to store his classic car and that the access onto School Row would be used only occasionally. The Highways Officer has confirmed that there is no objection to the proposed access onto School Row on the basis that the garage is not used other than for purposes incidental to the enjoyment of the dwellinghouse and that no trade or business shall be carried out from the garage. The proposal accords with policies GD1, T1 and T15 of the WVDLP.

residential amenity

12. The conservatory and extension are located to the rear of the dwelling and are approximately 17m from the front of the nearest dwelling on School Row. The approved scheme details a garden room in a similar location and in view of the separation distances involved, it is not considered there would be any adverse impact in terms of loss of privacy, nor would there be any resulting

overbearing impact or adverse loss of light to the occupiers of the neighboring properties.

13. The submitted floorplans identify potential roof storage to the east and west elevations of the dwelling with two rooflights to the east and one to the west. These windows are not translated into the elevations and do not form part of the development as built on site. The agent has confirmed that their inclusion on the floor plan is a discrepancy.
14. The garage is in excess of 25m from the properties on School Row and is set 2m from the eastern boundary of the site. The scale and location of the garage are considered to be acceptable and would not result in an adverse impact on the residential amenity of any nearby or surrounding occupiers. The proposal accords with policies GD1 and H24 of the WVDLP.

design and visual impact

15. The alterations to the dwelling and the detached garage respect the scale and materials of the host property and are appropriate in terms of design. The boundary wall is acceptable in terms of scale and materials and would not result in a visually prominent feature in the street scene. The proposal accords with policies GD1 and H24 of the WVDLP.

objections/observations

16. The application has been advertised on site and neighbours have been notified in writing of the proposal. Five letters have been received objecting to the proposal. The comments can be summarised as follows:
 - a) The safety of the proposed access
 - b) Obstruction of the parking area for existing residents
 - c) Congestion along School Row
 - d) Vehicle/Pedestrian conflict along School Row
 - e) Ability for emergency vehicles to access School Row
 - f) Loss of privacy from the garage entrance/ access

response to objections

17. The following comments are made in response to the issues raised:
 - a) The Durham County Council Highways officer has confirmed that he has no objection to the proposed access/garage and that in view of the slow speed of traffic using School Row, he does not consider that the proposed use of a secondary access would give rise to highway safety issues.
 - b)c) It appears that School Row would maintain a minimum carriageway width of 4m. It is noted that a number of residents depend on School Row for vehicular access and also on-street parking, however the proposals maintain adequate space for residents' parking. It is understood that School Row is privately owned by a number of the residents with various rights of access over the land.

- d) Taking into account the poor quality of the surface of School Row and the nature of the road, it is considered that vehicles using the road would be moving at a slow speed. In view of the envisaged low vehicle speeds and the height of the proposed boundary treatments, it is not considered that there would be a conflict between vehicles using the access and any pedestrians using School Row.
- e) The submitted plans identify that the carriageway of School Row maintains adequate width for a fire appliance to use the road as well as operational space. This is confirmed as a carriageway of 3.7m reducing to 2.75m over short distances in the Manual For Streets, prepared by the Department for Transport and Department of Communities and Local Government.
- f) The proposed access is located directly opposite dwellings on School Row at a distance of approx. 7m. The garage is set back into the site and maintains a separation in the order of 25m from the garage door to the properties on School Row. In view of the nature of the use of a domestic garage, it is not considered that there is any loss of privacy, furthermore, the separation distance involved ensures that there is not unacceptable intervisibility. The access is somewhat closer to the dwellings, however it is not considered that the egress of vehicles has any impact on privacy, particularly in view of the existing use of School Row as a highway.

conclusion and reasons for approval

- 1. It is considered that the access arrangements are acceptable in accordance with policies GD1, T1 and T15 of the WVDLP.
- 2. The amenities of the occupiers of the surrounding residential properties will be safeguarded in accordance with GD1 and H24 of the WVDLP.
- 3. The proposal will not be harmful to the character of the area or the street scene in accordance with policies GD1 and H24 of the WVDLP

RECOMMENDED

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

conditions

- 1. The colour and texture of the materials to be used in the boundary wall hereby approved shall match the existing boundary wall unless otherwise approved in writing by the local planning authority.
- 2. The garage hereby approved shall not be used other than for purposes incidental to the enjoyment of the dwellinghouse and no trade or business shall be carried out therein.

reasons

1. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To safeguard the occupiers of the adjacent premises from undue noise, traffic generation or other loss of amenity arising from the use of the proposed garage for trade or business purposes. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

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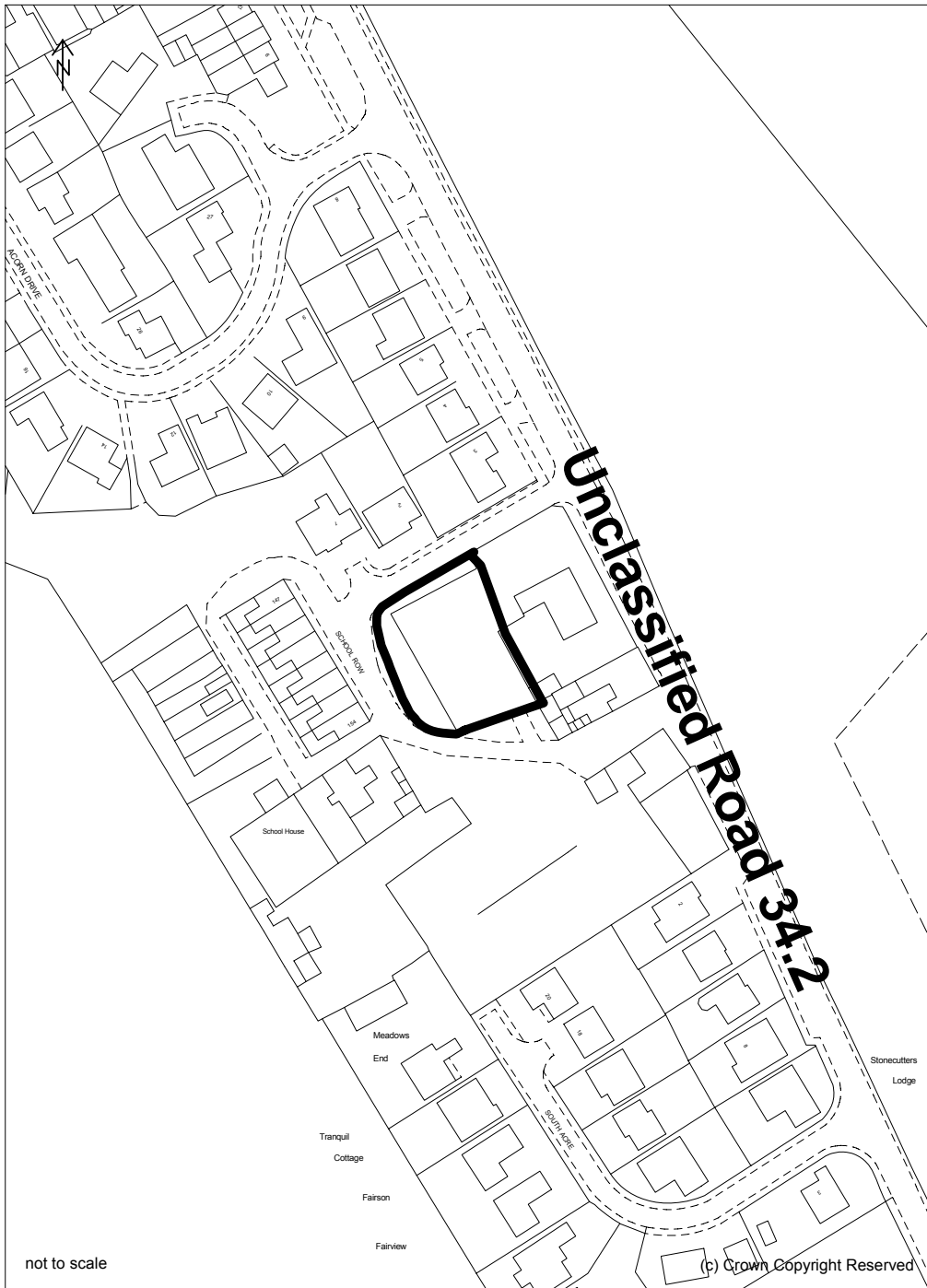
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Sarah Eldridge
Senior Planning Officer
Ext 267

3/2007/0482 - (RETROSPECTIVE APPLICATION) FOR MINOR AMENDMENTS TO THREE BEDROOM BUNGALOW STYLE DWELLING (3/2004/1053) AT REAR OF THE BUNGALOW, LOVESOM HILL, OAKENSHAW, CROOK FOR MR. & MRS. J.WILSON – 16.06.2007



DEVELOPMENT CONTROL COMMITTEE

2ND AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2006/0848 - ERECTION OF 41 NO. DETACHED, SEMI-DETACHED AND TERRACED, 2, 3, AND 4 BEDROOM DWELLINGS AT LAND REAR OF HOOD STREET, ST. JOHNS CHAPEL FOR DERE STREET HOMES LIMITED – 18.10.2006 - AMENDED 19.02.07 AND 19.04.07

description of site and proposals

1. Planning permission is sought for the erection of 41 dwellings on an area of greenfield land allocated for residential development within the Wear Valley District Local Plan. Outline planning consent has previously been granted on this site subject to the completion of a section 106 agreement. However this is a full application with all detailed matters to be considered.
2. The proposal would involve the erection of a mixture of 6 house types incorporating 27, three bedroom dwellings; 6 four bedroom dwellings and 8 two bedroom dwellings. The applicant has committed to provide 6 affordable dwellings which equates to around 15% of the scheme. The mechanism for delivering this affordable housing is discussed later in the relevant section.
3. The application site comprises a field to the rear of existing dwellings of Hood Street. The field is relatively level and has no distinguishable physical features. The boundary of the field is delineated by a mixture of dry stone walling and fencing.
4. The site lies between St Johns Chapel School field which is to the east, and the dwellings of Longdale Grove which are to the west. Beyond Broken Way to the north, which is a narrow lane, are open fields.
5. The site lies to the north of the main arterial route running through Weardale and is served from Longdale Grove, a small development of 1950's, former Council houses. The application site is situated within the St. Johns Chapel Conservation area.
6. In support of the planning application the applicant has submitted the following information:
 - Design Statement and Character Statement
 - Statement of Community Involvement

planning history

7. No previous planning applications have been received in relation to this site. However, the site is allocated for housing development within the adopted Wear Valley District Local Plan.

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
- H7 Allocated sites in the sub area
- H14 Range of Housing Types
- H15 Affordable Housing
- H24 Residential Design Criteria
- RL4 Children's Playing Space Target
- RL5 Sport and Recreation Target
- RL12 Public Rights of Way
- T1 Highways – General Policy
- ENV2 The North Pennines Area of Outstanding Natural Beauty
- BE14 Open Spaces within built up areas
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE17 Areas of Archaeological Interest
- BE18 Excavation and Recording

Government advice on new residential developments set out in PPS1 'Delivering Sustainable Development and 'The Planning System: General Principles', PPS3 "Housing", PPS7 'Sustainable Development in Rural Areas PPS9: Biodiversity and Geological Conservation 'PPG13 'Transport', PPG 16: Archaeology and planning, PPS 23 Planning and Pollution, PPS 25 Planning and Flood Risk, Control the Draft Regional Spatial Strategy for the North East (RSS), and the County Durham Structure Plan (Adopted March 1999) are also directly relevant to this proposal.

consultations

9. CDE&TS (Highways): Objections were initially raised although these have now been withdrawn following various resubmissions.
10. Parish Council: Object to the proposed development on the grounds of concern about parking, increased traffic and concerns about the footpath links.
11. Coal Authority: No comments have been received.
12. Northumbrian Water: It is recommended that early contact is made with the New Development Team.
13. Environment Agency: No objection.

