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Michael Laing Interim Chief Executive

25th June 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 **TUESDAY 3rd JULY 2007 at 6.00 P.M.**

AGENDA

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|--|----------|
| 1. Apologies for absence | |
| 2. To consider development control application 3/2006/0817 – Mixed use regeneration, including residential, employment, retail and open spaces (resubmission) at Wolsingham Steelworks, Durham Road, Wolsingham, Bishop Auckland for H J Banks and Co Ltd and Les Graham. | 1 - 32 |
| 3. To consider development control application 3/2005/0924 – Outline planning application for a mixed use development comprising demolition of existing buildings, construction of a roundabout and distributor road, business park, residential development including an element of affordable dwellings with landscape and environmental improvements at former Wolsingham Sawmills, Durham Road, Wolsingham, Bishop Auckland for Yuill Homes. | 33 - 60 |
| 4. To consider an introductory report for applications relating to St. Annes Drive, Wolsingham, Bishop Auckland, DL13 3DG. | 61 - 70 |
| 5. To consider development control application 3/2007/0344 – Retrospective application for change of use from public footpath to private garden space for plot 26 at land between plot 25 – 26 St. Annes, Wolsingham, Bishop Auckland for Alan Peacock. | 71 - 75 |
| 6. To consider development control application 3/2007/0007 – Retrospective application amendments to plot 1 on development site currently under construction at 22 St. Annes Drive, Wolsingham, Bishop Auckland for Hyperion Homes (Durham) Limited. | 76 - 84 |

7. To consider development control application 3/2007/0345 – 85 - 93
Retrospective application substitution of house types at plots 2 – 8
St. Annes, Angate Square, Wolsingham, Bishop Auckland for Alan
Peacock.
8. To consider development control application 3/2007/0343 – 94 - 103
Retrospective application for substitution of house types, plots 9 –
12 at 22 St. Annes Drive, Wolsingham, Bishop Auckland for Alan
Peacock.
9. To consider development control application 3/2007/0342 – 104 -112
Retrospective application for substitution of house types plots 26 –
34 at 22 St. Annes Drive, Wolsingham, Bishop Auckland for
Hyperion Homes (Durham) Limited.
10. To consider development control application 3/2007/0361 – 113 -119
Erection of single storey extensions to south and east elevations
of Unit 1 (amendment to permission 3/2004/0933), at barns at
Park House Farm, Oakenshaw, Crook for Mr. James.
- 11 & 12. To consider development control application 3/2007/0359 – 120 -131
Conversion of ground floor restaurant into 2 no. apartments and
construction of 2 no. new apartments to rear at Fortune Court
Cantonese restaurant, 23 – 25 Market Place, Bishop Auckland for
Mr. Mousarifar.

To consider development control application 3/2007/0360LB –
Conversion of ground floor restaurant into 2 no. apartments and
construction of 2 no. new apartments to rear at Fortune Court
Cantonese restaurant, 23 – 25 Market Place, Bishop Auckland for
Mr. Mousarifar.
13. To consider development control application 3/2007/0390 – 132 -136
Change of use from office to chiropractic office/clinic at 27
Cockton Hill Road, Bishop Auckland for Dr. Presseau.
14. 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



Interim 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*, Stonehouse, 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

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2006/0817- MIXED USE REGENERATION, INCLUDING RESIDENTIAL, EMPLOYMENT, RETAIL AND OPEN SPACES (RESUBMISSION) AT WOLSINGHAM STEELWORKS, DURHAM ROAD, WOLSINGHAM, BISHOP AUCKLAND FOR H J BANKS AND CO LTD AND LES GRAHAM - 0 7.11.2006

description of site and proposals

1. Outline planning consent is sought for the redevelopment of the former Wolsingham Steelworks Site. The site area is approximately 6 hectares. The site is split on the illustrative plans into 3.6 hectares of residential use, 0.7 hectares of employment use, 0.3 hectares of retail and 0.7 hectares of public open space. The illustrative plan is should be given limited weight in determining the application. Given the scale of the development, it's location relative to the River Wear and the historic land uses, the application is supported by an Environmental Impact Assessment.
2. The applicant seeks outline planning permission for a mixed-use development including housing, employment (B1 and B2), retail, open space and recreation uses. The development would involve the retention of the stone built buildings fronting onto Durham Road which are likely to be converted to offices. The majority of the scheme would involve new building work following the demolition of the Steelworks building which has a floor area of approximately 1500m².
3. The residential element of the scheme would provide 149 dwellings at a density of around 41 DPH. The applicant has suggested that 20% of these units would be affordable.
4. The employment uses are proposed to be a mix of B1 (Offices) and B2 (General Industry) accommodation. Negotiations during the course of the application have led to a commitment by the applicants to provide a minimum of 1,400m² (approx 15,000 sq. ft) B2 General Industrial accommodation although the mechanism for achieving this provision is yet to be determined and will need to be addressed as part of the reserved matters submission. The balance of the proposed 3000m² of employment floorspace is likely to be provided in new office buildings and small starter units.

5. The retail unit is shown on the illustrative layout at the front of the site adjacent to Durham Road but accessed from within the site. The shop would be a local store intended to supplement the existing provision and to satisfy a localised demand from the eastern end of the town. The applicant has suggested that a legal agreement could be designed to ensure that the existing Spar store in the town could not relocate and render the current premises unusable by imposing a covenant in the sale.
6. At this stage details of scale (previously design), layout (previously siting), external appearance and landscaping have been reserved. Only details of access are to be considered.
7. The access into the site would be taken from Durham Road and would provide a permanent link to the Weardale Railway to the south of the site. The proposed width of this road would be sufficient to accommodate the low loaders which occasionally serve the railway yard.
8. The application site has historically been used in connection with industry and there is no Local Plan allocation for this land. For the purposes of planning policy the application site is Whiteland within the settlement limits of Wolsingham.
9. The proposals would involve the remediation of the site. Investigation has revealed that there are significant levels of contamination arising from the historic land uses which have had an adverse impact on the quality of the land and water.
10. It had been suggested originally that the site may be served by renewable energy provided by the West Durham Wind Farm. The applicants have since confirmed that this is no longer a viable option.
11. The site is situated to the south of Durham Road (A689) on the main approach into Wolsingham from the east. The site is bounded to the north by Durham Road, to the west by parts of the riverside walk and some existing residential properties which face onto Durham Road, to the south by the River Wear with a public footpath separating the two, and to the east by Attwood Terrace, an existing access serving the Weardale Railway and the operational base on Weardale Railway. Beyond this land to the east is the Sawmills allocation. The application site is approximately 570 metres from the Wolsingham Local Centre.
12. Having previously been used in connection with the Steelworks the land is classed as being previously-developed in accordance with the definition contained in PPS3: Housing.
13. In support of the planning application the applicant has submitted the following information as part of the Environmental Impact Assessment:
 - Land Quality, Geotechnical & Ground Contamination Desk Top Assessment
 - Transport Assessment
 - Ecology Report

- Design Statement & Character Statement
- Flood Risk Report
- Cultural Heritage Report
- Statement of Community Support
- Landscape Assessment, and
- Planning Statement

planning history

14. The site has been actively used in connection with the current business for a number of years. There is no planning history relevant to the consideration of this planning application.

planning policies

15. 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
- H10 Relocation of existing uses
- H14 Range of Housing Types
- H15 Affordable Housing
- H22 Community benefit
- H24 Residential Design Criteria
- RL3 Targets for Open Space Provision
- RL4 Children's Playing Space Target
- RL5 Sport and Recreation Target
- T1 Highways– General Policy
- T4 Land Safeguarded for Road Proposals
- MW1 Safeguarding of Mineral Reserves
- ENV13 Protection of Species and their Habitats
- BE14 Open Spaces within built up areas
- BE17 Areas of Archaeological Interest

Government advice on new residential developments set out in PPS1 'Delivering Sustainable Development and 'The Planning System: General Principles', PPS3 "Housing", PPG4 ' Industrial, Commercial Development and Small Firms', 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.

16. Consideration has also been given to the Wolsingham Parish Plan and Renewing Weardale -The Way Forward, although it should be noted that these documents are not statutory instruments.

consultations

17. CDE&TS (Highways): Initially objected to the proposed development however discussions have been ongoing between the applicants consultants and the Highways engineers and a suitable scheme has now been agreed.
18. The Environment Agency: Originally objected to the proposed development on the grounds that the supporting information contained certain anomalies which required further attention. These matters have now been addressed and the Environment Agency have confirmed that they have withdrawn their previous objection subject to the imposition of certain conditions relating to flood risk.
19. In respect of ground conditions a set of additional conditions have been suggested.
20. Northumbrian Water: Object to the proposed development due to concerns about the Sewerage Treatment Works which are now at capacity and cannot accept further flows.
21. Head of Public Protection: Concern is expressed about the relationship between the proposed residential properties and the proposed employment uses. Further details are requested regarding the relationship between the two in order the mitigation may be considered. It is also considered necessary to impose suitable planning conditions to ensure that existing residents are protected during demolition and construction works from noise, dust and smoke emissions. It is suggested that such constrains should include the prohibition of burning of waste materials on site, on site dust suppressions, hours of construction, machinery and methods of working.
22. English Heritage: No comments.
23. Natural England: Had originally expressed major concerns about the level of information submitted. The concern has since been addressed by the applicants and we have now received advice that the development is unlikely to have an adverse effect in respect of protected species. A number of conditions have been suggested.
24. Durham Police: No comments.
25. DCC (PROW): There are no known public rights of way (PRoW) running through the site however public footpath No. 126 runs along the western boundary of the site. No alteration to this footpath may be caused without prior consultation with the County Council. An informative has been suggested.
26. DCC (Archaeology): Initially concerned about the level of information provided however these matters have now been addressed by the applicants following the submission of additional information. DCC have now confirmed that they are happy with the proposals subject to the imposition of a planning condition regarding the recording of the existing buildings.

27. DCC Landscaping: The proposed layout is a considerable improvement on the previous application. The spaces proposed within the scheme appear to work well although some concern is expressed about the lack of information regarding the existing trees.
28. DCC (Arboricultural Officer): A set of recommendations are made including the protection by TPO of the two main areas of existing semi-mature trees (mainly Pine, Spruce, Willow and Birch).
29. Parish Council: Concern is expressed about the retail provision, the number of houses proposed, the affordable housing and the traffic generation.
30. North East Assembly: The principle of development is considered to be in general conformity with RPG1 and the Submission Draft RSS as the proposal would result in the redevelopment of a large scale previously developed site in one of the larger settlements in the Wear Valley District. The proposal is considered to accord with policies H1 and H4 or RPG1 and 4, 5, 8 and 31 of the Submission draft RSS.
31. Some concern is expressed about the current oversupply of dwellings within Wear Valley and the Local Planning Authority is encouraged to apply the Locational Strategy and Sequential Approach in RPG1.
32. Despite these concerns, the employment provision is welcomed and it is considered that the scheme will help ensure that the settlement remains an important service centre for its rural hinterland. In respect of the housing a phasing plan is suggested to address the emerging housing figures.
33. The proposals will also benefit from the inclusion of embedded renewal energy and or energy efficiency measures.
34. One North East: The Agency recognises that a mixed-use development of the site may well be the key to ensuring that the entire site is brought back into beneficial use since the cost of developing the site may outweigh the returns available for employment land use.
35. The Agency have requested that the applicants confirm their intended commitment to quality and sustainability issues to ensure that the highest standard of design can be achieved including a commitment to the achievement of BREAM, BRE EcoHomes, Building for Life and Secured By Design standards.
36. CABE: No comments

officer analysis

36. The key issues for consideration are:
 - Principle of Development
 - Vehicular Access
 - Impact on Neighbouring Properties
 - Impact on Infrastructure
 - Ecological Implications
 - Landscape Impact

- Contamination
- Flood Risk
- Archaeology
- Affordable Housing
- Community Involvement
- Recreation and POS Provision
- Impact on Public Right of Way
- Sustainable Development
- Section 106 Legal Agreement

37. Many of the issues considered in this report require separate consideration for the three main elements of the scheme, i.e. for the residential, the industrial and the retail. As such it is necessary to address each issue in turn rather than collectively.

principle of development

38. It should be noted that development plans do not have to be rigidly followed; they provide a firm basis for rational and consistent planning decisions. They are intended to give everyone concerned with development in an area a measure of certainty about what kind of development will and will not be permitted during the life of the plan. The Wear Valley District Local Plan was adopted in March 1997 and contains policies and allocations intended to influence development up to 2006.
39. Emerging guidance contained in The Planning System: General Principles contains the most recent guidance on such matters having been published in 2005. The extract below is taken directly from this document.
40. *Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date. The 2004 Act provides that if there is a conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence. (Para 10, The Planning System: General Principles).*
41. Preparation of the new Local Development Framework is ongoing although it is not at a stage of development whereby it would carry any specific weight in planning policy terms. The March 1997 Local Plan remains the active development plan. In view of the age of the plan, it is accepted that there may be some concern as to whether the plan policies remain relevant and up to date. With this in mind, it is essential to consider the merits of the proposed development in accordance with more recent national planning guidance, the emerging regional Spatial Strategy and the adopted Structure Plan, all of which are material considerations in this case.

(a) residential

42. Given that the applicant seeks outline planning permission, by far the most significant issue in relation to this proposal is the principle of development.
43. In terms of the suitability of the location of the site, consideration must be given to the guidance contained in PPS3 and the RSS which supersede the Wear Valley District Local Plan and must be given the appropriate weight.
44. PPS3 warns that rural areas and villages will only be suitable locations for accommodating significant additional housing where it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. This may particularly be the case where the village has been identified as a local service centre in the development plan; additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community; the development can be designed sympathetically and laid out in keeping with the character of the village using such techniques as village design statements.
45. PPS3 (Published November 2006), relating to housing in rural areas states that local authorities should make sufficient land available either within or adjoining existing rural communities to enable local requirements (specifically for affordable housing) to be met in a manner which contributes to the achievement of sustainable communities. Clearly, the recent update relates specifically to the need for affordable housing. In this context the proposed contribution of 20% is welcomed by the Council, however this in itself does not justify the introduction of additional open market dwellings. The nature of the affordable housing is discussed later in this report.
46. *Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in PPS3 as material considerations which may supersede the policies in existing Development Plans.*
47. In general, in deciding planning applications, Local Planning Authorities should have regard to:
 - Achieving high quality housing.
 - Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.

- The suitability of a site for housing, including its environmental sustainability.
 - Using land effectively and efficiently.
 - Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.
48. Where local planning authorities have an up-to-date five year supply of deliverable sites and applications come forward for sites that are allocated in the overall land supply, but which are not yet in the up-to-date five year supply, local planning authorities will need to consider whether granting permission would undermine achievement of their policy objectives.
49. Where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69. Local planning authorities should not refuse applications solely on the grounds of prematurity.
50. There is a 5 year supply of housing land identified within the Annual Monitoring Report within Wear Valley.
51. In addition to the guidance contained in PPS3, 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 and buildings in the most sustainable locations. Locations should be selected in the following priority order:
- a) suitable previously developed sites and buildings within urban areas;
 - b) other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
 - c) suitable sites in settlements outside urban areas, particularly where this involves the use of previously developed land and buildings.
52. 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 would 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.

53. 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 Policies H1, H2 and H4. 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.
54. In addition to the RPG guidance, emerging guidance contained in Policy 3 of the Draft Regional Spatial Strategy also advocates a sequential approach to development in the following order:
 - a) suitable previously-developed sites within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
 - b) other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes; suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
 - c) suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.
55. Policy 4 of the Submission Draft RSS relates to the need to a phasing and plan, monitor and manage approach based on the LDF periods 2004-11; 2011-16 and 2016-21 and specifically states that new major developments should be phased over the three periods.
56. Policy 5 sets out the locational strategy, part c refers to the need to maintain vibrant rural areas with a diversified economy and sustainable market towns, services centres and villages whilst preserving their historic fabric and character.
57. Policy 8 identified Stanhope as a main rural service centre however development opportunities within Stanhope are limited. It is considered therefore that the redevelopment of land in Wolsingham is the next most sustainable location capable of meeting the aspirations of policy 8 and promoting a vibrant rural economy in Weardale
58. Finally Policy 31 refers to the management of housing supply. This policy encourages a phased release of housing land and the promotion of brownfield land opportunities.
59. In view of this emerging guidance, the Council have adopted an interim housing policy which requires that consideration be given to all available housing sites within a certain sub area. For the purposes of this approach the authority is split into three sub areas broadly summarised as Bishop Auckland and Coundon, Crook & Willington and Tow Law & Weardale. Guidance contained in PPS3, which supersedes the adoption of this interim housing policy does question this sequential approach, however such matters have

been considered in a recent Regeneration Special Committee report, an extract of which is contained below.

proposals to address emerging issues management of district housing land supply

Up until December 2006 national planning policy for new housing was set out in Planning Policy Guidance Note 3 'Housing' (2000). Amongst other things this document placed great emphasis upon prioritising the use of previously developed (brownfield) sites for delivering new housing development. It also advocated a 'Plan Monitor Manage' approach to housing land supply. This requires robust monitoring of housing land supply and management of further releases where applicable. The current Local Plan policies predated this document.

In December 2006 a new Planning Policy Statement 3 (PPS 3) was published. This policy document continues to prioritise delivery of new housing on brownfield sites. Whilst unlike PPG 3 this new PPS does not set out a specific set of sequential criteria for considering the acceptability of sites, both it and PPS 1 'Delivering Sustainable Development' still require that priority is afforded to the development of previously developed sites within locations which are well related to community facilities, employment and public transport. It also places a greater emphasis upon the need to plan to meet local housing need and managing the process to ensure that a 5 year housing land supply is available in accordance with the net additional dwelling target afforded by the relevant RSS. The Council is currently able to demonstrate a housing land supply which exceeds this.

The emerging Regional Spatial Strategy for the North East (RSS) policies reflect this national policy direction. Government Office NE is currently considering the findings of EIP with the view of producing a final RSS over the next few months. Of significance is the fact that the panel report advocates a lesser housing target for Wear Valley than the submission draft document. This would serve to exacerbate the AMR findings with respect to housing land supply.

Amongst other things the draft RSS sets out a housing policy framework which the Council must have regard to when making development control decisions. Given that the RSS has reached the latter stages of the production process weight should now be given to its strategy direction as a material planning consideration in the decision making process. The key policy considerations which form this proposal are outlined below in respect to the manner in which the Council should consider the acceptability of the location of new housing development.

1) RSS Policy 3 - The Sequential Approach to Development

This policy sets out a sequential approach to prioritise and therefore guide the location of new development, including housing to the 'urban areas' of the region. This approach accords with PPS 3. The policy does not distinguish between the scale of development to which this policy should be applied. For the purposes of interpretation from a Wear Valley perspective 'urban areas' are:-

Main towns:

Bishop Auckland, West Auckland and St Helens Auckland (Bishop Auckland sub area)

Crook/Willington (Crook sub area)

Towns identified for regeneration:

Tow Law (Weardale sub area)

Coundon (Bishop Auckland sub area)

Rural Service Centres:

Stanhope (Weardale sub area)

Other settlements with significant levels of brownfield land:

Wolsingham (Weardale sub area).

NB – the number of settlements may increase when a review of brownfield opportunities is carried out to inform a Brownfield Strategy for the district. PPS 3 contains a revised definition of “brownfield” sites. This is contained in Annex 1 of this report.

2) *RSS Policy 5 – Locational Strategy*

This policy reiterates the priority which should be afforded to the development in the ‘core areas’ of the conurbations and from a Wear Valley perspective ‘main towns’, ‘regeneration areas’ and ‘Rural Service Centres’ as redefined above.

proposal to align local decision making with RSS policies on housing proposals

In September 2005 Members endorsed a more rigorous application of the ‘sequential search’ when considering greenfield housing proposals, regardless of their scale. This arose as a consequence of being in receipt of conflicting Planning Inspectors’ appeal decisions. At that time given the diversity and geography of the district it was considered appropriate to limit this search to the sub area within which the proposal was based, namely Crook, Bishop Auckland and Weardale. This approach was endorsed by GONE. However now this approach does not strictly accord with RSS Policies 3 and 5. In light of NEA recent advise the Council needs to ensure that it is effectively implementing policies 3 and 5.

The successful application of RSS policies 3 and 5 at a local level within Wear Valley in the future will require a settlement hierarchy approach to be implemented, which prioritises development in and around the urban areas (defined as Bishop Auckland, St Helens Auckland, West Auckland, Coundon, Tow Law, Crook/Willington, Wolsingham and Stanhope) with sites in the remaining settlements in the District being given little priority.

In view of the above there is a need to align local decision making with the emerging RSS. However, given the geography and characteristics of the District it is considered that the sub area approach already implemented should be continued. In view of the above it is considered that RSS Policy 3 translates at the local level into the following way.

Locations for all new future housing proposals within a given sub area should be selected in the following priority order regardless of site size in comparison to the proposal:-

- a) suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;*
- b) other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes*
- c) suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and*
- d) suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.*

All sites should be in locations that are, or will be, at lowest risk from flooding, and well related to homes, jobs

60. The development of any sites, beyond those specified above should only be accepted where no such sites are available in the relevant sub area, regardless of scale.

This sequential approach should be used when considering new planning proposals and renewals of previous planning consents which are about to or have expired.

61. The following extract is taken directly from the Wolsingham Parish Plan website.

The residents' questionnaire revealed a very strong desire against any further housing development, with the majority of responses wishing for none or up to 50 dwellings. Subsequent to the questionnaire, planning consent has recently been given for the redevelopment of the St Anne's Convent and School for 42 dwellings.

However, Wolsingham will probably continue as a highly desired place to live, and there will continue to be upward pressure on prices, and for additional housing provision. The Parish and District Councils recognise the importance of a dynamic and balanced population, and that housing needs continue to change. In order to ensure continued prosperity, there needs to be a supply of suitable housing. Apart from a potential area identified by Wear Valley District Council near to the Steelworks, there are no large parcels of land currently or potentially available within the Parish for housing development. Therefore, sympathetic housing development should be allowed where appropriate. Residents did recognise the problems associated with the relatively high cost of housing in Wolsingham, with the majority of responses favouring only the development of low-cost/affordable dwellings. However, wherever possible the Planning Authority should resist the development of "executive" housing in

favour of lower-cost properties, in order to assist local younger families to remain in the Parish.

(<http://www.wolsingham.net/parishplan/Maindoc/index.htm>)

62. The application site is not allocated for housing development although it is a brownfield site within the settlement limits of Wolsingham. While the land has historically been used in connection with industry, the land has no such allocation. As a basic principle and being mindful of the significant contamination costs associated with the remediation of this site, residential development as part of a mixed use scheme is considered acceptable in principle.
63. In accordance with the Policy H3 of RPG1 and Policy 4 of the Draft RSS a phasing plan for the implementation of the housing element has been discussed with the applicants. It is considered that the development is unlikely to commence until Summer 2009 and if left to the market would proceed at a rate of 50 dwellings per annum. It must be noted however that 120 of the proposed houses would be open market houses, the rest being affordable. The applicants have stressed the importance of the revenue generate by the open market housing to fund the reclamations, the employment development and the provision of affordable housing and have suggested that 100 of the units be provided within the regional planning period 2006-11 with the remaining 20 units being provided in the period 2011/2016. In view of the regeneration benefits of the scheme and the RSS Panel's comment that the district allocations "should not provide the justification for the refusal if windfall housing proposals which fall within the guidance set out for Urban Capacity Studies". Clearly this site is in need of redevelopment following the announcement of the closure of the steelworks and it is considered that the site would perform relatively well in terms of the tests applied as part of the Urban Capacity Study.
64. It is suggested that a Section 106 agreement be used to implement this phasing plan.
65. In view of the above policy framework, it is considered that the application site remains a sustainable opportunity for housing development within the Weardale sub area and is seen to satisfy the sequential approach to site selection set out in policies DP1, DP2 and H3 of the RSS for the North East and policies 3, 4, 8 and 31 of the Submission draft RSS and is consistent with the guidance contained in PPS3: Housing. By virtue of the existing allocation the proposed development also accords with policies H3 and H7 of the adopted Wear Valley District Local Plan.

(b) industrial

66. The supply of an adequate amount of industrial land in Weardale is critical to meeting the demands of indigenous firms and to attracting new investment into the area. The promotion of employment opportunities within the dale will also reduce the need to travel into the main conurbations in search of job opportunities. The principle of development is clearly supported by the adopted Local Plan. A recent employment land review has not identified the site as one appropriate for de-allocation. Furthermore it confirms that the existing amount of employment land allocated in Wolsingham will be required to meet future needs.
67. In addition to the Local Plan consideration should also be given to the Durham County Structure Plan, RSS and national planning guidance.
68. The Durham County Structure Plan (Policy 22) states that sites to meet local employment needs should be identified in local plans in locations within or well related to towns and villages. Development should be consistent with the scale and character of the town or village.
69. Since the publication of the Local Plan, PPG4: Industrial, Commercial Development and Small Firms was published in March 2001. One of the Government's key aims is to encourage continued economic development in a way that is compatible with its environmental objectives. The locational demands of businesses are also recognised as being a key input to the preparation of development plans which should seek to;- encourage new development in locations which minimise the length and number of trips, especially by motor vehicles; encourage new development in locations that can be served by more energy efficient modes of transport; discourage new development where it would be likely to add unacceptably to congestion; and to locate development requiring access mainly to local roads away from trunk roads, to avoid unnecessary congestion on roads designed for longer distance movement.
70. In addition to PPG4, PPS7: Sustainable Development in Rural Areas is applicable to the proposed industrial development. Paragraph 4 states that;
- Planning authorities should support a wide range of economic activity in rural areas. Taking account of regional priorities expressed in RSS, and in line with the policies in paragraphs 2-4 above, local planning authorities should:*
- (i) identify in LDDs suitable sites for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration;
 - (ii) set out in LDDs their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.
71. Moving onto the Draft Regional Spatial Strategy (formally RPG1) it is declared that the importance of encouraging regeneration of the rural areas of the region is one of the top priorities in the RSS strategy.

72. For the purposes of the sequential approach to site selection, it is suggested that the sub areas identified in the Council's interim housing policy would be equally applicable given the Government's sustainability objectives and the specific need for employment creation and economic regeneration within the Dale sub area.
73. The statutory policy framework for assessing the merits of the industrial element of the scheme is set out above. In addition, consideration must also be given to Renewing Weardale - The Way Forward, which has been produced by the Council in partnership with the Weardale Task Force, One NorthEast, Lafarge Cement UK and Durham County Council. The strategy has been developed as a reaction to a series of economic events including the outbreak of foot and mouth in 2001 and the closure of the Eastgate Cement Works in 2002 which collectively resulted in the potential loss of in excess of 10% of the total jobs in Weardale.
74. It is widely accepted that the relocation of existing businesses into more appropriate locations and modern premises will help to encourage growth and secure their long term future within Weardale. The provision of additional employment land will also encourage new investment.
75. The Renewing Weardale Strategy is designed to achieve the step change required in the regeneration of Weardale and was endorsed by the majority of respondents in the public consultation of Summer 2003. It includes a number of flagship proposals and other initiatives designed to solve the severe socio economic problems it faces. It aims to deliver an integrated programme of actions to achieve economic prosperity and diversity and the development of the Wolsingham site for mixed uses is one of the flagship projects.
76. The strategy is underpinned by a series of integrated and co-ordinated actions and aims; to achieve economic prosperity and diversity, to provide for sustainable transport development, to safeguard the countryside, to achieve a well designed accessible living and working environment; and to support an effective and strong community. Within this strategy the Wolsingham Business Park is recognised as a strategically important site at the entrance to Weardale.
77. Further to the strategy itself and as part of the research leading to the preparation of the strategy, a market demand study was undertaken by DTZ Pidea Consulting in April 2003 which looks specifically at the application site in terms of the need for industrial development. This study showed that there was a range of types of demand including serviced land, small office space and workshops. They also advised that there was a substantial need and opportunity in the locality to both stimulate new entrepreneurship activity and enable existing entrepreneurs to expand in the area.
78. The following is an extract from the Wolsingham Parish Plan which recognises the need for new industrial development.

