



Civic Centre,
Crook,
County Durham.
DL15 9ES
Tel: 01388 765555 Fax: 01388 766660
Minicom: 01388 761515 e-mail: i.phillips@wearvalley.gov.uk

Iain Phillips Chief Executive

30th May 2007

Dear Councillor,

I hereby give you Notice that a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 7th JUNE 2007 at 6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence.	
2. To consider development control application 3/2007/0103 – detached dwelling at land north west of School Row, Oakenshaw, Crook for Miss Askew.	1 - 7
3. To consider development control application 3/2007/0185 – Change of use from agricultural land to residential curtilage to allow for erection of proposed conservatory to side of dwelling at Horsley Cottage, Eastgate, Bishop Auckland for Mr. Bruder.	8 - 13
4. To consider development control application 3/2007/0342 – Retrospective application for substitution of house types plots 26 – 34 at 22 St. Annes Drive, Wolsingham, DL13 3DG for Hyperion Homes (Durham) Limited.	14 - 21
5. To consider development control application 3/2007/0007 – Amendments to plot 1 on development site currently under construction at 22 St. Annes Drive, Wolsingham, DL13 3DG for Hyperion Homes (Durham) Limited.	22 - 28
6. To consider development control application 3/2006/0460 – Detached dwelling at land west of Sunny View, Hunwick Lane, Sunnybrow, Crook for M M H Properties.	29 - 41
7. To consider development control application 3/2007/0081 – Permission to use one existing caravan pitch as residential accommodation for site warden at Bradley Mill Caravan Site, Bradley Burn, Wolsingham, Bishop Auckland for Mr. Stephenson.	42 - 46

- | | | |
|-----|---|---------|
| 8. | To consider development control application 3/2007/0265 – Proposed two storey dwelling at land at St. Mary’s Avenue, Crook for Mr. J. Campbell. | 47 - 53 |
| 9. | To consider development control application 3/2007/0105 – Removal of condition 3 Ref:APP/A1340/A/04/1140029 (The junction between the A688 Manor Road and Old Hall Farm shall be amended to form a ghost island protected right turn) at Mayfield Meadow Development, Old Hall Farm Road, St. Helen Auckland, Bishop Auckland for Mr. Burgon, Gladedale (Sunderland) Limited. | 54 - 57 |
| 10. | To receive appeal decision TPO/3/2006/0003 – Proposal to prune a tree at Low Poplars, 12A East End, Stanhope, Bishop Auckland, County Durham. | 58 - 60 |
| 11. | To receive appeal decision 3/2006/0249 – New dwelling at Mowbray House, High Hope Street, Crook. | 61 - 63 |
| 12. | To receive appeal decision 3/2006/0645 – Erection of two stables to the rear of 5 Ascot Court, Leeholme for Mr. J. Duval. | 64 - 67 |
| 13. | To consider a request to amend Section 106 Agreement in respect to provision of kick about area – application reference 3/1996/0564 – 139 dwellings for Mclean Homes N. E. Limited – Land at Etherley Dene Farm, Bishop Auckland. | 68 - 73 |

To consider such other items of business which, by reason of special circumstances so specified, the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully



Chief Executive

Members of this Committee: Councillors Anderson, Bowser, Buckham, Mrs Burn, Mrs Douthwaite, Gale, Grogan, Mrs Jopling, Kay, Kingston, Laurie, Mrs Lee, Lethbridge, Mairs, Mews, Mowbray, Murphy*, Perkins, Mrs Seabury*, Taylor, Des Wilson and Zair.

*Ex-officio, non-voting capacity

Chair: Councillor Grogan

Deputy Chair: Councillor Mews

TO: All other Members of the Council for information
Management Team

DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0103 - DETACHED DWELLING AT LAND NORTH WEST OF SCHOOL ROW, OAKENSHAW, CROOK FOR MISS ASKEW - 02.03.2007

description of site and proposals

1. Full planning permission is sought for the construction of a four bedroom bungalow on vacant land, north of School Row, Oakenshaw.
2. The application site consists of a piece of vacant land at the head of a short cul-de-sac extending from School Row. The site is roughly triangular in shape and measures approximately 38 metres by 35 metres by 20 metres. Adjacent, to the south, is one of two recently constructed detached two-storey houses, to the north is a domestic bungalow and garden and to the west is open farmland. The site is relatively flat and has no existing features (trees etc).
3. The proposed dwelling would be rectangular in plan with an A shaped pitched roof running along its length. The building would measure approximately 10 metres wide by 16.5 metres long. The overall height to the ridge would be approximately 5.9 metres. The design of the bungalow is such that the main ground floor living rooms would be at either end of the building, with space created within the roof for two first floor bedrooms. The size of the proposed dwelling would allow rooms in the roofspace without recourse to dormer windows or an alteration in the roof slope. Two velux style windows would be inserted in each roof slope for bathroom and shower rooms. The first floor habitable windows would be in the gable ends facing east and west. With the living accommodation orientated to either end of the dwelling the main habitable rooms would look towards open countryside at the rear and towards the rear gardens of existing houses to the east. Two windows are proposed in each side elevation. Three of these windows are to non-habitable rooms (bathroom, utility and kitchen) with the fourth, a bedroom, facing towards the adjacent bungalow, however there is a timber fence of approximately 1.8m in height on the boundary.

planning history

4. The following planning applications have been received in respect of this site:
 - 3/2005/0758 Construction of 3 Dwellings, Approved 28.11.05
Comprising 2 Houses and
1 Bungalow

- 3/2006/0150 Substitution of house type for previously approved bungalow Approved 03.04.06
- 3/2006/0777 Proposed Bungalow (Revised Scheme) Refused 12.10.06

planning policies

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

consultations

6. Durham County Council Highways: No highway objection.
7. Durham County Council Rights of Way Officer: No response to date.
8. Northumbrian Water: No response.

officer analysis

9. The key issues for consideration are:
 - Principle of Development
 - Impact on the Character and Appearance of the Surrounding Area
 - Impact on the Residential Amenity of Neighbours
 - Highways and access

principle of development

10. The principle of development has already been established by virtue of the extant planning approval for three dwellings including a bungalow on the application site; as well as the approved substitution of house type for a bungalow on the site. The application site is contained within the settlement limits and is not allocated for any other purpose. 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.

impact on the character and appearance of the surrounding area

11. Approval 3/2006/0150 for the substitution of house type for a bungalow on the site has largely set a precedent for the orientation, siting and footprint of the dwelling as now proposed. A longer and higher dwelling has since been refused (3/2006/0777), however the current amendments to reduce the height from 7.2m to 5.9m and to reduce the length from 17.2m to 16.4m have brought the proposal back towards the approved substitution of house type approval (albeit slightly higher). With reference to the approved substitution of house type (3/2006/0150), the proposed dwelling would be slightly wider by 0.6m, with the footprint area of a projection on the north elevation of the

previous approval being largely transferred to the rear of the proposed dwelling. The overall proposed footprint would therefore be slightly larger at 164sqm compared to 152sqm previously approved (3/2006/0150), however this difference of 12sqm is not considered to be a significant change that would warrant refusal on grounds of overdevelopment. Further to this effect, the amount of amenity space around the dwelling would be tight, but it would be similar to what has already been approved on the site and those immediately adjacent. The triangular area to the north would measure 9m in depth at its longest point and there would be an area to the rear ranging between 4.8m and 3m in depth. These two areas cumulatively, are considered to be acceptable in the context of what has been accepted previously on the site and on the adjacent properties. Weight is also given to the fact that there are open fields to the rear. Permitted development rights however, should be removed to prevent extensions or large outbuildings. The principle of the forward projection and general design and orientation has already been approved. Given the scale of the adjacent two storey dwellings to the south, it is considered that the additional height of the proposed dwelling at approximately 5.9m, and general scale as seen from the street, would not be harmful to the character and appearance of the surrounding area.