14. DCC (Archaeology): Initially objected although these objections have been addressed through the submission of additional information.
15. English Heritage: Concerns were expressed about the tightly packed blocks along the southern boundary as it was too monotonous and uniform. Pedestrian access through the site needed improving. Cobbles should be used to break up large expanses of tarmac. These comments were received in January and changes have been made to the scheme to address them. A further response was received suggesting that the changes had not gone far enough to address these concerns in March 2007. English Heritage however made it clear in this correspondence that they no longer wished to be consulted about the proposal.
16. North Pennines AONB Partnership: Recognises the proposals as a major development within the AONB with considerable public interest. Concern was expressed about the lack of dialogue between the applicants and the NP AONB Partnership. Concern was raised due to the proposed increase in numbers for the site from what was originally allocated. Phasing of the development is encouraged due to the scale of the scheme relative to the apparent market for new homes in St. John's Chapel. Concern was expressed about the potential uniform appearance of the proposed scheme which may not achieve the appearance of the development as an organic extension to the existing settlement. Conditions have been suggested. In summary, in spite recognising that progress has been made with the design and layout of the scheme, the North Pennine AONB Partnership remain opposed to the development.

officer analysis

17. The key issues for consideration are:
 - Principle of Development
 - Design/Layout
 - Visual Amenity
 - Impact on Conservation Area and AONB
 - Access and Highway Safety
 - Residential Amenity
 - Recreation Provision and Public Rights of Way
 - Flood Risk
 - Archaeology
 - Community Involvement
 - Affordable Housing
 - Section 106

principle of development

18. The application site is allocated for residential development in accordance with policy H7 of the Wear Valley District Local Plan. The allocation states that the site would deliver approximately 30 dwellings and proposal H15 states that 6 of the dwellings would be affordable units. Clearly these estimates of density were made long before the publication of PPG3: Housing or PPS3: Housing which sets out minimum densities.
19. In addition to the allocation, outline planning permission was granted in October 2003 subject to the signing of a Section 106 Agreement. While there have been legal issues relating to the issue of the decision, it is considered that the presence of this approval is an important material consideration in determining the current application. It is commonly recognised in law that extant approvals should carry significant weight as a matter of natural justice i.e. That it is not fair administration to allow one thing and then turn around and deny something similar when the development for which planning permission has been given could be implemented should any later proposal be refused. In the circumstances of this case, the signing of the Section 106 Agreement would release the original outline approval, an application for approval of reserved matters could be made and the development could be implemented when details of the proposal have been granted.
20. In view of the above, and given that the application site is allocated for residential development, the principle of development is considered acceptable in spite of the more recent guidance emerging from the RSS regarding the sequential approach.

design/layout

21. One aspect of the design which is fixed to some extent is the road network running through the site which had been driven by the geometric standards imposed by CDE & TS (Highways). The fact that the new road would connect to the original estate road for the 50's scheme means that it has been difficult to influence the linear nature of the properties backing onto Hood Street.
22. To the north of this relatively standard estate road, the scheme is broken up into a series of courtyard/mews type areas with the properties facing onto a central courtyard.
23. The vast majority of the new properties, with the exception of some of the smaller units, would have their own on site parking. Where on site parking is not available, there is ample room within the highway to facilitate informal on street parking. In addition, an area of visitor parking would be provided at the entrance of the site. Beyond this parking area the applicant has indicated an area for the location of buried gas tanks to service the development. A condition is proposed to receive details of this facility prior to its construction.

24. The design and layout of the scheme has been altered on numerous occasions following discussions with the conservation officer and English Heritage. The scheme originally started with 51 units. The density of the proposed development is around 33 dwellings per hectare which is just over the nationally recognised minimum. A lower density scheme is considered to be wholly inappropriate in the context of the surrounding area.
25. The proposed layout includes a single vehicular access into the site with pedestrian and cycle access provided to the east, linking with an existing footpath and to the north linking with the existing access. Views to the north would be retained from within the site.
26. It is considered that the design of the scheme is acceptable in accordance with policies GD1 and H24 of the WVDLP and guidance contained in PPS1: General Principles, PPS3: Housing and associated guidance.

visual amenity

27. The application site is located in a sensitive area within the St John's Chapel Conservation Area and North Pennines Area of Outstanding Natural Beauty. However, the site is also located within the well defined limits of the village and any new development would be read against the built form of St John's Chapel.
28. It is considered that the development may be achieved without harm to the appearance of the Conservation Area and the appearance of the North Pennines Area of Outstanding Natural Beauty. The development will have to be of a high standard of design, with materials appropriate to the conservation area. Random, coursed natural stone would be appropriate in this location. Careful consideration has been given to the built form and the articulation of the house types. The applicant has committed to a high quality of design and long distance views have been prepared to demonstrate the impact of the development on the AONB.
29. Some landscaping is proposed to the northern boundary of the site with Broken Way, in order to mitigate the visual impact of the site from the north. Conditions are suggested to control details of the landscaping scheme.
30. Conditions are also suggested to set out the design standards which the proposed development must meet in terms of the use of materials, etc.
31. Subject to the above, the proposed development would not harm the visual amenity of the area, and the development accords with policies GD1, BE6 and ENV2 of the WVDLP.

impact on conservation area and AONB

32. As set out above, the proposed development would have an impact on the designated conservation area and the setting of the AONB. As such the proposed development must be assessed in relation to policies BE6 and ENV2 of the Wear Valley District Local Plan as well as national guidance contained in PPG15: Planning and the Historic Environment.

33. Having undertaken numerous redesigns of the proposed development and being mindful of the physical highway constraints, it is considered that the proposed development would preserve and enhance the character and appearance of the conservation area. A considerable amount of effort has gone into explaining the need to articulate the buildings in this location and use the highest quality materials. The applicant has embraced the Council's requirements in this respect and conditions have been imposed to ensure that the quality of the scheme is not diluted.
34. The initial concerns of English Heritage have been addressed through a redesign which has involved the introduction of further house types, the breaking up of the southern band of housing in terms of design and the height of the dwellings.
35. In view of the changes which have been achieved and the commitments made by the applicant in respect of the finished materials, it is considered a scheme can be delivered which meets with the aspirations and objectives set out in policy BE6 of the WVDLP.

access and highway safety

36. It is proposed to access the site via Longdale Grove to the west of the application site. Longdale Grove is an adopted road of suitable size and quality to serve the proposed development. Traffic along this road would increase. The extent of this increase will largely depend on the density of the proposed scheme. However, the levels of traffic would not exceed the capacity of this road.
37. CDE&TS (Highways) has raised no objections to the proposed development. He has confirmed that the traffic levels can be accommodated on the local road network. A Section 38 Agreement will be required for works to the highway. The development is considered to accord with policies GD1 and T1 of the WVDLP in this respect.

residential amenity

38. The existing dwellings most affected by the proposed development would be the properties to the easternmost part of Longdale Grove and numbers 30 to 60 Hood Street. 28 School Close is also in very close proximity to the site. There are windows to numbers 23 and 12 Longdale Grove that overlook the site. All of the properties of Hood Street have windowed elevations facing the site. Number 28 School Close also overlooks the site.
39. The proposed houses would be visible from the surrounding residential properties and would change the outlook of their occupiers. The relationship between the proposed development and the existing properties particularly along Hood Street has raised some concern. Clearly the principle of development of this site has been established since the adoption of the Local Plan in 1997. Subsequent to this an outline planning approval has been granted on the site. In view of this fact many of the concerns raised about the fact that the site is to be built on are of limited merit. However the relationship between the existing properties and the proposed dwellings has been

carefully considered as part of this application. The rear of the proposed properties to the south of the application site would face onto properties on Hood Street. Minimum distance standards have been achieved along this stretch of the scheme and the land to the rear of these proposed properties measures a minimum of 11 metres. Not all of the land separating the existing and proposed properties is to be used as garden land with some of the land accommodating parking to service the properties themselves. The relationship between the existing and proposed properties satisfies the standards set out in the WVDLP, subject to the guidance contained in PPS3: Housing.

40. The traffic levels to Longdale Grove would be increased. It was previously considered that the site could accommodate between 30 and 50 dwellings (approximately). Activity to Longdale Grove would be increased. It was previously considered that the increased levels of traffic and activity on the public highway would not cause significant harm to the residential amenity of occupiers of dwellings on Longdale Grove. This assessment has been endorsed by CDE&TS (Highways) who has raised no objections to the proposed development.
41. Some concern has been raised regarding the possibility that residents of the new dwellings may convert the attic spaces which would result in loss of privacy for the existing residents of Hood Street. In order to counter this fear, the applicant's solicitor has committed to include a restrictive covenant to prevent this happening. In addition to the above, a condition is suggested which would remove the permitted development from these properties. This would prevent any development which would otherwise have been permitted outside the control of the Local Planning Authority.
42. The proposed development accords with policies GD1 and H24 of the WVDLP. The development is acceptable in terms of residential amenity.

recreation provision and public rights of way

43. It is considered that in accordance with policies RL4 and RL5 of the WVDLP, any permission granted should be subject to the payment of a commuted sum towards the provision of off site and maintenance of recreational facilities and children's play space. This sum is calculated on an area basis and would amount to approximately £36,400.
44. Consideration has been given to the use of the committed sum direct into a community facility via the Parish Council as with recent schemes in Witton Le Wear, Edmundbyers and Wolsingham. However no agreement has yet been reached and the applicant will be encouraged to open further dialogue with the local community and Parish Council should permission be granted.

45. A public footpath is located to the east of the site. The application site for clarity does not include this footpath although a link is proposed between the site and the path. Careful consideration has been given to the means of enclosure along this boundary to ensure that this path remains inviting to use, whilst still allowing occupiers of any new dwellings privacy and protection from members of the public using the path and any incidental anti-social behaviour. The proposed development does not however threaten this right of way and the development accords with policy RL12 of the WVDLP.

flood Risk

46. The Environment Agency have raised no objections to the proposed development.

archaeology

47. Concern was initially raised due to the possibility of the site containing archaeological deposits. However following a desktop study of the site which has been issued to Durham County Council the initial concerns have been withdrawn and conditions have been suggested. The proposal does not conflict with policies BE17 and BE18 of the WVDLP

community involvement

48. In accordance with recent guidance the applicants have undertaken an exercise to involve the community in the proposed development. A report outlining the comments received and how they have been addressed has been submitted with the application.

affordable housing

49. The latest housing needs survey identified Weardale as an area wherein affordable housing needs to be addressed. There is therefore a requirement for affordable housing in St John's Chapel and due to the size of the site a proportion of any new dwellings should be made affordable. It is suggested in policy H15 that 6 affordable units are provided within the site that are affordable.
50. Affordable housing can be defined as housing of all types of tenure which is provided and maintained below market rates for those persons defined as in need of such accommodation.
51. This can either mean that they are let by a housing association or other Registered Social Landlord, or a shared equity scheme is put in place.
52. The applicant is proposing shared-equity affordable housing which would involve a discount of 25% off the open market value of the properties. The applicant has suggested that they would retain control of the remaining 25% equity of the properties and that no rent would be sought for this remaining equity. They have however stated that the occupants would be given the opportunity to purchase the remaining equity over a 10 year period.

53. A Section 106 Agreement is the current mechanism for delivering affordable housing. It is of concern that the proposed shared equity scheme is likely to result in the loss of all of the affordable housing in conflict with the accepted guidance which seeks to retain the affordable housing in perpetuity. The applicant has been made aware of this concern and is willing to enter into further discussions to reach an acceptable solution.
54. In view of the above, it is suggested that the shared equity scheme should require the 6 affordable units to remain 'affordable' in perpetuity rather than occupants being given the opportunity to purchase 100% equity the properties should remain at a discounted price. Another matter which is yet to be addressed is who would be considered suitable for these affordable units. In order to prevent inward migration of people simply attracted by the low price of the dwellings, it is considered that the applicant should design a mechanism whereby occupants of the surrounding areas are given first refusal of the properties. Only once the opportunity has been given to existing residents of a pre-determined geographical area should the properties be released on the open market.

section 106

55. Given the complexities of this application, it would be necessary for the applicant to enter into a Section 106 Agreement should Members be minded to approve the application. It is envisaged that the legal agreement will include the following matters:
- The mechanism and specific details of the proposed affordable housing scheme,
 - The provision and use of the commuted sum of £36,400.
 - Phasing plan illustrating how the proposed development will be phased and controlling the delivery of the affordable housing.
 - Details of the covenant to restrict the use of loft spaces to plots 25-41.

objections/observations

56. Occupiers of neighbouring properties have been notified individually in writing of the proposals and the application has been advertised on site. The application has also been advertised in the local press. 22 letters of objection have been received. 16 of these letters are duplicated and signed by different people. A petition containing 29 signatures has also been submitted. Some of those who have signed the petition have also written separate letters of objection. The letters are tabled and the issues raised are summarised below:
- (a) The linear form of this Dales village and the character of the settlement will be altered by the proposed development. One of the charms of St John's Chapel is that it is set within agricultural land, bringing fields to back yards. This charm would be destroyed.
 - (b) The site is not large enough for the number of units proposed.
 - (c) Access should not be via Broken Way which is too small and inadequate to serve the new development.