'a high proportion of residents felt that there are an inadequate number of local employment opportunities. Traditional employment opportunities are in decline, and there is currently very little infrastructure for the development of

new facilities. The Weardale Task Force have identified that land in the vicinity of the Steelworks is potentially suitable for “high-tech” industrial development, and Wear Valley District Council have responsibility for leading this project. The residents’ questionnaire showed a small but significant number of respondents interested in forming their own businesses, and the biggest barrier to local establishment is seen as availability of suitable premises. At the time of writing, all light industrial units within the Parish are occupied. The success of a telemarketing business (which also offers homeworking opportunities to residents) based in the steelworks, and using satellite broadband, shows that such modern industries can be successfully established in the area if suitable premises and infrastructure is available.’

(<http://www.wolsingham.net/parishplan/Maindoc/employment.htm>)

79. The most recent guidance represents a more cautious approach to the development of a large employment site within a rural area and emerging policies contained in PPS7 and the RSS give further clarity regarding the appropriateness of the location and the need to perform a sequential approach to site selection in accordance with policy 3 of the emerging RSS.
80. In view of the above it is considered that the guidance contained in the emerging RSS, particularly the guidance relating to consideration to alternative sites must be given significant weight.
81. Due to its location, relative to the centre of the settlement and the status of the land (brownfield) it is considered that the development of this site is sequentially preferable to the allocated land to the east.
82. It is proposed to accommodate 3000m² floorspace (approx 32,300 ft²) of Use Class B1 and B2 employment land within the development. The land set aside on the illustrative plan is around 1hectare (including the retail land although it seems likely that additional land will be required to accommodate the proposed floorspace. In view of the particular demand expressed for general industrial units in the vicinity of the site from existing businesses, it is deemed necessary to ensure that at least 1,400m² (approx 15,000 ft²) is provided as B2 general industrial uses. This type of development is likely to require significantly more land than a B1 use given the nature of the buildings which are more likely to require large footprints and associated service areas as opposed to offices which can be accommodated over multiple floors and only require staff and visitor car parking.
83. The way this floorspace is delivered is yet to be determined within the site however the illustrative layout submitted with the application does suggest an acceptable arrangement can be achieved within the site although the proportion of industrial land, as an area, is likely to be higher than that suggested within the supporting information. The balance of the floorspace would be provided within the site and a combination of B1 and B2 units.
84. As a brownfield site within the settlement limits of an area where demand for employment floorspace is accepted and given that the site has previously been in employment use the principle of B1 and B2 uses within the scheme is strongly supported. The mechanism which will deliver this provision will need to be considered as part of a Section 106 agreement.

85. The employment element is considered acceptable in principle and is seen to accord with policies 3, 4 and 5 Draft Regional Spatial Strategy, PPS7, PPG4 and policy H3 of the adopted Local Plan.
86. It should be noted at this stage that the Steelworks Site on its own is not capable of satisfying the demand identified in the adopted Local Plan which looks for 4.6 hectares of industrial land, this need for additional land is endorsed by the Employment Land Review. The employment provision proposed would however mitigate against the loss of the employment land formally occupied by the Steelworks and help to achieve the Council's aspirations in terms of economic development in Weardale. It can not however satisfy the requirements set out in the Wear Valley District Local Plan.

(c) retail

87. The retail element of the proposed development would involve the construction of a new retail store measuring around 325m² gross. The applicants have produced some information in support of this element of the scheme although they have taken the view that a retail impact assessment is not necessary as the proposal falls below the threshold set out in PPS6 (2500m²). Having received additional advice from England & Lyle the Council's retail consultant, it is considered that the applicants have taken a simplified view of the need to assess the impact of smaller development and that the need for a retail assessment should be judged in relation to the site of centre the proposal would effect. The application site is essentially an out of centre site with a floorspace which is greater than the whole of the convenience goods offer in the centre of Wolsingham. It is likely that the retail element would have an adverse impact on the centre and cannot be supported without the necessary analysis having been undertaken.
88. The applicant has made the following comment *'Our planning application contains a retail report provided by Entec. A full retail impact assessment is not required for this proposal because the threshold of 2,500 square metres is set in PPS6 (paragraph 3.23). Our proposals measure approximately 325 square metres. This is not just slightly under the threshold, it is a mere 13% of the size requiring the assessment. Nevertheless you suggested that Wolsingham might be an exceptional circumstance because of the small scale of the settlement. We have given this consideration and we would like to provide significant safeguards to mitigate possible impact of retail provision on our site.'*
89. *Wolsingham Parish Council wrote to you in December expressing concerns about the impact of retail development on our site. We subsequently met with the Parish Council in March this year to explore those concerns. It was evident from the meeting that there is considerable support locally for some retail provision on our site as long as it is not at the expense of the current retail provision in the market square. Specifically members feared that an existing local retailer would move from the market square to our site, close its existing premises and prevent it being bought by a competitor. We feel that we can provide a mechanism to deal with this possible impact.*

90. *We propose to enter into a unilateral undertaking under Section 106 stating that when we sell the part of the site zoned for retail use we will impose a covenant on the sale that covenants any purchaser with existing retail premises in Wolsingham not to allow those premises to pass out of retail use and not to impose any covenants on the sale of these premises which would limit their use for any type of retail. This covenant would deal comprehensively with the specific threat identified by the Parish Council.*

91. In view of the lack of information and in accordance with the guidance received from England & Lyle, it is considered that the proposed retail element of the scheme has failed to satisfy the test set out in PPS6 regarding need, impact and the sequential approach. The retail element is therefore at odds with policies S1 and S10 of the adopted Wear Valley District Local Plan and the guidance contained in PPS6: Planning for Town Centres.

vehicular access

92. As part of the application, planning consent is sought for the access into the site to be taken from Durham Road. While concern was initially expressed, further discussions have been held between the Highways Engineers and a detailed design has now been agreed. CDE&TS (Highways) has commented that he is satisfied with the proposed access and no objection is raised to the proposed arrangements.

93. The access would be taken from the land adjacent to the existing stone buildings along the frontage of the site which are to be retained. The provision of this access would require some off-site improvements to the road which would be carried out in accordance with a Section 278 agreement. The improvements would involve the creation of a new protected right turn into the existing access to the north of Durham Road and also a protected right turn for east bound traffic into the application site. A pedestrian crossing will be provided outside the retained building and the footway in front of this building and the adjacent residential properties will be widened.

94. Based on the new details (Plan Ref: 006/SA06) the proposed access into the site is considered acceptable and can be seen to accord with policies GD1 and T1 of the Wear Valley District Local Plan.

impact on neighbouring properties

95. In determining this application detailed consideration of the relationship between the proposed development and the neighbouring properties, particularly those on Durham Road and Attwood Terrace must be reserved, as the current application does not seek consent for the siting/layout of the new buildings. However it should be noted that the illustrative layout provided by the applicants clearly demonstrates that a scheme can be prepared which will comply with the minimum distance standards set out in policy H24 of the Wear valley District Local Plan.

96. Should outline planning consent be granted, full consideration of all internal and external relationships would need to be considered as part of a reserved matters application.

impact on infrastructure

97. Objectors to the Sawmills proposal do not appear to have any specific concern about the impact on the infrastructure as a result of this development which is peculiar given that this scheme would generate more dwellings. In view of this fact I have addressed the matter for completeness.
98. It has been suggested during the course of the adjacent application that the amount of new development proposed would place unacceptable pressure on the existing services and infrastructure within the village.
99. Policy Rur3 of the RPG1 seeks to protect and improve the provision of critical rural service infrastructure including; schools, post offices, banks, shops, pubs, village halls and petrol stations. Clearly an increase in the population of the settlement should have a positive impact on the majority of such facilities in terms of the level of trade and useage likely to be generated. Reference is also made within PPS3 of the positive contribution that new developments can have in supporting new physical and social infrastructure and to help sustain appropriate local services and facilities. I hold the view that the proposed development would have the potential to support existing facilities within the village. It is also noted that the comprehensive school currently has spare capacity and that the proposed development would be welcomed in this respect.
100. In relation to the fact that the doctors surgery is operating at capacity, again it is considered that this situation is reflective of a national trend rather than a situation which is unique to Wolsingham or even Wear Valley. Should the situation not improve then it is possible that new residents may be forced to travel to Tow Law or Crook as an alternative to the Weardale Practice.
101. Northumbrian Water have raised concerns about the impact of the proposed developments on this site and the Sawmills site on the existing sewage treatment works which is understood to be at capacity. A set of conditions have been suggested to ensure that the works necessary to increase the capacity would be undertaken before the development is occupied. The applicants have been in regular discussions with NWL.
102. In relation to the impact of the proposed development on existing services and facilities it is accepted that there are potentially advantages and disadvantages likely to result from the introduction of this number of new households. On balance, it is considered that the development could play a positive role in supporting existing facilities, particularly the comprehensive school, which currently has a shortfall in student numbers.

ecological implications

103. The applicant has submitted information in support of the application to address the ecological impact. The information initially submitted was deemed to be insufficient and further survey work has now been undertaken. Following the submission of this information, Natural England have withdrawn their original objection in favour of conditions which will be imposed should permission be granted.

104. In view of the additional information now supplied, it is considered that the proposal accords with policy ENV13 of the Wear Valley District Local Plan and the guidance contained in PPS9: Biodiversity and Geological Conservation.

landscape impact

105. Following comments received from CDE (Landscape) it has been suggested that certain elements of the landscaping proposals illustrated on the submitted plans would be inappropriate. Advice from the Council's Arboricultural advisor makes specific reference to all trees contained within the site. The findings of this report should be incorporated into any subsequent landscaping scheme in the event that planning consent is granted, to ensure compliance with policy GD1 of the Wear Valley District Local Plan.
106. Comments from statutory consultees have suggested that the existing trees within the site are of great importance to the eventual scheme. I would agree with this assessment and it is suggested that conditions are imposed to require a full arboricultural survey to be undertaken as part of the reserved matters submission and that a management plan be prepared to deal with the retained trees.
107. Details of landscaping are reserved for future consideration and do not form part of the formal decision making process of this particular application.

contamination

108. Phase I Desktop and Phase II investigation reports have submitted as part of the supporting information. Given the nature of the site and the concerns about public health, the local planning authority have commissioned an independent audit of the information submitted by the applicants. This work has been undertaken by Encia Consulting Ltd.
109. As part of the review, it was considered that insufficient information had initially been submitted to address the concerns about the impact of the proposed development and the remediation of the site. Following the submission of additional information by the applicants Encia have now advised that the remaining issues may be controlled by condition and conditions have been suggested accordingly. The Environment Agency have made further comments in respect of the Encia advice and have concurred with their recommendations.
110. The proposed development is now seen to accord with the guidance contained in PPS23 in respect of contamination.

flood risk

111. The Environment Agency had originally objected to the proposed development on the grounds that the supporting information contained certain anomalies which required further attention. These matters have now been addressed and the Environment Agency have confirmed that they have withdrawn their previous objection subject to the imposition of certain conditions relating to flood risk.

112. The proposed development is now considered acceptable in relation to the guidance contained in PPS 25: Planning and Flood Risk.

archaeology

113. Information has been submitted including a desk based assessment and is now considered to be acceptable subject to the imposition of an appropriate planning condition.

114. The proposed development is considered to be in accordance with policies BE15 and BE17 of the Wear Valley District Local Plan.

affordable housing

115. It is suggested that the proposal would include provision of 20% affordable houses. The level of provision is consistent with that set out in the Wear Valley District Local Plan in respect of the Sawmills site and is welcomed. The mechanism for achieving this affordable housing in accordance with the guidance contained in PPS3 is yet to be determined and will need to be address as part of a reserved matters submission should outline planning consent be granted. If the application were approved, the level of provision would be set at 29 units from the total of 149.

116. The provision of 20% affordable housing within the site is supported and is deemed to comply with the requirements of policy H15 of the Wear Valley District Local Plan and the guidance contained in PPS3: Housing.

community involvement

117. Two public exhibitions have been held in Wolsingham on 8th March 2006 and 31 July 2006. It is reported that 128 people attended. Many attendants provided comments which have formed part of the Statement of Community involvement submitted with the application. The applicant has demonstrated within this Statement how the applications have been amended to reflect the comments received as part of this exercise.

recreation and POS provision

118. The proposed development includes areas of public open space. In accordance with the Wear Valley District Local Plan, it would be intended to provide landscaping and certain facilities as part of a legal agreement. The proposal is satisfactory in terms of the requirements of policies H22, RL4 and RL5 of the Wear Valley District Local Plan.

impact on public right of way

119. The applicants were made aware at an early stage of the concern from CDE (Public Rights of Way) that although there were no Public Rights of Way recorded on the definitive map running through the site, there is a PRow running along the western boundary. Clearly the reserved matters submission will need to respect the location of the existing right of way and a set of informative notes should be provided to the application in respect of their

obligation should planning permission be granted. The proposal is considered to accord with policy GD1 (xxiii) of the Wear Valley District Local Plan.

sustainable development

120. The consultation responses from One North East and the North East Assembly suggest that the applicant should be making a commitment towards sustainable development as set out in the emerging RSS. The applicant has made the following comment in respect of this request.

'At this stage of the project it is potentially damaging to commit the applicant to a particular BREEAM or code for sustainable homes rating. BREEAM in particular is increasingly seen as an outdated scoring system which places emphasis on an inappropriate set of indicators. Giving a commitment now related to BREEAM could undermine the viability of the employment area. I note also that BREEAM does not apply to B2 use. Banks Developments would prefer to state that the company is committed to establishing a reputation for sustainable buildings within our developments. We are investigating the potential to provide highly sustainable homes in part of the Wolsingham site as a flagship development at the forefront of a new venture for the company. The commercial areas will conform to the standards which apply at the time of construction. There will be a heavy emphasis on fitting in with the local architectural vernacular which may, in its self, militate against achieving various indicators for sustainable development. Within the context of Wolsingham the main aims for commercial development shall be viability and architectural integrity. Within these constraints the developer will seek to maximise the sustainability of the buildings'.

121. In view of the fact that the adopted local plan has no such requirement and given that the RSS is yet to be adopted, it is considered on balance that the proposed development is acceptable in its current form. Furthermore, it is not deemed appropriate to impose a condition requiring that the applicant meet certain targets at this stage.

section 106 legal agreement

122. 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 to transfer deliver the employment element which shall include a minimum of 1,400ft² (Approx 15,000ft²) Use Class B2 floorspace and 1,600m² Use Class B1 floorspace (Approx 17,200ft²);
- Details and plans of the proposed phasing of the housing development;
- The timetable, handover dates and tenure of the proposed 20% affordable housing;
- On site landscaping and maintenance agreement;
- Off site play and recreation provision/ maintenance;

objections/observations

123. 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. nine objections have been received; one letter in support has been submitted.
124. A summary of the objections in relation to the original submission is given below.
- a) The Steelworks should be kept open.
 - b) There is no demand for new housing in Wolsingham.
 - c) The proposals would affect the character of the village.
 - d) Concerned about the type of development closest to my property.
 - e) The public footpath should not be opened up and intensification of its use would have an adverse impact on nearby residents.
 - f) The site is not allocation for housing.
 - g) Wolsingham is not a priority area for new housing.
 - h) Wolsingham cannot absorb an increase in housing by this amount.
 - i) Concern about the type/amount of affordable housing.
 - j) The site should be used for industry.
 - k) Concern is expressed about the capacity of the sewerage plant.
 - l) The development would increase traffic on the A689.
 - m) Concern is expressed about the retail element on the existing village shops.
 - n) Concern about the relationship between the railway depot and the proposed houses.
 - o) Concern is expressed about the geometry of the proposed spine road.

response to objections

125. In response to these observations, I would make the following comments,
- a) The steelworks is closing as it is no longer deemed financially viable, the local planning authority are powerless in terms of keeping the existing business operational.
 - b) The applicants clearly feel that there is a demand for housing in this area.
 - c) The importance of the design and layout of the detailed scheme is recognised but must be addressed as part of the reserved matters submission.
 - d) This is an outline application and the layout plan is illustrative only. This matter must be addressed as part of the reserved matters submission.
 - e) The public footpath is a community facility with legal rights to be access. It is considered that improving linkages between Durham Road and the riverside would be of benefit to nearby residents and occupants of the proposed development.
 - f) This is correct and the principle of development is addressed within this report.
 - g) Again the principle of development is addressed within the report.
 - h) Details regarding impact on the existing infrastructure are addressed within this report.

- i) The delivery of the affordable housing and its tenure will be decided through the Section 106. As yet the nature of this provision remains unclear. The applicants have committed to 20% provision which is to be welcomed in this location.
- j) Due to the level of contamination, it is accepted that land economics would not allow the site to be used solely for industry. This matter is addressed in the report.
- k) This matter is addressed in the report and by the conditions which have been imposed.
- l) An increase in traffic is inevitable however the removal of the existing traffic to the steelworks is also noted. CDE&HS (Highways) has considered the application and has raised no objections.
- m) This concern is shared and this element of the scheme is recommended for refusal.
- n) This is an outline application and the layout plan is illustrative only. This matter must be addressed as part of the reserved matters submission.
- o) CDE&HS (Highways) is away of the need to access the railway depot and has raised no objections.

summary

125. It is considered that the proposed development, with the exception of the retail element may be seen to accord with Government advice on new residential developments set out in PPS1 'Delivering Sustainable Development and 'The Planning System: General Principles', PPS3 "Housing", PPG4 ' Industrial, Commercial Development and Small Firms', 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.
126. It is considered that the retail element proposed in this application may have an adverse impact on the vitality and viability of Wolsingham local centre. Given that the applicants have failed to fully assess the likely impact of the proposed retail element in the form of a Retail Impact Assessment, this part of the scheme cannot be supported. It is considered that due to the lack of information, the proposed retail unit cannot be considered to accord with policies S1 and S10 of the Wear Valley District Local Plan and the guidance contained in PPS6: Planning for town centres.

conclusion and reasons for decision

1. The principle of redevelopment of this brownfield site and the reclamation of a highly contaminated site is considered acceptable in relation to the adopted Local Plan and more recent regional and national planning guidance.
2. The proposed development would include the provision of 20% affordable housing within the site is supported and is deemed to comply with the requirements of policy H15 of the Local Plan and the guidance contained in PPS3: Housing.

3. In view of the additional information now supplied, it is considered that the proposal accords with policy ENV13 of the Wear Valley District Local Plan and the guidance contained in PPS9: Biodiversity and Geological Conservation.
4. The proposed development is now considered acceptable in relation to the guidance contained in PPS 25: Planning and Flood Risk.
5. The proposed development is considered to be in accordance with policies BE15 and BE17 of the Local Plan.
6. Based on the new details (Plan Ref: 006/SA06) the proposed access into the site are considered acceptable and can be seen to accord with policies GD1 and T1 of the Wear Valley District Local Plan.
7. In the absence of a retail impact assessment, the proposed retail element cannot be considered to accord with policies S1 and S10 of the Wear Valley District Local Plan and the guidance contained in PPS6: Planning for Town centres.

RECOMMENDATION

That, subject to the applicants first completing a Section 106 Agreement, a split decision be issued:

- i) consent for a mixed use development including residential, employment and open space be **GRANTED** subject to the conditions detailed in the report.
- ii) the retail element of the application be **REFUSED** for the reasons detailed in paragraph 126 of the report.

conditions

1. Before the development is commenced approval of the details of the following reserved matters shall be obtained from the local planning authority:
 - a) the layout of the proposed development,
 - b) The scale of the proposed development,
 - c) Details of the appearance of the proposed development,
 - d) Details of the landscaping.
2. Application for approval of reserved matters should not be made later than the expiration of three years beginning with the date of this permission and the development should not be begun later than whichever is the later of the following dates:
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3. The residential development hereby approved in outline is for a maximum of 149 dwellings which shall include at least 29 affordable units.
4. The site plan submitted with the application is for illustration only and does not form part of the approval of this planning application.
5. The following details must be submitted to and approved in writing by the local planning authority prior to the development hereby approved being commenced:
 - a) Details of flood modelling and an assessment of the structural integrity of the embankment as part of a full flood risk
 - b) Assessment.
 - c) Detailed archaeological evaluation.
 - d) Protected species surveys, impact assessments and a mitigation strategy.

The agreed details shall be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced.

6. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme and 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 which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
9. 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.

10. Before the occupation of any dwelling 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 in accordance with the approved details. 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.
11. No development shall take place unless in accordance with the mitigation detailed within the protected species report ("Weardale Steelworks Wolsingham, Bat Survey Report (Updated)"; 30/01/07; Baker Shepherd Gillespie) including, but not restricted to obtaining a DEFRA licence; adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods; provision of a bat loft(s); in so far as this is not incompatible with condition 12.
12. Demolition of stone buildings H. I, J, K and L shall not be carried out during the bat hibernation period (November to March inclusive)
13. No internal or external alterations shall be made to building A (including measures specified within the protected species report "Weardale Steelworks Wolsingham, Bat Survey Report (Updated)"; 30/01/07; Baker Shepherd Gillespie- and design to enhance the loft spaces for bats) until a DEFRA licence has been obtained for those proposed works.
14. Finished floor levels of the proposed development shall be set above the 1 in 100 year flood outline, plus a climate change factor as highlighted in PPS25 and at least 600mm freeboard above this level, for the lifetime of the development.
15. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the local planning authority. Such a scheme shall be implemented before the construction of impermeable surfaces draining into this system unless otherwise first agreed in writing by the local planning authority.
16. No building works shall commence on the development until the means of improving sewage disposal and treatment have been submitted to and agreed in writing by the local planning authority.
17. No development shall take place until the capacity improvements to the foul sewage network have been provided to the satisfaction of the local planning authority.
18. No development shall take place until the applicant has submitted an agreed phased programme of archaeological works, to include evaluation, building recording and where appropriate, mitigation (i.e excavation and publication), in accordance with a written scheme of investigation. This should be submitted by the applicant and approved in writing by the local planning authority before development commences.

19. A detailed site investigation shall be carried out by a competent person(s) considering the implications of the development on human health, controlled waters and the wider environment. This shall be completed in line with current UK guidance and consider all potential pollutant linkages. Development shall not commence until a scheme to deal with contamination, has been implemented and a verification statement produced by a suitably qualified person has been submitted to the local planning authority.
20. A detailed quantitative risk assessment shall be undertaken based on the findings of the site investigation. This shall be submitted to and approved by the local planning authority prior to any works commencing on site.
21. A risk based remedial strategy and contractor method statement shall be produced. This shall be submitted to and approved in writing by the local planning authority prior to any remedial work commencing on site. Any variation to the agreed remedial strategy shall be submitted to and approved by the local planning authority prior to execution.
22. A validation report shall be produced based on the remedial action undertaken. This shall be submitted to and approved in writing by the local planning authority prior to occupation.
23. Should any contamination be detected that was not previously identified in the site investigation, the local planning authority shall be notified and a scheme to deal with this shall be submitted to and approved in writing by the local planning authority prior to final verification of site works.
24. The proposed access shall be carried out in accordance with plan Ref: 006/SA03 provided by Milestone Transport Planning.
25. At no time whatsoever shall any waste material, goods, merchandise or any article of any description be burnt on the site.
26. No noisy construction or demolition activity shall be carried out on the site before 0730 hours or after 1930 hours Monday to Friday, before 0800 or after 1300 on Saturdays and at no time on any Sunday or Bank Holiday.
27. Suitable means of water suppression for the control of dust arising from demolition and construction activities and from vehicle movements on and around the site shall be provided, maintained and used where necessary to minimise off site dust deposition.

reasons

1. Required by applicant.
2. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. For the avoidance of doubt. In accordance with policy H14 of the Wear Valley District Local Plan.
4. For the avoidance of doubt. In accordance with policy GD1 of the Wear Valley District Local Plan.
5. To enable the local planning authority to retain control over additional information which is required prior to the commencement of any development and to secure a satisfactory standard of development. In accordance with policies GD1, BE17 and ENV17 of the Wear Valley District Local Plan.
6. To prevent the increased risk of flooding. In accordance with policy GD1 of the Wear Valley District Local Plan.
7. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
8. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan.
9. 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.
10. 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.
11. To conserve protected species and their habitat in accordance with policy ENV13 of the Wear Valley Local Plan.
12. To conserve protected species and their habitat in accordance with policy ENV13 of the Wear Valley Local Plan.
13. To conserve protected species and their habitat in accordance with policy ENV13 of the Wear Valley Local Plan.
14. To protect the development from flooding. In accordance with PPS25: Planning and Flood Risk.
15. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. In accordance with policy GD1 of the Wear Valley District Local Plan.
16. To ensure a satisfactory form of development which does not place undue pressure on the Sewage Treatment Works. In accordance with policy GD1 of the Wear Valley District Local Plan.
17. To ensure a satisfactory form of development which does not place undue pressure on the Sewage Treatment Works. In accordance with policy GD1 of the Wear Valley District Local Plan.

18. The site is in an area of archaeological potential as detailed in the EIA. In accordance with policy BE18 of the Wear Valley Local Plan.
19. To protect the environment and to ensure the site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan.
20. To protect the environment and to ensure the site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan.
21. To protect the environment and to ensure the site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan.
22. To protect the environment and to ensure the site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan.
23. To protect the environment and to ensure the site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan.
24. For the avoidance of doubt in accordance with policy GD1 and T1 of the adopted Local Plan.
25. In order to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.
26. In order to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.
27. In order to safeguard the amenity of the surrounding area. 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.
- In order to determine the reserved matter submission and given the requirements of the planning conditions in respect of flood levels, it will be considered necessary to have full details of the site levels including cross sections through the site before the reserved matter application is considered valid.

- A tree management plan for the retained trees should be submitted with the reserved matters submission.