12. Overall, the proposal is considered to be acceptable in terms of the impact on the character and appearance of the surrounding area and is therefore in accordance with policies GD1 and H24 of the Wear Valley District Local Plan in these respects.

impact on the residential amenity of neighbours

13. The proposed ridge height of the new proposal at 5.9m would be 1.3m lower than previously refused (3/2006/0777), but approximately 1m higher than the approved substitution of house type (3/2006/0150). The main concern would be whether this height and relationship of the proposed dwelling with the neighbouring bungalow to the north (No.14 Acorn Drive) would cause harm to the living conditions of the occupiers of that neighbouring property. Unlike the original approval for a bungalow that was to be located immediately adjacent and parallel to the north boundary with no.14 Acorn Drive, the proposed and previously approved dwellings would be mostly located away from the north boundary at an oblique angle. With the roof pitch running away from no.14 Acorn Drive it is considered that a ridge height of 5.9m would be at an acceptable height and of sufficient distance away from no.14 Acorn Drive so that there would not be an overbearing or overshadowing effect on that property. The north facing roof windows would not be serving habitable rooms and therefore there would be no loss of privacy from those windows. The existing boundary fence would prevent any loss of privacy from the north facing ground floor bedroom window. More amenity space would be available to the rear of the proposed dwelling, which would overcome previous concerns about concentrating the amenity area to the north, but nevertheless, this arrangement would still be similar to a regular back to back garden arrangement found in many housing estates. The changes made to this proposal, predominantly in the reduction of the height of the proposed dwelling, are therefore considered to have overcome the main refusal reasons of the previous application.

14. The proposal is therefore considered to be in accordance with policies H24 and GD1 of Wear Valley District Local Plan in terms of impacts on the amenity of neighbours.

highways and access

15. Access into the site would be taken direct from the adopted highway leading to School Row. The two recently constructed dwellings adjacent to the application site are already served by a shared driveway, which would be used for the proposed site. There would be provision for two off street parking spaces which satisfies parking standards.
16. The County Highways Authority has considered the proposal and raises no objections. The proposed access and parking are therefore considered acceptable in relation to policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

17. Neighbour notification letters have been sent to properties in the surrounding residential area and a site notice has been posted. Four letters of objection and a letter of observation have been received, which are summarized as follows.
 - a) The elevated height of the proposal will cause problems of privacy and light to my property, as well as being imposing. The original plans for a bungalow were accepted by ourselves, this construction will look out of place, towering over adjacent properties.
 - b) This will crowd the area in an already crowded area of new builds.
 - c) There is not a lot of scope for a garden area.
 - d) There is no adequate road for emergency vehicles.
 - e) The proposed size would have an overbearing effect on the adjacent bungalow.
 - f) It would block my last remaining view of the open area (to the west).
 - g) We would question whether the drains for the new build, which run through our property, are adequate.
18. The letter of observation concerns an issue of land ownership regarding the access to this and other sites off School Row. This has been on-going since the area of land to the north of School Row was first granted planning permission (3/2005/0758) and concerns access over the frontage of 148, School Row. Whilst the right of access over this land remains in dispute the County Council Highways Authority has no objections to the current proposal and this is not a material planning consideration.

response to observations/objections

19. The following comments are made in response to the issues raised:
 - a) Considered in report.
 - b) There have already been two approvals for dwellings on the site.
 - c) Considered in report.

- d) The County Council Highways Authority has no objection to the scheme.
- e) Considered in report.
- f) The loss of a view cannot be considered as a valid objection.
- g) Northumbrian Water has been informed of the application and has made no comment.

conclusion and reasons for approval

- 1. The proposal is considered to be acceptable in relation to policies GD1, H24, H3 and T1 of the Wear Valley District Local Plan as it would:
 - 1. Be located within the development limits of Oakenshaw on land that already has two planning approvals for dwellings.
 - 2. Would not cause harm to the character and appearance of the surrounding area in terms of siting, scale and appearance.
 - 3. Would not cause unacceptable harm to the living conditions of neighbours in terms of loss of privacy, overshadowing or being overbearing.
 - 4. Would have a suitable access arrangement

RECOMMENDED

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

- 1. No development shall take place until details of the make, colour and texture of all building materials to be used in the external construction of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
- 3. 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 is first occupied.
- 4. 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 plan.

5. Notwithstanding the provisions of Article 3 and Classes A,E and G of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
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 dwelling houses shall be submitted to and approved in writing by the local planning authority ;and the works shall be completed in accordance with the approved details.

reasons

1. To enable the local planning authority to control details of the development in the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. To achieve a satisfactory and acceptable form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. In the interests of highway safety and efficiency. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
5. To protect the amenity of occupiers of neighbouring dwellings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
6. To ensure that the existing ground and landscape conditions are protected from undue disturbance and to safeguard the occupiers of existing neighbouring dwellings from loss of privacy or other residential amenities arising from the construction of new dwellings at higher levels without adequate separation. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	<input style="width: 40px; height: 20px;" type="text" value="6"/>				
number of days to Committee	<input style="width: 40px; height: 20px;" type="text" value="96"/>	target achieved	<input style="width: 40px; height: 20px;" type="text" value="No"/>		
explanation Receipt of late objections and no May committee.					

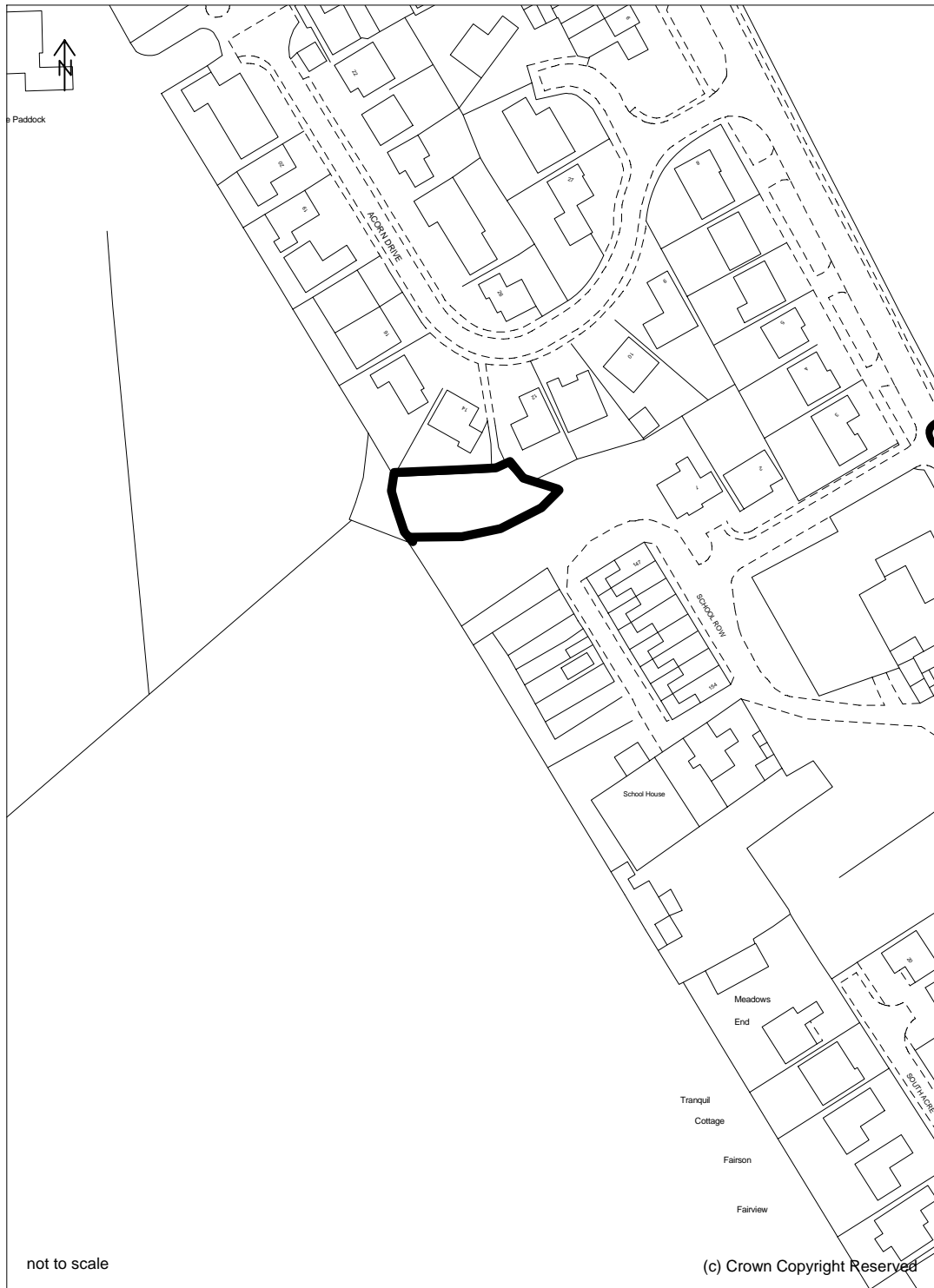
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext 539