- (d) Access should not be via Longdale Grove which is already congested. This road is not suitable to serve the proposed development and if the application is approved the extra traffic will be dangerous to pedestrians, children and other road users. This is compounded by the fact that there is a school nearby.
- (e) The development will result in an alarming increase in traffic in the village.
- (f) The felling of trees would threaten wildlife.
- (g) The dry stone wall to the north of the site should be retained.
- (h) The development will affect privacy/light.
- (i) The field is a right of way to my back garden.
- (j) The development will reduce the value of my property.
- (k) With limited local employment the houses may not sell and at worst add to the 7am-down-Dale-exodus and the 5.30pm up-Dale-return.
- (l) The provision of car parking within the scheme is inadequate
- (m) The proposed use of wooden fences would be out of character
- (n) Need jobs and more business, not more housing.
- (o) Pitched roofs will be too high to fit in with adjacent houses
- (p) There is not enough capacity in the local school.
- (q) The location of the proposed gas tanks is of concern.

response to objections

57. The following is a response to the objections raised:

- (a) The appearance and form of the village will change. This is inevitable over time as the development pressures and the need for new housing increase. However, it does not necessarily follow, provided that the development is sensitively designed, that this will cause demonstrable harm to the conservation area and the AONB. It is considered that the development is well designed and in keeping with the surroundings. The benefits of the development in terms of the economy and support for local services in my opinion outweigh the change to the village.
- (b) The scheme has demonstrated in my view that this is not the case.
- (c) Agreed.
- (d) Longdale Grove is an adopted road which is considered to be suitable for the purpose of serving the proposed development. CDE&TS (Highways) has raised no objection to the proposed development.
- (e) Traffic will be increased in the village. Though I am aware that there are existing difficulties due to parking in the area, particularly Hood Street, I do not believe that this will be so substantial as to adversely affect the free-flow of traffic to a significant degree. There will be no harm to the safety of road users and pedestrians. The development proposed accords with policies GD1 and T1 of the WVDLP in this respect.
- (f) A landscaping scheme is conditioned to control the impact on mature landscaping.
- (g) Agreed. A condition is suggested accordingly.

- (h) I am satisfied that adequate separation distances can be achieved both within the site and between new dwellings and existing properties. The size of the site is sufficient to accommodate development without a detrimental impact on neighbouring dwellings in terms of residential amenity, and in particular privacy levels. The development accords with policy H24 of the WVDLP.
- (i) Private rights of way are a civil matter, between the developer and surrounding occupiers. They are not material to the consideration of the planning application. There are no public rights of way within the site.
- (j) Though the development will be visible from the surrounding residential properties, adequate separation distances can be achieved. The issue of residential amenity is raised in this report. I consider that the development will not result in a significant reduction in the residential amenity currently enjoyed by the occupiers of surrounding residential properties. Any resulting loss of property value can only be given significant weight in the determination of the application if significant harm is caused to residential amenity. No such harm will be caused.
- (k) It is agreed that local jobs are limited. However, the development will have some positive effects in terms of support for local services and businesses. This will in turn have a positive impact on employment and the economy.
- (l) The level of provision is considered to comply with the latest standards and no objection is raised from CDE and TS (Highways).
- (m) A condition is imposed requiring such details to be addressed by condition.
- (n) It is agreed that jobs and businesses are required for local people. However, this site is allocated within the WVDLP for housing. Furthermore, this site due to its proximity to residential properties is not appropriate for employment uses.
- (o) The scheme has been amended to address this concern.
- (p) I cannot confirm or deny this statement. However as a general principle small communities such as St John's Chapel need modest growth to ensure that these types of facilities remain viable rather than facing a risk of closure due to diminishing numbers.
- (q) Details of the gas tanks will be conditioned however it has been agreed that they will be placed underground to address any potential concern with regard to amenity. The applicant will need to liaise with the Health and Safety Executive regarding the necessary standards.

reasons for approval

1. The application site is located within the settlement limits of St. John's Chapel where new housing development is considered acceptable in principle provided that the requirements of policies contained within the WVDLP can be met. The site is also allocated for housing development within the WVDLP and the principle of development has previously been supported. The development of this site is therefore considered acceptable in principle. The development accords with policies GD1, H3 and H7 of the WVDLP, and does not conflict with the aims of PPS3: Housing.

2. The standards for residential amenity are set out in policy H24 of the WVDLP. The proposed development is considered acceptable in relation to these standards.
3. It is considered that the development has been achieved without harm to the appearance of the St. John's Chapel Conservation Area and the appearance of the North Pennines Area of Outstanding Natural Beauty. The site is also located within the well defined limits of the village and any new development will be read against the built form of St. John's Chapel. The development accords with policies GD1, BE6 and ENV2 of the WVDLP.
4. Access is available via Longdale Grove. This is an adopted road and can provide adequate access to the development without harm to the safety and convenience of road users and pedestrians. The development accords with policies GD1 and T1 of the WVDLP.

RECOMMENDED

That, subject to the applicant first entering into a Section 106 Agreement as detailed in the report, planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. 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.
2. 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.
3. Before the development hereby approved is commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring dwelling houses (if any) shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.
4. Before the occupation of each phase of development hereby approved the proposed estate roads, footways and footpaths, turning spaces and driveways (where applicable) between the dwellings and the existing highway, shall be properly consolidated and surfaced to the satisfaction of the local planning authority. The footways and footpaths between any dwelling and the existing highway shall be completed within three months from the date of occupation

of the dwelling, or such longer period as may be agreed in writing by the local planning authority.

5. 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, double hung vertically sliding sash. Detailed plans at a scale of 1:50 to illustrate the window styles of each of the house types shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. This information shall include details of a variation of window styles including a standard 4 panelled sash, some 3 over 3 sashes and tripartite sashes to some ground floor windows. The development shall be implemented in accordance with the approved specifications;
 - b) all windows shall be recessed 100 mm from the face of the building;
 - c) exposed stone cills and lintels shall be used below and above all window openings;
 - d) all external doors shall be natural timber doors, with a painted finish; the precise details of the design of which, including door surrounds of a scale of 1:20, shall be submitted to and approved in writing by the local planning authority prior to the commencement of works. The development shall be carried out in accordance with approved specifications;
 - f) exposed stone lintels shall be used above all external door openings;
 - g) all rainwater goods shall be black;
 - h) no barge or fascia boards shall be affixed to the building hereby approved;
 - i) the external walls of the development hereby approved shall be formed using random, coursed natural stone; a sample panel of stonework shall be erected on site for inspection and approved in writing by the local planning authority prior to construction works commencing;
 - j) the roof coverings of the development hereby approved shall be natural slate. Samples of these roof coverings shall be made available on-site for the inspection and written approval of the local planning authority prior to the commencement of construction works on-site;
 - k) before the development hereby approved is commenced precise detailed of all materials to be used to form the hard surfaced areas shall be submitted to and approved in writing by the local planning authority prior to construction works commencing.
6. Prior to the commencement of the development, details of the proposals for the area outlined in green containing the underground gas storage shall be submitted to and approved in writing by the local planning authority.
7. Prior to the commencement of development, details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. The existing boundary treatments marked yellow on the approved plan shall be retained in their current form unless otherwise agreed in writing by the local planning authority.

8. No development shall take place until the applicant has secured the implementation of a phased programme of archaeological works, to include evaluation, and where appropriate, mitigation, in accordance with a written scheme of investigation which shall have been submitted to and approved in writing by the local planning authority.
9. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, G of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on plots 2, 3 and 25-41 (inclusive) without an application for planning permission having been first made to and approved in writing by the local planning authority.
10. Prior to the commencement of the development, details of the proposed treatment of the footpath link to the east of the site shall be submitted to and approved in writing by the local planning authority. These details shall include a lighting scheme, landscaping proposals and proposed boundary treatments to adjacent properties. The footpath link shall be implemented in accordance with the approved details.
11. Prior to the commencement of any development, details of the predicted energy use of the development and the generation of on-site renewable energy shall be submitted to and approved in writing by the local planning authority. These details will demonstrate how energy efficiency is being addressed, including benchmark data, and show the on-site measures to be taken to produce a minimum of 10% of the total energy requirements of the new development by means of renewable energy sources. Such details as may be approved shall be implemented prior to the first occupation of the development and retained in perpetuity.
12. No construction works, including any demolition and any delivery of equipment or materials, which would be audible outside the site boundary shall be carried out outside the hours of 8.00 a.m. and 5.30 p.m. Monday to Friday and 8.30 a.m. to 1.00 p.m. on Saturdays. No work shall be carried out on Sundays or public holidays.
13. Prior to the commencement of development, details of the sales cabin, site office and compound yard 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 ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. To secure a satisfactory standard of development and, in particular, to protect the adjacent residents from overlooking or other loss of amenity. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

4. In the interests of highway safety and the amenities of the occupiers of the proposed residential development. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
5. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan.
6. For the avoidance of doubt in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
7. To ensure that the integrity of the existing physical boundaries are retained. In accordance with policies GD1, BE5, BE6 and H24 of the Wear Valley District Local Plan.
8. The site is in an area of high archaeological potential. In accordance policies BE17 and BE18 of the Wear Valley District Local Plan.
9. The local planning authority wishes to control future development of plots 2, 3 and 25-41 (inclusive) in order to safeguard residential amenities. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
10. To ensure that the footpath link is an attractive route and does not pose a risk to security at any stage in the future. In accordance with policy GD1 of the Wear Valley District Local Plan.
11. To reduce carbon emissions. In accordance with requirements of policies 39 and 40 of the Regional Spatial Strategy (RSS).
12. In order to protect residential amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
13. In order to protect residential amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.

Informative

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as not to interfere with the public's use of the way
- The safety of members of the public using the right of way must be ensured at all times
- No additional barriers (e.g. gates) are to be placed across the right of way
- There must be no diminution in the width of the right of way available for use by members of the public
- No damage or alteration must be caused to the surface of the right of way

Application files, WVDLP, PPS1, PPS3, PPS7, PPS9, PPg13, PPG16, PPS23, PPS23, RSS, DCSP.