Background Document

Application files, Wear Valley District Local Plan, County Durham Structure Plan, Draft Regional Spatial Strategy for the North East (RSS), RPG1, PPS1 'Delivering Sustainable Development and 'The Planning System: General Principles', PPS3 "Housing", PPG4 ' Industrial, Commercial Development and Small Firms', PPS6: Planning for Town Centres, 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,

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|--|----------------------------------|------------------------|---------------------------------|
| PS code | <input type="text" value="1"/> | | |
| number of days to Committee | <input type="text" value="231"/> | target achieved | <input type="text" value="No"/> |
| explanation | | | |
| Due to the complex issues involved, it has not been possible to address all of the issues within the normal timescale. | | | |

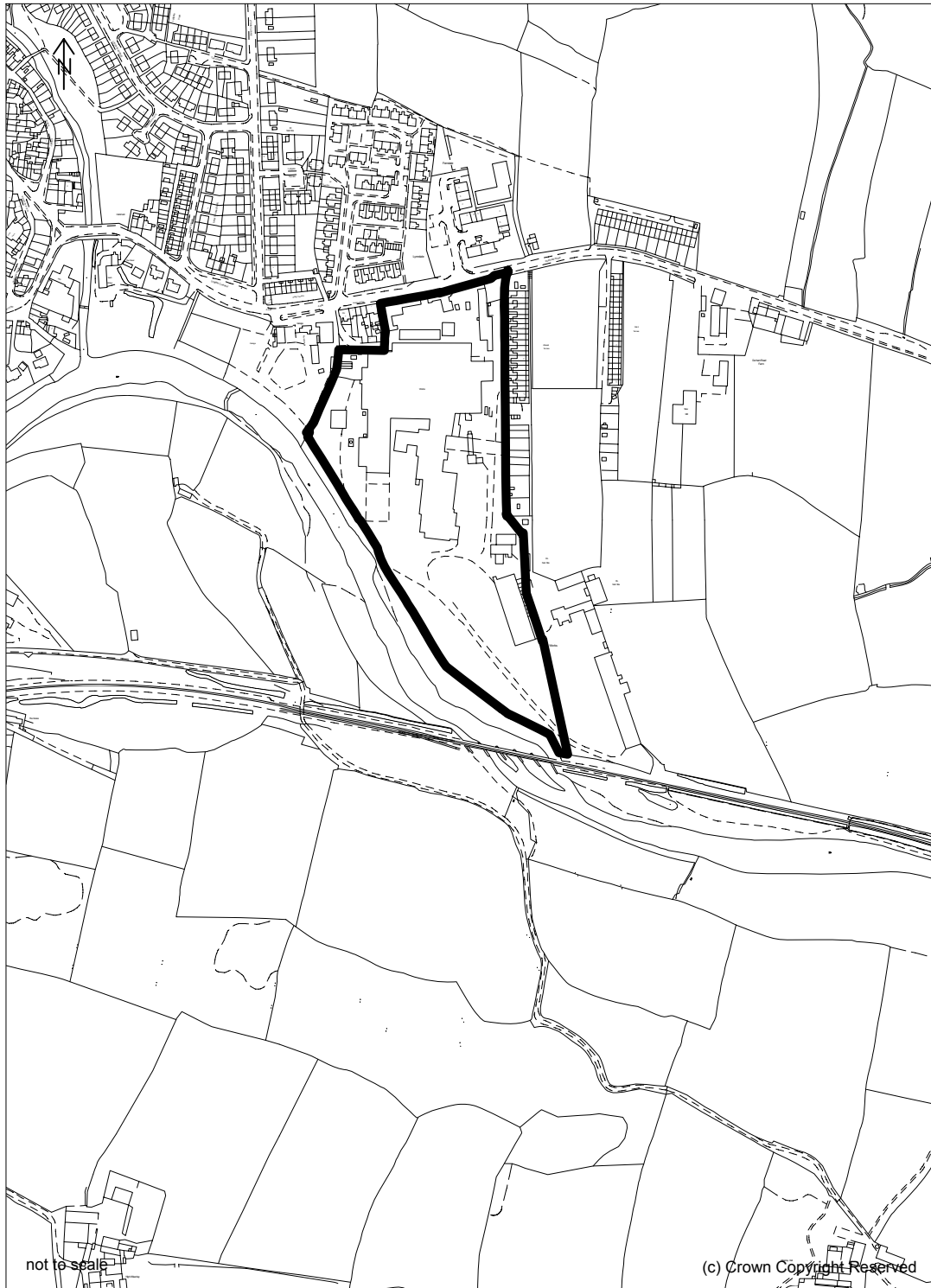
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

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 Planning Officer
 Ext 220

3/2006/0817- MIXED USE REGENERATION, INCLUDING RESIDENTIAL, EMPLOYMENT, RETAIL AND OPEN SPACES (RESUBMISSION) AT WOLSINGHAM STEELWORKS, DURHAM ROAD, WOLSINGHAM, BISHOP AUCKLAND FOR H J BANKS AND CO LTD AND LES GRAHAM - 0 7.11.2006



DEVELOPMENT CONTROL COMMITTEE

3rd JULY 2007

Report of the Director of Regeneration

PART 1 – APPLICATION FOR DECISION

3/2005/0924 - OUTLINE PLANNING APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF A ROUNDABOUT AND DISTRIBUTOR ROAD, BUSINESS PARK, RESIDENTIAL DEVELOPMENT INCLUDING AN ELEMENT OF AFFORDABLE DWELLINGS WITH LANDSCAPE AND ENVIRONMENTAL IMPROVEMENTS AT FORMER WOLSINGHAM SAWMILLS, DURHAM ROAD, WOLSINGHAM, BISHOP AUCKLAND FOR YUILL HOME -18.10.2005 - AMENDED 2.12.2005 AND 14.03.2007.

description of site and proposals

1. Outline planning consent is sought for the redevelopment of the former Wolsingham Sawmills site and some additional agricultural land to the south and east. The Sawmill has used the site since the 1980's before which the land was farmed as part of Durham Road Farm.
2. The applicant seeks outline planning permission for a mixed-use development including the construction of a new roundabout, business park, residential development (including affordable units) with landscaping and environmental improvements. At this stage all matters are reserved. This outline application was submitted under the old regime prior to the changes to the outline application procedure. The application is being considered on the basis of the old regime by virtue of the fact that the application had been validated before the changes took effect.
3. The application site forms part of an existing allocation from the Wear Valley District Local Plan. This allocation includes Policy H7 which suggests that the Sawmills site measuring 2.6Ha, would be suitable for residential development of approximately 55 dwellings. Policy I2 refers to the land as Wolsingham Steelworks and suggests that an area of 4.6Ha would be suitable for new industrial development to help facilitate economic growth and employment generation in the District. Finally Policy T4 states that land to the east of these two allocations will be safeguarded to provide a new access road and roundabout to serve the existing and proposed housing and the industrial land at the Sawmills.

4. Since the original submission and following a strong public reaction to the scheme, amendments have been sought from the applicant to bring the proposed development into line with the adopted Local Plan. As a result, the size of the application site has been reduced firstly from 8.28Ha to 7.66Ha. These amendments resulted in the removal of an area of proposed industrial land to the east of the site which lies outside the 'limits of development' measuring 0.54Ha and a reduction in the size of the housing area from 3.38Ha to 3.31Ha. In addition, details of siting and access have been reserved for future consideration.
5. As part of this application, full consent was initially sought for the proposed access into the site. Following consideration of the original submission CDE&TS (Highways) had commented that the scheme was unacceptable by virtue of the roundabout design and specifically the failure to provide adequate deflection. At this stage it was suggested that the roundabout would need to be moved further into the site, to the south, in order to satisfy the highway authority. In addition, concern has been raised about the possibility of parking on the A689 due to the fact that a significant number of the proposed properties were to face directly onto the road. Finally, the internal road layout was considered unacceptable.
6. Following receipt of these comments, further discussions have been held between the Highways Engineers and the applicant, and matters of siting and layout have now been reserved for future consideration. In view of this fact, CDE&TS (Highways) has commented that there are no objections to the principle of the proposed residential development, nor are there any objections to the principle of a new roundabout on the A689. However, it is considered inappropriate at this stage to approve the full geometric design of the roads, or the exact location of the dwellings, as engineering details are likely to result in some alterations.
7. In view of the nature of the concerns, the applicant has now requested that the application be considered to be purely outline.
8. More recently further amendments have been received which restrict the residential development to the predominantly brownfield areas of the site. The scheme now includes larger areas of open spaces. The submitted plans, including the industrial and housing layouts, are considered as indicative only and the merits of the layout will not be considered as part of this application.
9. The site is situated to the south of Durham Road (A689) on the main approach into Wolsingham from the east. The site is bounded to the north by Durham Road, to the north west by Ward Terrace and Attwood Terrace, to the south west by Wolsingham Steelworks (for which an application is also being considered), to the south by the River Wear, and to the east by open countryside consisting of pasture and fields.
10. Two existing businesses within the application site would be relocated as part of the proposed development, namely Fletchers Tent & Marquee Hire and P Monkhouse Livestock.

11. Following the amendments, the site now measures 7.3Ha in total of which I consider 1.7Ha is previously developed (brownfield). This equates to a greenfield to brownfield ratio of approximately 77% to 23%. It is therefore clear that the majority of the application site is greenfield in accordance with the definition contained in PPS3 'Housing'. The residential element of the proposal is now restricted to the previously developed land to the front of the site. Previously the proportion of greenfield land to be taken by the residential element had been 53% it is now just 3%. A detailed breakdown of the current sub-division of the land is given below.

| | Greenfield | Brownfield | Total |
|--------------------------------|-----------------|--------------|---------|
| Proposed Housing | 0.05 Ha 3% | 1.7Ha 97% | 1.75 Ha |
| Proposed Employment | 3.33 Ha 100% | - | 3.33 Ha |
| Other land (Inc. Access roads) | 0.85 Ha | | 0.85 Ha |
| Open Space | 1.37 Ha | | 1.37 Ha |
| Total | | | 7.3 Ha |

12. In support of the planning application the applicant has submitted the following information:

- Geotechnical & Ground Contamination Desk Top Assessment
- Transport Assessment
- Ecology report
- Design Statement & Character Statement
- Flood Risk Report
- Statement of Community Support
- Landscape Assessment, and
- Planning Statement

planning history

13. The site was allocated for residential and industrial development in the adopted Wear Valley District Local Plan (March 1997). In addition, an area of land was set aside for a new access road into the industrial area. There is no planning history relevant to this application site.

planning policies

14. 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

- H10 Relocation of existing uses
- H14 Range of Housing Types
- H15 Affordable Housing
- H22 Community Benefit
- H24 Residential Design Criteria
- I2 New Industrial Allocations
- RL1 Recreation and Leisure - 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
- MW1 Safeguarding of Mineral Reserves
- ENV3 Area of Landscape Value
- ENV7 Protection of Agricultural Land
- ENV8 Phasing of Agricultural Land
- ENV13 Protection of Species and their Habitats
- BE14 Open Spaces within built up areas
- BE17 Areas of Archaeological Interest

Government advice on new residential developments set out in PPS1 'Delivering Sustainable Development and 'The Planning System: General Principles', PPS3 "Housing", PPG4 ' Industrial, Commercial Development and Small Firms', 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.

15. Consideration has also been given to the Wolsingham Parish Plan and Renewing Weardale -The Way Forward, although it should be noted that these documents are not statutory instruments.

consultations

16. CDE&TS (Highways): No objection in principle to the proposed development at this location nor is there any objection to the creation of a new roundabout. The design submitted however is not acceptable in its current form. As this matter is now a reserved matter, there are no further objections from CDE& TS (Highways).
17. The Environment Agency: Objects to the application on the grounds that insufficient evidence has been submitted in respect of a Flood Risk Assessment. No detailed comments are given in respect of the contamination issue. Recently the initial objections have been upheld and further concern has been raised about the applicant's failure to demonstrate that a sequential test has been carried out in respect of flood risk.
18. Northumbrian Water: Technical information to be forwarded to the applicant.
19. Director of Community Services: No comments received.

20. Durham Bat Group: There is a strong possibility that endangered bats will be using the existing buildings. A full bat survey should be undertaken prior to the commencement of any works.
21. English Heritage: No comments received.
22. Natural England: Object to the application on the grounds that insufficient details have been submitted.
23. Durham Police: Secure by design principles should be adhered to when designing the final layout.
24. DCC Policy: It is considered that the outline planning application for mixed use development accords in principle with the adopted development plan and transport policies for the area and is a key element in economic and housing initiatives for the regeneration of the town. It provides a significant development opportunity, and is to be welcomed.
25. DCC (PROW): Although there are no adopted public rights of way running through the application site, there is evidence of a footpath which may have been used for the necessary period of time to accrue rights on the basis of use. As such it is suggested that a route be retained through the application site which can be used once the development is completed.
26. DCC Landscaping: Concern about the proposed landscaping as the boulevard style tree planting and other elements are not considered to be a recognisable landscape characteristic. The application is now however in outline and no such details may be considered at this stage.
27. Parish Council: Strongly objected to the original submission on the grounds summarised below;
 - The size and scope of development is inappropriate for Wolsingham,
 - The proposal extends beyond the settlement limits,
 - The Parish Plan contains a presumption against any further housing development in Wolsingham of this scale,
 - The field between Ward Terrace and Attwood Terrace is not included in the application site and cannot therefore be considered as part of the Public Open Space/Play area obligation.
28. Comments from the Parish Council on the revised application have been received and the original objections have been added to by concern about the creation of illogical open spaces to the edge of the settlement which have been a result of the proposed changes.

officer analysis

29. The key issues for consideration are:
 - Principle of Development
 - Impact on Neighbouring Properties

- Loss of Agricultural Land
- Impact on Infrastructure
- Impact on Listed Building
- Ecological Implications
- Landscape Impact
- Contamination
- Flood Risk
- Archaeology
- Safeguarding of Mineral Reserves
- Affordable Housing
- Community Involvement
- Recreation and POS Provision
- Impact on Public Right of Way
- Section 106 Legal Agreement

30. Many of the issues considered in this report require separate consideration for the three main elements of the scheme, i.e. for the residential, the industrial and the new access road. As such it is necessary to address each issue in turn and then collectively.

principle of development

31. It should be noted that development plans do not have to be rigidly followed, they provide a firm basis for rational and consistent planning decisions. They are intended to give everyone concerned with development in an area a measure of certainty about what kind of development will and will not be permitted during the life of the plan. The Wear Valley District Local Plan was adopted in March 1997 and contains policies and allocations intended to influence development up to 2006.
32. Emerging guidance contained in The Planning System: General Principles contains the most recent guidance on such matters having been published in 2005. The extract below is taken directly from this document.

Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date. The 2004 Act provides that if there is a conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence. (Para 10, The Planning System: General Principles)

33. Preparation of the new Local Development Framework is ongoing although it is not at a stage of development whereby it would carry any specific weight in planning policy terms. The March 1997 Local Plan remains the active development plan. In view of the age of the plan, it is accepted that there may be some concern as to whether the plan policies remain relevant and up to

date. With this in mind, it is essential to consider the merits of the proposed development in accordance with more recent national planning guidance, the emerging Regional Spatial Strategy and the adopted Structure Plan, all of which are material considerations in this case.

(a) residential

34. Given that the applicant now seeks outline planning permission, by far the most significant issue in relation to this proposal is the principle of development.
35. In terms of the suitability of the location of the site, consideration must be given to the guidance contained in PPS3 and the RSS which supersede the Wear Valley District Local Plan and must be given the appropriate weight.
36. PPS3 warns that rural areas and villages will only be suitable locations for accommodating significant additional housing where it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. This may particularly be the case where the village has been identified as a local service centre in the development plan; additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community; the development can be designed sympathetically and laid out in keeping with the character of the village using such techniques as village design statements.
37. PPS3 (Published November 2006), relating to housing in rural areas states that local authorities should make sufficient land available either within or adjoining existing rural communities to enable local requirements (specifically for affordable housing) to be met in a manner which contributes to the achievement of sustainable communities. Clearly, the recent update relates specifically to the need for affordable housing. In this context the proposed contribution of 15% is welcomed by the Council, however this in itself does not justify the introduction of additional open market dwellings. The nature of the affordable housing is discussed later in this report.
38. *.Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in PPS3 as material considerations which may supersede the policies in existing Development Plans.*

39. In general, in deciding planning applications, Local Planning Authorities should have regard to:
- Achieving high quality housing.
 - Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
 - The suitability of a site for housing, including its environmental sustainability.
 - Using land effectively and efficiently.
 - Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.
40. Where local planning authorities have an up-to-date five year supply of deliverable sites and applications come forward for sites that are allocated in the overall land supply, but which are not yet in the up-to-date five year supply, local planning authorities will need to consider whether granting permission would undermine achievement of their policy objectives.
41. Where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69. Local Planning Authorities should not refuse applications solely on the grounds of prematurity.
42. There is a 5 year supply of housing land identified within the Annual Monitoring Report within Wear Valley.
43. In addition to the guidance contained in PPS3, policies DP1, DP2 and H3 of the Regional Spatial Strategy 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 and buildings in the most sustainable locations. Locations should be selected in the following priority order:
- a) suitable previously developed sites and buildings within urban areas;
 - b) other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
 - c) suitable sites in settlements outside urban areas, particularly where this involves the use of previously developed land and buildings.

44. 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 would 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.
45. 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 Policies, H2 and H4. 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.
46. In addition to the RPG guidance, emerging guidance contained in Policy 3 of the Draft Regional Spatial Strategy also advocates a sequential approach to development in the following order:
 - a) suitable previously-developed sites within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
 - b) other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
 - c) suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
 - d) suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.
47. Policy 4 of the Submission Draft RSS relates to the need to a phasing and plan, monitor and manage approach based on the LDF periods 2004-11;2011-16 and 2016-21 and specifically states that new major developments should be phased over the three periods.
48. Policy 5 sets out the locational strategy, part c refers to the need to maintain vibrant rural areas with a diversified economy and sustainable market towns, services centres and villages whilst preserving their historic fabric and character.

49. Policy 8 identified Stanhope as a main rural service centre however development opportunities within Stanhope are limited. It is considered therefore that the redevelopment of land adjacent to Wolsingham is the next most sustainable location capable of meeting the aspirations of policy 8 and promoting a vibrant rural economy in Weardale
50. Finally Policy 31 refers to the management of housing supply. This policy encourages a phased release of housing land and the promotion of brownfield land opportunities.
51. In view of this emerging guidance, the Council have adopted an interim housing policy which requires that consideration be given to all available housing sites within a certain sub area. For the purposes of this approach the authority is split into three sub areas broadly summarised as Bishop Auckland and Coundon, Crook & Willington and Tow Law & Weardale. Such matters have recently been considered in the 2nd April 2007 Regeneration Special Committee report, an extract of which is contained below.

proposals to address emerging issues

management of district housing land supply

Up until December 2006 national planning policy for new housing was set out in Planning Policy Guidance Note 3 'Housing' (2000). Amongst other things this document placed great emphasis upon prioritising the use of previously developed (brownfield) sites for delivering new housing development. It also advocated a 'Plan Monitor Manage' approach to housing land supply. This requires robust monitoring of housing land supply and management of further releases where applicable. The current Local Plan policies predated this document.

In December 2006 a new Planning Policy Statement 3 (PPS 3) was published. This policy document continues to prioritise delivery of new housing on brownfield sites. Whilst unlike PPG 3 this new PPS does not set out a specific set of sequential criteria for considering the acceptability of sites, both it and PPS 1 'Delivering Sustainable Development' still require that priority is afforded to the development of previously developed sites within locations which are well related to community facilities, employment and public transport. It also places a greater emphasis upon the need to plan to meet local housing need and managing the process to ensure that a 5 year housing land supply is available in accordance with the net additional dwelling target afforded by the relevant RSS. The Council is currently able to demonstrate a housing land supply which exceeds this.

The emerging Regional Spatial Strategy for the North East (RSS) policies reflect this national policy direction. Government Office NE is currently considering the findings of EIP with the view of producing a final RSS over the next few months. Of significance is the fact that the panel report advocates a lesser housing target for Wear Valley than the submission draft document. This would serve to exacerbate the AMR findings with respect to housing land supply.

Amongst other things the draft RSS sets out a housing policy framework which the Council must have regard to when making development control decisions. Given that the RSS has reached the latter stages of the production process weight should now be given to its strategy direction as a material planning consideration in the decision making process. The key policy considerations which form this proposal are outlined below in respect to the manner in which the Council should consider the acceptability of the location of new housing development.

1) *RSS Policy 3 - The Sequential Approach to Development*

This policy sets out a sequential approach to prioritise and therefore guide the location of new development, including housing to the 'urban areas' of the region. This approach accords with PPS 3. The policy does not distinguish between the scale of development to which this policy should be applied. For the purposes of interpretation from a Wear Valley perspective 'urban areas' are:-

Main towns:

Bishop Auckland, West Auckland and St Helens Auckland (Bishop Auckland sub area)

Crook/Willington (Crook sub area)

Towns identified for regeneration:

Tow Law (Weardale sub area)

Coundon (Bishop Auckland sub area)

Rural Service Centres:

Stanhope (Weardale sub area)

Other settlements with significant levels of brownfield land:

Wolsingham (Weardale sub area).

NB – the number of settlements may increase when a review of brownfield opportunities is carried out to inform a Brownfield Strategy for the district. PPS 3 contains a revised definition of "brownfield" sites. This is contained in Annex 1 of this report.

2) *RSS Policy 5 – Locational Strategy*

This policy reiterates the priority which should be afforded to the development in the 'core areas' of the conurbations and from a Wear Valley perspective 'main towns', 'regeneration areas' and 'Rural Service Centres' as redefined above.

proposal to align local decision making with RSS policies on housing proposals

In September 2005 Members endorsed a more rigorous application of the 'sequential search' when considering greenfield housing proposals, regardless of their scale. This arose as a consequence of being in receipt of conflicting Planning Inspectors' appeal decisions. At that time given the diversity and geography of the district it was considered appropriate to limit this search to the sub area within

which the proposal was based, namely Crook, Bishop Auckland and Weardale. This approach was endorsed by GONE. However now this approach does not strictly accord with RSS Policies 3 and 5. In light of NEA recent advise the Council needs to ensure that it is effectively implementing policies 3 and 5.

The successful application of RSS policies 3 and 5 at a local level within Wear Valley in the future will require a settlement hierarchy approach to be implemented, which prioritises development in and around the urban areas (defined as Bishop Auckland, St Helens Auckland, West Auckland, Coundon, Tow Law, Crook/Willington, Wolsingham and Stanhope) with sites in the remaining settlements in the District being given little priority.

In view of the above there is a need to align local decision making with the emerging RSS. However, given the geography and characteristics of the District it is considered that the sub area approach already implemented should be continued. In view of the above it is considered that RSS Policy 3 translates at the local level into the following way.

Locations for all new future housing proposals within a given sub area should be selected in the following priority order regardless of site size in comparison to the proposal:-

- a) suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;*
- b) other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;*
- c) suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and*
- d) suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.*

All sites should be in locations that are, or will be, at lowest risk from flooding, and well related to homes, jobs.

52. The development of any sites, beyond those specified above should only be accepted where no such sites are available in the relevant sub area, regardless of scale.

This sequential approach should be used when considering new planning proposals and renewals of previous planning consents which are about to or have expired.

53. The proposed housing would be built on land which is allocated for residential development within the Local Plan and forms part of a larger scheme which is intended to meet the needs of local people and to contribute to the delivery of sustainable communities. Almost all of the residential land is previously developed and falls within the defined settlement limits for Wolsingham which is the largest settlement within the Weardale sub area as defined by the

Council's interim policy. The site has been considered against alternative sites within the Weardale sub area and is found to fail the sequential approach advocated in the RSS and PPG3. It is considered that the Steelworks site to the west of the application site represents a more sustainable development, as the whole scheme would involve the redevelopment of a highly contaminated site. It is also marginally closer to the centre of Wolsingham.

54. The following extract is taken directly from the Wolsingham Parish Plan website.

The residents' questionnaire revealed a very strong desire against any further housing development, with the majority of responses wishing for none or up to 50 dwellings. Subsequent to the questionnaire, planning consent has recently been given for the redevelopment of the St Anne's Convent and School for 42 dwellings.

However, Wolsingham will probably continue as a highly desired place to live, and there will continue to be upward pressure on prices, and for additional housing provision. The Parish and District Councils recognise the importance of a dynamic and balanced population, and that housing needs continue to change. In order to ensure continued prosperity, there needs to be a supply of suitable housing. Apart from a potential area identified by Wear Valley District Council near to the Steelworks, there are no large parcels of land currently or potentially available within the Parish for housing development. Therefore, sympathetic housing development should be allowed where appropriate. Residents did recognise the problems associated with the relatively high cost of housing in Wolsingham, with the majority of responses favouring only the development of low-cost/affordable dwellings. However, wherever possible the Planning Authority should resist the development of "executive" housing in favour of lower-cost properties, in order to assist local younger families to remain in the Parish.

(<http://www.wolsingham.net/parishplan/Maindoc/index.htm>)

55. In view of the above, there is clearly a local recognition that the Sawmills site allocation was likely to come forward as allocated in the local plan. Specific concern relates to the mix of house types and the level of growth which has occurred in Wolsingham in past years. This approach of providing a suitable mix of properties is supported by the new guidance in PPS3 and could be encouraged through the reserved matters submission should outline consent be granted.
56. While it is noted that 97% of the housing area may be considered as being previously-developed land, the housing element may not be considered in isolation as the application relates to a larger area including employment development. It is considered that concerns about the level of housing provision within the authority, identified within the Annual Monitoring Report, coupled with the competing proposals to redevelop the Steelworks site lead to the conclusion that this application cannot be justified when considered in relation to guidance contained in RSS, PPS1 and PPS3 which supersedes the main of the objectives set out in the adopted Local Plan.

57. In view of the above policy framework, it is considered that the principle of residential development on this land is unacceptable in relation to policies 3, 4, 8 and 31 of the Submission draft RSS. In addition it is considered that the development of this site may not be seen to be consistent with the guidance contained in PPS1: General principles and PPS3: Housing by virtue of the fact that the development of this site may prejudice the development of a sequentially preferable site at the steelworks and that a 5 year supply of housing land can be easily demonstrated. It is considered that the existing allocation the proposed development, policies H3 and H7 of the adopted Wear Valley District Local Plan are superseded by the RSS in accordance with the guidance contained in PPS1: General Principles and PPS3: Housing.

(b) industrial

58. As with the residential element of the scheme, the proposed industrial development forms part of the allocation set out in the Wear Valley District Local Plan (Policy I2) which suggests that 4.6 hectares should be set aside for new industrial land which would help to facilitate economic growth and employment generation during the plan period. Policy I6 states that the Wolsingham Industrial Estate is allocated for industrial use. The application seeks consent for 3.33 Ha of industrial development which would include the relocation of existing businesses from the Sawmills site and accommodation for new businesses.

59. The supply of an adequate amount of industrial land in Weardale is critical to meeting the demands of indigenous firms and to attracting new investment into the area. The promotion of employment opportunities within the dale will also reduce the need to travel into the main conurbations in search of job opportunities. The principle of development is clearly supported by the adopted Local Plan.

60. In addition to the Local Plan consideration should also be given to the Durham County Structure Plan, RSS and national planning guidance.

61. The Durham County Structure Plan (Policy 22) states that sites to meet local employment needs should be identified in local plans in locations within or well related to towns and villages. Development should be consistent with the scale and character of the town or village.

62. Since the publication of the local plan, PPG4: Industrial, Commercial Development and Small Firms was published in March 2001. One of the Government's key aims is to encourage continued economic development in a way that is compatible with its environmental objectives. The locational demands of businesses are also recognised as being a key input to the preparation of development plans which should seek to;- encourage new development in locations which minimise the length and number of trips, especially by motor vehicles; encourage new development in locations that can be served by more energy efficient modes of transport; discourage new development where it would be likely to add unacceptably to congestion; and to locate development requiring access mainly to local roads away from trunk roads, to avoid unnecessary congestion on roads designed for longer distance movement.

63. In addition to PPG4, PPS7: Sustainable Development in Rural Areas is applicable to the proposed industrial development. Paragraph 4 states that;

Planning authorities should support a wide range of economic activity in rural areas. Taking account of regional priorities expressed in RSS, and in line with the policies in paragraphs 2-4 above, local planning authorities should:

- (i) identify in LDDs suitable sites for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration;
 - (ii) set out in LDDs their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.
64. Moving onto the Draft Regional Spatial Strategy (formally RPG1) it is declared that the importance of encouraging regeneration of the rural areas of the region is one of the top priorities in the RSS strategy. Policy 3; Sequential Approach to Development sets out a sequential approach which should be applied to new development including employment uses.
65. Therefore for the purposes of the sequential approach to site selection, it is suggested that the sub areas identified in the Council's local interpretation of policy 3 of the emerging RSS agreed by Members on 2nd April 2007 would be equally applicable given the Government's sustainability objectives and the specific need for employment creation and economic regeneration within the Dale sub area.
66. The statutory policy framework for assessing the merits of the industrial element of the scheme is set out above. In addition, consideration must also be given to Renewing Weardale - The Way Forward, which has been produced by the Council in partnership with the Weardale Task Force, One NorthEast, Lafarge Cement UK and Durham County Council. The strategy has been developed as a reaction to a series of economic events including the outbreak of foot and mouth in 2001 and the closure of the Eastgate Cement Works in 2002 which collectively resulted in the potential loss of in excess of 10% of the total jobs in Weardale.
67. It is widely accepted that the relocation of existing businesses into more appropriate locations and modern premises will help to encourage growth and secure their long term future within Weardale. The provision of additional employment land will also encourage new investment.
68. The Renewing Weardale Strategy is designed to achieve the step change required in the regeneration of Weardale and was endorsed by the majority of respondents in the public consultation of Summer 2003. It includes a number of flagship proposals and other initiatives designed to solve the severe socio economic problems it faces. It aims to deliver an integrated programme of actions to achieve economic prosperity and diversity and the development of the Wolsingham site for mixed uses is one of the flagship projects.