3/2007/0103 - DETACHED DWELLING AT LAND NORTH WEST OF SCHOOL ROW, OAKENSHAW, CROOK FOR MISS. ASKEW - 02.03.2007



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0185 - CHANGE OF USE FROM AGRICULTURAL LAND TO RESIDENTIAL CURTILAGE TO ALLOW FOR ERECTION OF PROPOSED CONSERVATORY TO SIDE OF DWELLING AT HORSLEY COTTAGE, EASTGATE, BISHOP AUCKLAND FOR MR. BRUDER - 07.03.2007

description of site and proposals

1. Planning permission is sought for the change of use of agricultural land to domestic curtilage and erection of a side conservatory. The extension of the domestic curtilage is required in order to build the conservatory on the east elevation of the dwelling because the existing curtilage is not otherwise large enough to accommodate the conservatory.
2. The property comprises a two storey detached dwelling located in an isolated position within the open countryside and in an area designated as an Area of Landscape Value (Policy ENV3). The property is surrounded by open fields with no immediate neighbours. The dwelling is rendered and has a stone slate roof. It has been extended in the past with a single storey rear extension (north) and front conservatory (south). It is proposed however, to demolish the front conservatory.
3. The proposed curtilage extension to the east would be approximately 2.5m deep and 23m long. The proposed conservatory would be located on the eastern gable of the dwelling and would have a footprint measuring approximately 3m x 4.25m. The conservatory would have a lean to design and would be constructed with painted timber frames set above a low base of rendered blockwork, all to match the existing dwelling.
4. The application is reported to Committee because the change of use of agricultural land to domestic curtilage is a departure to Wear Valley District Local Plan Policy ENV1 (Protection of the Countryside).

planning history

5. None.

planning policies

6. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
- ENV1 Protection of the Countryside
 - ENV3 Areas of County Landscape Value
 - GD1 General Development Criteria
 - H13 Extensions to Houses in the Countryside
 - H25 Residential Extensions

consultations

7. Durham County Rights of Way – Footpath 21 Eastgate runs alongside the western edge of the property. However, the above proposal does not appear to affect this footpath, therefore I have no objection with the proviso that the right of way be kept clear of building materials.

officer analysis

8. The key issue for consideration is:
- Impact on the Character and Appearance of the Dwelling and Surrounding Area
- impact on the character and appearance of the dwelling and surrounding area.
9. Wear Valley District Local Plan Policy ENV1 seeks to protect and enhance the countryside. To this purpose, development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation, or other compatible uses in the countryside. The proposal is therefore a departure to this policy. However, consideration has to be given to whether or not allowing a departure to the Local Plan will materially conflict with the aims of the policy and Local Plan and have a materially harmful effect on the character and appearance of the countryside.
10. The property is located in an isolated position on a hillside and surrounded by open fields. The landscape is attractive and designated as an Area of Landscape Value. The existing domestic curtilage is long and narrow and surrounded by a mixture of post and rail fencing and metal railings. A road and public footpath runs north to south along the west of the property. This boundary is formed by a thick hedgerow. The proposed curtilage extension would be located to the east of the dwelling and at the southern end of the property. It would extend just 2.5m deep into the adjacent field and would therefore preserve the longitudinal character of the existing curtilage. This curtilage extension would not be highly visible from the adjacent road and footpath and would not significantly alter the character of the property and its landscape setting.

11. The existing conservatory to the front elevation is considered to detract from the appearance of the property and its demolition would be welcomed. Locating a lean to conservatory on the side elevation (east) as proposed, is considered to be far more preferable in terms of visual impact on the dwelling. The proposed conservatory would be of simple design with painted timber frames set above a rendered base. The design, scale and materials are considered to be acceptable and would not detract from the character or appearance of the dwelling or surrounding area. A condition to ensure the existing conservatory is demolished would however be appropriate to ensure this benefit is realised.
12. Demolition of the existing conservatory and siting of the proposed conservatory on the east elevation is therefore considered to be an improvement to the appearance of the property, and together with the limited visual impact of the curtilage extension, is considered to be sufficient justification to overcome the policy presumption against the proposal in this case.
13. The proposal is therefore considered to be acceptable as it would not materially conflict with the aims of policies GD1, ENV1, ENV3, H13 and H25 of the Wear Valley District Local Plan.

objections/observations

14. The application has been advertised on site and an advert was posted in the local press.
15. No comments have been received.

conclusion and reasons for approval

16. The proposal is considered to be acceptable in relation to policies GD1, ENV1, ENV3, H13 and H25 of the Wear Valley District Local Plan as:
 1. The proposed curtilage extension would not cause harm to the character and appearance of the landscape and Area of Landscape Value and would allow improvements to be made to the appearance of the dwelling.
 2. The proposed conservatory would not cause unacceptable harm to the character and appearance of the dwelling or surrounding area.

RECOMMENDED

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

conditions

1. Prior to the commencement of the development hereby approved, the existing conservatory on the south elevation shall be demolished.

2. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
3. 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.
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 conservatory hereby approved is built.

reasons

1. In the interests of amenity and to preserve the character and appearance of the dwelling and Area of Landscape Value. In accordance with policies GD1, ENV1, ENV3, H13 and H25 of the Wear Valley District Local Plan.
2. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1, ENV1 and ENV3 of the Wear Valley District Local Plan.
3. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1, ENV1 and ENV3 of the Wear Valley District Local Plan.
4. To achieve a satisfactory form of development. In accordance with policies GD1, ENV1 and ENV3 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	<input type="text" value="12"/>		
number of days to Committee	<input type="text" value="93"/>	target achieved	<input type="text" value="No"/>
explanation Missed Committee deadline.			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