PS code

1

number of days to Committee

289

target achieved

No

explanation

Need for changes to the scheme to satisfy English Heritage.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

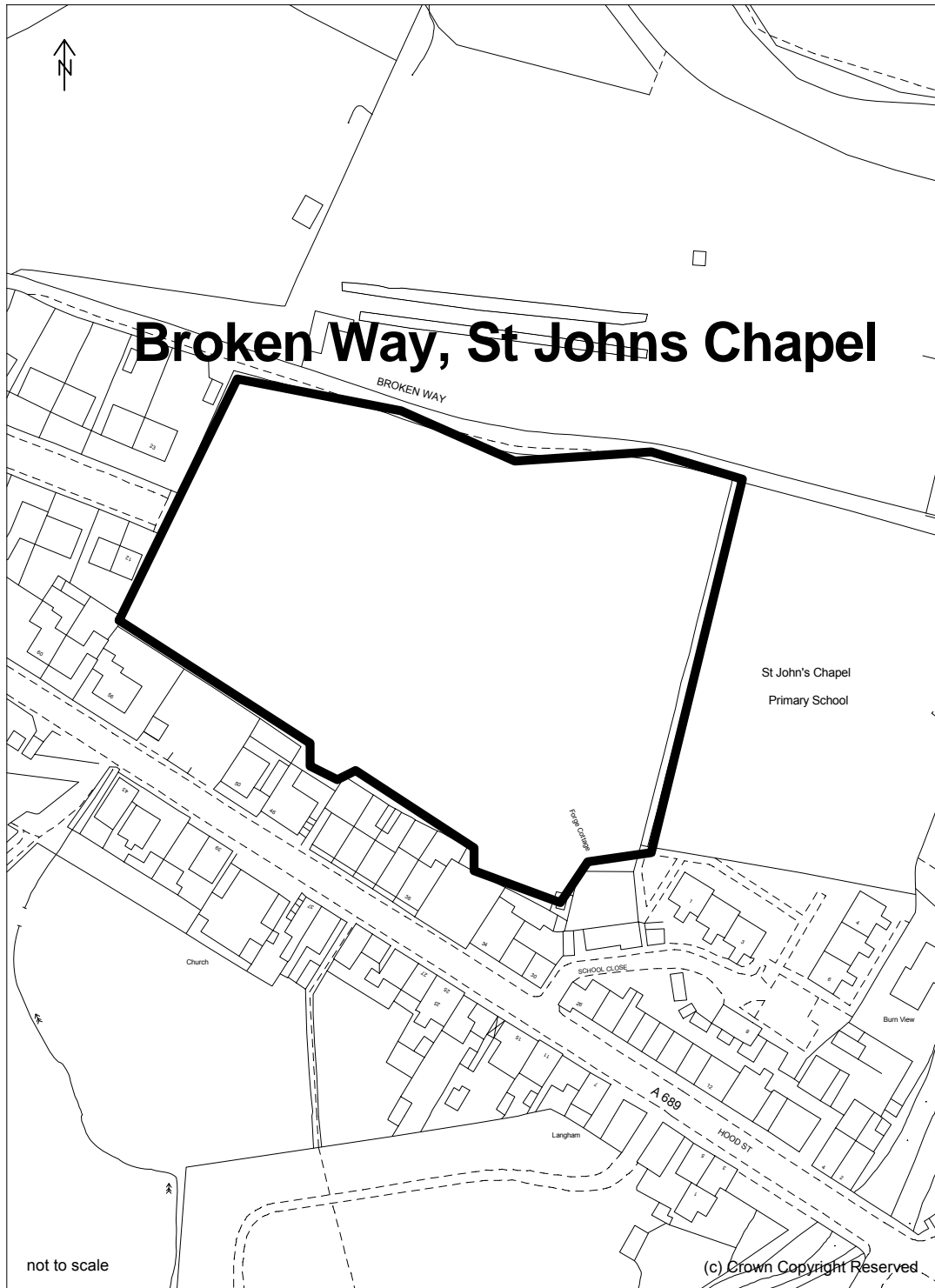
Author of the report

Jeremy Good

Planning Officer

Ext 220

3/2006/0848 - ERECTION OF 41 NO. DETACHED, SEMI-DETACHED AND TERRACE, 2, 3, AND 4 BEDROOM DWELLINGS AT LAND REAR OF HOOD STREET, ST. JOHN'S CHAPEL, BISHOP AUCKLAND FOR DERE STREET HOMES LIMITED – 18.10.2006 - AMENDED 19.02.07 AND 19.04.07



DEVELOPMENT CONTROL COMMITTEE

2nd AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0340- CLASS A1 (RETAIL) FOODSTORE OF 7,246 SQ. M GROSS FLOORSPACE, PETROL FILLING STATION, CAR PARKING AND ANCILLARY WORKS - RESUBMISSION AT ASDA SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED – 27.04.2007

description of site and proposals

1. Retrospective consent is requested for the variation of condition 21 from planning permission ref: 3/1998/0329. Condition 21 states, *'The net floor area of the store given over to convenience sales shall be no more than 2,787 sq metres and the net floor area of the store given over to comparison sales shall be no more than 929 sq metres.'*
2. This application is to vary this condition to allow 465 sq metres of extra floor space for comparison sales. The following condition is proposed, *'The net floor area of the store given over to convenience sales shall be no more than 2,787 sq metres and the net floor area of the store given over to comparison sales shall be no more than 1,392 sq metres. The total net floor area of the store shall not exceed 3,716 sq metres.'*
3. This application is a resubmission of planning application 3/2006/0882 which was refused by the Development Control Committee, on 5th January 2007, contrary to officer recommendation. This application and the previous application 3/2006/0882 have been received following an enforcement complaint which investigated the ratio of floor space taken up by comparison and convenience goods. The enforcement officer found that the area of floor space taken up by comparison goods exceeded the floor area stated in condition 21 of planning permission 3/1998/0329.
4. The applicant wishes to assure the Members of the Development Control Committee that the application does not propose additional floor space, it merely seeks to alter the ratio of floor space within the existing total sales area of 3,716 sq metres.
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 Ancillary Works – Approved Approved 27.04.1999
- 3/2006/0882 Variation of Condition 21 of Planning Permission 3/1998/0329 to Allow Comparison Sales to Increase From No More Than 929 Square Metres to No More Than 1,392 Square Metres of the Net Floor Area Refused 05.01.2007

planning policies

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

- H3 Distribution of Development
- S1 Town Centres

Also of relevance: Planning Policy Statement 6: Planning for Town Centres

consultations

9. Bishop Auckland Town Centre Manager: No comments.
10. Chamber of Trade: No comments.

officer analysis

11. The key issues for consideration are:

- Principle of Development
- Retail Impact
- Previous Planning Application 3/2006/0882

principle of development

12. The proposal is to vary condition 21 of planning permission ref: 3/1998/0329 to alter the ratio of the existing floor space taken up by convenience and comparison goods. The main consideration for this proposal is the retail impact on Bishop Auckland town centre which would occur if extra floor area for comparison sales were allowed. The retail impact 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.

retail impact

13. Retrospective consent is sought for the variation of condition 21 from planning permission ref: 3/1998/0329 which proposes to alter the ratio of floor space allocated for comparison and convenience sales. There is no additional floor space proposed. Planning Policy Statement 6: Planning for Town Centres offers a definition for convenience and comparison shopping,

'Convenience retailing is the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionery.'

'Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods.'

14. Policy S1 of the Wear Valley District Local Plan states that proposals for retail developments which undermine the vitality and viability of Bishop Auckland and Crook town centres will be resisted. PPS6 states,

'In assessing quantitative need for additional development... local planning authorities should assess the likely future demand for additional retail floorspace, having regard to a realistic assessment of:

- *Forecast expenditure for specific classes of goods to be sold, within the broad categories of comparison and convenience goods...'*

15. Condition 21 of planning permission 3/1998/0329 limits the amount of floorspace allocated for convenience and comparison sales. These floorspace allocations were based on a Retail Impact Assessment at the time and it was concluded that the floorspace allocations in the condition would ensure that the Asda store would not have an adverse impact on the vitality and viability of the Bishop Auckland town centre. It is essential that when determining this application the impact on the vitality and viability of Bishop Auckland town centre is fully assessed.

16. England and Lyle, Chartered Town Planners, have produced the following document, *'Wear Valley Retail Study: Retail Study Update.'* This document was produced in March 2007 and it is noted that it is in draft form. This retail study covers the whole of Wear Valley including the Bishop Auckland area and provides some indication on the existing levels and potential/predicted levels of convenience and comparison sales.

17. The retail study includes a Quantitative Need Assessment which looks into population and expenditure, expenditure flow analysis, shopping patterns, turnover of centres and capacity analysis which looks into the floorspace and land requirements for convenience and comparison goods. The retail study concludes,
- ‘For comparison goods there is a capacity after allowing for commitments of £57.9m in 2011 increasing to £150.1m in 2021. This represents a floorspace capacity of up to 5,400 sq.m net in 2011 and 11,100 to 36,100 sq.m net in 2021.’*
18. It is indicated in the draft Retail Study that there is potential for new comparison goods shopping in Bishop Auckland. It is noted that this retail study is only in draft form however it does recognise the potential for additional comparison sales. The proposed variation of condition 21 of permission 3/1998/0329 to allow an increase in the ratio of floorspace for comparison sales complies with the findings of the Wear Valley Retail Study.
19. England and Lyle, Chartered Town Planners, have been commissioned by the Council to make an independent assessment of this planning application. An assessment report has been received from England & Lyle which is available in Annex A of this report. The assessment report suggests that the vitality and viability of Bishop Auckland town centre has improved, with vacancy rates in the town centre falling from 16% to 11% since 2004. The assessment report comments on the impact the proposal would have on Bishop Auckland town centre, it states:
- ‘In spite of the proposed increase in the comparison goods offer, it seems unlikely that the store would meet all the qualitative shopping needs of a large proportion of the catchment area. Consequently, given the proximity of the supermarket to the primary shopping areas, the effect of trade retention in the town would be likely to increase the number of linked trips to both the store and the rest of the town centre.’*
- The proposed development would not bring about any significant change in the character of the supermarket and the impact on the shift in emphasis from convenience to comparison would be negligible.’*
20. England and Lyle have concluded that the trading impact of the change in floorspace would be offset by the retention in outflow of expenditure, the benefits of trade retention in the area, the consequential increase in shopping activity and linked trips to other parts of Bishop Auckland town centre.
21. The assessment report from England & Lyle also attaches a recent appeal decision which has similarities to this proposal. The appeal was situated in Pwllhei in Wales. In Pwllhei, an Asda Store had an application refused for an increase in the floorspace for comparison goods. The Inspector allowed the appeal and granted permission. The Inspector concluded that the increased floorspace would claw back part of the large proportion of expenditure that is leaking outside the catchment area. The proposal was considered to be of benefit to town centre traders.

22. It is considered that the proposed variation of condition 21 of planning permission ref: 3/1998/0329 to allow additional floorspace for comparison sales would not have an adverse impact on the viability and vitality of the Bishop Auckland town centre. The proposal would be in accordance with policy S1 of the Wear Valley District Local Plan and guidance contained within Planning Policy Statement 6: Planning for Town Centres (PPS6).

previous planning application 3/2006/0882

22. This application is a resubmission of planning application 3/2006/0882, which was refused by the Development Control Committee, on 5th January 2007, contrary to officer recommendation. It is considered that the full details of the previous application 3/2006/0882 may not have been explained adequately to the Members of the Development Control Committee.
23. Concerns were expressed by Members that the variation to allow additional floorspace for comparison goods would impact upon the viability and vitality of Bishop Auckland town centre. Members further commented that shops in the town centre would suffer, as a record shop had just closed, therefore further shops would also suffer. It is noted that this application is retrospective and the ratio of the floor space taken by comparison goods has been in place for approximately 2 years. Asda Store have accepted that there was a breach in condition which is why this application has been received. There would be no impact on the current viability and vitality of Bishop Auckland town centre as the floor space in the Asda Supermarket utilised by comparison goods is already in place. It is noted that there is a significant level of leakage of customers outside the catchment area of Bishop Auckland. The sale of comparison goods in the Asda Supermarket does attract customers to the store. These customers are then likely to visit the town centre of Bishop Auckland as it is within walking distance from the Asda Supermarket. The sale of comparison goods in the Asda Supermarket is helping to reduce leakage of retail expenditure from Bishop Auckland and reduce the need for car travel to larger centres such as Durham and Darlington.
24. Members also queried the Wear Valley Retail Study which was commented on in the previous application. The Retail Study has been fully completed and a report is being prepared to be considered at a future Regeneration Committee. It is acknowledged that the Retail Study is only in draft form at present however the relevant section regarding the potential for an increase in comparison good sales would not be subject to any change.
25. Given the above, the proposal has not adversely affected the viability and vitality of Bishop Auckland town centre. The proposal accords with policy S1 of the Wear Valley District Local Plan.

objections/observations

26. 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. One letter of objection has been received. The contents of the letter is summarised below:
 - a) Noise and light pollution.