69. The strategy is underpinned by a series of integrated and co-ordinated actions and aims; to achieve economic prosperity and diversity, to provide for sustainable transport development, to safeguard the countryside, to achieve a well designed accessible living and working environment; and to support an effective and strong community. Within this strategy the Wolsingham Business Park is recognised as a strategically important site at the entrance to Weardale.
70. Further to the strategy itself and as part of the research leading to the preparation of the strategy, a market demand study was undertaken by DTZ Piedad Consulting in April 2003 which looks specifically at the application site in terms of the need for industrial development. This study showed that there was a range of types of demand including serviced land, small office space and workshops. They also advised that there was a substantial need and opportunity in the locality to both stimulate new entrepreneurship activity and enable existing entrepreneurs to expand in the area.
71. The site is identified within the draft 'County Durham Business Sites and Employment Land Survey' as one where investment should be made.
72. In addition to the above, it should be noted that good quality employment land is a constraint upon the economy of Wear Valley and the surrounding area and this is particularly true in Weardale. It is understood that historically the development of this site has been prevented due to the prohibitive cost of providing access to the site and relocating the existing businesses. The infrastructure costs have been estimated at £1.3 million, and the case for single programme funding is understood to be weak.
73. The economic justification for the development remains very strong, as the proposal would allow for the relocation of the existing occupiers to less sensitive parts of the site away from the existing and proposed housing. The scheme will also encourage new inward investment and allow for the expansion of existing enterprises currently based in the Dale. While the economic benefits alone do not justify the proposed development, they are given significant weight as the site forms an integral part of the economic strategy for the Dale.
74. The following is an extract from the Wolsingham Parish Plan which recognises the need for new industrial development.

'a high proportion of residents felt that there are an inadequate number of local employment opportunities. Traditional employment opportunities are in decline, and there is currently very little infrastructure for the development of new facilities. The Weardale Task Force have identified that land in the vicinity of the Steelworks is potentially suitable for "high-tech" industrial development, and Wear Valley District Council have responsibility for leading this project. The residents' questionnaire showed a small but significant number of respondents interested in forming their own businesses, and the biggest barrier to local establishment is seen as availability of suitable premises. At the time of writing, all light industrial units within the Parish are occupied. The success of a telemarketing business (which also offers homeworking opportunities to residents) based in the steelworks, and using

satellite broadband, shows that such modern industries can be successfully established in the area if suitable premises and infrastructure is available.'

(<http://www.wolsingham.net/parishplan/Maindoc/employment.htm>)

75. The most recent guidance represents a more cautious approach to the development of a large employment site within a rural area and emerging policies contained in PPS7 and the RSS give further clarity regarding the appropriateness of the location and the need to perform a sequential approach to site selection in accordance with policy 3 of the emerging RSS.
 76. The proposed development at the Steelworks Site is not capable of accommodating the need for industrial land set out in the Local Plan, County Durham Business Sites and Employment Land Survey or the Weardale Strategy. In view of this fact, it is considered that there is still a latent demand for additional employment land in Weardale over and above that which can be provided on the Steelworks Site.
 77. In view of the above, it is considered that the use of the land for employment purposes may be considered acceptable in principle in accordance with the Wear Valley District Local Plan Policy I2 and the guidance contained in RPG1, RSS, the County Structure Plan and guidance contained in PPG4 and PPS7.
- (c) vehicular access
78. The proposed red line is slightly larger than that identified on the adopted Local Plan which has a knock on effect to the proposed roundabout and access as identified on the Local Plan Proposals Map.
 79. This encroachment beyond the settlement limits shown on the Proposals Map has been reduced as a result of the previous amendments. However in basic planning terms the land required for part of the access and roundabout is contained within the open countryside, where countryside restraint policies would normally seek to resist any inappropriate development.
 80. In this instance, the minor encroachment into the countryside must be considered in the light of the wider economic benefits of the whole development and therefore in the context of the larger scheme.
 81. The land to which the allocation relates is not currently contained within a strong definable boundary. This excludes the possibility that the settlement limit and allocations were drawn with a firm boundary beyond which any further development would be deemed to have encroached on an area which should be clearly defined as open countryside. The proposed development and the level of landscaping required as part of the scheme would effectively mean that the applicant would be creating a new physical boundary to delineate the crossover between the beginning of the settlement and open countryside.

82. With this in mind, it is considered that the deviation from the original allocation and settlement limits shown on the Proposals Map (which itself is not particularly accurate given that it is plotted at a scale of 1:10,000) would not materially affect the original intension of the allocation nor would it result in an unacceptable encroachment into the countryside.
83. It is considered that the proposed access is generally in accordance with the Local Plan. The amended location is not considered to be materially different from the original allocation and is seen to accord with policies T4 and ENV1 of the Wear Valley District Local Plan.

impact on neighbouring properties

84. In determining this application detailed consideration of the relationship between the proposed development and the neighbouring properties, particularly those on Ward Terrace must be reserved, as the current application does not seek consent for the siting/layout of the new buildings. However it should be noted that the illustrative layout provided by the applicant clearly demonstrates that a scheme can be prepared which will comply with the minimum distance standards set out in policy H24 of the local plan. Most recently, alterations to the area of land for which housing is proposed is now in excess of 42 metres from the rear of these existing properties at its closest point and large an area of public open space would be retained between the existing properties and the new site.
85. Should outline planning consent be granted, full consideration of all internal and external relationships would need to be considered as part of a reserved matters application.

loss of agricultural land

86. Policy ENV7 states that development will not be permitted if it would result in the irreversible loss of the best and most versatile land i.e. Grade 2 and 3a. It is understood that the greenfield element of the agricultural land is Grade 3 and would therefore merit a certain level of protection. It should be noted however that this policy is not intended to prevent any development already allocated for development. In this situation, policy ENV8 is more relevant.
87. Policy ENV8 relates to agricultural land which is allocated for development, such is the case with the application site. This policy encourages a phased release of development in order to retain the agricultural land until it is required for development.
88. As it is necessary for the housing development to come forward prior to the development of the majority of the agricultural land to the south of the site, a certain degree of phasing is inevitable. Any formalised phasing of the industrial land could be controlled through a Section 106 legal agreement.

impact on infrastructure

89. It has been suggested during the course of the application that the amount of new development proposed would place unacceptable pressure on the existing services and infrastructure within the village.
90. Policy Rur3 of the RPG1 seeks to protect and improve the provision of critical rural service infrastructure including; schools, post offices, banks, shops, pubs, village halls and petrol stations. Clearly an increase in the population of the settlement should have a positive impact on the majority of such facilities in terms of the level of trade and useage likely to be generated. Reference is also made within PPG3 of the positive contribution that new developments can have in supporting new physical and social infrastructure and to help sustain appropriate local services and facilities. I hold the view that the proposed development would have the potential to support existing facilities within the village. It is also noted that the comprehensive school currently has spare capacity and that the proposed development would be welcomed in this respect.
91. In terms of the negative implications of the proposed development, the proposal would involve the loss of the only petrol filling station in the settlement. We have also received correspondence from the Weardale Practice who have stated that the service is currently operating at capacity and that the additional population could not be served by this practice under the current circumstances. These matters are addressed below.
92. The loss of the last petrol filling station in the village is clearly regrettable. The extent to which the loss of this facility is inevitable in the current economic climate and the role the proposed development is having on the loss of this facility must be considered. Recent years have seen a significant decline in the number of independent petrol filling stations throughout the country and it is understood that this trend may be explained by the increased competition from supermarket retailers and the new European Anti-Pollution Directive. The cost of implementing the new regulations have made it very difficult for many small garages to continue. In Wear Valley alone, independent petrol filling stations have been closed down in South Church, Tow Law, Westgate and Wearhead in the last couple of years. In view of the above, it is considered that although the loss of the station is disappointing. It does appear as though investment has been made in the existing PFS recently and it may be that these matters have been addressed. It must be remembered that the owner of the garage is not required to move from the site even if the planning consent is granted. This remains a choice for the land owner and if the existing garage is trading well and remains viable then it seems unlikely that the land owner will agree to relocate. This site does however form part of a site which has been allocated for residential development since 1997.
93. In relation to the fact that the doctors surgery is operating at capacity, again it is considered that this situation is reflective of a national trend rather than a situation which is unique to Wolsingham or even Wear Valley. Should the situation not improve then it is possible that new residents may be forced to travel to Tow Law or Crook as an alternative to the Weardale Practice.

94. In relation to the impact of the proposed development on existing services and facilities it is accepted that there are potentially advantages and disadvantages likely to result from the introduction of this number of new households. On balance, it is considered that the development could play a positive role in supporting existing facilities, particularly the comprehensive school, which currently has a shortfall in student numbers.

ecological implications

95. A Phase 1 habitat survey has been submitted in support of the application. Both Durham Bat Group and Natural England have raised concerns about the proposed development. Durham Bat Group have stated that there is a high risk of bats using some of the buildings contained within the application site and that a full bat survey will be necessary. Natural England express concern about the number of omissions within the ecological assessment given the scale and location of the proposed development, an objection is raised on these grounds.
96. In response to these comments the applicant has questioned Natural England's interpretation of PPS9 and that the approach taken by the North East Region is not consistent with other regions. It is requested that conditions be imposed to control such matters. It is the applicant's contention that the approach adopted in other regions is designed to allow the principle of development to be tested prior to the submission of a more detailed assessment which on a site of this nature is likely to involve substantial costs amounting to approximately £25,000 for the ecological work alone and it would result in a delay of several months due to the seasonal nature of the surveys.
97. The applicant has been invited to address these issues and it is unlikely that such matter would prevent the development from progressing. However as it remains unclear what the true impact will be and what level of mitigation would be required to address the impact I must conclude that the proposal conflicts with policy ENV13 of the Wear Valley District Local Plan and the guidance contained in PPS9: Biodiversity and Geological Conservation.

landscape impact

98. Following comments received from CDE (Landscape) it has been suggested that certain elements of the landscaping illustrated on the submitted plans would be inappropriate. Advice from the Council's Arboricultural advisor make specific reference to all trees contained within the site. The findings of this report should be incorporated into any subsequent landscaping scheme in the event that planning consent is granted, to ensure compliance with policy GD1 of the Wear Valley District Local Plan.
99. It is considered that particular attention will need to be paid towards the screening of the eastern boundary of the site in order to break up the mass of the site itself and the buildings contained within. It seems likely that the landscaping scheme will need to include substantial structural planting of semi-mature species in order to demonstrate that the development would not have an adverse impact on the approach to the settlement.

100. Details of landscaping are reserved for future consideration and do not form part of the formal decision making process of this particular application.

contamination

101. A desk top study has been submitted as part of the application and concludes that the residential and industrial areas impose a medium risk whereas the transport corridor poses a low risk. Recommendations have been made regarding further investigation which would be necessary as part of the development process.

102. Specific concern regarding the use of the land to dispose of animal carcasses following the foot and mouth outbreak has been expressed. It is suggested that ash has been buried on the site and may give rise to groundwater contamination. Consideration has been given to this issue in a previous report prepared by consultants commissioned by the Council in August 2004. Following consultation with the Environment Agency it was confirmed that there is no significant risk of pollution of local groundwater from the small quantity of ash buried. Further consultation with the Health Protection Agency (HPA) confirmed that there is little residue risk to the future development of the site, as the ash is buried approximately 2m below the surface of the site and there is currently no pathway to the ash. However, should ash be encountered during the course of any development works, it is suggested that the burial area should be excavated and disposed of at a suitably licensed facility and then filled with a suitable clean material.

103. The Environment Agency (EA) have considered the information submitted by the applicant in support of the application. It is considered that the application site is situated within a relatively sensitive area as the boundary is within 50m of the river valley. In spite of this fact, the EA do not consider that this site is a priority and are unable to offer site-specific advice/input on this occasion due to staffing difficulties.

104. In these circumstances, and given that much of the land to which the application relates is greenfield and unlikely to be contaminated, it is considered reasonable to control the submission of additional information by condition should members decide to approve outline planning consent for the site.

flood risk

105. The Environment Agency have commented that the submitted Flood Risk Assessment does not meet the minimum requirements and therefore objects on flood risk grounds.

106. In respect of this objection, White Young Green acting for the applicant have met with the EA who have confirmed that flood modeling and an assessment of the structural integrity of the embankment are necessary. Given the onerous nature of this work, however, it has been requested that a suspensive condition be imposed as part of the reserved matters which requires that all these details are submitted and approved as part on any subsequent application.

107. Despite the fact that the current application seeks outline consent and the layout of the various buildings have been reserved for future consideration, such an approach would not be consistent with the guidance contained in PPS 25: Planning and Flood Risk. The proposed development is therefore considered to be unacceptable in this respect.

archaeology

108. It has been suggested that an archaeological desk-based assessment of the site should be submitted in support of the application. The applicant has highlighted the fact that there are no significant remains on the site and that this issue may also be controlled through the imposition of a suspensive condition.
109. The Wear Valley District Local Plan affords specific protection to areas of archaeological interest and scheduled and non-scheduled monuments, in accordance with policies BE15 and BE17. The application site is protected by neither policy. In view of the above, it is considered appropriate to control the submission of such details by condition.

safeguarding of mineral reserves

110. The Council have been advised by the minerals planning authority (Durham County Council) that the proposed development lies on the edge of an extensive MCA (Minerals Consultation Area) extending down the valley of the River Wear. The designation of the MCA does not give any indication that mineral working will be acceptable in this location. The standoff distance required between mineral working and existing dwellings, to protect residential amenities (policy M37) of the Minerals Local Plan would mean that the mixed use proposals for the Sawmills site would not sterilise significant quantities of potential minerals resources.
111. The proposal is therefore considered acceptable in relation to policy MW1 of the Wear Valley District Local Plan and also is seen to accord with the Minerals Local Plan.

affordable housing

112. It is assumed that the proposal would include provision of 20% affordable houses. The level of affordable housing provision suggested in policy H15 of the local plan is 11 dwellings. If the application were approved the level of provision would need to be imposed via a Section 106 legal agreement.

community involvement

113. The applicant held a public exhibition on 1st September 2005 on the field between Attwood Terrace and Ward Terrace and at the Wolsingham Show on the 3rd September 2005. As part of this process, the applicant states that the plans were amended to include the transfer of a 4 metres wide parcel of land to residents of Ward Terrace. Further amendments have been made to the scheme although no additional consultation events have been organised by the applicant.

recreation and POS provision

114. The proposed development includes a large area of public space between Attwood Terrace and Ward Terrace and now either side of the proposed housing. In accordance with the Local Plan, it would be intended to provide landscaping and certain facilities as part of a legal agreement. The proposal is satisfactory in terms of the requirements of policies RL4 and RL5 of the Wear Valley District Local Plan.

impact on public right of way

115. The applicant was made aware at an early stage of the concern from CDE (Public Rights of Way) that although there were no Public Rights of Way recorded on the definitive map, the presence of gates and a well trodden route through the site may mean that the public could have acquired rights on the basis of use. In view of this fact, the amendments which were submitted included a permeable route through the site to avoid the dilution of any such accrued rights.

section 106 legal agreement

116. 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 would include the following matters:

- The mechanism to transfer the business park to the Council;
- Remediation of the business park;
- The division of costs for and delivery of the provision of the infrastructure including the roundabout;
- The timetable, handover dates and tenure of the proposed 20% affordable housing;
- Off site landscaping and provision of facilities;
- Contribution towards infrastructure improvements particularly in relation to the sewerage system;
- The transfer of the garden and parking land to Ward Terrace including timing, demarcation, reversion etc; and
- The landscaping of the open space between Attwood Terrace and Ward Terrace.

objections/observations

117. 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. 693 objections have been received; one letter in support has been submitted.
118. Having formally acknowledged all letters of objection, the local planning authority have received some calls regarding the authenticity of some of the letters which are in standard letter format.

119. A summary of the objections in relation to the original submission is given below.

- a) the proposed development is too big for the village,
- b) have enjoyed an open view for over 30 years and these views will be lost,
- c) there is only one grocery shop and a part time doctors surgery,
- d) there are a number of houses for sale in Wolsingham already,
- e) reference is made to the Fir Tree decision, which was refused due to the impact of the proposed access on the countryside,
- f) the entire project conflicts with the District Plan's aims and objectives,
- g) ash was buried on the site during the foot & mouth outbreak,
- h) the development would devalue nearby properties,
- i) the public footpath would be lost forever,
- j) the additional traffic will cause congestion,
- k) the application is overbearing in size and density, it is unsustainable and not in keeping with its surroundings,
- l) the proposal would extend into the countryside,
- m) the proposal conflicts with page 158 of the Local Plan in terms of the strategy for Wolsingham,
- n) the development will result in the loss of grade 3 agricultural land,
- o) there is insufficient parking in the town centre,
- p) the design and layout are unacceptable,
- q) there is ample land within the Steelworks Site to accommodate a development of this scale,
- r) the scheme is very suburban and inappropriate to Wolsingham.

120. Following the submission of amended plans which sought to further reduce the area of housing land, those who had originally been consulted and anyone who commented on the original scheme have been renotified. A further 29 objections have been received and the comments are set out below. Comments already noted above are not duplicated;

- a1) Concern is raised about the capacity of the sewerage system,
- b1) There is no demand for new housing,
- c1) Young people are moving out of the village as employment opportunities are limited,
- d1) Both applications should be considered together,
- e1) Flooding is a problem on this site,
- f1) Further development in the village will have an adverse impact on the tourism strategy of Weardale,
- g1) The employment opportunities could be provided within the Steelworks Site.

response to objections

121. In response to these observations, I make the following comments,

- a) the scale of the proposed development is considered to be consistent with the adopted Local Plan and more recent guidance contained in PPG3,
- b) this is not a relevant planning consideration,

- c) it is considered that the proposed development would help to support existing facilities within the settlement,
- d) the availability of existing housing within the settlement would not justify the refusal of this planning application,
- e) each application must be considered on its own merits, the issues involved are very different,
- f) it is considered that the proposed development is broadly in accordance with the Local Plan,
- g) this issue is addressed within the officer analysis,
- h) this is not a relevant planning consideration,
- i) there is no public footpath running through the site, in the event that rights exist as a result of use a route would be retained through the site,
- j) this issue has been addressed by CDE&TS (Highways) and no objection is raised,
- k) this issue is considered within the officer analysis,
- l) the extent to which the proposed development would extend into the open countryside is not considered material in the context of the scale of the scheme and the intention of the original allocation,
- m) the strategy for Wolsingham was written having taken account of the proposed allocation which would have been considered to be a commitment. It is considered therefore that the proposed development remains consistent with this strategy although the strategy was produced prior to the emergence of the Regional Spatial Strategy.
- n) this issue is considered within the officer analysis,
- o) this issue has been addressed by CDE&TS (Highways) and no objection is raised,
- p) these matters no longer form part of the planning application at this stage,
- q) it is now clear, where there was formally doubt that the Steelworks Site adjacent to the current application is available and is capable of accommodating a some of the of the employment land specified in the Local Plan,
- r) the design and layout no longer form part of the planning application at this stage.

122. In response to the additional issues, I make the following comments;

- a1) This issue has been raised with NWL however it is understood that such issues may be addressed by way of a contribution towards improvements to the existing infrastructure,
- b1) This is an issue for the market, there is clearly demand to develop more housing in the settlement from the major house builders.
- c1) The proposed development would help facilitate the creation of new employment opportunities within the dale in accordance with the Weardale strategy,
- d1) Noted,
- e1) The authority has unresolved concerns about the situation in respect of floodrisk,
- f1) Comments noted,
- g1) There is an element of employment uses within the proposals for the Steelworks Site. This issue has been addressed as part of the consideration of both applications,

summary

123. The applicant now seeks to establish the principle of development. It is considered that the principle of development of the whole site is acceptable despite the fact that some of the land may be classed as being greenfield.
124. In spite of the acceptability of the proposed development in policy terms, concerns have been raised about the amount and quality of the information which has been submitted with the application. It is considered that the proposal may be seen to conflict with PPS9: Biodiversity and Geological Conservation and PPS 25 Planning and Flood Risk.

conclusion and reasons for decision

1. Insufficient evidence has been provided in respect of flood risk, as such the local planning authority remains unconvinced that a suitable development could be achieved and that the proposed development is therefore contrary to the guidance contained in PPS 25: Planning and Flood Risk.
2. Details of ecology and biodiversity have not been adequately addressed in the submission and the proposed development is therefore considered to be contrary to policy ENV13 of the Wear Valley District Local Plan and the guidance contained in PPS 9: Biodiversity and Geological Conservation.

RECOMMENDED

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

1. Insufficient evidence has been provided in respect of flood risk, as such the local planning authority remains unconvinced that a suitable development could be achieved and that the proposed development is therefore contrary to the guidance contained in PPS 25: Planning and Flood Risk.
2. Details of ecology and biodiversity have not been adequately addressed in the submission and the proposed development is therefore considered to be contrary to policy ENV13 of the Wear Valley District Local Plan and the guidance contained in PPS 9: Biodiversity and Geological Conservation.

background information

Application files, WVDLP.

PS code

1

number of days to Committee

634

target achieved

No

explanation

It was considered necessary to determine the application alongside proposals for the Steelworks, due to the complex issues involved, it was not possible to determine the application within the normal timescales.

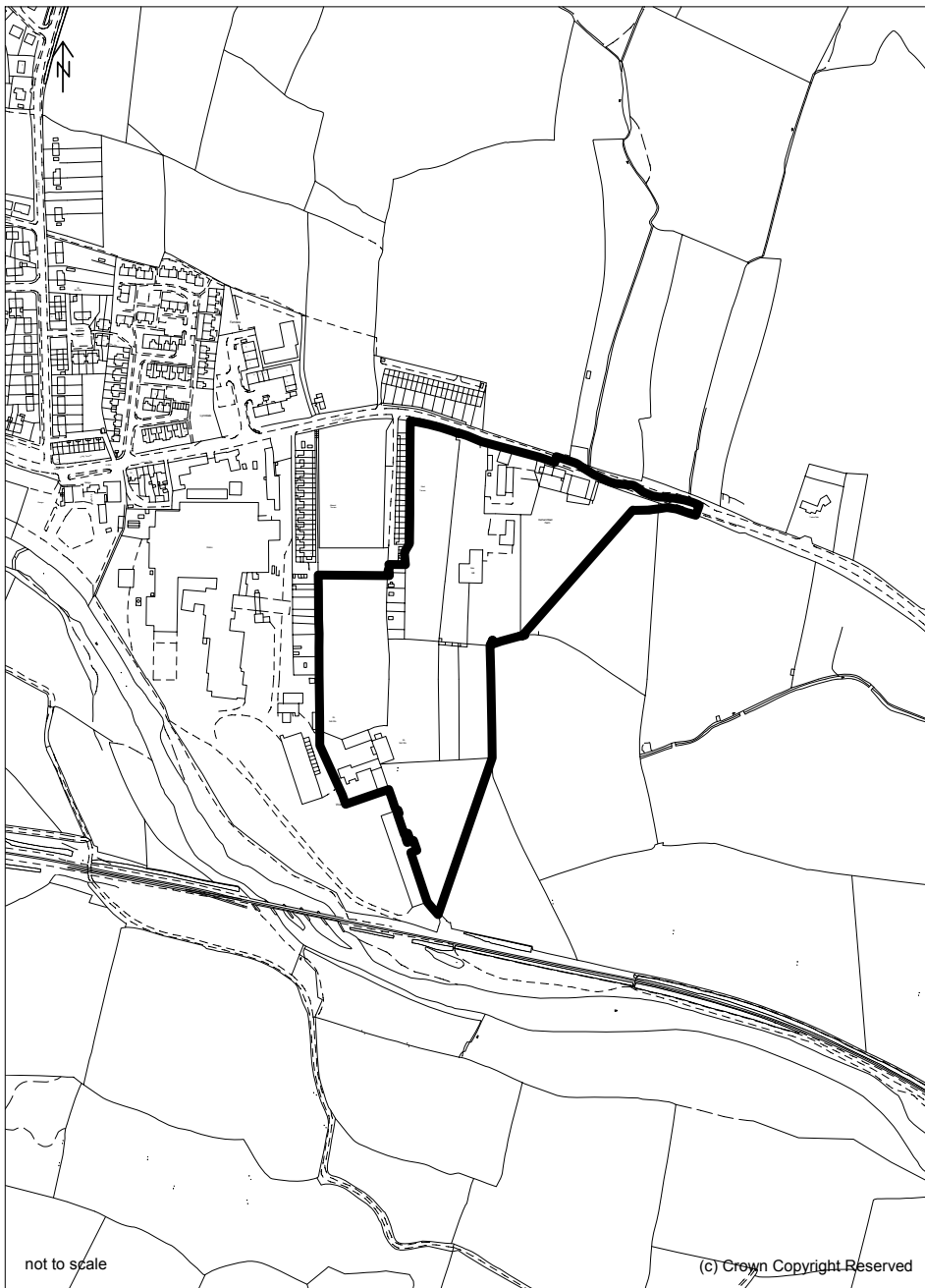
Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

Jeremy Good
Senior Planning Officer
Ext.220

3/2005/0924 - OUTLINE PLANNING APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF A ROUNDABOUT AND DISTRIBUTOR ROAD, BUSINESS PARK, RESIDENTIAL DEVELOPMENT INCLUDING AN ELEMENT OF AFFORDABLE DWELLINGS WITH LANDSCAPE AND ENVIRONMENTAL IMPROVEMENTS AT FORMER WOLSINGHAM SAWMILLS, DURHAM ROAD, WOLSINGHAM, BISHOP AUCKLAND FOR YUILL HOMES -18.10.2005. AMENDED 2.12.2005 AND 14.03.2007



DEVELOPMENT CONTROL COMMITTEE

3rd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

INTRODUCTORY REPORT FOR APPLICATIONS RELATING TO ST. ANNES DRIVE, WOLSINGHAM, BISHOP AUCKLAND, DL13 3DG

Introduction

1. This is an introduction report to inform members of the history of the site. The following applications are new applications and must be judged on their own merits. Five applications have been received for approval of amendments to the originally approved housing development at St. Anne's Drive. The applications are reported to Committee as the original planning application attracted more than three unresolved planning objections in accordance with the Council's policy on amended planning applications. These are reported at items 5-9.
2. Planning permission has previously been granted for the development of 34 new build homes and conversion of the existing school building into 10 apartments at St. Anne's Convent High School, Angate Square, Wolsingham. The original application was approved on 27th April 2004.
3. The approved drawings were scaled at 1:200 with a condition 21 (a) stating that no development shall take place until full working drawings at a scale of 1:50 showing elevations and floor plans have been submitted to and approved in writing by the local planning authority. When the developer came to translate the 1:200 plans into 1:50 plans major discrepancies were found between the floor plans and elevations, also several design elements were in direct conflict with conditions placed on the approval. The original 1:200 drawings were not drawn in accordance with Building Regulations and trying to make the houses work as drawn proved generally difficult and in some instances impossible, for example stairs in a number of the dwellings did not provide enough headroom. This led to these properties having to be redesigned with a marginal height increase. There is also some height increase due to undulations in the land. The original plans showed the site to be flat. The site in fact slopes upwards from Angate Street. There is a margin of error between plans scaled 1:50 and plans scaled 1:200. This accounts further for the increased height of some of the buildings.

trees on the site

4. The planning permission was subject to 21 conditions. The permission allowed the removal of one Lime tree on site. Unfortunately the wrong Lime tree was removed by mistake. The correct tree was subsequently removed. The developer agreed to plant replacement trees and officers decided not to take enforcement action. In July 2005 permission was given for a third Lime tree to be removed for safety reasons. In April 2006 permission was granted for the light pruning of 2 No. Sycamore trees and removal of one sapling Ash Tree at plot 25 on the grounds of tree management to ensure the long-term health and vitality of the 2 No. Sycamore trees. In February 2007 a request was made to prune a tree next to plots 7 and 8 within the graveyard.
5. DCC Arboricultural Officer has surveyed all the trees on and around the site on the 15th June 2007 and has made a number of pruning and felling recommendations. These are discussed in more detail within the relevant reports. He considers that the development has not undermined any trees of significant importance.

changes to dwellings

6. The developer has complained that the Council's policy for dealing with amendments to approved plans, agreed on 12th January 2005, has prevented approval of the design changes found to be necessary without the submission of new applications. The approach that the applicant has adopted has been to take the original designs approved by Committee and try to make them work. When changes have been needed these have been done in accordance with the general site design policy already established by the original permission, following the local Weardale vernacular. All changes made have been for no other reason than to complete the detail design in accordance with planning conditions, Building Regulations and/or other compulsory legislation.
7. On a number of occasions the applicant has been requested to submit new applications showing the changes made/proposed for the houses. The developer has until recently been unwilling to submit applications because the changes were not a departure from what had previously been approved but an attempt to make the detailed design work. On the 27th April 2007 new planning applications were made to the Council for plots 1 through 12 and plots 26 through 34. The new planning applications were made by Beechwood Developments who have recently taken over the site after the liquidation of Hyperion Homes. On the advice of the officers applications have been submitted for blocks of dwellings rather than one application per plot.

conservation

8. The site is within Wolsingham Conservation Area. DCC Design and Conservation Officer has raised no objections to the development as built/ as proposed and has said that it is a much improved scheme compared to the application originally approved. In his opinion the elevational changes present

a better design and meet the design conditions attached to the original planning permission.

current status of the discharge of conditions

9. The original planning permission was granted subject to 21 conditions. It is acknowledged the development did commence before the discharge of all pre-conditions. On several occasions the developer has been requested to submit details to discharge the conditions. There are some that remain to be discharged.
10. Below are details of the current status in respect of the conditions.