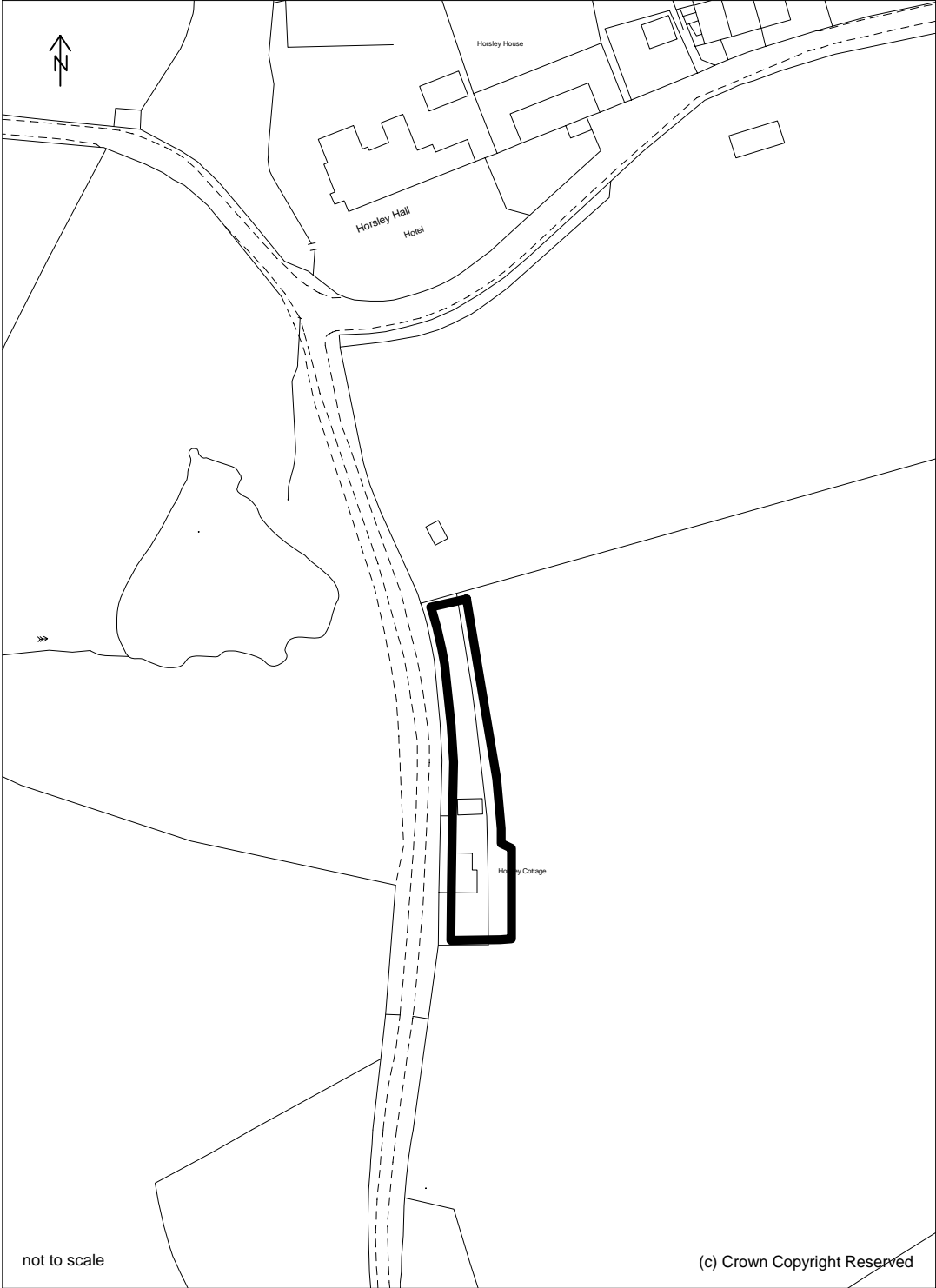
Author of the report

Adrian Caines

Planning Officer

Ext 369

3/2007/0185 - CHANGE OF USE FROM AGRICULTURAL LAND TO RESIDENTIAL CURTILAGE TO ALLOW FOR ERECTION OF PROPOSED CONSERVATORY TO SIDE OF DWELLING AT HORSLEY COTTAGE, EASTGATE, BISHOP AUCKLAND FOR MR. BRUDER - 07.03.2007



DEVELOPMENT CONTROL COMMITTEE

7th JUNE 2007

Report of the Director of 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, DL13 3DG FOR HYPERION HOMES (DURHAM) LIMITED - 03.05.2007

description of site and proposals

1. 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 planning application is necessary as the dwellings were not built in accordance with the approved plans. 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.
2. The proposed amendments relate to 9 dwellings to the north of the site which have been redesigned and repositioned.
3. The main differences for plots 26-34 between this application and the previously approved application are considered below

	This application	Original application
Plot 26		
Highest ridge height	9.15m	8.6m
Set back from front elevation of dwelling at plot 27	2.8m	2.5m
Plot 27		
Highest ridge height	11.4m	10.4m
Plot 28		
Highest ridge height	11.4m	10.4m

Plot 29

Highest ridge height	10.3m	8.8m
----------------------	-------	------

Windows – Addition of a rooflight. Removal of two windows in the north elevation. Removal of one windows in the south elevation.

Plot 30

Highest ridge height	10.6m	9.5m
----------------------	-------	------

Windows – Removal of two windows and rooflight in north elevation.

Plot 31

Highest ridge height	10.4	10.2
----------------------	------	------

Window and door at north elevation changed to French doors.

Plot 32

Highest ridge height	9.8	9.3
----------------------	-----	-----

Plot 33

Highest ridge height	9.9	10.6
----------------------	-----	------

Plot 34

Highest ridge height	7.8	6.6
----------------------	-----	-----

Orientation of windows on north elevation has been amended.

4. The proposed alterations to plots 26-34 involve the increased height of the buildings and changes to the windows. The changes to the scale of the buildings have been necessary due to the topography of the site and the resulting engineering difficulties of delivering the approved scheme. Window types and window orientations have been altered due to engineering difficulties with the approved 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. 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

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
- 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 make the following observations: No response.

9. Design and Conservation Officer: No Objections.

10. DCC Highways Section: No objections.

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

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 all of the dwellings and changes to the orientation of windows in 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 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.

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. 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, nor the setting of the grade II listed building Church of St. Thomas of Canterbury. The proposals are therefore considered to accord with policies BE4, BE5, BE6, 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. 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.
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 and they shall be so retained to the satisfaction of the local planning authority.
 - b) all external doors shall be natural timber doors and they shall be so retained to the satisfaction of the local planning authority.
 - c) the roof covering shall be natural slate and they shall be so retained to the satisfaction of the local planning authority.
 - d) all rainwater goods shall be black.
 - e) no fascia or barge boards shall be affixed to the buildings.

3. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the dwellings hereby approved are first occupied.
4. 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.
5. 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.
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, 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.

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. To achieve a satisfactory and acceptable form of development. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
3. To achieve a satisfactory form of development. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
4. 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.
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. 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.

background information

Application files, WVDLP, PPS3, PPG15, County Durham Local Transport Plan 2, draft RSS.