- b) With regards to the petrol station, this would create further traffic congestion and disturbance to residents.

response to objections

27. The following points are a response to the issues raised by the objectors:
- a) It is considered the increase of extra floor area for comparison sales would not adversely affect surrounding properties in terms of noise and light pollution.
 - b) This application does not incorporate any proposals for the petrol filling station. The proposed variation of condition 21 to allow more floor space for comparison sales would not adversely affect traffic movements to the store.

conclusion and reasons for approval

1. The proposal is to vary condition 21 of planning permission ref: 3/1998/0329 which is to alter the ratio of floor space allocated for comparison and convenience sales. The proposal would increase floor space which can be utilised for the sale of comparison goods. There would be no physical extension to the existing floor area of the Asda Supermarket. The draft document, '*Wear Valley Retail Study: Retail Study Update*', which was compiled by planning consultants, England & Lyle Chartered Town Planners, recognises the potential for additional floorspace for comparison goods in Bishop Auckland. England & Lyle, Chartered Town Planners, have also been commissioned by the Council to make an independent assessment of this planning application. This assessment concludes that the proposal would be beneficial for Bishop Auckland as it would reduce outflow of expenditure, improve trade retention in the area and consequently lead to an increase in shopping activity and linked trips to other parts of the centre. The proposal would not adversely affect the vitality and viability of Bishop Auckland town centre. The proposal accords with the aims of policy S1 of the Wear Valley District Local Plan.
2. This application is retrospective and the ratio of the floor space taken by comparison goods has been in place in the Asda Supermarket for approximately 2 years. There would be no impact on the current viability and vitality of Bishop Auckland town centre as the floor space in the Asda Supermarket utilised by comparison goods is already in place. It is considered that the sale of comparison goods at the Asda Supermarket is beneficial to Bishop Auckland town centre as customers who visit the store are likely to walk into the town centre to visit other shops. The sale of comparison goods in the Asda Supermarket is helping to reduce leakage of retail expenditure from Bishop Auckland and reduce the need for car travel to larger centres such as Durham and Darlington. The proposal has added to the viability and vitality of Bishop Auckland town centre. The proposal accords with policy S1 of the Wear Valley District Local Plan.

RECOMMENDED

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

condition

21. The net floor area of the store given over to convenience sales shall be no more than 2,787 square metres and the net floor area of the store given over to comparison sales shall be no more than 1,392 square metres. The total net floor area of the store shall not exceed 3716 square metres.

reason

21. To ensure the store will not have an adverse impact on the viability and vitality of Bishop Auckland town centre. In accordance with policy S1 of the Wear Valley District Local Plan.

Informative: All other conditions of planning permission 3/1998/0329 continue to apply to the site.

background information

Application files, WVDLP.

PS code	<input type="text" value="4"/>		
number of days to Committee	<input type="text" value="67"/>	target achieved	<input checked="" type="checkbox"/>
explanation			

Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Planning Officer
Ext 441

3/2007/0340- CLASS A1 (RETAIL) FOODSTORE OF 7,246 SQ. M GROSS FLOORSPACE, PETROL FILLING STATION, CAR PARKING AND ANCILLARY WORKS - RESUBMISSION AT ASDA SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED – 27.04.2007



ANNEX A – ASSESSMENT REPORT

AUTHOR – ENGLAND & LYLE CHARTERED TOWN PLANNERS

England & Lyle

Chartered Town Planners

Morton House
Morton Road
Darlington
Co. Durham DL1 4PT
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Mr David Townsend
Regeneration Department
Wear Valley District Council
Civic Centre
Crook
Co. Durham
DL15 9ES

18 June 2007

Dear Mr Townsend,

Asda, Bishop Auckland

Ref: 3/2007/0340

Planning permission is sought for the variation of an existing planning condition which restricts the use of the existing Asda store to 929m² (10,000ft²) net of comparison goods floorspace. The total net floorspace of the store is 3,716m² (40,000ft²) therefore the approved comparison floorspace is 25% of the total sales area. Asda now seek approval for the use of a further 463m² (5,000ft²) of this floorspace to be used for comparison goods shopping. The proportion of comparison floorspace proposed is 37%. No new floorspace is proposed.

In giving my advice, I have had regard to the adopted Local Plan, guidance contained in PPS6: Planning for Town Centres, the original Inspectors decision granted content for the store and any relevant case law. Particular importance is placed on the recent appeal decision in Pwllheli which is attached to this statement.

Need

Quantitative

The applicants have submitted a statement which considers the qualitative and quantitative need for the proposed development. The report suggests that

The up-to-date retail study identifies capacity for additional comparison floorspace derived from expenditure growth and trade retention of £57.9 million by 2011. The quantitative need is accepted.

Qualitative

The Wear Valley retail study identifies a significant level of leakage outside the catchment area which amount to approximately 65% of expenditure. The level of leakage is even high for the type of uses likely to be incorporated within the proposed development [clothing and footwear (73%) and electrical goods (66%)].

It is considered that the provision of addition comparison goods sales floorspace in Bishop Auckland would be likely to reduce the leakage of retail expenditure and reduce the need for car travel to larger centres such as Durham and Darlington.

There is clearly a qualitative need for the proposed development.

Impact

The level of comparison turnover estimated by the applicants deriving from the proposed development would amount to around 1.6% of the total turnover for Bishop Auckland. Given that a reasonable proportion of this expenditure is likely to be clawed back from the existing level of leakage, the impact on the centre is likely to be insignificant.

The vitality and viability of Bishop Auckland town centre has improved since the original retail study in 2004 and notably, the vacancy rate in the town centre has fallen from 16% to 11% which is about the same as the national average.

In spite of the proposed increase in the comparison goods offer, it seems unlikely that the store would meet all the qualitative shopping needs of a large proportion of the catchment area. Consequently, given the proximity of the supermarket to the primary shopping areas, the effect of trade retention in the town would be likely to increase the number of linked trips to both the store and the rest of the town centre.

The proposed development would not bring about any significant change in the character of the supermarket and the impact on the shift in emphasis from convenience to comparison would be negligible.

Sequential Approach

PPS6 paragraph 3.1 sets out that extensions (which includes internal alterations) should be considered in relation to the policy tests set out in the document and that PPS6 is a material planning consideration which may supersede policies contained within the adopted Local Plan. On this basis and given that the site is 'edge of centre' analysis must be undertaken in respect

of any site within the town centre which may be deemed sequentially preferable.

Paragraph 3.29 states that *'The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres.'* There is no increase in floorspace proposed as part of this application.

The application site is situated to the southern edge of the town centre with good pedestrian links onto Newgate Street. It is reasonable to conclude that the supermarket is functioning as an extension to the existing centre rather than an isolated retail destination. In view of the relatively modest scale of the proposed development and the fact that no additional floorspace is proposed it is considered that there would be no real practical purpose in applying the sequential approach.

Conclusions

In summary, it is considered that the proposed development is not of a magnitude that would automatically trigger the need for statistical analysis given its fairly modest scale and the fact that there would be no increase in floorspace. However, based on the information supplied, the trading impact of the change in floorspace would be offset by the reduction in outflow of expenditure, the benefits of trade retention in the area, the consequential increase in shopping activity and linked trips to other parts of the centre.

If you have any questions please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John England', written in a cursive style.

John England,
Partner



Penderfyniad ar yr apêl

Ymchwiliad a gynhaliwyd ar 03-04/04/07

Ymweliad â safle a wnaed ar 04/04/07

Appeal Decision

Inquiry held on 03-04/04/07

Site visit made on 04/04/07

gan/by Clive I Cochrane DipArch MSc MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date 24/05/07

Appeal Ref: APP/Q6810/A/06/1200343

Site address: ASDA Supermarket, Y Traeth, Pwllheli, Gwynedd LL53 5HY

The National Assembly has transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by ASDA Group against the decision of Gwynedd County Council.
- The application Ref C06D/0439/45/LL, dated 08/08/06, was refused by notice dated 01/11/06.
- The application sought planning permission for the variation of condition 11 to allow for further floorspace for comparison goods – total floorspace 465 sq m. In effect, this is an application for the construction of a supermarket, car parking area and ancillary facilities without complying with a condition attached to planning permission Ref C05D/0693/45/LL, dated 19/04/06.
- The condition in dispute is No 11 which states that: -
The retail floor area shall not exceed 1409 square metres of which up to 10% only shall be used for the sale of comparison goods.
- The reason given for the conditions is: -
To ensure a satisfactory development and to safeguard the vitality and viability of the town centre.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions in the terms set out below in the Formal Decision.

Procedural Matters

1. The application subject to this appeal seeks permission for up to 465 sq m (33%) of the approved retail floor area to be used for the sale of comparison goods. This would represent an increase of 324 sq m within the existing floorspace of the 2006 planning permission, which restricts comparison goods sales to 10% of 1409 sq m, i.e. 141 sq m.
2. The site also had the benefit of an earlier planning permission (Ref C98D/0362/25/AM) for the construction of a supermarket with a retail sales floor area of 1115 sq m, without any restriction on the amount of floorspace that could be used for the sale of comparison goods. The appellants point out that this permission has been renewed as recently as 31/07/05 and implemented on site, and it is therefore an extant planning permission that does not restrict the amount of the overall approved retail sales floor area that could be used for comparison goods.



OT100-048-988

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3. The appeal site and most of Pwllheli town centre falls within the boundary of the designated Conservation Area. Apart from certain more open areas on the periphery, including the appeal site, the predominant character of the conservation area is made up of narrow streets and terraces of historic buildings. As the area is mainly in retail and commercial use, the proposed change in floorspace at the existing supermarket would not be likely to have any discernible visual impact on the character or appearance of the conservation area.
4. In refusing permission for the variation of the condition and the expansion of the comparison goods sales area, the Council considers that it would have an adverse impact upon the viability and vitality of the town centre by making it more attractive for shoppers to do all their shopping in the supermarket and not to make any associated trips to the town centre. This is considered to be contrary to national planning guidance dealing with the impact of superstores on the viability and vitality of existing town centres and small market towns, and contrary to Policy DD5 of the Dwyfor Local Plan and Policy D27 of the Gwynedd Unitary Development Plan (Deposit Draft).

Main Issues

5. The outstanding issue to be decided in this appeal is whether the variation of the condition to allow additional comparison goods sales at the Asda Store would adversely affect the vitality and viability of Pwllheli town centre.

Planning Policy

6. Gwynedd Structure Plan identifies Pwllheli as a "focal centre" and Strategic Policy 2 aims "to maintain the role of those focal centres which provide concentrations of employment opportunities, larger leisure facilities and other services."
7. Policy DD7 of the Dwyfor Local Plan 1998 identified the appeal site as a redevelopment opportunity site, and the policy allows development that would contribute positively to the vitality and viability of the town centre and area in general. The Council's reasons for refusal specifically refer to Local Plan Policy DD5 which deals with proposals for large scale retail developments outside Porthmadog and Pwllheli town centres. Such development is only allowed where it complies with all the following criteria:
 - (i) There is no suitable site or building available in the town centres;
 - (ii) That the proposed development has taken sites into consideration on a sequential approach from the centre of the town;
 - (iii) The development would not have an unacceptably harmful effect on the vitality and viability of town centres;
 - (iv) That the development would be accessible to public transport, pedestrian and bicycle routes and would not unduly generate car-borne trips; and
 - (v) The site in question has not been safeguarded for industry or any other use in the Local Plan.
8. Draft UDP Policy D27 is concerned with new food supermarket proposals or extensions to existing ones, which are only approved within or on the edge of defined town centres if they meet all of the following criteria: -
 1. That a need exists for additional food retail floor space;
 2. That the development supports and enhances the role of the shopping centre;

3. That the development would not have an unacceptable impact on the attraction, vitality and viability of the defined town centre;
4. That the traffic network and car parks are able to cope with any additional traffic generated by the development;
5. That the development is in a good location having convenient, attractive and safe links for pedestrians;
6. That the development is genuinely accessible to a variety of modes of transport enabling customers and staff to reach the site without having to use the private car;
7. That the layout allows for effective servicing and waste disposal arrangements; and
8. That the development is accessible to, and provides facilities for people with children, the elderly and disabled people.

Proposals for new food supermarkets or extensions to existing ones on other sites within the service centre's development boundary will be approved only if the sequential test shows that there is no other site available or suitable (or likely to become available) within or adjacent to a town centre which would be feasible to develop; and which could conform to all the above criteria.