Condition Number 1

The development should not be begun later than the expiration of five years from the date of this permission.

Status

Site Wide

- discharged.

Condition Number 2

No development shall take place until details of the storage of refuse have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Status

Site Wide

- details required.

Condition Number 3

Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-

- a) all windows shall be timber, painted white, double hung vertically sliding sash unless otherwise first agreed in writing by the local planning authority; the exact specifications for which shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;

Status

- partly discharged completed dwellings have the correct windows. The condition can only be fully discharged when the development is complete.

- b) all windows shall be recessed 100 mm from the face of the building; the exact specifications for which shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;

Status

- the recess has been reduced to 90 mm. This is considered de-minimus and has been agreed. However, the condition can only be discharged once the whole site has been agreed and implemented.

- c) exposed stone or artstone cills and lintels shall be used below and above all window openings;
Status
- partly discharged, completed dwellings have the correct details. The condition can only be discharged once details for the whole site have been agreed and implemented.
- d) all external walls shall be formed using random, coursed natural stone with pointing to match existing or render; a sample panel of stonework and render shall be made up on site for inspection by the local planning authority and written approval shall be obtained prior to construction works commencing;
Status
- discharged.
- e) all external doors shall be natural timber doors; the exact specifications for which shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
Status
- partly discharged, completed dwellings have the correct doors. The condition can only be fully discharged when the development is complete.
- f) exposed stone or artstone lintels shall be used above all external door openings;
Status
- partly discharged, completed dwellings have the correct details. The condition can only be discharged once details for the whole site have been agreed and implemented.
- g) the roof covering shall be natural slate; the exact specifications for which shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
Status
- partly discharged, completed dwellings have the correct roof covering. The condition can only be fully discharged when the development is complete.
- h) all rainwater goods shall be black;
Status
- partly discharged, completed dwellings have the correct details rainwater goods. The condition can only be fully discharged once the whole site has been implemented.
- i) all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar
Status
- no details required. The rooflights that have so far been fitted are acceptable

j) no fascia or barge boards shall be affixed to the building.

Status

- no details required

Condition Number 4

External materials shall be either natural stone or render. No development shall take place until a sample panel has been constructed on site for inspection and approval in writing by the local planning authority. The approved sample panel shall remain in place throughout construction.

Status

Site wide

- this condition is superfluous, since condition 3 adequately deals with external materials.

Condition Number 5

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.

Status

Site wide

- details required.

Condition Number 6

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 buildings and land shall be submitted to and approved in writing by the local planning authority ;and the works shall be completed in accordance with the approved details.

Status

Site wide

- details required

Condition Number 7

Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development:

Status

Site wide

- this condition has been discharged following receipt of letter/plans dated 3 November 2004.

Condition Number 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.

Status:

Site wide

- ongoing.

Condition Number 9

All trees and shrubs to be retained on site shall be protected for the duration of construction operations by appropriate protective fencing minimum 1 metre height. Protection to trees should be positioned around the crown spread to prevent any access, disturbance or contamination within the rooting zone.

Status:

Site wide

- ongoing requirement; the trees are not being protected but the County Council Arboricultural Officer is satisfied the building works are not affecting the trees.

Condition Number 10

Before the development hereby approved is commenced details (which may be submitted on a plot by plot basis) of (a) all excavations, external works, services, vehicular accesses, foundations and other works within the crown spread of any trees to be retained, (b) the treatment of any damaged portions of tree roots and limbs; and (c) the relief of any compaction within the area of the root spread, 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.

Status

Site wide

- details of measures, and confirmation in writing that they have been and continue to be implemented, are required.

Condition Number 11

The existing trees, hedges and shrubs on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. Any trees, hedges and shrubs removed without such consent or which die or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Status:
Site wide

- ongoing.

Condition Number 12

Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the buildings hereby approved are first occupied.

Status -
Site wide

- details are required.

Condition Number 13

Before the development hereby approved is commenced a management scheme for the trees on the site shall be submitted to and approved in writing by the local planning authority, which scheme shall be prepared by an arboriculturist and shall:

- (i) give details of the size, spread of crown and general condition of each tree;
- (ii) specify the proposed measures to be taken for each tree; and
- (iii) indicate when these measures are to be implemented.

The management scheme shall be carried out in accordance with the agreed details.

Status
Site wide

- discharged. It is expected that the developer and not the home owners will carry out the tree management scheme.

Condition Number 14

Before the occupation of any dwelling 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.

Status:
Site wide

- ongoing.

Condition Number 15

The garaging, hardstandings and car parking shown on the approved plans shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.

Status:

Site wide

- ongoing.

Condition Number 16

Before the commencement of any other parts of the development hereby approved, the proposed vehicular access to the highway shall be constructed in accordance with the approved details.

Status

Site wide

- details not submitted for approval but the Highway Authority are satisfied with the new access onto the adopted highway.

Condition Number 17

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.

Status

Site wide

- although the developer has not provided any wheel washing equipment, measures are being taken to ensure no mud gets onto the adopted highway.

Condition Number 18

No building or construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8 a.m. and 6p.m. on any other day.

Status

Site wide

- ongoing.

Condition Number 19

Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B, C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.

Status
Site wide

- ongoing.

Condition Number 20

No development shall commence until details of the arrangements for dealing with surface and foul water discharges from the site have been submitted to and approved in writing by the local planning authority and the works that are subsequently approved shall be implemented in accordance with the approved details.

Status
Site wide

- on the basis that discussions had taken place between the developer's drainage engineers and Northumbrian Water along with the Environment Agency (letter received on 4 Jan. 2005) the condition was discharged.

Condition Number 21

No development shall take place until the following have been submitted to and approved in writing by the local planning authority:

a) full working drawings at a scale of 1:50 showing elevations and floor plans;

Status
Site wide

- this condition is partly discharged as 1:50 drawings have been received for plots 1 through 12 and 26 through 34.

b) details of the lighting columns;

Status
Site wide

- details are required.

c) details of the street furniture.

Status
Site wide

- discharged.

investigation

11. Following a complaint about the development of this site an investigation was carried out into how the department had handled the case. This recognised that there is a lack of resources to carry out pro-active enforcement and no additional officer time/attention is given to major/ complex development to ensure conditions are enforced.

consideration of the applications now reported to committee

12. The applications that follow are reported to Committee as new applications and must be judged on their own merits. Members must put to one side the fact that the development began before all pre-conditions were discharged, that still there are conditions outstanding, and that trees were removed or pruned outside of the original planning permission.

RECOMMENDED that the report be noted.

Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Sinead Folan
Planning Officer
Ext 272

DEVELOPMENT CONTROL COMMITTEE

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0344 – RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM PUBLIC FOOTPATH TO PRIVATE GARDEN SPACE FOR PLOT 26 AT LAND BETWEEN PLOT 25-26 ST. ANNE’S, WOLSINGHAM, BISHOP AUCKLAND FOR ALAN PEACOCK – 27.04.2007.

description of site and proposals

1. This application is reported to Committee as the original planning permission for the development of the St Anne’s site attracted more than three unresolved planning objections.
2. Retrospective planning permission is sought for the change of use of public footpath to private garden space for plot 26 at land between plots 25 and 26. The proposed extra garden space would measure 16 metres in length by 3 metres in width.
3. The extra garden space has been enclosed by a one metre high wall constructed of random, coursed, natural stone.
4. The previously approved plans showed a footpath to be provided between plots 25 and 26. The host dwelling at plot 26 comprises a large Edwardian Style end terrace dwelling. The application site lies within the Wolsingham Conservation Area. To the north of the site is the Demense Mill picnic area. The footpath was originally intended to connect to the Demense Mill picnic area, however it was considered on the grounds of public safety and crime prevention that this connection would not be constructed. To the south of the site is Church of St. Thomas of Canterbury, a listed building and associated dwellings. To the east of the site is a completed dwelling at plot 25 and to the west of the site is a completed dwelling at plot 26.

planning history

5. The planning history relating to the site is set out below:
 - 3/1974/0268 Classroom extension Approved 15/08/1974
 - 3/1974/0306 Science lab Approved 07/08/1974
 - 3/1977/0764 3 Classrooms and toilets Approved 30/12/1977

- 3/1979/0623 Raise height of buildings Approved 24/10/1979
- 3/2003/0973 Development of 34 new Approved 27/04/2004
 build homes and conversion
 of existing school building
 into 10 apartments

planning policies

6. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
- BE4 Setting of a Listed Building
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas
 - GD1 General Development Criteria
 - H3 Distribution of Development

consultations

7. DCC Public Rights of Way officer has commented as follows:

The route is not recorded as a public right of way on the definitive map, nor has it existed for sufficient time to acquire public access rights and it does not form a link to any existing right of way. Therefore no objection is raised to the proposal.

8. Design and Conservation: No objection.
9. Wolsingham Parish Council: No response.

officer analysis

10. The key issues for consideration are:

- Principle
- Visual Impact
- Residential Amenity

principle

11. The site is a brownfield site within the defined settlement limits for Wolsingham. It is considered that the proposal has not been detrimental to the housing site as a whole as the previously approved footpath would not add to the connectivity of the site and the surrounding area because there was no right of access to the picnic area. As such it is considered that the previously approved footpath would not have offered any general public amenity, and change of use to residential garden would not result in the loss of amenity to neighbouring properties.

12. For the reasons above, it is considered that the change of use of the land to residential garden is acceptable in principle and accords with policies GD1 and H3 of the Wear Valley District Local Plan.

visual impact

13. In relation to the visual impact of the proposed development, the site is located within the Wolsingham Conservation Area and between recently constructed dwellings. The change of use from footpath to private garden and its enclosure by means of a one metre high random, coursed, natural stone wall has not detracted from the appearance of this part of the St Anne's development site. It is therefore considered that the proposal accords with policies GD1, BE4, BE5 and BE6 of the Wear Valley District Local Plan.

residential amenity

14. It is considered that the associated stone wall has not had an overbearing or overshadowing impact on the adjacent properties or the surrounding area. The 1 metre high wall does not adversely affect the openness of the site and the surrounding area. As such it is considered that the proposal is not detrimental to the amenities of the neighbouring residents. It is considered that the proposal has not undermined policy GD1 of the Wear Valley District Local Plan.

objections/observations

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

conclusion and reasons for approval

1. The site is a brownfield site within the defined settlement limits for Wolsingham. The proposal is acceptable in principle in accordance with policy H3 of the Wear Valley District Local Plan.
2. The omission of the previously approved footpath and use of the land as private garden has improved public safety and crime prevention. The footpath would not have improved the connectivity of the site. It is considered that its omission has not resulted in the loss of residential amenity to the occupiers of neighbouring properties. The proposal therefore accords with policy GD1 of the Wear Valley District Local Plan.
3. The site is located within Wolsingham Conservation Area and between recently constructed dwellings. The change of use to private garden has not detracted from the appearance of the site and the surrounding area in accordance with policies GD1, BE4, BE5 and BE6 of the Wear Valley District Local Plan.

RECOMMENDED

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

condition

1. Notwithstanding the provisions of Article 2 and Classes E and G of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) under 1995 et seq none of the categories of development described herein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.

reason

1. The local planning authority wishes to control future development in order to protect the character of the host dwelling and its setting and to safeguard residential amenity. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

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

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

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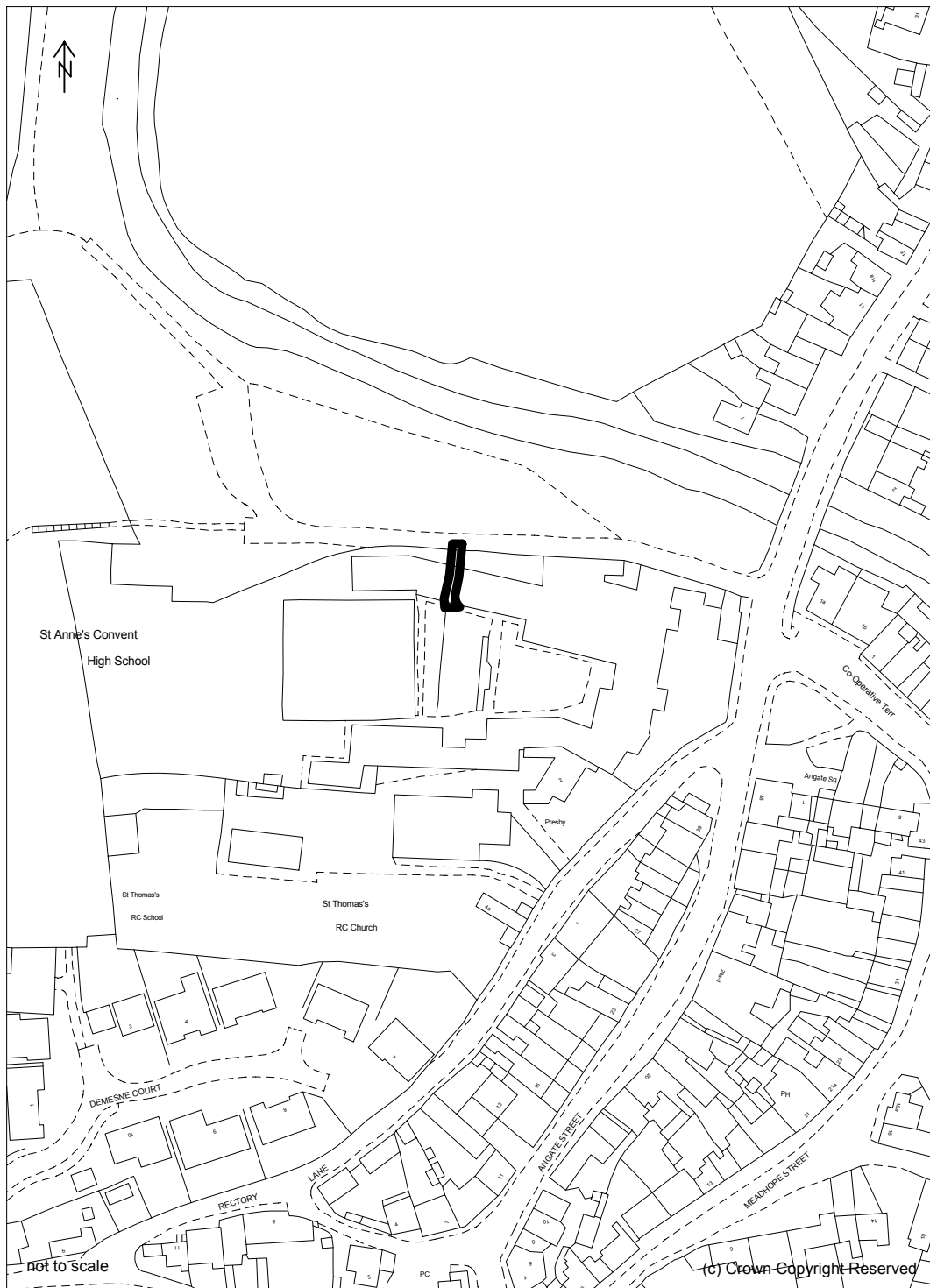
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3/2007/0344 – RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM PUBLIC FOOTPATH TO PRIVATE GARDEN SPACE FOR PLOT 26 AT LAND BETWEEN PLOT 25-26 ST. ANNE’S, WOLSINGHAM, BISHOP AUCKLAND FOR ALAN PEACOCK – 27.04.2007



DEVELOPMENT CONTROL COMMITTEE

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0007 – RETROSPECTIVE APPLICATION AMENDMENTS TO PLOT 1 ON DEVELOPMENT SITE CURRENTLY UNDER CONSTRUCTION AT 22 ST. ANNES DRIVE, WOLSINGHAM, BISHOP AUCKLAND FOR HYPERION HOMES (DURHAM) LIMITED - 27.04.2007.

description of site and proposals

1. Retrospective consent is sought for amendments to plot 1 at 22 St. Anne's Drive, Wolsingham. The property is currently under construction. This application is reported to Committee as the original planning permission for the development of the St. Anne's site attracted more than three unresolved planning objections.
2. Planning permission has previously been granted for the development of 34 new build homes and conversion of existing school building into 10 apartments at St. Anne's Convent High School Angate Square, Wolsingham. The original application was approved 27th April 2004.
3. The proposed amendments relate to a part 2 and part 2 ½ storey, detached dwelling to the north west of the site which has been redesigned. The site is a corner plot. The original application was approved for drawings scaled at 1:200 with condition 21 (a) stating that no development shall take place until full working drawings at a scale of 1:50 showing elevations and floor plans have been submitted to and approved in writing by the local planning authority. The dwelling has had to be redesigned to conform to Building Regulations. The dwelling cannot be built as per the original plans as they do not conform to Building Regulations. The position of the dwelling has not changed.
4. The main differences for plot 1 between this application and the previously approved plans are considered below:

The ridge height of the building has not changed nor has the width of the dwelling.

The longest point of the dwelling in this application is 13.7 metres. The original longest point was 13.2 metres. The additional length of the building is due to the addition of a bay window and the margin of error between the originally approved 1:200 plans and the new 1:50 plans.

The number of bedrooms in this application is 6; originally it was a 4 bedroomed house.

At Committee plans will be displayed showing the originally approved and proposed floor plans.

5. The application site is contained within the settlement limits of Wolsingham and occupies a prominent position within the Wolsingham Conservation Area. The site is bounded to the north by Demense Mill picnic area and to the south by plot 2 of the application site which is currently under construction. To the east of the application site is plot 34 which is currently under construction. To the west of the site are open fields.

planning history

6. The planning history relating to the site is set out below:

- 3/1974/0268 Classroom Extension Approved 15.08.1974
- 3/1974/0306 Science Lab Approved 07.08.1974
- 3/1977/0764 3 Classrooms and Toilets Approved 30.12.1977
- 3/1979/0623 Raise height of buildings Approved 24.10.1979
- 3/2003/0973 Development of 34 New Build Homes and Conversion of Existing School Building into 10 Apartments Approved 27.10.2004

planning policies

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

- BE4 Setting of a Listed Building
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE9 Trees in Conservation Areas
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways –General Policy

Government Advice on new residential developments set out in PPS3 'Housing' is also directly relevant to this proposal. Also relevant is PPG15 "Planning and the Historic Environment", County Durham Local Transport Plan 2 and the draft RSS.

consultations

8. Wolsingham Parish Council: No response.
9. Design and Conservation Officer: No objections.

10. DCC Highways Section: No objections.
11. DCC Arboricultural Officer surveyed all the trees on and around the site on 15th June 2007 and has made the following comments:
 - Plot 1 affects Area A in the tree report. The trees affected are a group of healthy mixed size trees adjacent to and touching the development. The land is leased to the Parish Council. The trees are mainly self sown, in poor condition and unmaintained. There is a condition within the lease stating that all trees and shrubs require to be maintained. Under normal circumstances the development will have been constructed in contravention of BS 5837 'trees in relation to construction' however there exists the original boundary wall which is located within the protection zone.
 - recommendations
 - selective felling to remove spindly trees and retain specimen trees.
 - Prune to reduce crown heights and shape crowns.

officer analysis

12. The key issues for consideration are:
 - Principle of Development
 - Impact on Conservation Area
 - Impact on the Setting of a Listed Building
 - Access/Parking
 - Design/Layout
 - Trees

principle of development

13. The principle of development has already been established by virtue of the extant planning approval. The application site is a brownfield site contained within the defined settlement limits for Wolsingham. It was previously a school and is not allocated for any specific purpose. The site is well located close to the centre of the village, within easy walking distance of all the existing village services and facilities. By virtue of the location of the site and the existing planning history, the proposal is considered acceptable in principle and can be supported by policies GD1 and H3 of the Wear Valley District Local Plan and PPS3 'Housing'

impact on conservation area

1. The site is located within the Wolsingham Conservation Area and therefore the development must preserve or enhance the character of the area, use materials which are appropriate to the conservation area and reflect the vernacular style of the locality.
2. The original permission ref (3/2003/0973) which included permission for plot 1 established the design criteria for the development through careful control

over construction materials, window designs, surface materials and design features of the properties. The new proposal is considered to satisfy these design criteria. The design of the dwelling is in keeping with the conservation area in accordance with policies BE4, BE5 and BE6 of the Wear Valley District Local Plan and is also in keeping with PPG15 'Planning and the Historic Environment'.

impact on the setting of a listed building

2. It has already been established through the previous application for the St. Anne's site that the development would benefit the setting of the Church of St. Thomas of Canterbury, a grade II listed building, through the quality of the townscape that would be created. The revised proposal would also achieve the same benefits and is acceptable in relation to policy BE4 of the Wear Valley District Local Plan and PPG15 'Planning and the Historic Environment'

access/parking

17. The access arrangements throughout the site will not be significantly affected by the proposed amendments to plot 1. Durham County Council Highways Section raised no objections to the original proposal. The access to the proposed development is considered to accord with policies GD1 and T1 of the Wear Valley District Local Plan and the County Durham Local Transport Plan 2.

design

18. The amendments include a slight increase in volume of the dwelling and minor changes to the appearance of the elevations. The construction materials have been carefully controlled through the original permission. The dwelling is currently under construction using the original conditioned building materials; random, coursed, natural stone, natural slate and timber sash windows. The changes to the design of the dwelling are considered appropriate in relation to existing properties, the streetscene, the conservation area and the setting of the grade II listed building Church of St. Thomas of Canterbury. The proposed development is considered acceptable in relation to policies BE4, BE5, BE6, GD1 and H24 of the Wear Valley District Local Plan and PPG15 "Planning and the Historic Environment" .

trees

19. The trees affected are a group of healthy mixed size trees adjacent to and touching the development. The land is leased to the Parish Council. The trees are mainly self sown, in poor condition and unmaintained. There is a condition within the lease stating that all trees and shrubs require to be maintained. Under normal circumstances the development will have been constructed in contravention of BS 5837 'trees in relation to construction' however there exists the original boundary wall which is located within the protection zone.
20. Selective felling to remove spindly trees and retain specimen trees and prune to reduce crown heights and shape crowns has been recommended by DCC Arboricultural Officer. Subject to the implementation of the above

recommendations the proposal satisfies policies GD1 and BE9 of the Wear Valley District Local Plan.

objections/observations

21. The application has been advertised on site, in the local press and neighbouring properties have been notified individually in writing about the proposals. No observations have been received.

conclusion and reasons for approval

1. It is considered that the proposed amendments to plot 1 would not adversely affect the overall quality of the scheme and the surrounding conservation area, the setting of the grade II listed building Church of St. Thomas of Canterbury, or any trees on or around the site. The proposal is therefore considered to accord with policies BE4, BE5, BE6, BE9, GD1, T1, H3 and H24 of the Wear Valley District Local Plan, and PPG15.

RECOMMENDED

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

conditions

1. Before the occupation of the dwelling hereby approved takes place details of the storage of refuse should be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) all windows shall be timber, painted white, double hung vertically sliding sash in accordance with the approved plans;
 - b) all windows shall be recessed 90mm from the face of the building;
 - c) exposed stone or artstone cills and lintels shall be used below and above all window openings;
 - d) all external walls shall be formed using random, coursed natural stone with pointing to match;
 - e) all external doors shall be natural timber doors;
 - f) exposed stone or artstone lintels shall be used above all external door openings;
 - g) the roof covering shall be natural slate;
 - h) all rainwater goods shall be black;
 - i) all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar;
 - j) no fascia or barge boards shall be affixed to the building.
3. Details of the existing and proposed site levels and the finished floor levels of the proposed dwelling and those of existing neighbouring buildings and land shall be submitted to and approved in writing by the local planning authority

within 3 months of the date of this permission; and the works shall be completed in accordance with the approved plans.

4. All planting, seeding or turfing comprised in the details of landscaping approved under application 3/2003/0973 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 developemnt die, are removed, severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. The existing trees, hedges and shrubs on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. Any trees, hedges and shrubs removed without such consent or which die or become seriously damaged or diseased shall be replaced in the first available planting season with others of siimilar size and species, unless the local planning authority gives written consent to any variation.
6. Before the dwelling hereby approved is first occupied 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.
7. The management scheme for the trees shall be carried out on site in accordance with the approved details by no later than 31st March 2008.
8. Before the occupation of the dwelling hereby approved details of the proposed estate roads, footways and footpaths, turning spaces and driveways where applicaable between the dwellings and the exisiting highway, shall be submitted to and approved in writing by the local planning authority. They 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.
9. The garaging of the hardstanding and car parking relating to the development shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.
10. No building or construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8 a.m. and 6 p.m. on any other day.
11. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B, C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the

site without an application for planning permission having been first made to and approved in writing by the local planning authority.

12. The arrangements agreed with Northumbrian Water and the Environment Agency for dealing with surface and foul water discharges from the site shall be implemented in accordance with the approved details.
13. Within 3 months of the date of this permission details of the lighting columns shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved plans.

reasons

1. To enable the local planning authority to retain control over the provision of facilities for storage of refuse; to secure a satisfactory standard of development and in the interests of road safety. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
3. To ensure that the existing ground and landscape conditions are protected from undue disturbance. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
4. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
5. In the interests of the visual appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
6. To achieve a satisfactory form of development. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
7. To ensure the continued existence of the existing trees; in the interests of safeguarding the appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
8. 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.
9. In the interests of road safety; to ensure that an adequate supply of off-street private car parking is maintained. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan.

11. The local planning authority wishes to control future development in order to protect the character of the host buildings and their setting, and to safeguard residential amenity. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
12. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policy GD1 of the Wear Valley District Local Plan.
13. 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, PPS3, PPG15, County Durham Local Transport Plan 2, draft RSS.