PS code

6

number of days to Committee

35

target achieved

√

explanation

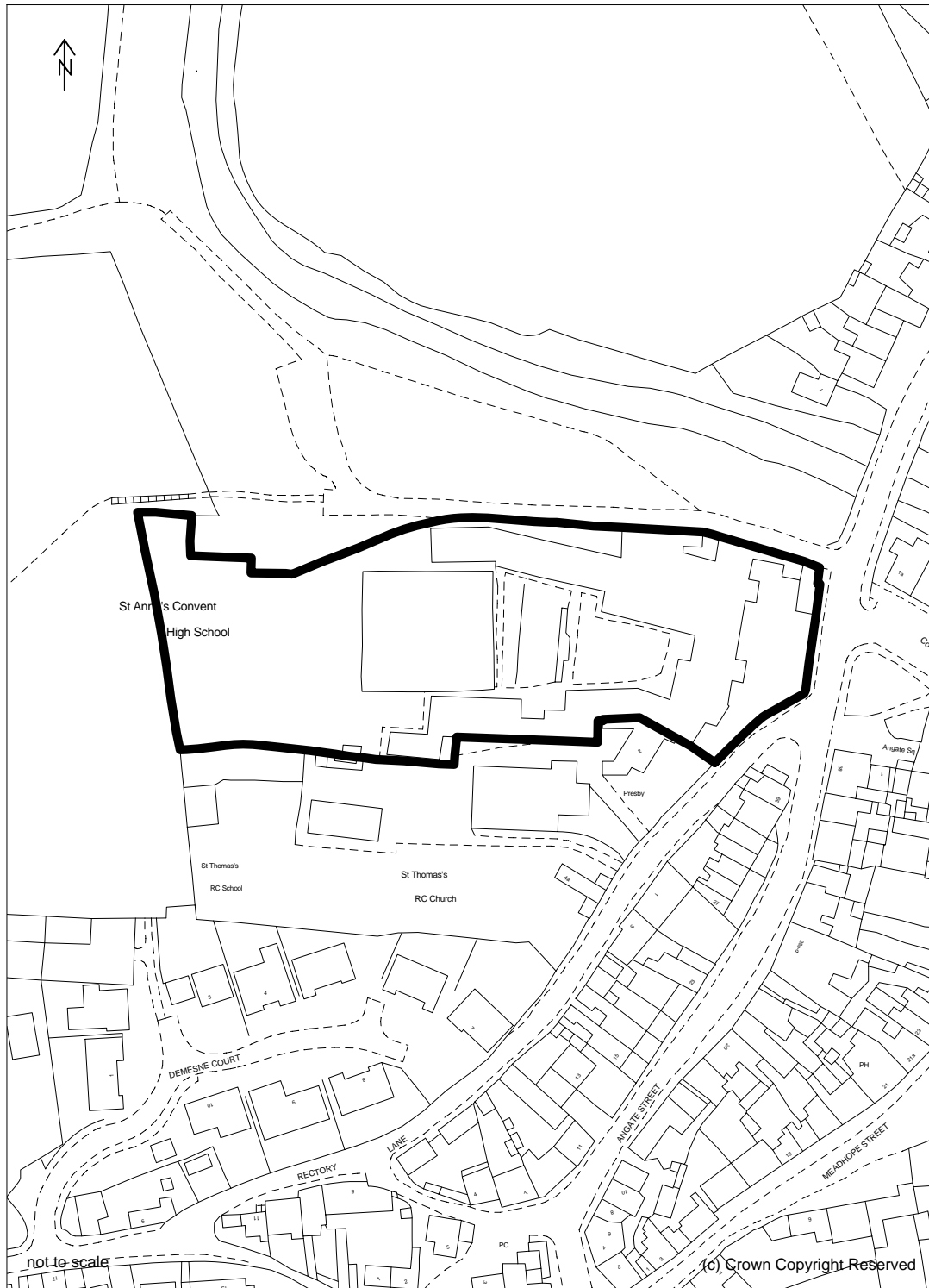
Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

Sinead Folan
Planning Officer
Ext 272

3/2007/0342 – RETROSPECTIVE APPLICATION FOR SUBSTITUTION OF HOUSE TYPES PLOTS 26-34 AT 22 ST ANNES DRIVE, WOLSINGHAM, DL13 3DG FOR HYPERION HOMES (DURHAM) LIMITED - 03.05.2007



DEVELOPMENT CONTROL COMMITTEE

7th JUNE 2007

Report of the Director of Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0007 – AMENDMENTS TO PLOT 1 ON DEVELOPMENT SITE CURRENTLY UNDER CONSTRUCTION AT 22 ST. ANNES DRIVE, WOLSINGHAM, DL13 3DG FOR HYPERION HOMES (DURHAM) LIMITED - 27.04.2007.

description of site and proposals

1. Consent is sought for amendments to plot 1 at 22 St. Anne’s Drive, Wolsingham. The property is currently under construction. 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. Annes Convent High School Angate Square, Wolsingham. The original application was approved 27th April 2004.
2. 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 and repositioned. The site is a corner plot.
3. The main differences for plot 1 between this application and the previously approved application are considered below.

	This application	Previous application
Highest ridge height	9.65m	9.6m
Highest eaves height	7.25m	6.8m
Widest Point	9m	5.3m
Longest Point	13.75m	8.8m
Number of bedrooms	4	6

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 and to the south by plot 2 of the application site which is currently under construction. The site also abuts the Church of St. Thomas of Canterbury, a listed building and associated dwellings to the south. 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

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 27.10.2004

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
- 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: No response.
8. Design and Conservation Officer: No objections.
9. DCC Highways Section: No objections.

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

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 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

12. 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.

13. 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 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 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

15. 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

16. The amendments include an increase in the height and footprint of the dwelling. The design of each of the elevations has changed. 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 scale, mass and 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" .

objections/observations

17. 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, nor the setting of the grade II listed building Church of St. Thomas of Canterbury. The proposal is therefore considered to accord with policies BE4, BE5, BE6, 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. 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.

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 and they shall be so retained to the satisfaction of the local planning authority.
 - b) all external doors shall be natural timber doors and they shall be so retained to the satisfaction of the local planning authority.
 - c) the roof covering shall be natural slate and they shall be so retained to the satisfaction of the local planning authority.
 - d) all rainwater goods shall be black.
 - e) no fascia or barge boards shall be affixed to the building.
3. 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 dwelling hereby approved is first occupied.
4. The garaging, hardstanding 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.
5. 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.
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, 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.

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. To achieve a satisfactory and acceptable form of development. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan.
3. To achieve a satisfactory form of development. In accordance with policies GD1 and BE9 of the Wear Valley District Local Plan.
4. 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.

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. The local planning authority wishes to control future development in order to protect the character and appearance of the building 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, PPS3, PPG15, County Durham Local Transport Plan 2, draft RSS.

PS code	<input style="width: 40px; height: 20px;" type="text" value="6"/>			
number of days to Committee	<input style="width: 40px; height: 20px;" type="text" value="41"/>	target achieved	<input style="width: 40px; height: 20px;" type="text" value="√"/>	
explanation				