9. During the inquiry, the Council also referred to Draft UDP Policy D26 as being relevant to the appeal proposals. This relates to the development of comparison goods retail stores outside defined town centres of (inter alia) Pwllheli, including extensions to existing stores, and applies a similar set of criteria to Policy D27, regarding need, sequential test, impact, accessibility and travel patterns.

Reasons

10. The site is located immediately adjoining the eastern side of the Pwllheli town centre as defined in the Dwyfor Local Plan and the emerging Gwynedd Unitary Development Plan. The UDP also identifies the Primary Shopping Frontage of the town centre along both sides of High Street, and the supermarket site lies within 50m of the nearest part of that frontage. As built, the supermarket has a landscaped pedestrian access from its car park onto the eastern section of High Street, which is a short walk away from the defined primary shopping frontage.
11. That the 1999 planning permission for a supermarket was not restricted in terms of comparison goods floorspace is acknowledged by the Council to have been a mistake, as they have since become more aware of the need to control this type of development in recent years. The current Asda supermarket was built in accordance with the 2006 planning permission, restricted by condition to not more than 10% comparison goods floorspace, and the earlier permission cannot now be implemented on the same site. Although the appellant company purchased the site with the earlier extant planning permission, the Council's previous decision on this site has little bearing on this appeal, which must be dealt with on its own merits.

The Development Plan

12. The planning policy basis for the Council's restriction of comparison goods sales area is not clear. None of the development plan policies referred to appear to be directly relevant to the proposed development, the variation of condition 11. Local Plan Policy DD5 is only concerned with large scale retail developments outside the town centres, but this proposal is not for this type of development and it would not increase the floor area of the supermarket.

As the appellants point out, there is no real purpose on applying the sequential approach to site selection or in carrying out a full quantitative retail impact assessment on the town centre, because the supermarket and total floorspace already exists on the site.

13. Draft UDP Policy D27 aims to control the development of new food supermarkets or extensions to existing supermarkets, neither of which is relevant to this proposed conversion of existing convenience goods floorspace to comparison goods sales. In effect, the proposal would reduce the food sales floor area of the supermarket rather than extend it in a significant way. The justification given for restricting the floor area for comparison goods sales at Asda in Pwllheli is that another superstore at Porthmadog has a 10% restriction. However, no policy reasons are given for that earlier decision.
14. The proposed relaxation of condition 11 would allow up to 33% of the existing floor space to be used for comparative goods sales, which is commensurate with other Asda Stores in this country. I note that the Pwllheli store is the smallest Asda supermarket in Britain, and the only one without a George clothing and shoes section.

Retail Assessment

15. The Chesterton Retail Study, produced for the County Council in 2001, was used as the basis for the emerging UDP policies. The Study indicates that there is a quantitative need in the Plan area and in the Pwllheli catchment for comparison goods retailing both then and in the future. The proposed increase in floor area would represent only a 2.1% addition to the comparison goods floorspace in the town centre, where such retailing has declined significantly in percentage terms since the year 2000.
16. The site is easily accessible by public transport and its location encourages linked trips between the store and the town centre, on an established pedestrian route which is already well used. I dispute the Council's argument that increasing the comparison goods sales area on the site would reduce the likelihood of linked shopping trips to the supermarket and town centre shops or that shoppers would buy all their needs from the supermarket without any need to visit the rest of the town centre. There is no evidence that the introduction of the George clothing range and a limited range of top-selling CDs, DVDs and books into this supermarket would meet all of the retail needs of the local population.
17. A local demand for the introduction of the George clothing range into this Asda store is demonstrated by the surveyed preferences of existing customers. The appellants' survey also shows that the provision of this retail offer in Pwllheli would reduce the need for customers to travel to larger Asda shops and other stores outside the Pwllheli catchment area. Customers currently have to travel to Bangor or Llandudno to the larger stores with a George outlet, which involves round trips of 60 and 100 miles, and even further for those who live west of Pwllheli.
18. The appellants calculate that the under provision of comparison goods floorspace within the Pwllheli catchment area means that over 54% of locally generated expenditure is lost to stores outside the catchment – an outflow of expenditure of £28.34 million each year. Therefore, the proposed provision of additional comparison goods sales floorspace in Pwllheli would be likely to reduce the leakage of retail expenditure and reduce the need for car travel to larger centres, some distance away.
19. The Council contends that the narrow shopping streets and small pavements are not attractive to pedestrians, and the ease of car parking at the store would persuade shoppers to do all their

weekly shopping at the supermarket and not go to the High Street shops. However, the Council does not appear to have implemented any improvements to traffic and safety conditions for pedestrians in the primary shopping frontages of the town centre where there is a far greater variety and range of shopping available, largely provided by small independent retailers. The Local Plan Proposals Map indicates that High Street would be pedestrianised in the main shopping area, but so far this has not been implemented to improve the shopping environment and offset the attractions of large supermarkets.

20. The Council also states that the food offer in Pwllheli town centre is very low due to the arrival of other supermarkets in the town, and therefore variation of this condition would allow food floorspace to be further reduced in the town centre. The provision of new foodstores such as Somerfield, Co-op and Asda right on the edge of the town centre has already met the need for convenience food retailing in Pwllheli and its hinterland. It is only the Pwllheli town centre as defined in the Local Plan that can be shown to be short of food retailing, but it has to be borne in mind that there are now 3 supermarkets on the periphery of the centre, within very short walking distances.
21. The Asda store does not fall within the boundary of Pwllheli town centre defined in the Local Plan and UDP, but it adjoins it, and it is only a short walk away from the Primary Shopping Frontage. Moreover, the site has a pedestrian entrance off that part of High Street that falls within the commercial area designation of the town centre in the Local Plan Proposals Map, where retail uses are encouraged. Therefore, the supermarket occupies an edge-of-centre location that overlaps with the commercial heart of Pwllheli. Bearing mind the close-knit nature of the small traditional buildings within the historic core of Pwllheli, it would be impossible to find a more suitable site for this type of supermarket development in the defined town centre. Therefore, I conclude that the Asda site could not be more central to the town, and there are no sequentially preferable sites for such development.

Retail Impact Assessment

22. Government guidance in TAN4 states that retail impact assessments are required to support applications for retail developments of over 2,500 sq m gross floor space, but such assessments may also be necessary for some smaller developments, particularly those that are likely to have a large impact on a smaller town or district. In this instance however, no increase in overall retail floorspace is proposed, just a shift in emphasis from one form of retailing to another, but on a fairly modest scale. Clearly, the proposed development is not of a magnitude that would automatically trigger the need for such an assessment, and I take the view that it would not have a significant impact on the town or the region. Therefore, there is little need to consider evidence regarding the sequential approach to site selection, the likely impact on the town centre, the effect on travel patterns in the catchment area and accessibility of the proposal.
23. The Council also draws to my attention the Ministerial Interim Planning Policy Statement 02/2005 "Planning for Retailing and Town Centres" November 2005 which provides specific advice on controlling retail uses, extensions or the variation of conditions. This advises local planning authorities to take into consideration the need for the development or extension, unless the proposed development site falls within a defined centre or it is one that is allocated in an up-to-date development plan. In my view, this site should be considered as being within the eastern part of the town centre, forming an extension of the primary shopping area, with close links to the High Street. As the Ministerial Statement explains, the approach is to

reinforce the role of town centres as the best location for most retail activities, and where development is proposed in the centre, consideration of need is not a matter that should be taken into account because "it is not the role of the planning system to restrict competition between retailers within centres". Accordingly, I do not consider it necessary to establish quantitative need for the conversion of this small area of convenience goods floorspace to the sale of comparison goods.

24. Although the appellants have submitted a retail impact assessment and the Council has responded with its own evidence, the proposed development does not appear to warrant such statistical analysis as it would represent only a nominal change in the existing supermarket floorspace, which is of a fairly small scale, and in a location that is virtually part of the town centre. It is also important to note that the Council identified this site for redevelopment in the 1998 Local Plan and prepared a Development Brief encouraging its development for unrestricted retail uses.
25. Although not essential for the determination of this appeal, the appellants' submitted retail assessment demonstrates to my satisfaction that there is a need for comparison or non-food goods floorspace in the Pwllheli catchment area.

Retail Impact on the Town Centre

26. With regard to the likely effect of the proposal on town centre trade, the Asda store selling George clothing and shoes would be unlikely to meet all of the qualitative shopping needs of a large proportion of the Pwllheli catchment area. Consequently, local shoppers would still choose to buy many of the goods available in the Asda store, including clothes, shoes, electrical goods, DVDs, CDs and books in the town centre. Moreover, the proximity of the supermarket to the primary shopping area, and the effect of trade retention in the town would be likely to increase the number of linked trips to both the store and the rest of the town centre.
27. The relatively low number of vacant retail units (currently 14) indicates the strength of trading in the town centre. This vacancy rate of 6.2% falls well below the UK national average, and it indicates that the retail centre of Pwllheli is healthy and could absorb the fairly low levels of trade diversion from town centre stores likely to arise from this proposal. The trading impact of the change in floorspace at the store would be offset by the reduction in outflow of expenditure and the benefits of trade retention in the area, and the consequential increase in shopping activity and linked trips to other parts of the town centre.
28. The Council's worst case scenario of the impact of the proposed additional floorspace is that it could attract some 6.4% of trade from local comparison stores in Pwllheli town centre, but it would compete more heavily with other stores, particularly the out of centre Co-op supermarket. This does not indicate that it would have an unacceptable impact on the town centre itself, or that it would become a one-stop shop to the detriment of the rest of the centre.

Conclusions

29. I conclude that the proposed increase in comparison goods floorspace at the Asda store would not bring about any significant change in the character of the supermarket. Whilst it is likely that there would be a slight impact on some of the existing stores selling comparison goods in the town centre, it is also likely that the increased floorspace would claw back part of the large proportion of expenditure on comparison goods that is currently leaking outside the Pwllheli catchment area. This could result in a net benefit to town centre traders.

30. The appeal site is easily accessible by all transport modes, with excellent pedestrian links to the main shopping streets and other facilities. It is tantamount to being a town centre location, which also adjoins the main public car park for both the supermarket and the High Street. Consequently, it would be difficult, if not impossible, to find a sequentially preferable site for additional comparison goods floorspace in Pwllheli.
31. The appellants suggest that condition 11 should be varied to provide a revised limit of "not more than 33% shall be used for the sale of comparison goods". Accordingly, I conclude that the proposed variation of the condition would not harm the vitality or viability of Pwllheli town centre and therefore the appeal should be allowed.

Formal Decision

32. I allow the appeal and grant planning permission for the construction of a supermarket, car parking area and ancillary facilities at Y Traeth, Pwllheli, Gwynedd in accordance with the application Ref: C06D/0439/45/LL, dated 08/08/06, without compliance with condition number 11 previously imposed on planning permission Ref: C05D/0693/45/LL, dated 19/04/06, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the substitution of the following new condition: -

11. The retail floor area shall not exceed 1409 square metres of which not more than 33% shall be used for the sale of comparison goods.