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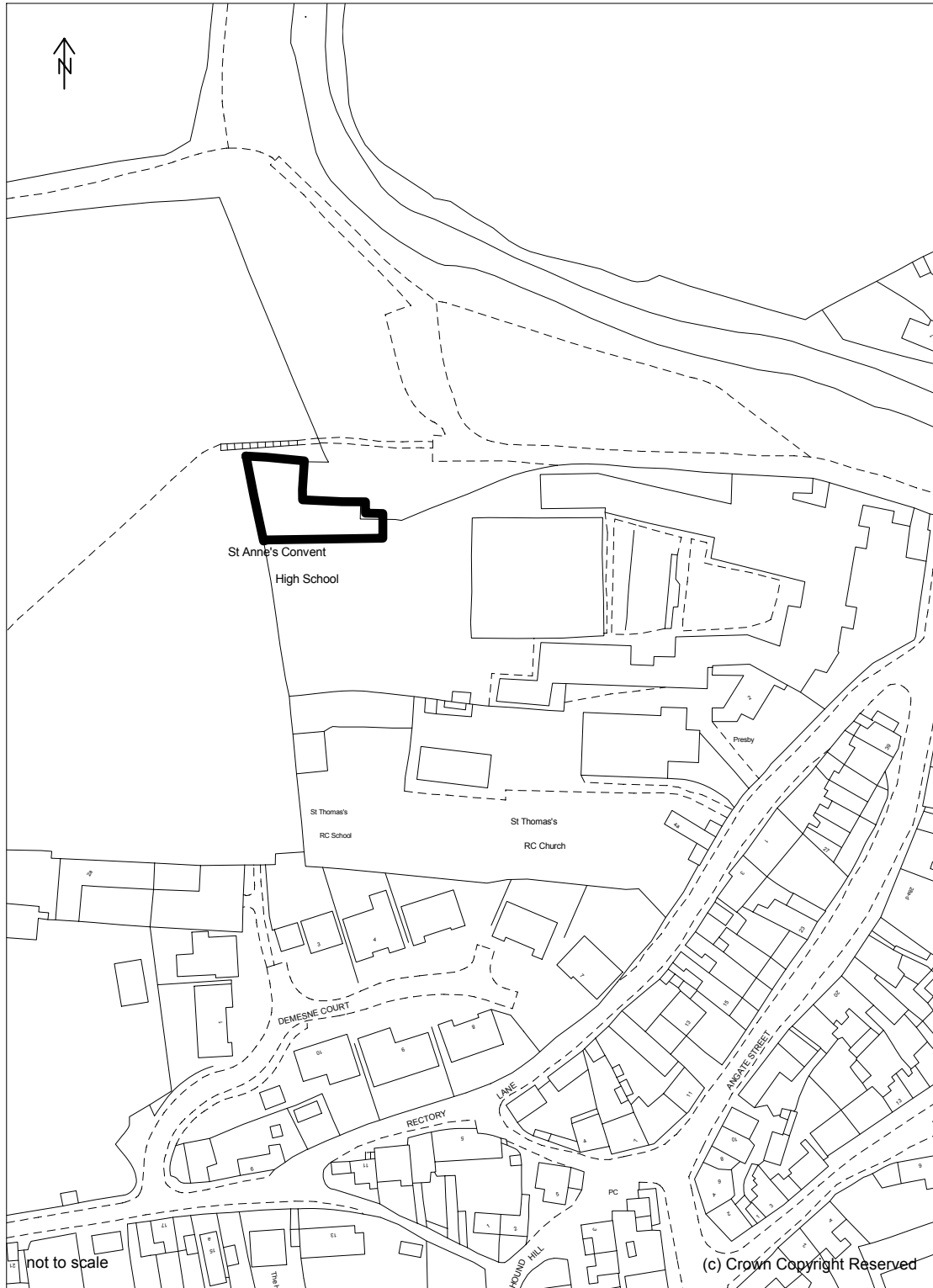
Officer responsible for the report

Robert Hope
 Director of Regeneration
 Ext 264

Author of the report

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 Ext 272

3/2007/0007 - AMENDMENTS TO PLOT 1 ON DEVELOPMENT SITE CURRENTLY UNDER CONSTRUCTION AT 22 ST. ANNES DRIVE, WOLSINGHAM, BISHOP AUCKLAND FOR HYPERION HOMES (DURHAM) LIMITED - 27.04.2007.



DEVELOPMENT CONTROL COMMITTEE

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0345 – RETROSPECTIVE APPLICATION SUBSTITUTION OF HOUSE TYPES AT PLOTS 2-8 ST. ANNES, ANGATE SQUARE, WOLSINGHAM, BISHOP AUCKLAND FOR ALAN PEACOCK – 15.05.2007

description of site and proposals

1. Retrospective consent is sought for amendments to plots 2-8 at 22 St. Anne's Drive, Wolsingham. The dwellings are currently under construction. This application is reported to Committee as the original planning permission for the development of the St Anne's site attracted more than three unresolved planning objections.
2. Planning permission has previously been granted for development of 34 new build homes and conversion of existing school building into 10 apartments at St. Anne's Convent High School Angate Square, Wolsingham. The original application was approved 27th April 2004.
3. The proposed amendments relate to 7 dwellings to the back of the site which have been redesigned. The dwellings have had to be redesigned to conform with Building Regulations. They are being built in the same location as previously approved. The arch at plot 8 has been amended to show three smaller arches. The DCC Design and Conservation Officer considers this to be an acceptable amendment and an improvement on the original proposal. The original application was approved for drawings scaled at 1:200 with a condition 21 (a) stating that no development shall take place until full working drawings at a scale of 1:50 showing elevations and floor plans have been submitted to and approved in writing by the local planning authority. The original 1:200 drawings were not drawn in accordance with Building Regulations. There is a minor height increase at properties at plots 6, 7 and 8 of 0.2 metres. This however is likely to be the margin of error between 1:200 drawings and 1:50 drawings. In some cases the internal layout of the dwellings have had to be altered to be both practical and in accordance with Building Regulations. This has led to some windows needing to be altered or moved. The alterations to the windows are considered to be acceptable. The dwellings cannot be built as per the original plans as they would not conform to current Building Regulations. It is considered that the substitution of house types would deliver an overall improved scheme.

5. The application site is contained within the settlement limits of Wolsingham and occupies a prominent position within the Wolsingham Conservation Area. The site is bounded to the north by Demense Mill Picnic Area and to the west by open countryside. To the east of the site there are completed dwellings forming part of the new build element of the development. To the south of the site is St. Thomas of Canterbury, a grade II listed building and associated buildings.

planning history

6. The planning history relating to the site is set out below:

- | | | |
|---------------|---|---------------------|
| • 3/1974/0268 | Classroom extension | Approved 15/08/1974 |
| • 3/1974/0306 | Science lab | Approved 07/08/1974 |
| • 3/1977/0764 | 3 Classrooms and toilets | Approved 30/12/1977 |
| • 3/1979/0623 | Raise height of buildings | Approved 24/10/1979 |
| • 3/2003/0973 | Development of 34 new build homes and conversion of existing school building into 10 apartments | Approved 27/04/2004 |

planning policies

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

- BE4 Setting of a Listed Building
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE9 Trees in Conservation Areas
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways – General Policy

Government Advice on new residential developments set out in PPS3 'Housing' is also directly relevant to this proposal. Also relevant is PPG15 "Planning and the Historic Environment" The County Durham Local Transport Plan 2 and the draft RSS.

consultations

8. Wolsingham Parish Council make the following observations:

1. The development is a massive hulk, totally out of proportion with the rest of the surrounding area. A significant contributory factor to this is the extended elevations, outwith the planning permission. The consequence is to severely impact on the amenity of the surrounding areas, in particular, the Demense Mill picnic area which is currently subject to an improvement

programme by the Parish Council. This significant area of public open space of high amenity value is now subject to dark shadow for all of the day.

2. Buildings appear to have been built closer to the western and northern boundaries of the site, than indicated in the original application. This accentuates the effects above. If allowed to remain many of the fine trees screening the site will be damaged, and pressure exerted for their removal.
9. Design and Conservation Officer: No objection, finds the scheme an improvement on the previously approved scheme.
10. DCC Highways Section: No objection.
11. DCC Arboricultural Officer surveyed all of the trees on and around the site on 15th June 2007 and has made the following comments:
 - Plots 2-8 relate to Area B of the tree report. To the rear of the properties are specimen mature and over mature trees of high aesthetic and environmental value. Root damage has been caused to the largest twin stemmed Sycamore tree however the DCC Arboricultural Officer does not consider the damage to be serious.
 - Recommendations
 - Prune damaged roots prior to replenishing top soil.
 - Prune to tidy and open the crowns.
 - Prune to reduce crown spread to east (large twin stemmed Sycamore).

officer analysis

12. The key issues for consideration are:
 - Principle of Development
 - Impact on Conservation Area
 - Impact on the Setting of a Listed Building
 - Access/Parking
 - Design/Layout
 - Trees

principle of development

13. The principle of development has already been established by virtue of the extant planning approval. The application site is a brownfield site contained within the defined settlement limits for Wolsingham. It was previously a school and is not allocated for any specific purpose. The site is well located close to the centre of the village, within easy walking distance of all the existing village services and facilities. By virtue of the location of the site and the existing planning history, the application is considered acceptable in

principle and can be supported by policies GD1 and H3 of the Wear Valley District Local Plan, PPS3 'Housing' and the draft RSS.

impact on conservation area

14. The site is located with Wolsingham Conservation Area and therefore the development must preserve or enhance the character of the area, use materials which are appropriate to the conservation area and reflect the vernacular style of the locality.
15. The original application ref (3/2003/0973) which included permission for plots 2-8 established the design criteria for the development through careful control over construction materials, window designs, surface materials and design features of the properties. It is therefore considered that the design of the dwellings is in keeping with the conservation area in accordance with policies BE4, BE5 and BE6 of the Wear Valley District Local Plan and is also in keeping with PPG15 'Planning and the Historic Environment'.

impact on the setting of a listed building

16. It has already been established through the previous application for the St. Anne's site that the development would benefit the setting of Church of St. Thomas of Canterbury a grade II listed building through the quality of the townscape that would be created. For this reason it is considered that the proposal is acceptable in relation to policy BE4 of the Wear Valley District Local Plan and PPG15 'Planning and the Historic Environment'.

access/parking

17. The access and parking arrangements throughout the site will not be significantly affected by the proposed amendments to plots 2-8. Durham County Council Highways section raised no objections to the original proposal. The access and parking for the proposed development is considered to accord with policies GD1 and T1 of the Wear Valley District Local Plan and the County Durham Local Transport Plan 2.

design

18. The amendments to the design of the dwellings at plots 2-8 are considered acceptable alterations which are necessary to meet Building Control Regulations. The amendments include a slight increase in volume of the dwelling and minor changes to the appearance of the elevations. The construction materials have been carefully controlled through the original permission. The dwellings are currently under construction using the originally conditioned building materials; random, coursed, natural stone, natural slate and timber sash windows. The changes to the design of the properties are considered acceptable in relation to existing properties, the streetscene, the Conservation Area and the setting of the grade II listed building Church of St. Thomas of Canterbury. The proposed development is considered acceptable in relation to policies BE4, BE5, BE6, GD1 and H24 of the Wear Valley District Local Plan and PPG15 ' Planning and the Historic Environment'.

trees

19. To the rear of the properties are specimen mature and over mature trees of high aesthetic and environmental value. Root damage has been caused to the largest twin stemmed Sycamore tree however the DCC Arboricultural Officer does not consider the damage to be serious.
20. The DCC Arboricultural Officer has recommended that damaged roots are pruned prior to replenishing top soil, pruning is carried out to tidy and open crowns and pruning to reduce crown spread to east (large twin stemmed Sycamore). Subject to the implementation of the above recommendations the proposal satisfies policies GD1 and BE9 of the Wear Valley District Local Plan.

objections/observations

21. The application has been advertised on site, in the local press and neighbouring properties have been notified individually in writing about the proposals. No observations have been received.

conclusion and reasons for approval

1. Having considered the impact which the proposed amendments to plots 2-8 would have on the overall quality of the scheme and the surrounding area it is considered that the proposal would not affect the integrity of the overall scheme, the Wolsingham Conservation Area, the setting of the grade II listed building Church of St. Thomas of Canterbury, or any trees on or around the site. The proposal is therefore considered to accord with local plan policies BE4, BE5, BE6, BE9, GD1, T1, H3 and H24 of the Wear Valley District Local Plan, and PPG15.

RECOMMENDED

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

conditions

1. Before the occupation of the dwellings hereby approved takes place details of the storage of refuse should be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a. all windows shall be timber, painted white, double hung vertically sliding sash in accordance with the approved plans;
 - b. all windows shall be recessed 90mm from the face of the building;

- c. exposed stone or artstone cills and lintels shall be used below and above all window openings;
 - d. all external walls shall be formed using random, coursed natural stone with pointing to match;
 - e. all external doors shall be natural timber doors;
 - f. exposed stone or artstone lintels shall be used above all external door openings;
 - g. the roof covering shall be natural slate;
 - h. all rainwater goods shall be black;
 - i. all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar;
 - j. no fascia or barge boards shall be affixed to the building.
3. Details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring buildings and land shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission; and the works shall be completed in accordance with the approved plans.
4. All planting, seeding or turfing comprised in the details of landscaping approved under application 3/2003/0973 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, severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. The existing trees, hedges and shrubs on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. Any trees, hedges and shrubs removed without such consent or which die or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. Before the dwellings hereby approved are first occupied 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.
7. The management scheme for the trees shall be carried out on site in accordance with the approved details by no later than 31st March 2008.
8. Before the dwellings hereby approved are first occupied details of the proposed estate roads, footways and footpaths, turning spaces and driveways where applicable between the dwellings and the existing highway, shall be submitted to and approved in writing by the local planning authority. They 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.

9. The garaging, hardstanding and car parking relating to the dwellings shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.
10. No building or construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8 a.m. and 6p.m. on any other day.
11. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B, C 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 any of the dwellings without an application for planning permission having been first made to and approved in writing by the local planning authority.
12. The arrangements agreed with Northumbrian Water and the Environment Agency for dealing with surface and foul water discharges from the site shall be implemented in accordance with the approved details.
13. Within 3 months of the date of this permission details of the lighting columns shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved plans.

reasons

1. To enable the local planning authority to retain control over the provision of facilities for storage of refuse; to secure a satisfactory standard of development and in the interests of road safety. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
3. To ensure that the existing ground and landscape conditions are protected from undue disturbance. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
4. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
5. In the interests of the visual appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
6. To achieve a satisfactory form of development. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
7. To ensure the continued existence of the existing trees; in the interests of safeguarding the appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.

8. 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.
9. In the interests of road safety; to ensure that an adequate supply of off-street private car parking is maintained. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan.
11. The local planning authority wishes to control future development in order to protect the character of the host buildings and their setting, and to safeguard residential amenity. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
12. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policy GD1 of the Wear Valley District Local Plan.
13. To achieve a satisfactory and acceptable form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

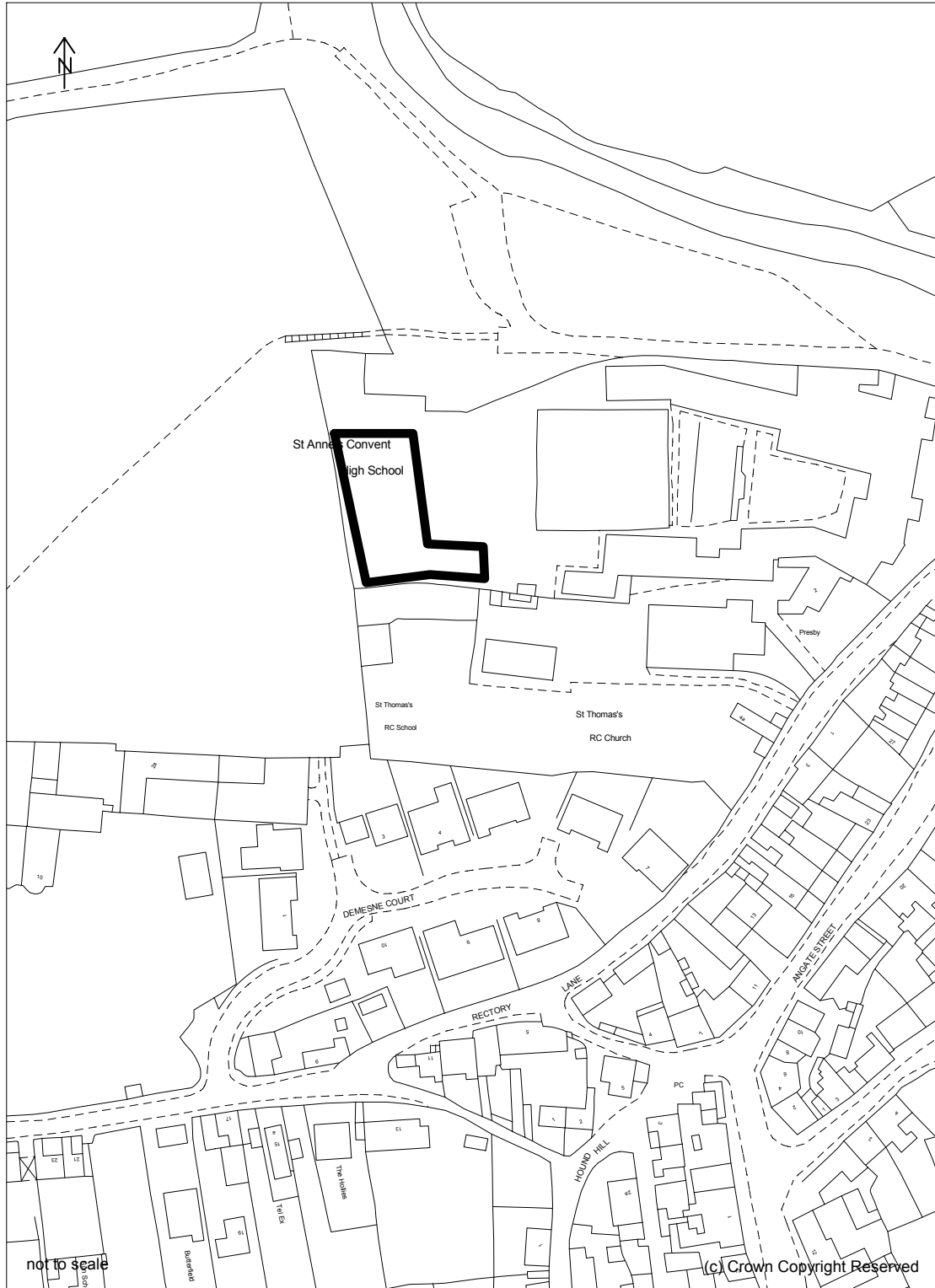
Application files, WVDLP, PPS3, PPG15, County Durham Local Transport Plan 2 and the Draft RSS.

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| explanation | | | |

Officer responsible for the report
 Robert Hope
 Director of Regeneration
 Ext 264

Author of the report
 Sinead Folan
 Planning Officer
 Ext 272

3/2007/0345 – RETROSPECTIVE APPLICATION SUBSTITUTION OF HOUSE TYPES AT PLOTS 2-8 ST. ANNES, ANGATE SQUARE, WOLSINGHAM, BISHOP AUCKLAND FOR ALAN PEACOCK – 15.05.2007



DEVELOPMENT CONTROL COMMITTEE

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0343 – RETROSPECTIVE APPLICATION FOR SUBSTITUTION OF HOUSE TYPES, PLOTS 9-12 AT 22 ST. ANNES DRIVE, WOLSINGHAM, BISHOP AUCKLAND FOR ALAN PEACOCK

description of site and proposals

1. Retrospective consent is sought for amendments to plots 9-12 at 22 St. Anne's Drive, Wolsingham. The dwellings are currently under construction. This application is reported to Committee as the original planning Permission for the development of the St. Anne's site attracted more than three unresolved planning objections.
2. Planning permission has previously been granted for development of 34 new build homes and conversion of existing school building into 10 apartments at St. Anne's Convent High School Angate Square, Wolsingham. The original application was approved 27th April 2004.
3. The proposed amendments relate to 4 dwellings to the west of the site which have been redesigned. The dwellings have had to be redesigned to make the arch which forms part of plot 9 work on site and to have all of the dwellings conform to Building Regulations. The original application was approved for drawings scaled at 1:200 with a condition 21 (a) stating that no development shall take place until full working drawings at a scale of 1:50 showing elevations and floor plans have been submitted to and approved in writing by the local planning authority. The original 1:200 drawings were not drawn in accordance with Building Regulations. The layout on site of these properties has changed to accommodate the arch at plot 9 and to conform with Building Regulations. In some cases the internal layout of the dwellings have had to be altered to be both practical and in accordance with Building Regulations. The cubic volume of the dwellings has not significantly changed. There has been a 0.5 metre height increase of plot 9. Part of this height increase can be attributed to the margin of error between 1:200 drawings and 1:50 drawings.
4. The application site is contained within the settlement limits of Wolsingham and occupies a prominent position within the Wolsingham Conservation Area. The site is bounded to the north by dwellings at plots 31-34. To the east of the site there are completed dwellings forming part of the new build element of the development. To the south of the site is St. Thomas of Canterbury a grade II listed building and associated dwellings and to the west of the site there are dwellings under construction and open countryside.

planning history

5. The planning history relating to the site is set out below:

- 3/1974/0268 Classroom extension Approved 15/08/1974
- 3/1974/0306 Science lab Approved 07/08/1974
- 3/1977/0764 3 Classrooms and toilets Approved 30/12/1977
- 3/1979/0623 Raise height of buildings Approved 24/10/1979
- 3/2003/0973 Development of 34 new build homes and conversion of existing school building into 10 apartments Approved 27/04/2004

planning policies

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

- BE4 Setting of a Listed Building
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE9 Trees in Conservation Areas
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways – General Policy

Government Advice on new residential developments set out in PPS3 'Housing' is also directly relevant to this proposal. Also relevant is PPG15 "Planning and the Historic Environment" The County Durham Local Transport Plan 2 and the draft RSS.

Consultations

7. Wolsingham Parish Council make the following observations:

- a) The development is a massive hulk, totally out of proportion with the rest of the surrounding area. A significant contributory factor to this is the extended elevations, outwith the planning permission. The consequence is to severely impact on the amenity of the surrounding areas, in particular, the Demense Mill picnic area which is currently subject to an improvement programme by the Parish Council. This significant area of public open space of high amenity value is now subject to dark shadow for all of the day.
- b) Buildings appear to have been built closer to the western and northern boundaries of the site, than indicated in the original application. This accentuates the effects above. If allowed to remain many of the fine trees screening the site will be damaged, and pressure exerted for their removal.

8. Design and Conservation Officer: No objection, finds the scheme an improvement on the previously approved scheme.

DCC Arboricultural Officer surveyed all of the trees on and around the site on 15th June 2007 and has made the following comments:

- Plots 9-12 relate to Area C of the tree report. Two Sycamore trees are of significance at Area C.
- Sycamore No 1 is a specimen tree with barked crown located on the boundary. Pruning required will ruin the tree resulting in a limited life expectancy.

Recommendations

- remove the tree
- replant two no Quercus Robur 4 metre containerised trees obtained from a specialist tree nursery.
- Sycamore No 2 is a healthy multi stemmed tree with broad crown. A previous report has been written by Durham County Council with regards to this tree. Site works have not altered the situation with regards to this tree.

Recommendations

- carry out pruning works in accordance with previous recommendations. These are as follows:
- all arboricultural works to be carried out in accordance with BS 3998 recommendations.
- trees to be purchased in accordance with BS 3936 specification for supply of trees and shrubs.
- top soil to be imported in accordance with BS 3882 recommendations.

officer analysis

10. The key issues for consideration are:

- Principle of Development
- Impact on Conservation Area
- Impact on the Setting of a Listed Building
- Access/Parking
- Design/Layout
- Trees

principle of development

11. The principle of development has already been established by virtue of the extant planning approval. The application site is a brownfield site contained within the defined settlement limits for Wolsingham. It was previously a school and is not allocated for any specific purpose. The site is well located close to the centre of the village, within easy walking distance of all the existing village services and facilities. By virtue of the location of the site and the existing planning history, the application is considered acceptable in principle and can be supported by policies GD1 and H3 of the Wear Valley District Local Plan, PPS3 'Housing' and the draft RSS.

impact on conservation area

12. The site is located with Wolsingham Conservation Area and therefore the development must preserve or enhance the character of the area, use materials which are appropriate to the conservation area and reflect the vernacular style of the locality.
13. The original application ref (3/2003/0973) which included permission for plots 9-12 established the design criteria for the development through careful control over construction materials, window designs, surface materials and design features of the properties. It is therefore considered that the design of the dwellings is in keeping with the conservation area in accordance with policies BE4, BE5 and BE6 of the Wear Valley District Local Plan and is also in keeping with PPG15 'Planning and the Historic Environment'.

impact on the setting of a listed building

14. It has already been established through the previous application for the St. Anne's site that the development would benefit the setting of Church of St. Thomas of Canterbury a grade II listed building through the quality of the townscape that would be created. For this reason it is considered that the proposal is acceptable in relation to policy BE4 of the Wear Valley District Local Plan and PPG15 'Planning and the Historic Environment'.

access/parking

15. The access and parking arrangements throughout the site will not be significantly affected by the proposed amendments to plots 9-12. Durham County Council Highways section raised no objections to the original proposal. The access and parking for the proposed development is considered to accord with policies GD1 and T1 of the Wear Valley District Local Plan and the County Durham Local Transport Plan 2.

design

16. The amendments to the design of plots 9-12 are considered acceptable alterations which are necessary to meet Building Control Regulations. The amendments include a height increase of 0.5 metres at plot 9, changes to the design of the elevations and a change to the layout of plots 9-12. The construction materials have been carefully controlled through the original

permission. The changes to the scale and design of the dwellings are considered acceptable in relation to existing properties, the streetscene, the Conservation Area and the setting of the grade II listed building Church of St. Thomas of Canterbury. The proposed development is considered acceptable in relation to policies BE4, BE5, BE6, GD1 and H24 of the Wear valley District Local Plan and PPG15 'Planning and the Historic Environment'.

trees

17. Plots 9-12 relate to Area C of the tree report. Two Sycamore trees are of significance at Area C. Sycamore No 1 is a specimen tree with barked crown located on the boundary. Pruning required will ruin the tree resulting in a limited life expectancy. DCC Arboricultural Officer recommends that the tree be removed and two no Quercus Robur 4 metre containerized trees obtained from a specialist tree nursery be planted to replace the tree. Sycamore No 2 is a healthy multi stemmed tree with broad crown. A previous report has been written by Durham County Council with regards to this tree. Site works have not altered the situation with regards to this tree. DCC Arboricultural Officer recommends that pruning be carried out in accordance with previous recommendations which were as follows

- all arboricultural works to be carried out in accordance with BS 3998 recommendations.
- trees to be purchased in accordance with BS 3936 specification for supply of trees and shrubs.
- top soil to be imported in accordance with BS 3882 recommendations.

Subject to the implementation of the above recommendations the proposal satisfies policies GD1 and BE9 of the Wear Valley District Local Plan.

objections/observations

18. The application has been advertised on site, in the local press and neighbouring properties have been notified individually in writing about the proposals. No observations have been received.

conclusion and reasons for approval

1. Having considered the impact which the proposed amendments to plots 9-12 would have on the overall quality of the scheme and the surrounding area it is considered that the proposal would not affect the integrity of the overall scheme the Wolsingham Conservation Area, the setting of the grade II listed building Church of St. Thomas of Canterbury, or any trees on or around the site. The proposal is therefore considered to accord with policies BE4, BE5, BE6, BE9, GD1, T1, H3 and H24 of the Wear Valley District Local Plan.

RECOMMENDED

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

conditions

1. Before the occupation of the dwellings hereby approved takes place details of the storage of refuse should be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) all windows shall be timber, painted white, double hung vertically sliding sash in accordance with the approved plans;
 - b) all windows shall be recessed 90mm from the face of the building;
 - c) exposed stone or artstone cills and lintels shall be used below and above all window openings;
 - d) all external walls shall be formed using random, coursed natural stone with pointing to match;
 - e) all external doors shall be natural timber doors;
 - f) exposed stone or artstone lintels shall be used above all external door openings;
 - g) the roof covering shall be natural slate;
 - h) all rainwater goods shall be black;
 - i) all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar;
 - j) no fascia or barge boards shall be affixed to the building.
3. Details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring buildings and land shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission; and the works shall be completed in accordance with the approved plans.
4. All planting, seeding or turfing comprised in the details of landscaping approved under application 3/2003/0973 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, severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. The existing trees, hedges and shrubs on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. Any trees, hedges and shrubs removed without such consent or which die or become seriously damaged or diseased shall be

replaced in the first available planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

6. Before the dwellings hereby approved are first occupied 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.
7. The management scheme for the trees shall be carried out on site in accordance with the approved details by no later than 31st March 2008.
8. Before the dwellings hereby approved are first occupied details of the proposed estate roads, footways and footpaths, turning spaces and driveways where applicable between the dwellings and the existing highway, shall be submitted to and approved in writing by the local planning authority. They 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.
9. The garaging, hardstanding and car parking relating to the dwellings shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.
10. No building or construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8 a.m. and 6 p.m. on any other day.
11. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B, C 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 any of the dwellings without an application for planning permission having been first made to and approved in writing by the local planning authority.
12. The arrangements agreed with Northumbrian Water and the Environment Agency for dealing with surface and foul water discharges from the site shall be implemented in accordance with the approved details.
13. Within 3 months of the date of this permission details of the lighting columns shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved plans.

reasons

1. To enable the local planning authority to retain control over the provision of facilities for storage of refuse; to secure a satisfactory standard of development and in the interests of road safety. In accordance with policy GD1 of the Wear Valley District Local Plan.

2. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
3. To ensure that the existing ground and landscape conditions are protected from undue disturbance. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
4. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
5. In the interests of the visual appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
6. To achieve a satisfactory form of development. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
7. To ensure the continued existence of the existing trees; in the interests of safeguarding the appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
8. 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.
9. In the interests of road safety; to ensure that an adequate supply of off-street private car parking is maintained. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan.
11. The local planning authority wishes to control future development in order to protect the character of the host buildings and their setting, and to safeguard residential amenity. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
12. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policy GD1 of the Wear Valley District Local Plan.
13. 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, PPS3, PPG15, County Durham Local Transport Plan 2, draft RSS.

PS code

6

number of days to Committee

60

target achieved

√

explanation

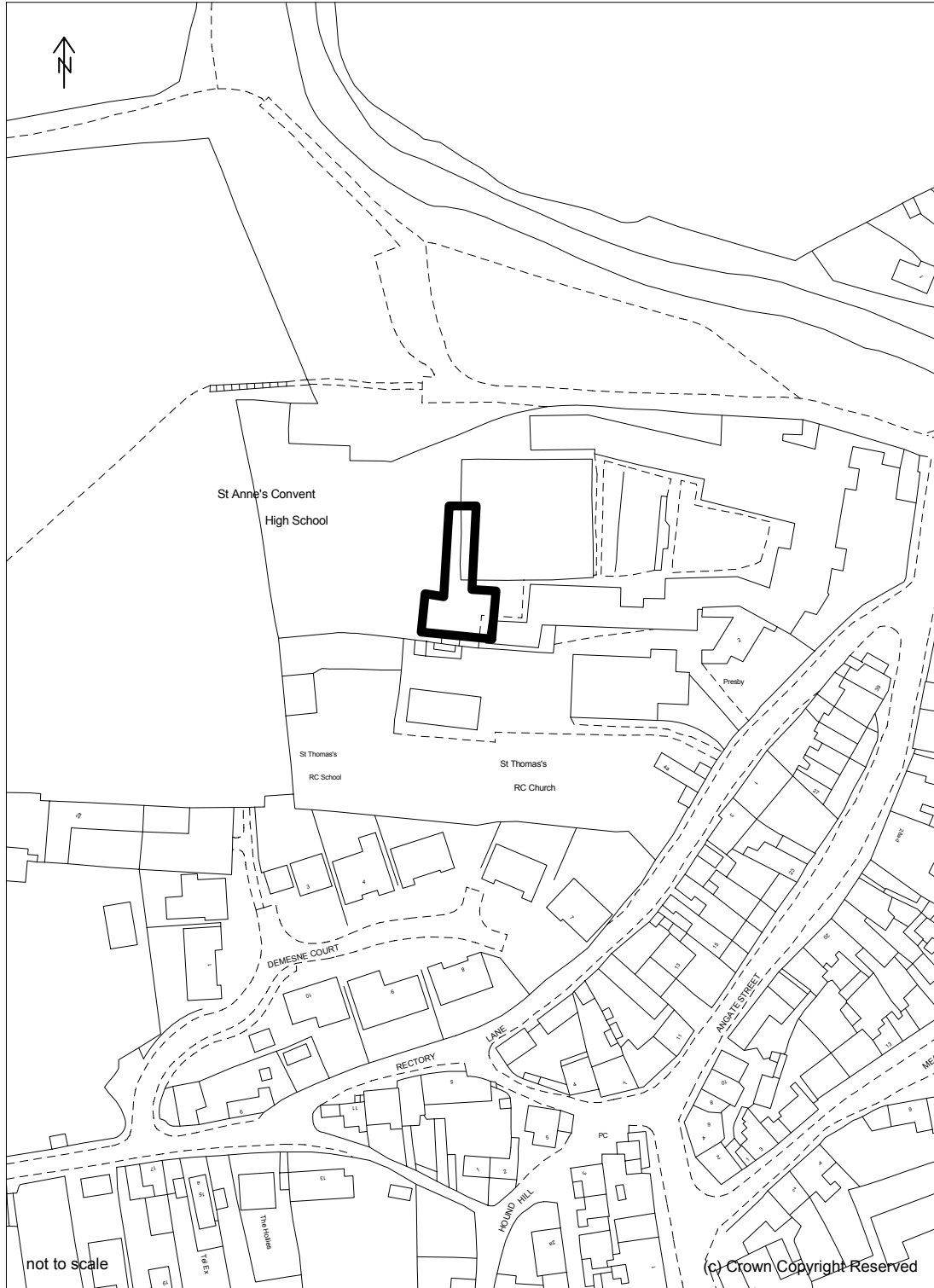
Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

Sinead Folan
Planning Officer
Ext 272

3/2007/0343 – RETROSPECTIVE APPLICATION FOR SUBSTITUTION OF HOUSE TYPES, PLOTS 9-12 AT 22 ST. ANNES DRIVE, WOLSINGHAM, BISHOP AUCKLAND FOR ALAN PEACOCK



DEVELOPMENT CONTROL COMMITTEE

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0342 – RETROSPECTIVE APPLICATION FOR SUBSTITUTION OF HOUSE TYPES PLOTS 26-34 AT 22 ST. ANNES DRIVE, WOLSINGHAM, BISHOP AUCKLAND FOR HYPERION HOMES (DURHAM) LIMITED - 03.05.2007

description of site and proposals

1. Retrospective consent is sought for amendments to plots 26-34 at 22 St. Anne's Drive, Wolsingham. Construction of the properties is now near completion. This application is reported to Committee as the original planning permission for the development of the St Anne's site attracted more than three unresolved planning objections.
2. Planning permission has previously been granted for development of 34 new build homes and conversion of existing school building into 10 apartments at St. Annes Convent High School, Angate Square, Wolsingham. The original application was approved 27th April 2004.
3. The proposed amendments relate to 9 dwellings to the north of the site which have been redesigned. The dwellings have had to be redesigned to conform with Building Regulations. All of the dwellings are being built in the same location as previously approved apart from plot 26 which is now set back a further 0.3 metres than originally approved; however it does not project beyond the rear building line. The original application was approved for drawings scaled at 1:200 with condition 21 (a) stating that no development shall take place until full working drawings at a scale of 1:50 showing elevations and floor plans have been submitted to and approved in writing by the local planning authority. The original 1:200 drawings were not drawn in accordance with Building Regulations. The stairs in a number of the dwellings did not provide enough headroom. This led to these properties having to be redesigned with a marginal height increase. There is also some height increase due to unexpected undulations in the land. The original plans showed the site to be flat. The site in fact slopes upwards from Angate Street. There is a margin of error between plans scaled 1:50 and plans scaled 1:200. This accounts further for the increased height of some of the buildings. The height increases range from 0.3 metres to 1.3 metres. Only one of the dwellings has increased by 1.3 metres in the most part the increase is less than one metre. In some cases the internal layout of the dwellings have had to be altered to be both practical and in accordance with Building Regulations. This has led to some windows needing to be altered or moved. The dwellings

cannot be built as per the original plans as they would not conform to current Building Regulations.

4. The application site is contained within the settlement limits of Wolsingham and occupies a prominent position within the Wolsingham Conservation Area. The site is bounded to the north by Demense Mill picnic area. To the south of the site is the Church of St. Thomas of Canterbury, a grade II listed building and associated dwellings. To the east of the application site are plots 22-25, which are now complete, with a number of the dwellings currently occupied. To the west of the site are plots 1-8 which are currently under construction.

planning history

5. The planning history relating to the site is set out below:

| | | |
|---------------|---|---------------------|
| • 3/1974/0268 | Classroom extension | Approved 15/08/1974 |
| • 3/1974/0306 | Science lab | Approved 07/08/1974 |
| • 3/1977/0764 | 3 Classrooms and toilets | Approved 30/12/1977 |
| • 3/1979/0623 | Raise height of buildings | Approved 24/10/1979 |
| • 3/2003/0973 | Development of 34 new build homes and conversion of existing school building into 10 apartments | Approved 27/04/2004 |

planning policies

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

- BE4 Setting of a Listed Building
- BE5 Conservation Areas
- BE9 Trees in Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways –General Policy

Government Advice on new residential developments set out in PPS3 'Housing' is also directly relevant to this proposal. Also relevant is PPG15 "Planning and the Historic Environment", County Durham Local Transport Plan 2 and the draft RSS.

consultations

7. Wolsingham Parish Council make the following observations:

1. The development is a massive hulk, totally out of proportion with the rest of the surrounding area. A significant contributory factor to this is the extended elevations, outwith the planning permission. The consequence is to severely impact on the amenity of the surrounding

areas, in particular, the Demense Mill picnic area which is currently subject to an improvement programme by the Parish Council. And now has a significant area of public open space of high amenity value, subject to dark shadow for all of the day.

2. Buildings appear to have been built closer to the western and northern boundaries of the site, than indicated in the original application. This accentuates the effects above. If allowed to remain many of the fine trees screening the site will be damaged, and pressure exerted for their removal.
8. Design and Conservation Officer: No objections.
9. DCC Highways Section: No objections.
10. DCC Arboricultural Officer surveyed all of the trees on and around the site on 15th June 2007 and has made the following comments:
 - Plots 26-34 relate to Area A of the tree report. Area A constitutes a group of healthy mixed size trees adjacent to and touching the development, located within Demense Mill Picnic Area. The land is leased to the Parish Council, the trees are mainly self sown, in poor condition and unmaintained. There is a condition within the lease stating that all trees and shrubs require to be maintained. Under normal circumstances the development will have been constructed in contravention of BS 5837 'trees in relation to construction'. However there exists the original boundary wall which is located within the tree protection zone.
 - Recommendations
 - Selective felling to remove spindly trees and retain specimen trees.
 - Prune to reduce crown heights and shape crowns.

officer analysis

11. The key issues for consideration are:

- Principle of Development
- Impact on Conservation Area
- Impact on the Setting of a Listed Building
- Access/Parking
- Design/Layout
- Trees

principle of development

12. The principle of development has already been established by virtue of the extant planning approval. The application site is a brownfield site contained within the defined settlement limits for Wolsingham. It was previously a school and is not allocated for any specific purpose. The site is well located close to the centre of the village, within easy walking distance of all the existing village services and facilities. By virtue of the location of the site and

the existing planning history, the proposal is considered acceptable in principle and can be supported by policies GD1 and H3 of the Wear Valley District Local Plan and PPS3 'Housing'

impact on conservation area

13. The site is located within Wolsingham Conservation Area and therefore the development must preserve or enhance the character of the area, use materials which are appropriate to the conservation area and reflect the vernacular style of the locality.
14. The original permission ref (3/2003/0973) which included permission for plots 26-34 established the design criteria for the development through careful control over construction materials, window designs, surface materials and design features of the properties. The new proposals are considered to satisfy these design criteria. Indeed the substitution of house types would deliver an overall improved scheme. The designs of the dwellings are in keeping with the conservation area in accordance with policies BE4, BE5 and BE6 of the Wear Valley District Local Plan and PPG15 'Planning and the Historic Environment'.

impact on the setting of a listed building

15. It has already been established through the previous application for the St. Anne's site that the development would benefit the setting of the Church of St. Thomas of Canterbury; a grade II listed building, through the quality of the townscape that would be created. The revised proposals would also achieve the same benefits and are acceptable in relation to policy BE4 of the Wear Valley District Local Plan and PPG15 'Planning and the Historic Environment'

access/parking

16. The access arrangements throughout the site will not be significantly affected by the proposed amendments to plots 26-34. Durham County Council Highways Section raised no objections to the original proposal. The access to the proposed development is considered to accord with policies GD1 and T1 of the Wear Valley District Local Plan and the County Durham Local Transport Plan 2.

design

17. The amendments include the increased height of a number of the dwellings which ranges between 0.3 metres and 1.3 metres and changes to the design of a number of the elevations. The construction materials have been carefully controlled through the original permission. The dwellings are near completion and have used the original conditioned building materials; random, coursed, natural stone, natural slate and timber sash windows. The changes to the scale and design of the dwellings are considered acceptable in relation to existing properties, the streetscene, the conservation area and the setting of the grade II listed building Church of St. Thomas of Canterbury. The proposed development is considered acceptable in relation to policies BE4, BE5, BE6, GD1 and H24 of the Wear Valley District Local Plan, and PPG15.

trees

18. The trees affected are a group of healthy mixed size trees adjacent to the development. The land is leased to the Parish Council. The trees are mainly self sown, in poor condition and unmaintained. There is a condition within the lease stating that all trees and shrubs require to be maintained. Under normal circumstances the development will have been constructed in contravention of BS 5837 'trees in relation to construction' however there exists the original boundary wall which is located within the protection zone.
19. Selective felling to remove spindly trees and retain specimen trees and prune to reduce crown heights and shape crowns has been recommended by DCC Arboricultural Officer. Subject to the implementation of the above recommendation the proposal satisfies policies GD1 and BE9 of the Wear Valley District Local Plan.

objections/observations

20. The application has been advertised on site, in the local press and neighbouring properties have been notified individually in writing about the proposals. No observations have been received.

conclusion and reasons for approval

1. It is considered that the proposed amendments to plots 26-34 would not adversely affect the overall quality of the scheme and the surrounding conservation area, the setting of the grade II listed building Church of St. Thomas of Canterbury, or any of the trees on or around the site. The proposals are therefore considered to accord with policies BE4, BE5, BE6, BE9, GD1, T1, H3 and H24 of the Wear Valley District Local Plan and PPG15.

RECOMMENDED

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

conditions

1. Before the occupation of the dwellings hereby approved takes place details of the storage of refuse should be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a. all windows shall be timber, painted white, double hung vertically sliding sash in accordance with the approved plans;
 - b. all windows shall be recessed 90mm from the face of the building;
 - c. exposed stone or artstone cills and lintels shall be used below and above all window openings;
 - d. all external walls shall be formed using random, coursed natural stone with pointing to match;

- e. all external doors shall be natural timber doors;
 - f. exposed stone or artstone lintels shall be used above all external door openings;
 - g. the roof covering shall be natural slate;
 - h. all rainwater goods shall be black;
 - i. all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar;
 - j. no fascia or barge boards shall be affixed to the building.
3. Details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring buildings and land shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission; and the works shall be completed in accordance with the approved plans.
 4. All planting, seeding or turfing comprised in the details of landscaping approved under application 3/2003/0973 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, severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
 5. The existing trees, hedges and shrubs on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. Any trees, hedges and shrubs removed without such consent or which die or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
 6. Before the dwellings hereby approved are first occupied 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.
 7. The management scheme for the trees shall be carried out on site in accordance with the approved details. By no later than 31st March 2008.
 8. Before the dwellings hereby approved are first occupied details of the proposed estate roads, footways and footpaths, turning spaces and driveways where applicable between the dwellings and the existing highway, shall be submitted to and approved in writing by the local planning authority. They 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.

9. The garaging, hardstanding and car parking relating to the dwellings shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.
10. No building or construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8 a.m. and 6 p.m. on any other day.
11. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B, C 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 any of the dwellings without an application for planning permission having been first made to and approved in writing by the local planning authority.
12. The arrangements agreed with Northumbrian Water and the Environment Agency for dealing with surface and foul water discharges from the site shall be implemented in accordance with the approved details.
13. Within 3 months of the date of this permission details of the lighting columns shall be submitted to and approved in writing by the local planning authority, works shall be carried out in accordance with the approved plans.

reasons

1. To enable the local planning authority to retain control over the provision of facilities for storage of refuse; to secure a satisfactory standard of development and in the interests of road safety. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
3. To ensure that the existing ground and landscape conditions are protected from undue disturbance. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
4. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
5. In the interests of the visual appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
6. To achieve a satisfactory form of development. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
7. To ensure the continued existence of the existing trees; in the interests of safeguarding the appearance of the area. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.

8. 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.
9. In the interests of road safety; to ensure that an adequate supply of off-street private car parking is maintained. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. In the interests of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
11. The local planning authority wishes to control future development in order to protect the character of the host buildings and their setting, and to safeguard residential amenity. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
12. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policy GD1 of the Wear Valley District Local Plan.
13. 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, PPS3, PPG15, County Durham Local Transport Plan 2, draft RSS.

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| explanation | | | |

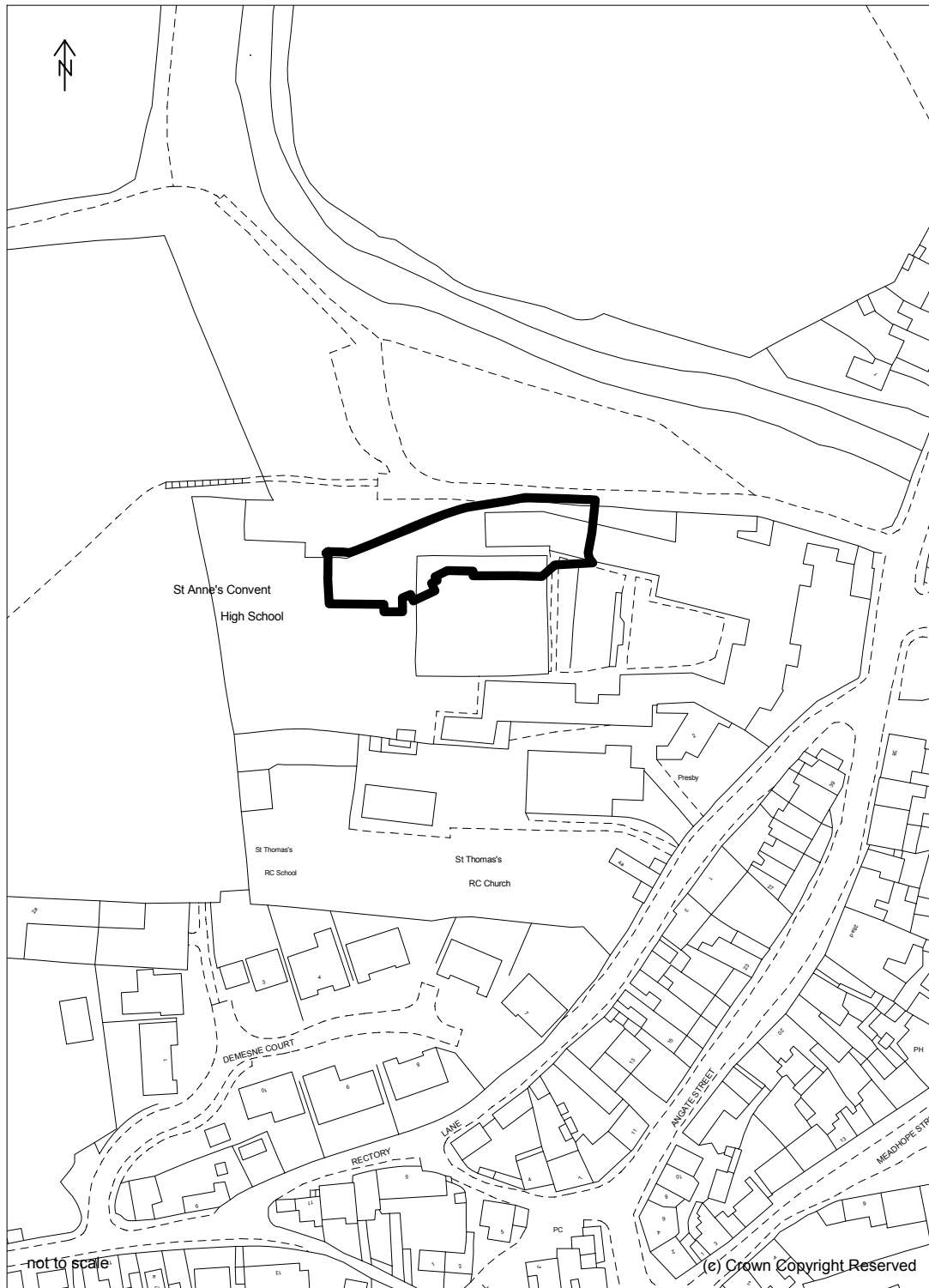
Officer responsible for the report

Robert Hope
 Director of Regeneration
 Ext 264

Author of the report

Sinead Folan
 Planning Officer
 Ext 272

3/2007/0342 – RETROSPECTIVE APPLICATION FOR SUBSTITUTION OF HOUSE TYPES PLOTS 26-34 AT 22 ST. ANNES DRIVE, WOLSINGHAM, BISHOP AUCKLAND FOR HYPERION HOMES (DURHAM) LIMITED - 03.05.2007



DEVELOPMENT CONTROL COMMITTEE

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0361- ERECTION OF SINGLE STOREY EXTENSIONS TO SOUTH AND EAST ELEVATIONS OF UNIT 1 (AMENDMENT TO PERMISSION 3/2004/0933). AT BARNS AT PARK HOUSE FARM, OAKENSHAW, CROOK FOR MR. JAMES - 03.05.2007 - AMENDED 29.05.2007

description of site and proposals

1. This application is reported to Committee because the applicant is a close friend of a member of staff who works in the Environment and Regeneration Department.
2. Following the grant of planning permission 3/2004/0933 for the conversion of the barns to form 3 no. live/work units, including extensions to unit 3, this application proposes a revised scheme for the extensions to unit 3. Permission 3/2004/0933 approved 2 no. extensions to unit 3 – a bathroom extension to the west and kitchen/utility to the east (total floor area 52sqm). This revised application proposes to rearrange the internal accommodation primarily to bring the previously approved bathroom accommodation within the main building, thus necessitating a bedroom extension to the south and lounge extension to the east to replace the floor area of the previously approved extensions. The total floor area of the new extensions would be 56sqm.
3. The proposed bedroom extension to the south would be built flush with the existing building, terminating in a simple gable end to follow the existing building form, while the proposed lounge extension to the east would be designed to resemble a traditional wheelhouse. The internal reorganisation would also require the formation of 3 no. additional windows and 1 no. additional door in the west elevation. Matching materials are proposed.
4. The application site comprising the proposed unit 3 of the approved live/work scheme is part of a larger building group at Park House Farm. Units 1 and 2 in the larger barn of the approved conversion scheme are nearing the completion of the conversion works. These former agricultural buildings are located immediately to the east of some modern agricultural sheds, with the farmhouse slightly further to the west. Access is gained from an unmade track leading off a road to the south west. A public footpath runs along this access and through and around to the north of the building group. The buildings are in an isolated position surrounded by open fields.

planning history

5. The following planning applications have been received in respect of this site:

- 3/2003/174 Outline Application for 2 no. Residential Units with Workshops/Offices Withdrawn 14.04.2003
- 3/2004/933 Conversion of the Barns to Form 3 no. Live/Work Units, Including Extensions to Unit 3 Approved 05.04.2005

planning policies

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

- BE20 Conversion of Buildings in the Countryside
- GD1 General Development Criteria

consultations

7. None received to date

officer analysis

8. The one issue for consideration is:

- Impact on the Character and Appearance of the Building and Surrounding Area

impact on the character and appearance of the building and surrounding area.

9. The principle of the residential conversion, formation of the live/work units, or extension of the buildings is not under determination as this has already been approved under permission 3/2004/933. The main issue for consideration in this case is therefore whether or not the revised alterations and extensions would preserve the character and appearance of the former agricultural buildings and protect the visual amenity and character of the surrounding area.

10. The previous permission allowed 52sqm of extension to unit 3 to provide bathroom and kitchen/utility accommodation. Under that permission, the overall level of accommodation in unit 3 comprised of kitchen/utility, bathroom, lounge, 2 bedrooms and office/workspace.

11. This level of accommodation would remain unchanged in the new proposal, however it would be reorganised internally with a resultant effect on the location and form of the extensions and formation of additional openings in the west elevation. The amount of extension in the new proposal of 56sqm is only 4sqm more than previously approved and this is not considered to be significant or unacceptable.

12. Both the design and location of the proposed extensions are considered to be improvements on the previous scheme, particularly with the removal of the previously approved bathroom extension on the west elevation. The proposed bedroom extension would follow the form of the existing building. The openings would be kept simple with the large opening in the gable end resembling a typical cart opening. The design of the proposed lounge extension would resemble a traditional wheelhouse and would be appropriately positioned on the building. This would also add a feature of interest to the buildings and is considered to be an improvement in design to the previously approved kitchen extension. The additional openings in the western elevation would be similar in size and appearance to the existing openings and would retain the traditional appearance of the building. They would, however, not be particularly visible because the adjacent modern agricultural buildings screen most of the west elevation from wider views.
13. The proposal is therefore considered to be acceptable as it would retain the character and appearance of the former agricultural buildings and would not cause harm to the visual amenity and character of the surrounding area. This accords with policies GD1 and BE20 of the Wear Valley District Local Plan.

objections/observations

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

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1 and BE20 of the Wear Valley District Local Plan as it would retain the character and appearance of the former agricultural buildings and would not cause harm to the visual amenity and character of the surrounding area.

RECOMMENDED

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

conditions

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order, the room indicated as 'office' on the approved plans shall be used for Class B1 use only and for no other purpose.