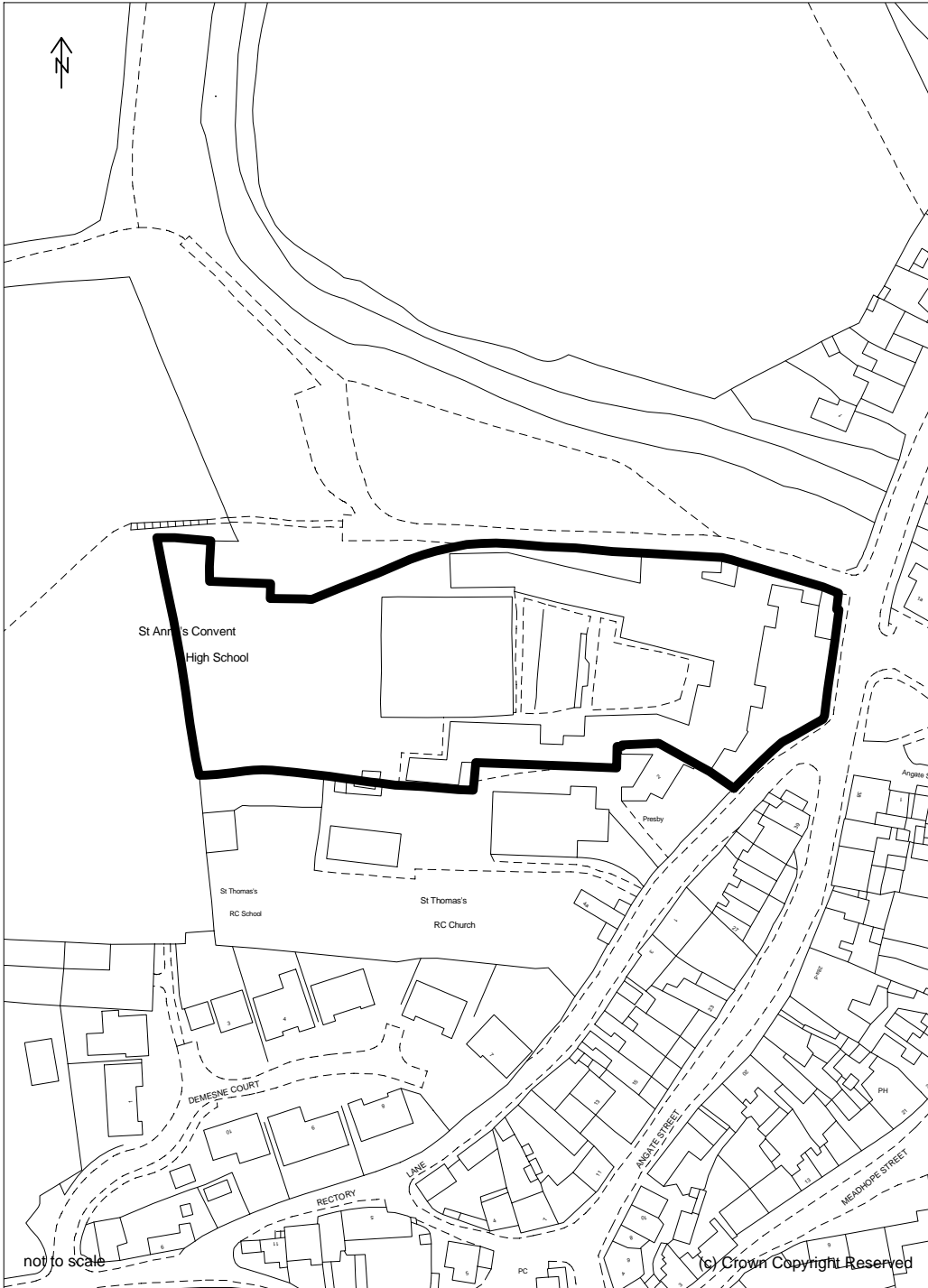
Officer responsible for the report

Robert Hope
 Director of Regeneration
 Ext 264

Author of the report

Sinead Folan
 Planning Officer
 Ext 272

3/2007/0007 – AMENDMENTS TO PLOT 1 ON DEVELOPMENT SITE CURRENTLY UNDER CONSTRUCTION AT 22 ST ANNES DRIVE, WOLSINGHAM, DL13 3DG FOR HYPERION HOMES (DURHAM) LIMITED - 27.04.2007.





WEAR
VALLEY
DISTRICT COUNCIL

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

7th JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

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

description of site and proposals

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

planning history

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

- 3/2006/0499 Renewal of Permission Approved 26.07.2006
For 2 Dwellings
3/2002/0715

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

planning policies

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

consultations

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

officer analysis

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

principle of development

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

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

'comprises a small infill site well related to the existing built-up area where no significant visual harm will be caused if it were developed. The proposed development of this plot will not prejudice the redevelopment of the available brownfield land.'

11. Despite its Greenfield status given that an extant outline permission already exists, it is considered that the principle of development is established at this present time.

residential amenity

12. It should be noted that the proposed development has been amended a number of times in order to achieve an acceptable development which would not compromise the residential amenities of the occupiers of neighbouring properties. The main outlook from the proposed dwelling would be to the west and east. There are no windows to habitable rooms proposed in the north and south elevations (gable elevations).

13. The separation distance between the proposed dwelling and Sunny View to the east is 14 metres. There are no windows to habitable rooms in the west elevation of Sunny View which would look onto the proposed property. In view of this circumstance although 14 metres separation does not meet the guidelines set out in policy H24 of the Wear Valley District Local Plan it is considered acceptable in this instance as it would not result in any loss of privacy to the occupiers of Sunny View and it would not create any overlooking issues. The residential amenities currently enjoyed by Sunny View would not be compromised.

14. There are no windows to habitable rooms located in the north elevation of Two Oaks which would directly overlook the proposed dwelling. There are no windows to habitable rooms in the south elevation of the proposed dwelling which would overlook the residential property of Two Oaks. It is considered that the privacy of the occupiers of Two Oaks would not be adversely affected.

15. The relationship between the proposed dwelling and The Bungalow to the north of the site has been carefully assessed. There is a window to a habitable room in the south elevation of The Bungalow facing the proposed dwelling. There is currently a 2 metre high timber fence on the north boundary of the host site which restricts the views from the window in The Bungalow.
16. Several meetings between planning officers, the architect and the applicants have taken place in order to achieve an acceptable development which would not compromise the amenities currently enjoyed by the occupiers of The Bungalow. A number of amendments have been made to the development from the original scheme submitted. These amendments include 'handing' the property, therefore a single storey garage would be situated to the north, the pitch of the roof has been reduced in order to lower the overall height of the property and the property itself has been relocated further south, away from The Bungalow. The roof of the single storey garage has also been hipped to reduce the impact. The architect for the application has produced a landscape view showing the position of the proposed dwelling in relation to The Bungalow. It is recognised that the architect and the applicant have made significant alterations to the proposed scheme to reduce the impact upon the window to a habitable room in the south elevation of The Bungalow.
17. The outlook from the habitable room on the gable elevation of The Bungalow is minimal due to the existing two metre high fence located within two metres of the window. The 15 metre separation distance between windows to habitable rooms and gable ends of a property, stated in policy H24 of the Wear Valley District Local, is not relevant in this instance because of the two metres high fence. It is considered that the proposed property would not have an adverse impact on the outlook currently enjoyed from this neighbouring window in the gable elevation of The Bungalow.
18. An assessment has to be made on whether the proposed dwelling would create any overshadowing or overbearing impacts upon The Bungalow and the window in the gable elevation. As stated previously the application has been amended on several occasions in order to reduce the impact upon The Bungalow and the window in the gable elevation. Given the orientation of the proposed property, that the proposed property has been resited further away from The Bungalow and would have a shallow roof pitch, it is considered that the proposed development would not have a detrimental impact on The Bungalow in terms of overbearing and overshadowing impacts. It is accepted that some loss of light may be apparent in the habitable room of The Bungalow in the mornings however by midday the window in the gable elevation would receive substantial amounts of natural sunlight.

19. It is considered that the future occupiers of the proposed dwelling would enjoy adequate levels of residential amenity. The proposed rear garden measures 8 metres in depth and 24 metres in width. There is sufficient amount of private and useable garden area provided within the curtilage of the site.
20. Due to the amendments made to the proposed development, it is considered that the proposed property by virtue of its positioning within the site and design would not have an adverse impact on the residential amenities of existing occupiers of neighbouring dwellings and the future occupiers of the proposed dwelling would enjoy a satisfactory standards of residential amenity. The proposed development does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.
21. A condition is recommended for permitted development rights to be removed from the proposed property. Due to the restrictions of the site, and the position of neighbouring dwellings, the local planning authority wishes to control future development on the site.

visual impact

22. The proposal is for a two storey detached property set back from the main highway. There are different styles, designs and materials of buildings surrounding the application site. There are bungalows to the north, two storey properties to the east and a property to the south which has been extended and is higher than the bungalows to the north. Given that the site is at a lower level than the road, the proposed dwelling would not appear intrusive within the street scene. There are a number of different building materials visible in the surrounding area and although the proposed materials for the property have not been stated, it is considered that an acceptable external appearance can be agreed through the use of conditions which would not be detrimental to the visual amenity of the immediate surroundings.
23. There are currently conifer trees located along the south boundary of the site. The applicants intend to remove these trees. There are no other conifer trees visible within the vicinity of the application site. The trees are not protected and it is considered that if they are removed the appearance of the area will not be harmed. A condition is recommended for a scheme of landscaping to be submitted to and approved by the local planning authority. A landscaping scheme would incorporate proposed boundary hedging along the south of the site
24. The proposed development by virtue of its siting, design and external appearance would have an acceptable impact on the appearance of the surrounding area and on the visual amenity of the street scene. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan.