Clive I Cochrane

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr I Ponter - of Counsel, instructed by Gwynedd CC
He called:
Mr P Instone BSc(Hons) DipTP MRTPI - Senior Planning Consultant, Scott Wilson Ltd

FOR THE APPELLANT:

Mr P Tucker - of Counsel, instructed by Rhys Davies, CDN Planning
He called:
Mr R Davies BA(Hons) MRTPI - CDN Planning
Mr G Backovic BA(Hons) BTP MRTPI - Town Planning Manager, Asda Stores Ltd

INTERESTED PERSONS:

Mr M Knowles - Angorfa, Morfa Nefyn, Gwynedd LL53 6AD
Mrs J O'Neill - 1 Church Street, Pwllheli, Gwynedd LL53 5SH
Councillor M S Owen - Gwynedd County Council
Mrs P Parish - 7 Gaol Street, Pwllheli, Gwynedd LL53 5RG
Mr G Pollitt - Polito's, Y Maes, Pwllheli, Gwynedd LL53 5HP
Mr D Hughes, Pwllheli Chamber of Trade - 24 Penllan Street, Pwllheli, Gwynedd LL53 5DE

DOCUMENTS

Document 1 List of persons present at the inquiry
Document 2 Letter of notification and addresses
Document 3 Development Plan Policies
Document 4 Dwyfor Local Plan Proposals Map
Document 5 Gwynedd Unitary Development Plan Proposals Map
Document 6 Composite Map of DLP Commercial Area and UDP Town Centre Boundary & Primary Shopping Frontage

- Document 7 Proof of Evidence and Summary of Mr Paul Instone
- Document 8 Rebuttal Evidence of Mr Paul Instone
- Document 9 Report on Home Delivery Sector in UK 1995-2010 – De Montfort University
- Document 10 Proof of Evidence of Mr Rhys Davies
- Document 11 Appendices to Mr Davies's Evidence
- Document 12 E-mail of 03/15/07 from Council to Mr R Davies re appeal
- Document 13 Population of Dwyfor Council Wards in catchment area
- Document 14 Plan showing 10 minute and 20 minute catchment areas of Pwllheli
- Document 15 Proof of Evidence of Mr George Backovic
- Document 16 Asda Pwllheli site plan

DEVELOPMENT CONTROL COMMITTEE

2nd AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0288- SUBSTITUTION OF HOUSE TYPES RELATING TO EXISTING PERMISSION 3/2005/0673 FOR 28 UNITS AND THE CREATION OF AN ADDITIONAL 14 UNITS AT FORMER TOW LAW AUCTION MART, CHURCH LANE, TOW LAW FOR MCINERNEY HOMES LIMITED – 16.05.2007 - AMENDED 18.07.2007

description of site and proposals

1. Planning permission is sought for the substitution of house types to planning permission 3/2005/0673. The proposed new house types would be situated along the north of the site and a single plot to the south east of the site. The proposal would increase the number of properties on the site from 63 units to 77 units. This would provide an overall density for the site of 31.82 units per hectare. There are three different house types proposed, all of which are of a two storey design. Two of the house types are 3 bedroom design with the other house type being of a 2 bedroom design. The proposed changes to the house types would have a limited effect on the overall layout of the scheme. It is proposed to provide additional car parking spaces.
2. The site is bounded to the north by an existing housing development, and to the south by Church Lane (from which access would be gained) beyond which there is a further housing area. The eastern boundary of the site is formed by agricultural land/ open countryside and the western boundary is formed by Castle Bank (A68) which is the main road through Tow Law and a busy link road between the A1 and Corbridge.
3. The application site has been used in connection with the Auction Mart for nearly 200 years. However the industry has been in decline since the foot and mouth outbreak in 2001. Development of the site is currently under construction.

planning history

4. The following planning applications have been received in respect of this site:
 - 3/2005/0069 65 Dwellings (Subject to a Section 106 Agreement) Approved

- 3/2005/0437 Listed Building Consent for Previously Approved Permission 3/2005/0069 Withdrawn 13.07.2005
- 3/2005/0673 Amendment to Application 3/2005/0069 Reducing Number of Dwellings from 65 to 63 to Accommodate an On-site Pumping Station Approved 22.09.2005

planning policies

5. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - BE1 Protection of Historic Heritage
 - BE17 Areas of Archaeological Interest
 - BE4 Setting of a Listed Building
 - GD1 General Development Criteria
 - H24 Residential Design Criteria
 - H14 Range of Housing Types
 - H3 Distribution of Development
 - RL1 Recreation -New Provision
 - RL3 Targets for Open Space Provision
 - RL4 Children's Playing Space Target
 - RL5 Sport and Recreation Target
 - T1 Highway Proposals - General Policy
 - T4 Land Safeguarded for Road Proposals
 - FPG1 Highway Design Standards for New Development
 - FPG2 County Highway Parking Standards

Also relevant is Government advice PPS3 "Housing", Regional Spatial Strategy (RSS) and RPG1 Regional Planning Guidance.

consultations

6. Durham County Council (Highways Authority): Additional parking has been requested given the increase in house numbers.
7. Tow Law Town Council: No comments.
8. Northumbrian Water: No objections.

officer analysis

9. The key issues for consideration are:
 - Principle of Development
 - Impact on Listed Building
 - Design and Layout
 - Impact on Neighbouring Properties
 - Access and Parking Provision

- Play and Recreational Provision

principle of development

10. The principle of development has previously been discussed and established through previous planning permission 3/2005/0673. The proposal is therefore acceptable in principle and in accordance with policy H3 of the Wear Valley District Local Plan, policies DP1, DP2 and H3 of the Regional Planning Guidance for the North-East (RPG1). The proposed development is the construction of dwellings on a brownfield site located within the urban area of Tow Law. The proposal therefore accords with the aims of the RSS.

impact on listed building

11. The site was occupied by a number of buildings used in connection with the Auction Mart. Amongst the buildings is the Grade II Auction Ring which dates back to 1882. The impact of the residential development upon the listed building has been previously discussed in application 3/2005/0673. The siting of the residential properties in relation to the listed building was considered acceptable.
12. The proposed substitution of house types would be along the north boundary of the site. The properties directly adjacent to the listed building are not to be altered. It is therefore considered that the proposed substitution of house types would not have an adverse impact on the setting of the listed building. The proposal accords with policies BE1 and BE4 of the WVDLP.

design and layout

13. The design of the proposed house types are similar to those previously approved through planning permission 3/2005/0673. The proposed properties would not appear out of keeping with the surrounding dwellings and there would be no adverse impacts on the appearance of the street scene.
14. In terms of the internal relationships, the privacy distances set out in policy H24 of the WVDLP would be achieved throughout the majority of the site although there are some relationships which would not meet with this standard. However, given that the development relates to new building works and that no existing occupants would be affected it is considered reasonable on this occasion to slightly relax these standards.
15. The proposed development would mean that the overall density for the site of 31.82 units per hectare. This density is considered acceptable as it satisfies the requirements of PPS3. I am satisfied that there would be a range of house types on the overall site.
16. It is considered that the design and layout involved with the substitution of house types would not adversely impact the overall development of the scheme. The proposal would be in accordance with policies GD1, H14 and H24 of the Wear Valley District Local Plan.

impact on neighbouring properties

17. The impact of the proposal on existing properties surrounding the application site has been carefully considered in the light of the guidance contained in policy H24 of the adopted WVDLP.
18. The only potential conflict in terms of privacy relates to those properties forming the northern boundary of the site which back directly onto the properties immediately to the north. The original plans submitted showed the new house types in similar positions to those approved through planning permission 3/2005/0673. Amended plans have been received relocating the properties on plots 25 and 26, to be situated further away from the neighbouring properties to the north. The separation distance between the closest properties has been increased by 3.5 metres, therefore increasing the level of privacy.
19. Given that the proposal offers a greater separation distance between the proposed dwelling and existing neighbouring properties, than previously approved, it is considered that neighbouring occupiers are offered better levels of privacy than previously approved. The proposal accords with policy GD1 of the WVDLP.

access and parking provision

20. The access to the site has not been altered from previously approved in permission 3/2005/673 and therefore it is considered acceptable.
21. Durham County Council Highways Authority raised concerns regarding the number of car parking spaces given that there is to be an increase in the number of units. Amended plans have been received showing additional car parking spaces relating to the additional residential units. The proposal accords with policies GD1 and T1 of the WVDLP.

play and recreational provision

22. A Section 106 Agreement was signed with the previous permission 3/2005/0673. This provided a financial contribution towards play and recreational provision within the area. The agreement has been completed and all the financial contributions have been received. The proposal accords with policies RL3, RL4 and RL5 of the Wear Valley District Local Plan.

objections/observations

23. 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 proposals. Two letters of objection have been received. The contents of these letters are summarised below:
 - a) Loss of privacy.
 - b) Loss of light.
 - c) Difficulties when coming to sell neighbouring properties.

response to objections

24. The following comments are made in response to the objections raised above:
- a) The distance between the proposed dwellings and existing neighbouring properties are no worse than the properties which have been granted permission in application 3/2005/0673. Some of the dwellings have been located further away from existing properties. Adequate levels of privacy would be achieved.
 - b) Given the distance between the proposed dwellings and existing properties, it is considered that substantial amounts of natural light would be received by neighbouring occupiers.
 - c) Not a material planning consideration.

conclusion and reasons for approval

1. The principle of development has previously been discussed and established through previous planning permission 3/2005/0673. The proposal is therefore acceptable in principle and in accordance with policy H3 of the Wear Valley District Local Plan, policies DP1, DP2 and H3 of the Regional Planning Guidance for the North-East (RPG1). The proposed development is the construction of dwellings on a brownfield site located within the urban area of Tow Law. The proposal therefore accords with the aims of the RSS.
2. The proposed substitution of house types are not located adjacent to the listed building. It is considered that the proposal would not have an adverse impact on the setting of the listed building and would not detract from its appearance. The proposal is not contrary to policies BE1 and BE4 of the Wear Valley District Local Plan.
3. The proposed design and layout of the new house types are acceptable. There would be a range of house types on the overall site. The proposals satisfy policies GD1, H14 and H24 of the WVDLP. The proposed density satisfies the requirements of PPS3.
4. Amended plans have been received increasing the separation distance between the new house types and the existing properties. This separation distance is greater, in some cases, than those previously approved in planning permission 3/2005/0673. It is considered that neighbouring occupiers are offered better levels of privacy than previously approved. The proposal accords with policy GD1 of the Wear Valley District Local Plan.
5. The access to the site remains unaltered from planning permission 3/2005/0673 and is therefore acceptable. Amended plans have been received increasing the number of car parking spaces available for each residential unit. The proposal is considered to be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

RECOMMENDED

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

conditions

1. No development shall take place until samples of the materials to be used in the external surfaces of the building hereby permitted 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 buildings hereby approved are commenced.
7. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points to the satisfaction of the local planning authority. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. is not trailed onto the public carriageway.

8. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles for purposes incidental to the enjoyment of the dwellinghouse; no trade or business shall be carried out therein.
9. Development shall not commence until a scheme to deal with contamination, which shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings and the environment when the site is developed, has been implemented and a verification statement produced by a suitably qualified person has been submitted to the local planning authority.
10. No development shall take place until details of the following shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - a) Details of the proposed protection of the listed building during the course of all construction works.
 - b) Details of the boundary treatment including the cast iron entrance feature serving the listed building.
11. No site works shall be undertaken until an appropriate programme of building recording/analysis has been submitted to and agreed in writing by the local planning authority and implemented.
12. Notwithstanding the provisions of Article 3 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq no means of enclosure shall be provided on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
13. In relation to those properties that will face west towards the A68 and the Iron Foundry, before those dwellings are occupied a detailed scheme for the insulation of the interior of the new buildings from external noise sources shall be submitted to and approved in writing by the local planning authority and implemented to the satisfaction of the local planning authority.
14. No development shall take place until details of the following have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - (a) Plans and elevations of the proposed electricity substation.

reasons

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.

3. To secure a satisfactory standard of development and, in particular, to protect the adjacent residents from overlooking or other loss of amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
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 policy GD1 of the Wear Valley District Local Plan.
5. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan.
6. To achieve a satisfactory form of development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
7. In the interests of highway safety and the amenities of the occupiers of the proposed residential development. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
8. To safeguard the occupiers of adjacent premises from undue noise, traffic generation or other loss of amenity arising from the use of the proposed garage for trade or business purposes. In accordance with policy GD1 of the Wear Valley District Local Plan.
9. To protect the environment and to ensure the remediated site is reclaimed to an appropriate standard. In accordance with policy GD1 of the adopted Wear Valley District Local Plan.
10. To achieve a satisfactory and acceptable form of development. In accordance with policies BE1, BE2, BE3 and BE5 of the Wear Valley District Local Plan.
11. The site is of architectural/historical significance and the specified works are required to record features of interest. In accordance with policies GD1 and BE17 of the Wear Valley District Local Plan.
12. The local planning authority wishes to control the use of boundary treatments in the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
13. To safeguard the occupiers of the dwellings from undue noise disturbance generated by the Iron Foundry. In accordance with policy GD1 of the Wear Valley District Local Plan.
14. 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, PPG3, PPG13, PPG15, RPG1, RSS.