2. The living accommodation hereby approved shall be occupied in conjunction with the Use Class B1 business/office in unit 1 and not as a separate independent unit of residential accommodation. Occupiers of the residential accommodation in unit 1 shall be limited to a person solely working in/at the associated business/office use in unit 1 and his/her dependants or a widow or widower of such a person.
3. Before the occupation of the residential accommodation hereby approved the conversion works to form the business use shall be completed. The residential accommodation hereby approved shall be occupied no earlier than the date on which the business use is brought into use.
4. 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 conversion hereby approved is occupied.
5. The business premises shall not be open for business outside the hours of 8.00 a.m. and 6.00 p.m. on any day.
6. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B and G of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
7. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) all windows shall be timber, painted, double hung vertically sliding sash;
 - 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 external openings;
 - d) all external doors shall be natural timber doors;
 - e) all rainwater goods shall be black.
8. The external surfaces of the extensions hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extensions will form part.
9. The materials for the external walls shall be random natural stone and the roof covering shall be red pantiles. No development shall take place until a sample panel of the materials for the external walls has been made up on site for inspection and approved in writing by the local planning authority. The approved sample panel shall remain in place throughout construction. Development shall be in accordance with the approved details.

reasons

1. In the interests of residential amenity. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan.
2. The local planning authority would not be prepared to permit the conversion of barns into residential accomodation on this site unconnected with the use of the 'workspace' rooms as Class B1 use. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan.
3. The local planning authority would not be prepared to permit a new dwelling in this location unless it is occupied in conjunction with the use of the site in an employment generating use. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan.
4. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
5. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan.
6. To enable the local planning authority to control future alterations which may affect the character of the buildings and their settings. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan.
7. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan.
8. To ensure that the external appearance of the development will not be detrimental to the existing building and visual amenities of the area. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan.
9. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and BE20 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

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| explanation | First available committee. | | |

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

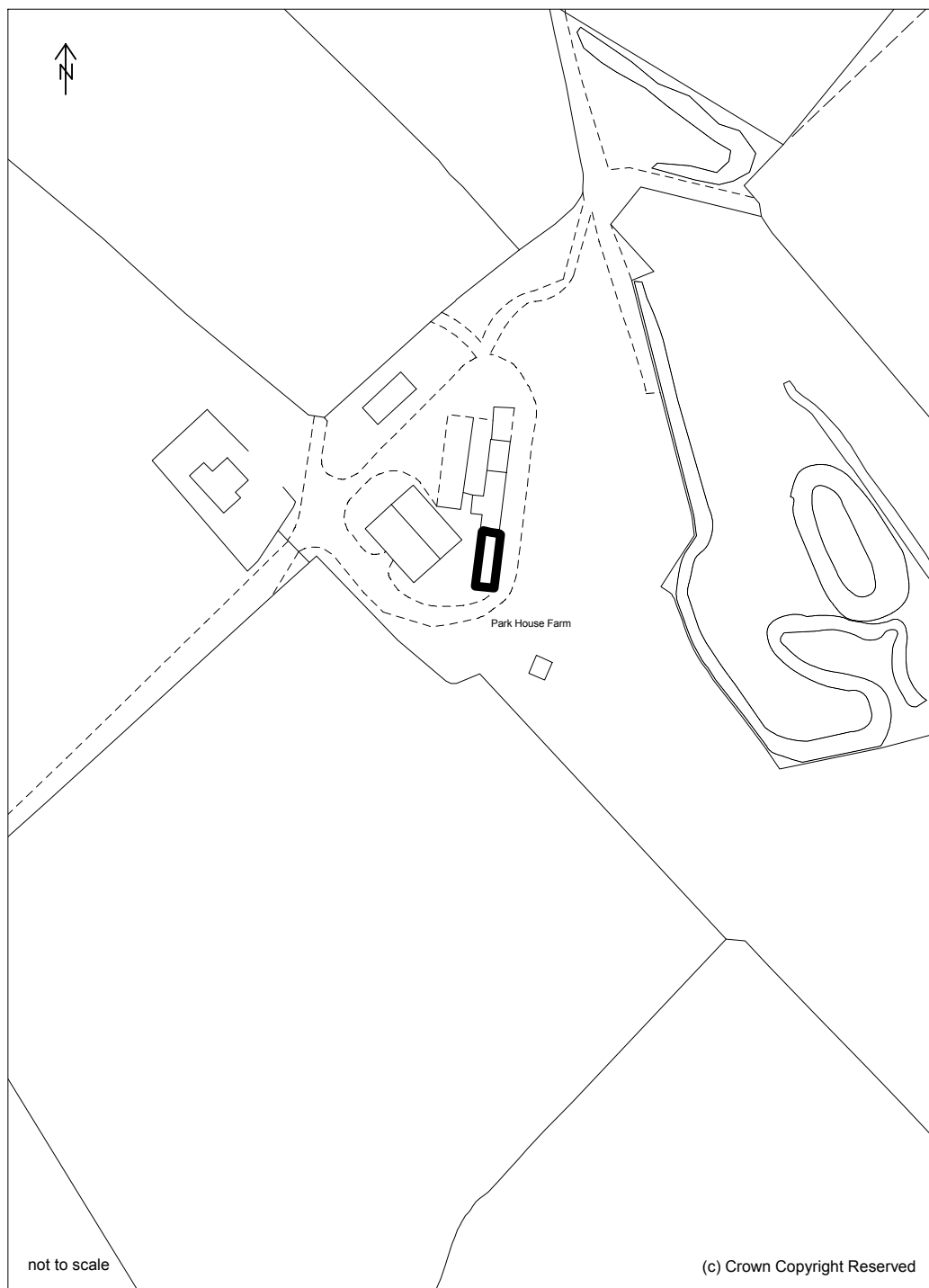
Author of the report

Adrian Caines

Planning Officer

Ext 369

3/2007/0361 - ERECTION OF SINGLE STOREY EXTENSIONS TO SOUTH AND EAST ELEVATIONS OF UNIT 1 (AMENDMENT TO PERMISSION 3/2004/0933) AT BARNES AT PARK HOUSE FARM, OAKENSHAW, CROOK FOR MR. JAMES - 03.05.2007 - AMENDED 29.05.2007



DEVELOPMENT CONTROL COMMITTEE

3RD JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

A) 3/2007/0359 – CONVERSION OF GROUND FLOOR RESTAURANT INTO 2 NO. APARTMENTS AND CONSTRUCTION OF 2 NO. NEW APARTMENTS TO REAR AT FORTUNE COURT CANTONESE RESTAURANT, 23-25 MARKET PLACE, BISHOP AUCKLAND FOR MR. MOUSARIFAR – AMENDED 15.06.2007.

B) 3/2007/0360LB – CONVERSION OF GROUND FLOOR RESTAURANT INTO 2 NO. APARTMENTS AND CONSTRUCTION OF 2 NO. NEW APARTMENTS TO REAR AT FORTUNE COURT CANTONESE RESTAURANT, 23-25 MARKET PLACE, BISHOP AUCKLAND FOR MR. MOUSARIFAR – AMENDED 15.06.2007.

description of site and proposals

1. These applications are reported to Committee as they represent a departure and are contrary to guidance contained in policy S4 'Market Place' of the Wear Valley District Local Plan.
2. Planning permission and listed building consent are requested for the change of use of the ground floor and first floor from a restaurant to 8 residential apartments. The physical external alterations to the property consist of the erection of an extension to the rear of the property. The proposed extension would measure 7 metres in length, 7.2 metres in width, 3.7 metres to the eaves, and 7.1 metres to the highest point. The roof of the proposed extension would be hipped, with 2 No. rooflights to the northern elevation. A dormer window is proposed to the western elevation.
3. The application site consists of a Grade II listed building which has been fire damaged and is currently vacant and in a bad state of repair. The building dates from the 17th century and is located within the Bishop Auckland Conservation Area, as well as being located within the Market Place Shopping Area as identified under policy S4 of the Wear Valley District Local Plan. The neighbouring properties to the application site are predominantly residential, with adjoining dwellings to the north and south. Adjacent to the site to the west are nos. 49- 52 Market Place, which are Grade II listed dwellings. To the east of the site is Auckland Castle Park, which is Grade II listed, with the Grade I listed Auckland Castle beyond. The host building has been rendered; whilst to the rear are a number of unsympathetic extensions. The rear of the site is accessed via an entrance off Silver Street to the north of the site. The rear yard of the property measures approximately 180 sq. metres in area. The building has been vacant for over 2 years.

planning history

4. The following applications relate to the site:
- 3/2002/0533 C/U to flats, extensions and new frontage Withdrawn
 - 3/2002/0534 C/U to flats, extensions and new frontage Withdrawn
 - 3/2003/0539 C/U to flats, extensions and new frontage Approved 01/12/2003
 - 3/2003/0927 C/U to flats, single store extension, new shop front Approved 05/01/2004
 - 3/2004/0896 Conversion of ground and first floor to residential Refused 09/02/2004

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
 - BE1 Protection of Historic Heritage
 - BE3 Listed Buildings: Demolition, Change of Use, Alterations
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas
 - BE17 Areas of Archaeological Interest
 - H3 Distribution of Development
 - H24 Residential Design Criteria
 - S1 Town Centres
 - S4 Market Place

Also relevant are the draft Regional Spatial Strategy (RSS), PPS6 'Planning for Town Centres', and PPG15 'Planning and the Historic Environment.'

consultations

6. Design and Conservation Officer: Was involved in pre-application design consultation.
7. CDE&TS (Highways): The side road leading to Silver Street, and Silver Street itself, are private roads. The C188 Market Place is subject to waiting restrictions. The site is within the town centre. In this case in order to retain some use of a listed building, I will not object to the application because of the lack of availability of off street parking. Any purchasers should be aware that they will be unable to park within the site, and that there are no free parking facilities in the area.
8. Northumbrian Water: No response received.

officer analysis

9. The main issues for consideration are;

- Principle of Development
- Residential Amenity
- Design and Character
- Impact on Archaeology

principle of development

10. The application site lies within the settlement limits for Bishop Auckland, is within the Bishop Auckland Town Centre as allocated in policy S1 of the Wear Valley District Local Plan, and is within the Bishop Auckland Conservation Area. The site is designated under policy S4, which seeks to limit uses to offices, hotels, small scale shops, tourist uses, small scale food and drink outlets and restaurants. The policy seeks to prevent changes of use to residential and nursing homes, industry and large scale retailing and warehousing. All proposals must be designed so as to be compatible with the architectural and historic character of the Market Place and contribute to the potential of the town to attract tourists.
11. The proposal is contrary to policy S4 as it seeks to introduce a residential use into a protected frontage. A previous planning application for the conversion of the building to 4 no. apartments was refused in February 2005 because the proposal would be contrary to policy S4 and would not contribute to the vitality and viability of the Market Place. This proposal also included a significant new build element that was considered to be unacceptable.
12. The application site is clearly situated on the periphery of the commercial area of the Market Place. This area can be best described as one of mixed use and predominantly residential to the north and south. The building is currently vacant.
13. It is considered that the policy position in this case is difficult to sustain, given the location of the application site and the nature of the listed building itself, that does not easily lend itself to conversion to other commercial uses. This area of the Market Place is clearly not in commercial terms, essential to the vitality and viability of the area, unlike the significant frontages to the south and north of the Town Hall. Therefore, the proposals are not considered contrary to PPS6 "Planning for Town Centres". In this respect, I consider the application to be an acceptable departure from the local plan.
14. On 2 April 2007, at a Special Regeneration Committee, the Council approved and adopted a sequential search against which all proposals and applications for new housing, regardless of site, scale, and size must be assessed. The approved sequential search expresses in local terms the requirements of Policy 3 of the North East Regional Spatial Strategy (RSS)(Submission Draft) as amended by the Panel Report.

15. The application site lies within the main urban area of Bishop Auckland, and is classified as brownfield land. As such it meets the description of a Priority 1 site as set out in Policy 3 of the North East RSS;

“Priority 1: Previously developed (brownfield) sites within the settlement limits of the identified ‘urban areas’ of the relevant sub- area”.

16. As such it is considered that the proposal is acceptable in relation to policy H3 of the Wear Valley District Local Plan, and policy 3 of the North East Regional Spatial Strategy.

residential amenity

17. To the north of the application site are 2 dwellings located on Silver Street. To the ground floor, the rear yard of the application site is bounded by a 2 metres high wall. As such the insertion of windows to the ground floor of the proposed extension would not be detrimental to the level of privacy currently enjoyed to 21 Silver Street, as the existing boundary treatment would act as a screen between the proposed and existing windows.

18. Originally the plans showed 2 No. dormer windows to be inserted to the first floor of the northern elevation of the proposed extension. This would have given a window to window distance of approximately 7 metres, well below the standard of 21 metres as set out in policy H24 of the Wear Valley District Local Plan. As such the plans have been amended, and the dormer windows have been replaced with high level roof lights. As such it is considered that the proposal would not have a detrimental impact on the residential amenity of the properties on Silver Street to the north of the application site. There are no openings proposed to the southern elevation of the extension. It is considered that given the orientation of the proposed extension, occupiers of neighbouring properties would not be affected in terms of any overbearing or overshadowing effects as a result of the proposed extension.

19. Policy H24 of the Wear Valley District Local Plan states that a useable amenity area of 25 sq. metres per unit of accommodation should be sought for flat developments. Following the erection of the rear extension, approximately 131 square metres of amenity space would be retained as garden to the rear of the building. Working on 25 square metres per unit, 200 sq. metres of garden area should be provided by the development. Given the type of units proposed, it is considered that the occupants of these apartments would be less likely to require formal amenity space. In addition, it is noted that the proposed development is within walking distance of the Town Centre to the west. It is considered that the level of amenity space is therefore acceptable in these circumstances.

20. It is considered that the proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan.

design and character

21. The proposals involve physical alterations to the fenestration of the building, internal alterations, the demolition of an existing flat roofed extension to the rear, and the erection of a new extension to the rear. Rooflights are also proposed to the northern elevation. I consider that the proposed development would not harm the appearance or integrity of the listed building to which this application relates, subject to appropriate conditions.
22. The proposed alterations to the fenestration of the building would represent an overall improvement to the appearance of the building. Subject to conditions relating to details, the proposed development accords with policies GD1, BE1, BE3, BE5 and BE6 of the Wear Valley District Local Plan. The rooflights would be located on the north elevation of the building, and although would be visible from public viewpoints they would not be highly prominent or visible from critical locations within the Conservation Area.
23. The extension to the rear as existing is in a dilapidated condition, with a flat, felt roof. The windows to the extension are non-traditional in their design. The render to the building is in a poor state of repair. I consider that the replacement of this extension would have a beneficial impact on the listed building, improving its overall appearance and the efficient use of the building. The proposed extension that would replace it is considered to be in keeping with the host building in terms of design, position and scale. The development would protect the appearance of the listed building and due to its location will not be overly prominent in the street scene. The development accords with guidance contained within PPG15, and policies GD1, BE1, BE3, BE5 and BE6 of the Wear Valley District Local Plan.
24. There are few original architectural features remaining within the building. The proposals would not significantly adversely affect the appearance or integrity of the listed building, or its cellular character. The proposed alterations respect the integral features of the building such as windows and doors. The development accords with policies GD1 and BE3 of the Wear Valley District Local Plan.

impact on archaeology

25. The application site lies within an archeologically sensitive location, as identified under policy BE17 of the Wear Valley District Local Plan. As such a condition is recommended so that the developer shall afford the archaeologist access to the site at all reasonable times and shall allow him to observe excavations and record items of interest and finds.

objections/observations

26. The application has been advertised on site, in the press and neighbouring properties have been notified individually in writing about the proposal. Two letters of objection/ observation have been received, the details of which are set out below;

- a) My property will be overlooked by the apartments to the rear of the development.
- b) I have concerns about noise, dust and disruption that will occur during building works to the development.
- c) I am concerned about lack of parking facilities.

response to objections

27. The following comments are made in response to the issues raised;

- a) The plans have been amended so that the proposed dormer windows that would have overlooked the neighbouring properties have been replaced with high level roof lights so the level of privacy enjoyed by neighbouring properties will not be adversely affected by the development.
- b) The hours of working will be controlled by a condition.
- c) The County Highways Engineer has not objected to the proposal. See consultation response by CDE&TS (Highways).

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, BE1, BE3, BE5, BE6, H24, S1 and S4 of the Wear Valley District Local Plan and PPG15 as;
 1. The application site is situated in the settlement limits for Bishop Auckland and in Bishop Auckland Town Centre where policy S4 of the WVDLP applies. The location of the application site and the nature of the listed building itself, does not easily lend itself to conversion to other commercial uses. This area of the Market Place is clearly not in commercial terms, essential to the vitality and viability of the area, unlike the significant frontages to the south and north of the Town Hall. The proposals are considered to be an acceptable departure from policy S4 as they would not compromise the vitality and viability of this part of the Market Place, and would bring a listed building back into use. The proposals are not contrary to PPS6 'Planning for Town Centres'.
 2. It is considered that the proposals are in keeping with the surrounding area and would not adversely affect the architectural and historic character of the host listed building and the Conservation Area. Indeed, the proposals would secure the long term preservation of the building in accordance with guidance in PPG15, Planning and the Historic Environment. The proposals satisfy the requirements of policies GD1, BE1, BE3, BE5 and BE6 of the Wear Valley District Local Plan.
 3. The conversion and extension would not be detrimental to the residential amenity of neighbouring residents in terms of overbearing, overshadowing impacts, or in terms of loss of privacy, and sufficient amenity space would be provided to the rear of the development given the Town Centre location of the application site, in accordance with policies GD1, BE6 and H24 of the Wear Valley District Local Plan.

RECOMMENDED

A) 3/2007/0359 That planning permission be **APPROVED** subject to the following conditions and reasons;

conditions

1. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) All windows shall be timber, painted in a colour to be agreed in writing by the local planning authority, double hung vertically sliding sash; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - b) All windows shall be recessed 100 mm from the face of the building; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - c) Exposed stone cills and lintels shall be used below and above all window openings.
 - d) All external doors shall be natural timber doors; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - e) Exposed stone lintels shall be used above all external door openings.
 - f) The roof covering shall be natural slate; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - g) All rainwater goods shall be black.
 - h) All rooflights shall be conservation flush-fit lights finished in black with a central glazing bar.
2. Before the development hereby approved is commenced, details of the materials to be used for the external surfaces of the rear extension and dormer window hereby approved shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details
3. Details of all external colours shall be submitted to and approved in writing by the local planning authority before the commencement of any works.
4. The developer shall give to the County Durham Archaeology Officer a minimum of two weeks notice of his intention to commence works involving ground disturbance and clearance. Such works shall not commence until the two week period has expired. The developer shall afford the archaeologist access to the site at all reasonable times and shall allow him to observe excavations and record items of interest and finds.

5. Details of the exact design and joinery details of any new windows shall be submitted to and approved in writing by the local planning authority prior to commencement of development
6. The scheme hereby approved shall be carried out in accordance with the submitted structural survey, which forms part of this approval (dated 16/6/03). No other works to the roof structure other than that agreed in the report shall take place without the prior written consent of the local planning authority.
7. Before the development hereby approved is commenced, large scale details at 1:10 scale of the proposed new dormer window and new windows shall be submitted to and approved in writing by the local planning authority, and thereafter be implemented before the apartments are first occupied.
8. Before the development hereby approved is commenced, details of any extract/ventilation systems shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details before the apartments are occupied.
9. Before any part of the development hereby approved is commenced a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the separate and adjoining occupiers shall be submitted to and approved in writing by the local planning authority and shall be implemented to the satisfaction of the local planning authority prior to the occupation of any part of the development.
10. No activities shall be carried out on the site on any Sunday or Bank Holiday and outside the hours of 8:00 a.m. and 6:00 p.m. on any other day.

reasons

1. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE3, BE5, and BE6 of the Wear Valley District Local Plan.
2. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1, BE3, BE5 and BE6 of the Wear Valley District Local Plan
3. To safeguard the appearance of the building. In accordance with policies, GD1, BE3, BE5 and BE6 of the Wear Valley District Local Plan.
4. The site is of archaeological interest. In accordance with policies GD1 and BE17 of the Wear Valley District Local Plan.
5. In the interests of protecting the integrity of the listed building, and the appearance of the Conservation Area, in accordance with policies BE3, BE5, BE6 and GD1 of the Wear Valley District Local Plan.
6. In the interests of protecting the integrity of the listed building, in accordance with policies GD1 and BE3 of the Wear Valley District Local Plan.
7. To safeguard the special architectural and historic character of the building. In accordance with policies BE1 and BE3 of the Wear Valley District Local Plan.

8. To safeguard the special architectural and historic character of the building. In accordance with policies BE1 and BE3 of the Wear Valley District Local Plan.
9. To safeguard the proposed and adjoining residents from noise nuisance. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan.

B) 3/2007/0360LB That Listed Building Consent be **GRANTED** subject to the following conditions and reasons;

conditions

2. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) All windows shall be timber, painted in a colour to be agreed, double hung vertically sliding sash; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - b) All windows shall be recessed 100 mm from the face of the building; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - c) Exposed stone cills and lintels shall be used below and above all window openings.
 - d) All external doors shall be natural timber doors; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - e) Exposed stone lintels shall be used above all external door openings.
 - f) The roof covering shall be natural slate; the exact specifications for which shall be submitted to and approved in writing by the local planning authority before works commence. The development shall be carried out in accordance with the approved specifications.
 - g) All rainwater goods shall be black.
 - h) All rooflights shall be conservation flush-fit lights finished in black with a central glazing bar.
3. Before the development hereby approved is commenced, details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
4. Details of all external colours shall be submitted to and approved in writing by the local planning authority before the commencement of any works.

5. The developer shall give to the County Durham Archaeology Officer a minimum of two weeks notice of his intention to commence works involving ground disturbance and clearance. Such works shall not commence until the two week period has expired. The developer shall afford the archaeologist access to the site at all reasonable times and shall allow him to observe excavations and record items of interest and finds.
6. Details of the exact design and joinery details of any new windows shall be submitted to and approved in writing by the local planning authority prior to commencement of development.
7. The scheme hereby approved shall be carried out in accordance with the submitted structural survey, which forms part of this approval (dated 16/6/03). No other works to the roof structure other than that agreed in the report shall take place without the prior written consent of the local planning authority.
8. Before the development hereby approved is commenced, large scale details at 1:10 scale of the proposed new dormer window and new windows shall be submitted to and approved in writing by the local planning authority, and thereafter be implemented before the apartments are first occupied.
9. Before the development hereby approved is commenced, details of any extract/ventilation systems shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details before the apartments are occupied.
10. Before any part of the development hereby approved is commenced a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the separate and adjoining occupiers shall be submitted to and approved in writing by the local planning authority and shall be implemented to the satisfaction of the local planning authority prior to the occupation of any part of the development.

reasons

1. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE3, BE5, and BE6 of the Wear Valley District Local Plan.
2. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1, BE5, BE3 and BE6 of the Wear Valley District Local Plan.
3. To safeguard the appearance of the building. In accordance with policies, GD1, BE3, BE5 and BE6 of the Wear Valley District Local Plan.
4. The site is of archaeological interest. In accordance with policies GD1 and BE17 of the Wear Valley District Local Plan.
5. In the interests of protecting the integrity of the listed building, and the appearance of the Conservation Area, in accordance with policies BE3, BE5, BE6 and GD1 of the Wear Valley District Local Plan.

6. In the interests of protecting the integrity of the listed building, in accordance with policies GD1 and BE3 of the Wear Valley District Local Plan.
7. To safeguard the special architectural and historic character of the building. In accordance with policies BE1 and BE3 of the Wear Valley District Local Plan.
8. To safeguard the special architectural and historic character of the building. In accordance with policies BE1 and BE3 of the Wear Valley District Local Plan.
9. To safeguard the proposed and adjoining residents from noise nuisance. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, RSS, PPS6: 'Town Centres', PPG15: 'Planning and the Historic Environment'.

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| explanation | | | | | | |

Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adam Williamson
 Planning Officer
 761970

A) 3/2007/0359 – CONVERSION OF GROUND FLOOR RESTAURANT INTO 2 NO. APARTMENTS AND CONSTRUCTION OF 2 NO. NEW APARTMENTS TO REAR AT FORTUNE COURT CANTONESE RESTAURANT, 23-25 MARKET PLACE, BISHOP AUCKLAND FOR MR MOUSARIFAR – AMENDED 15.06.2007.

B) 3/2007/0360LB – CONVERSION OF GROUND FLOOR RESTAURANT INTO 2 NO. APARTMENTS AND CONSTRUCTION OF 2 NO. NEW APARTMENTS TO REAR AT FORTUNE COURT CANTONESE RESTAURANT, 23-25 MARKET PLACE, BISHOP AUCKLAND FOR MR MOUSARIFAR – AMENDED 15.06.2007.



DEVELOPMENT CONTROL COMMITTEE

3RD July 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

**3/2007/0390 – CHANGE OF USE FROM OFFICE TO CHIROPRACTIC OFFICE/
CLINIC AT 27 COCKTON HILL ROAD, BISHOP AUCKLAND FOR
DR. PRESSEAU – 16.05.2007.**

description of site and proposals

1. Planning permission is sought for the change of use of an office unit to a chiropractic office and clinic. The property is located within the Cockton Hill Local Shopping Area of Bishop Auckland and is also within the Cockton Hill Conservation Area as identified within the Proposals Map of the Wear Valley District Local Plan. The property is also located within the Cockton Hill Road Shopping area. There are neighbouring properties either side of the host building. To the front of the site there is an enclosed amenity area onto a footpath and a main highway. There are various retail and offices uses aligning the terrace.
2. This application is to be determined at the Development Control Committee as the proposal is a departure from the Local Plan.

planning history

3. The following planning applications have been received in respect of this site:
 - 3/2004/0833 Change of Use from Office to Residential Refused 06/12/2004
 - 3/2007/0099 Change of Use from Office to Chiropractic Office/Clinic Refused 03/04/2007

planning policies

4. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas
 - GD1 General Development Criteria
 - S9 Cockton Hill Shopping Area
 - T1 Highways – General Policy

Also relevant is PPS6 “Planning for Town Centres”.

consultations

5. Durham County Council (Highways Authority): No objections.
6. Durham County Council (Design/Conservation): No response.
7. Parish Council: No response.

officer analysis

8. The key issues for consideration are:

- Principle of Development
- Impact on Conservation Area
- Highway Issues

principle of development

9. The site falls within the Cockton Hill Local Shopping Area as designated by policy S9 of the Wear Valley District Local Plan. Policy S9 allows for the change of use of the buildings into new retail and office units (Class A1 and A2). A chiropractic clinic/office is classified as a D1 Class use. Therefore the proposed change of use is contrary to policy S9. However, each planning application must be determined on its own merits.
10. The applicant has submitted a statement with the application indicating that the business is mainly to be run by a system of appointments. Typically patients are given appointments prior to attending the clinic, with each session lasting approximately 10 – 15 minutes. Patients are only to be seen one at a time therefore parking would be required for a maximum of two vehicles, while patients cross between appointments.
11. Whilst it is accepted that a chiropractic clinic is a Class D1 use, it can be argued that the business proposed is similar to an office use, as patients visit the premises on an appointment basis. There would be no internal or external alterations to the premises.
12. National (PPS6) and local policies recommend that Class D1 uses should be directed to towards town centres and not to local centres such as the Cockton Hill Local Shopping Area. However in this case it is considered acceptable to allow the change of use to Class D1, given the circumstances of the business and the way in which it would operate on an appointment system. Due to the nature of the business as a chiropractic clinic, it can be considered that the business is similar to an office use. Although the proposal would be contrary to policy S9 of the Wear Valley District Local Plan and PPS6, it is considered that it would not undermine the vitality or viability of Cockton Hill Local Shopping Area. It is therefore considered that the proposed change of use would be acceptable.

13. In the interests of safeguarding the vitality and viability of the Cockton Hill Local Shopping Area, a condition is recommended restricting the use of the premises to a chiropractic clinic. Therefore there would be no permitted change to another use within the same use class.

impact on conservation area

14. The application site is located within the Cockton Hill Conservation Area, which gives recognition to the special character group quality and appearance of a particular area. The applicant has confirmed that there are to be no alterations to the external appearance or the internal structure of the premises. A small business plaque would be placed at the side of the entrance. As there would be no alterations to the external appearance of the building, it is considered that the proposed change of use would not detract from the special scenic qualities of the Conservation Area. The proposal satisfies policies GD1, BE5 and BE6 of the Wear Valley District Local Plan.

highway issues

15. Durham County Council Highways Authority have been consulted on this application. The Highways Officer has not raised any objections to the proposed change of use. As stated previously, the applicant has indicated that due to the nature of the business only seeing one patient at a time, there would only be a requirement for a maximum of two cars to be parked at any time. It is considered that the proposal would not have an adverse impact on the capacity of the local transport network and would therefore not have a detrimental impact on highway safety. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

16. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. The application was also advertised in the local press.

No observations have been received.

conclusion and reasons for approval

1. The site falls within the Cockton Hill Local Shopping Area as designated by policy S9 of the Wear Valley District Local Plan which allows change of use into retail and office units (Class A1 and A2). A chiropractic clinic/office is classified as a D1 Class use. The applicant has indicated that the business is to be run by an appointment system with only single patients visiting the premises at any one time. National and local policies recommend that Class D1 uses should be directed to town centres and not to local centres such as the Cockton Hill Local Shopping Area. Given the circumstances and nature of the business and the way which it would operate on an appointment system with only single patients visiting the premises at any one time, it can be considered that the business is similar to an office use. Although the proposal would be contrary to policy S9 of the Wear Valley District Local Plan and PPS6, it is considered that it would not undermine the vitality or viability of

Bishop Auckland town centre and the proposal is therefore considered acceptable.

2. With the exception of a small business plaque to be positioned to the side of the main entrance, there would be no external alterations to the building. Therefore the proposed change of use would not detract from the special scenic qualities of the Cockton Hill Conservation Area. The proposal accords with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan.
3. Durham County Council Highways Authority have not objected to the proposed change of use. The applicant has indicated that there would be a requirement for a maximum of two cars to be parked. The proposal would not have an adverse impact on the capacity of the road local network and would not have a detrimental effect upon highway safety. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

RECOMMENDED

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

condition

1. The use hereby approved shall be used for a chiropratic office/clinic only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).

reason

1. As the use hereby approved is contrary to policy, another use within the same use Class use may not be acceptable in this location. In accordance with policy S9 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, PPS6.

PS code

12

number of days to Committee

49

target achieved

✓

explanation

Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Planning Officer
Ext 441

**3/2007/0390 – CHANGE OF USE FROM OFFICE TO CHIROPRACTIC OFFICE/
CLINIC AT 27 COCKTON HILL ROAD, BISHOP AUCKLAND FOR
DR. PRESSEAU – 16.05.2007**