highway issues

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

objections/observations

27. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. Four letters of objections have been received. The contents of these letters are summarised below:
- a) The proposed dwelling does not meet the separation distance stated in the Council's policies.
 - b) The proposal will impact upon neighbours' human rights to privacy.
 - c) The Local Government Ombudsman was contacted at the time of the outline planning permission. The Ombudsman responded:

'If an application is submitted in the future, the Council should consult you and the Ombudsman would expect it to consider all the relevant planning policies and any impact on you'.
 - d) The access poses a health and safety issue.
 - e) A fence has been erected along the north boundary of the site blocking neighbouring windows.
 - f) The original application was for a dormer bungalow.
 - g) The outline application detailed that the existing trees on the site would be retained. This application states that the trees are to be felled.
 - h) Loss of light.
 - i) The proposal is a 3 storey house.

- j) The roof pitch is not great enough to provide rooms in the roof space.
- k) The applicant has not shown the relativity of the proposed house alongside the bungalow.
- l) Overdevelopment of the site.
- m) Works have begun on site by dumping soil and rubble.
- n) Given the level of the proposed access road, there are concerns with regards to drainage issues.
- o) The proposed property is out of keeping with neighbouring buildings.

response to objections

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

- a) Discussed in officer analysis under heading 'residential amenity'.
- b) The issue of privacy is discussed under the heading 'residential amenity'.
- c) The statement issued by the Ombudsman has been adhered to. The occupiers of neighbouring properties have been notified in writing, the development has been considered against the policies of the Wear Valley District Local Plan, and the impact on neighbouring properties has been carefully assessed.
- d) Durham County Council Highways Authority have not objected to the proposed development. The means of access was granted approval at the outline stage and is still considered acceptable.
- e) This fence along the north boundary is permitted development and does not require planning permission.
- f) The outline application did show some indicative drawings for a dormer bungalow however this application proposes a two storey property. The development in this application has to be determined on its own merits.
- g) Agreed. Discussed in officer analysis under heading 'visual impact'.
- h) The scheme has been amended several times in order to alleviate any overshadowing impacts on neighbouring properties. It is considered that this has been achieved. Overbearing and overshadowing impacts are discussed in officer analysis.
- i) The property proposes rooms in the roof space however the appearance of the building is a two storey dwelling with roof lights.
- j) The Building Control Officer has confirmed that the roof is of sufficient pitch to provide rooms in the roof space.
- k) The architect for the application has produced a drawing showing the relationship between the proposed dwelling and the bungalow to the north.
- l) There is sufficient land to accommodate a property which provides adequate levels of residential amenity. The proposal is not considered overdevelopment.

- m) Agreed. Any works done by the applicants is at their own risk. This is not a material planning consideration.
- n) A condition is recommended for a drainage scheme to be submitted to and agreed in writing by the local planning authority.
- o) Discussed in officer analysis under the heading 'visual impact'.

conclusion and reasons for approval

1. The site to which the application relates already enjoys planning permission as part of the previous outline approval and therefore the principle of development for residential purposes is currently established.
2. It is noted that the proposed development has been amended a number of times in order to achieve an acceptable development which would not compromise the residential amenities of the occupiers of neighbouring properties. The main outlook from the proposed dwelling would be to the west and east. There are no windows to habitable rooms proposed in the north and south elevations (gable elevations). The proposed development would not result in the loss of privacy to neighbouring properties. Due to the position of the proposed dwelling, the building would not have a detrimental impact on adjoining properties in terms of overbearing or overshadowing impacts. The outlook for the occupiers of neighbouring properties would not be compromised. There is sufficient amounts of private and useable amenity space provided within the curtilage of the site. The proposed development would not have an adverse impact on the residential amenities of existing occupiers of neighbouring properties and the future occupiers of the proposed dwelling would enjoy a satisfactory standard of residential amenity. The proposed development does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.
3. There are different styles, designs and materials of buildings surrounding the application site. There is no constant house type within the vicinity of the application site. The proposed dwelling would be set low in the site and it is considered that the proposed property would not appear intrusive within the street scene. The conifer trees along the south boundary of the site are the only ones found within the area and it is considered they do not add to the appearance of the development. The proposed development would have an acceptable impact on the scenic qualities of the surrounding area and on the visual appearance of the street scene. The proposal is in accordance with the aims of policy GD1 of the Wear Valley District Local Plan.
4. Access is to be taken directly from the highway to the west of the site. The means of access was agreed through the outline planning application. Durham County Council Highways Authority have not objected to the proposed development. The proposed property provides sufficient space for off street parking. The proposed development would not cause harm to highway safety or the safety and convenience of pedestrians. The

proposed development accords with policies GD1 and T1 of the Wear Valley District Local Plan.

5. In order to safeguard residential and visual amenities it is recommended that permitted development rights are removed so that the local planning authority can control future development.

RECOMMENDED

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

conditions

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwelling shall not be occupied until that work has been carried out in accordance with the approved details.
3. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwelling and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
4. No development shall commence until the exact location of the proposed building has been pegged out on site for inspection and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.
5. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

7. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the building hereby approved is first occupied.
8. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F and G of Part 1 and Classes A, B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
9. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq no additional openings shall be formed in the north and south elevations of the building hereby approved.
10. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq the windows in the north and south elevations of the building hereby approved shall be fixed shut and glazed with obscure glass before the occupation of the building hereby approved and thereafter they shall be so retained to the satisfaction of the local planning authority.
11. Prior to the commencement of works to the building hereby approved the vehicular access shall be constructed in accordance with Section 184(3) of the Highways Act 1980.
12. The new access hereby approved shall be at a gradient of no more than 4% (1:25) for the first 10 metres from the carriageway.

reasons

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

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

background information

Application files, WVDLP.

PS code	<input type="text" value="6"/>		
number of days to Committee	<input type="text" value="289"/>	target achieved	<input type="text" value="No"/>
explanation			
Lengthy discussions and negotiations between planning officers, the architect and the applicants, involving the submission of a number of amended plans.			