PS code

1

number of days to Committee

85

target achieved

✓

explanation

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

Author of the report

Chris Baxter

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3/2007/0288 - SUBSTITUTION OF HOUSE TYPES RELATING TO EXISTING PERMISSION 3/2005/0673 FOR 28 UNITS AND THE CREATION OF AN ADDITIONAL 14 UNITS AT FORMER TOW LAW AUCTION MART, CHURCH LANE, TOW LAW, BISHOP AUCKLAND FOR MCINERNEY HOMES LIMITED - 16.05.2007 AMENDED 18.07.2007



DEVELOPMENT CONTROL COMMITTEE

2nd AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

FOR INFORMATION

APPEAL DECISION

3/2006/0586 - CHANGE OF USE TO FORM CHILDRENS DAY NURSERY AT RED COTTAGE, HIGH ROAD, STANLEY, CROOK FOR MRS. READMAN - 29.06.2006

1. Consent was sought for the change of use of a dwelling at High Road, Stanley Crook to a children's day nursery for up to 40 children. The whole of the front yard area would have been devoted to outdoor play and children would have been dropped off and picked up to the rear of the site, taking access from a shared ownership back lane. A minibus to collect and drop off children and staggered start and finish times were part of the proposal. No on site parking provision for staff or clients was proposed although the applicant suggested that three spaces could be provided at the neighbouring dwelling.
2. The property is a detached bungalow, with a tight curtilage, located on the west side of High Road in a residential area where significant new housing development is taking place on the land opposite. To the rear (west) is a community centre, accessed from an unadopted road that runs along the rear of the dwellings on the west side of High Road. There is no pedestrian footpath on the west side of High Road or on the rear access road.
3. The application was refused on 24/06/2006 for the following reasons:
 1. The proposed use, by reason of inadequate parking provision, the likelihood of the parking of vehicles on the public highway, which would interrupt the free flow of traffic and the increase in pedestrian traffic on a highway lacking adequate footways, would give rise to a situation prejudicial to highway safety for both road users and pedestrians. The proposal would be contrary to policies GD1 and H20 of the Wear Valley District Local Plan that seek to provide adequate parking facilities and safe highways for all users.
 2. The proposed use would result in unacceptable levels of noise and disturbance to occupiers of adjacent residential properties from staff and visitors entering and leaving the site and from noise arising from children using the proposed nursery building and the outdoor play space. The proposal would be contrary to policies GD1 and H20 of the Wear Valley District Local Plan.

4. An appeal was submitted against this refusal. The Inspector has **DISMISSED** the appeal in line with the Council's decision noting the following:

Effect on Highway Safety

5. Although a minibus and staggered times are proposed, it is highly likely that a substantial number of children would still arrive by private vehicle and that several vehicles would still arrive at a similar time with parking in or just off the rear access road. The access road does not give good visibility around the corners and is not adequate for allowing several vehicles to stop or turn simultaneously. There would be unacceptable conflict and risk of collision between vehicles for both proposed users, residents and users of the Community Centre.
6. In addition to the conflict between vehicles entering, leaving, manoeuvring and parking there would be a serious risk of accident between vehicles and pedestrians as there is no formal footway.
7. It is also considered that vehicles would be likely to park and wait on High Road, which would impede the free movement of traffic and make it difficult for neighbouring residents to enter/exit their properties.
8. Again with no footway on High Road, any pedestrian entry/exit via the front of the site would result in unacceptable safety risks. These identified risks are likely to be significantly greater in the near future when the surrounding housing developments are completed, resulting in greater levels of vehicular traffic using High Road.
9. In terms of car parking, sufficient space would not be available next door to meet the requirements, including the minibus mentioned, and that dwelling could in the future, become within separate ownership.

Effect on living conditions

10. The increased level of activity from coming and going, including vehicle related noise and people related noise, would result in significantly increased noise and disturbance to all neighbouring residents.
11. In addition, substantial numbers of children would use the outdoor play area, which would create more regular and frequent noise and disturbance than what would normally be expected from a family residence. This would be heard by neighbours and in addition to the noise from coming and going, would result in significant harm to the living conditions of nearby residents.
12. Conditions to restrict the number of children allowed out at any time would be unworkable because of the large number of children and small size of the site, and would also not overcome the noise and disturbance from comings and goings.

RECOMMENDATION

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

background information

Application and appeal files, WVDLP, and the Inspector's decision letter dated 17th May 2007.

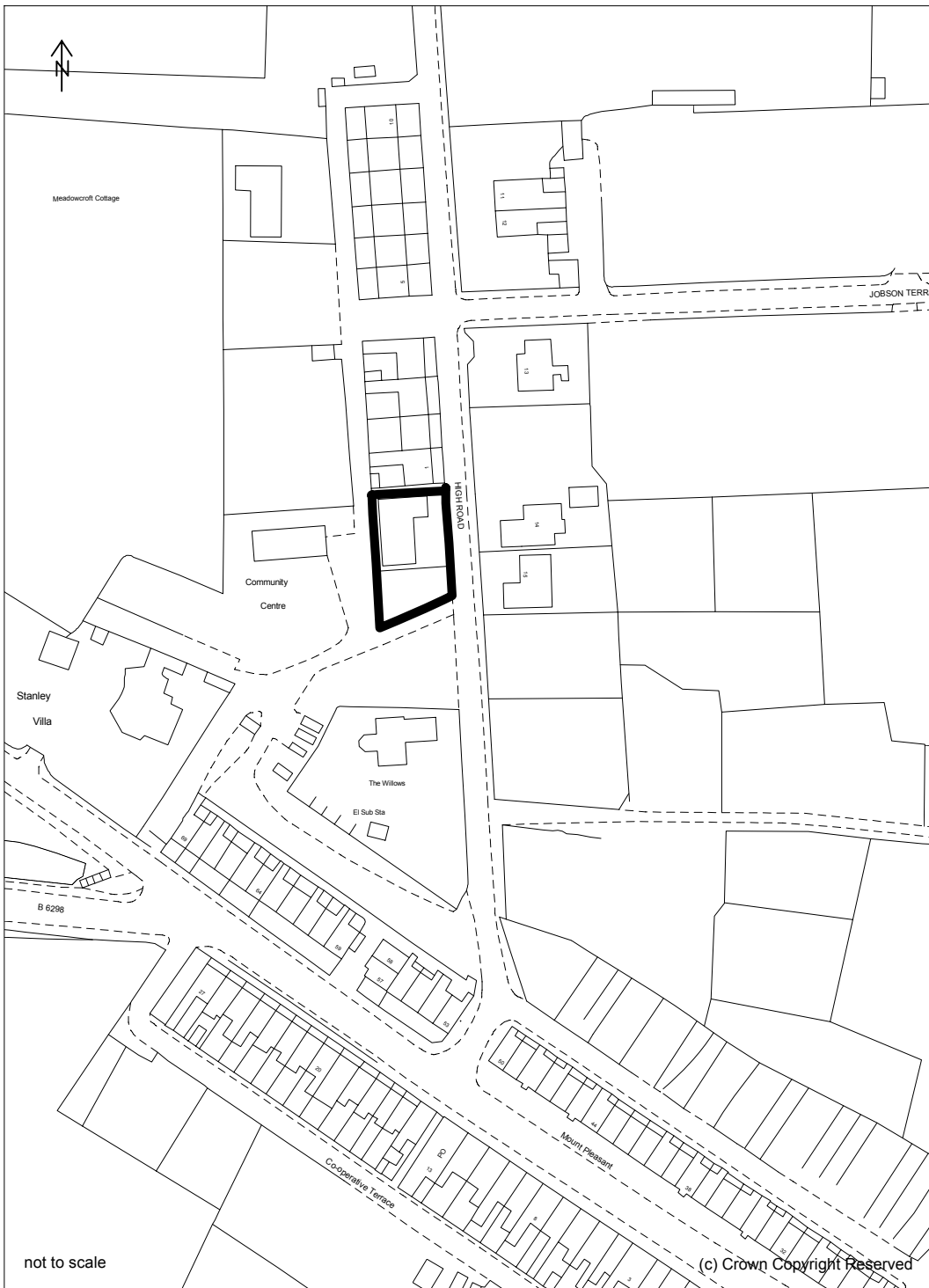
Officer responsible for the report	Author of the report
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Robert Hope	Adrian Caines
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Strategic Director for Environment and Regeneration	Planning Officer
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**APPEAL DECISION
3/2006/0586 - CHANGE OF USE TO FORM CHILDRENS DAY NURSERY AT
RED COTTAGE, HIGH ROAD, STANLEY, CROOK FOR MRS. READMAN -
29.06.2006**



DEVELOPMENT CONTROL COMMITTEE

2nd AUGUST 2007

Report of the Strategic Director for Environment and Regeneration

FOR INFORMATION

APPEAL DECISION

**3/2006/0707 – SINGLE DWELLING AT LAND OPPOSITE DEPOT, THE BATTS,
FROSTERLEY FOR MR. AND MRS. ROGERS - 28.08.2006**

1. Consent was sought for the erection a two storey detached property on land at The Batts, Frosterley. The application site comprises of open grassland, and is within an area of protected open space and the Frosterley Conservation Area.

2. The application was refused for the following reasons:
 1. The application site is located within an area which is designated protected open space. Policy BE14 (Open Spaces within Built-up Areas) of the Wear Valley District Local Plan states that open spaces which contribute to the character and amenity of the area within the defined development limits as identified on the Proposals Map will be protected against development. The proposal would compromise the character and structure of the area. The proposal is contrary to policy BE14 of the Wear Valley District Local Plan.

 2. The road providing access to the site is not of the condition nor is maintained to the standard necessary to accommodate the volume and type of traffic likely to be generated by the development proposed. The access to the site is not within the ownership or control of the applicant. The proposal is contrary to policies T1 and FPG1 of the Wear Valley District Local Plan.

 3. A Flood Risk Assessment is required to support the application; this has not been submitted and as such this aspect cannot be reasonably considered. The impact that the proposal would have in terms of flood risk must be assessed before a favourable decision can be made. This is contrary to guidance contained in PPG25: Development and Flood Risk.

4. The application site is located within the Frosterley Conservation Area. Policy BE6 states that new development within conservation areas will only be permitted providing the proposal preserves or enhances the character of the area. There are no residential properties within close vicinity to the application site. The development of a residential property in this location would have an adverse impact on the appearance of the area and would significantly detract from the special scenic qualities of the conservation area. The proposal is contrary to policies GD1, BE5 and BE6 of the Wear Valley District Local Plan and guidance contained in PPG15 Planning and the Historic Environment.
3. An appeal was submitted against the refusal. The Inspector has **DISMISSED** the appeal, noting the following:
 1. The site lies within a generally open part of the village and conservation area. It is part of an area of protected open space. This open land together with the adjoining countryside that stretches to the south of Frosterley provides a pleasant rural setting to the village. In his opinion, the proposed development would seriously harm the character and appearance of the area and of the Frosterley Conservation Area. The proposal conflicts with policies BE14, GD1, BE5 and BE6 of the Wear Valley District Local Plan.
 2. As the site lies within a Flood Zone 3 area a Flood Risk Assessment should have been submitted. Since the Inspector had not been provided with one he could not be sure the proposed dwelling is acceptable in terms of flood risk.
 3. The access is too narrow for two vehicles to pass and in poor condition. However, given there would be only a small number of additional vehicle movements generated by the proposed dwelling, the extra use of this substandard access would not in itself justify the withholding of planning permission.

RECOMMENDED

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

background information

Application and appeal files, WVDLP, and the Inspector's decision letter dated 17th July 2007.

Officer responsible for the report Robert Hope Strategic Director for Environment and Regeneration Ext 264	Author of the report David Townsend Head of Development and Building Control Ext 270
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APPEAL DECISION
3/2006/0707 – SINGLE DWELLING AT LAND OPPOSITE DEPOT, THE BATTS,
FROSTERLEY FOR MR. AND MRS. ROGERS - 28.08.2006