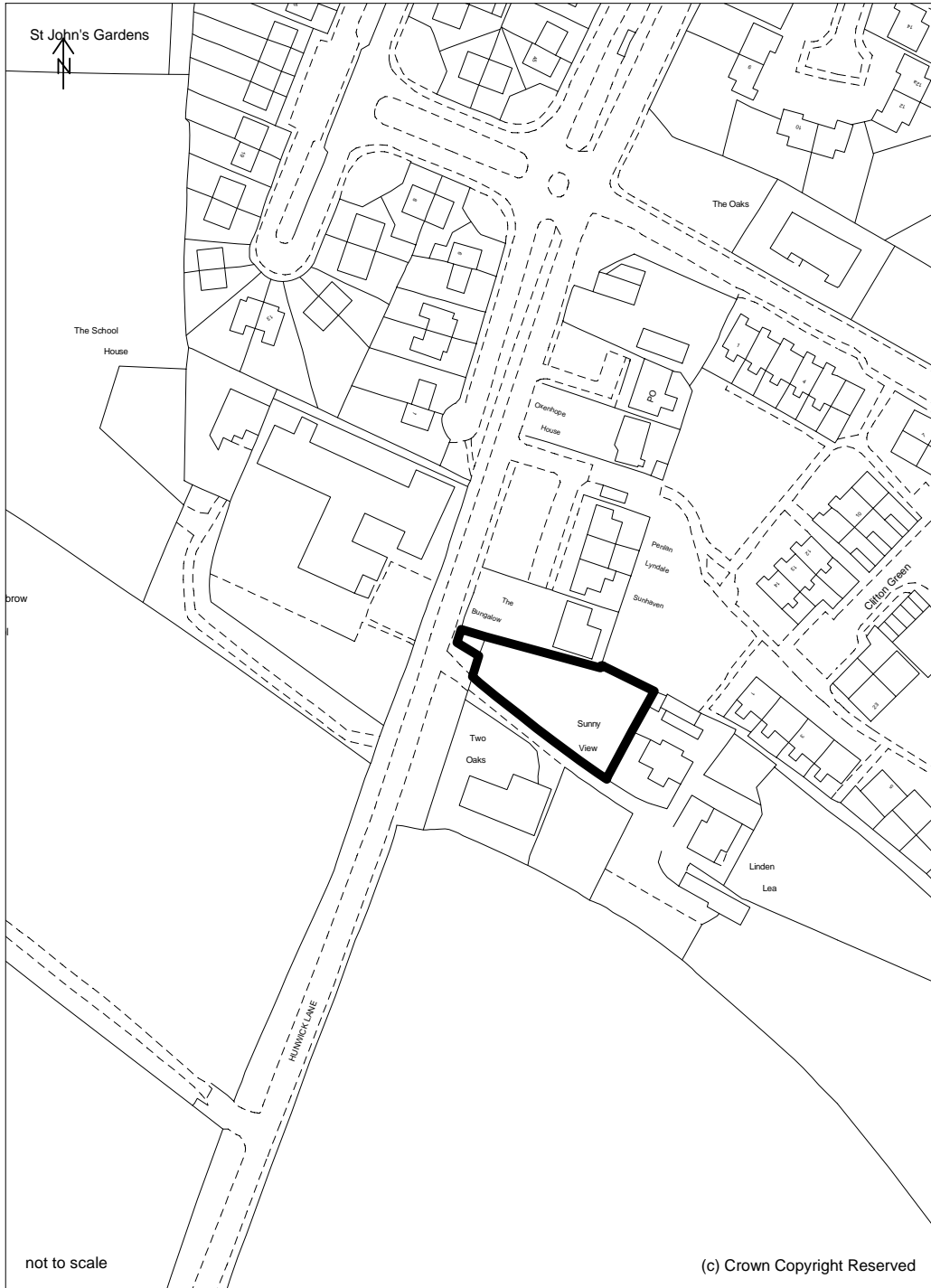
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Planning Officer
Ext 441

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



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0081- PERMISSION TO USE ONE EXISTING CARAVAN PITCH AS RESIDENTIAL ACCOMMODATION FOR SITE WARDEN AT BRADLEY MILL CARAVAN SITE, BRADLEY BURN, WOLSINGHAM, BISHOP AUCKLAND FOR MR. STEPHENSON - 17.03.2007

description of site and proposals

1. Bradley Burn Caravan Park is located to the north of Bradley Burn Farm, with caravans sited next to the Bradley Burn. Such is the natural topography of the area and the well wooded sides of the burn that the caravan site which extends for some 750 metres northwards and is 100 metres wide, is not visible from outside the site itself or from the A689 which passes to the south. The site has been established since 1969 and has a licence for 140 caravans.
2. Planning permission is sought to site a residential caravan at the entrance to the site, on an existing plot, to be used as a residential unit for a permanently employed site warden.

planning history

3. The following planning history is considered relevant to this planning application.
 - 3/2006/0958 Variation of Seasonal Approved 05.01.2007
 Opening times

planning policies

4. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - H11 New housing in the Countryside.
 - GD1 General Development Criteria

Also relevant is Planning Policy Statement 7. Sustainable Development in Rural Areas.

consultations

5. WVDC Environmental Health. No response
6. Wolsingham Parish Council. No response.
7. Public Rights of Way Officer. No response.

officer analysis

8. The key issues for consideration are set out in policy H11 of the Wear Valley District Local Plan and PPS7:
 - Demonstration of Need
 - The Relationship To Existing Built Development in the Countryside
 - Effect on the Environment
 - Scale and Design
 - Financially Viability of the Existing Enterprise
 - Assessment Against the General Development Criteria of Policy GD1

demonstration of need

9. In 2006 Bradley Mill Caravan Site Limited was granted planning permission to extend the operating season to twelve months. The site will be open for eleven months with one month for maintenance. The present site owner/manager (Mr. Stephenson) has reached retirement age and wishes to step back from the day to day management of the park.
6. The site operators have employed temporary site wardens in the past and now see the need and opportunity for a full time employee.
7. The proposal is considered by the applicant to be necessary to the continued successful operation of the caravan park. A full time warden would add to the security of the site, ensure the proper maintenance and running of the park and assist in the enforcement of rules and good conduct. It is not considered that the extended opening times of the caravan park are critical in this respect but they do allow for a longer period of useful employment.

the relationship to existing built development in the countryside

12. The proposed dwelling is in the form of a large chalet style caravan, on an existing caravan plot within the established caravan park. Whilst proposed for permanent occupation it is not a permanent building. The warden's dwelling would be sited at the entrance to the caravan park, which itself is well located in the dene of the Bradley Burn and which is not visible or visually intrusive within this part of the Wear Valley.

effect on the environment

13. The proposal would have no greater environmental impact than the previous caravan located on the site.

scale and design.

14. The chalet style caravan unit, which has been placed on site, is positioned on a level site, cut into the bank side. It is located within the caravan park area and is of a style and appearance similar to the existing caravans in the area, but is more modern and resembles a log cabin.

financially viability of the existing enterprise

15. The caravan site is part of Bradley Hall Farm which comprises a mixed agricultural farm and a farm shop. The different enterprises are managed by members of the Stephenson family. The enterprises are well established and financially viable.

assessment against the general development criteria of policy GD1

16. The proposal is in context with the surrounding caravan park, which itself is not intrusive within the general countryside. The proposal does not conflict with policy GD1 of the Wear Valley District Local Plan.
17. The proposal satisfies the requirements of policy H11 of the Wear Valley District Local Plan and PPS7.

objections/observations

18. Neighbouring residential occupiers have been notified by letter and a Site Notice was posted. There have been no representations or objections to the proposal.

conclusion and reasons for approval

1. The caravan site has operated without difficulty, from a planning point of view, since 1969 and the operator now wishes to retire from the day to day management of the site.
2. The occupation of a chalet style caravan, within the established caravan park, by a full time site warden to be employed and be present on the site during its operating period has to be considered against Wear Valley District Local Plan policy H11 – New housing in the countryside.
3. Whilst the occupation of the caravan is in effect a new house in the countryside it does not take the form of a conventional, permanent building. The proposal complies with the requirements for a new house as specified in policy H11.

4. Conditions are recommended that limit the use and occupancy of the caravan to a permanent site warden, in the full time employment of Bradley Burn Caravan Site Limited, and that permanently tie the site and caravan to the caravan site and its operation.

RECOMMENDED

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

conditions

1. The accommodation and site hereby approved shall only be used for the permanent residential accommodation of a full time site warden (and their immediate family) within the employment of Bradley Burn Caravan Site Limited.
2. The accommodation and site hereby approved shall not be sold, let, sub-let or otherwise disposed of separate to the main caravan site of which it forms part.

reasons

1. To prevent the establishment of a permanent dwelling which is not physically or functionally part of the larger established use of the caravan park, contrary to policy H11 of the Wear Valley District Local Plan.
2. To prevent the establishment of a permanent dwelling which is not physically or functionally part of the larger established use of the caravan park, contrary to policy H11 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, PPS7.

PS code	12		
number of days to Committee	86	target achieved	No
explanation	Consultation period fell between Committee dates.		

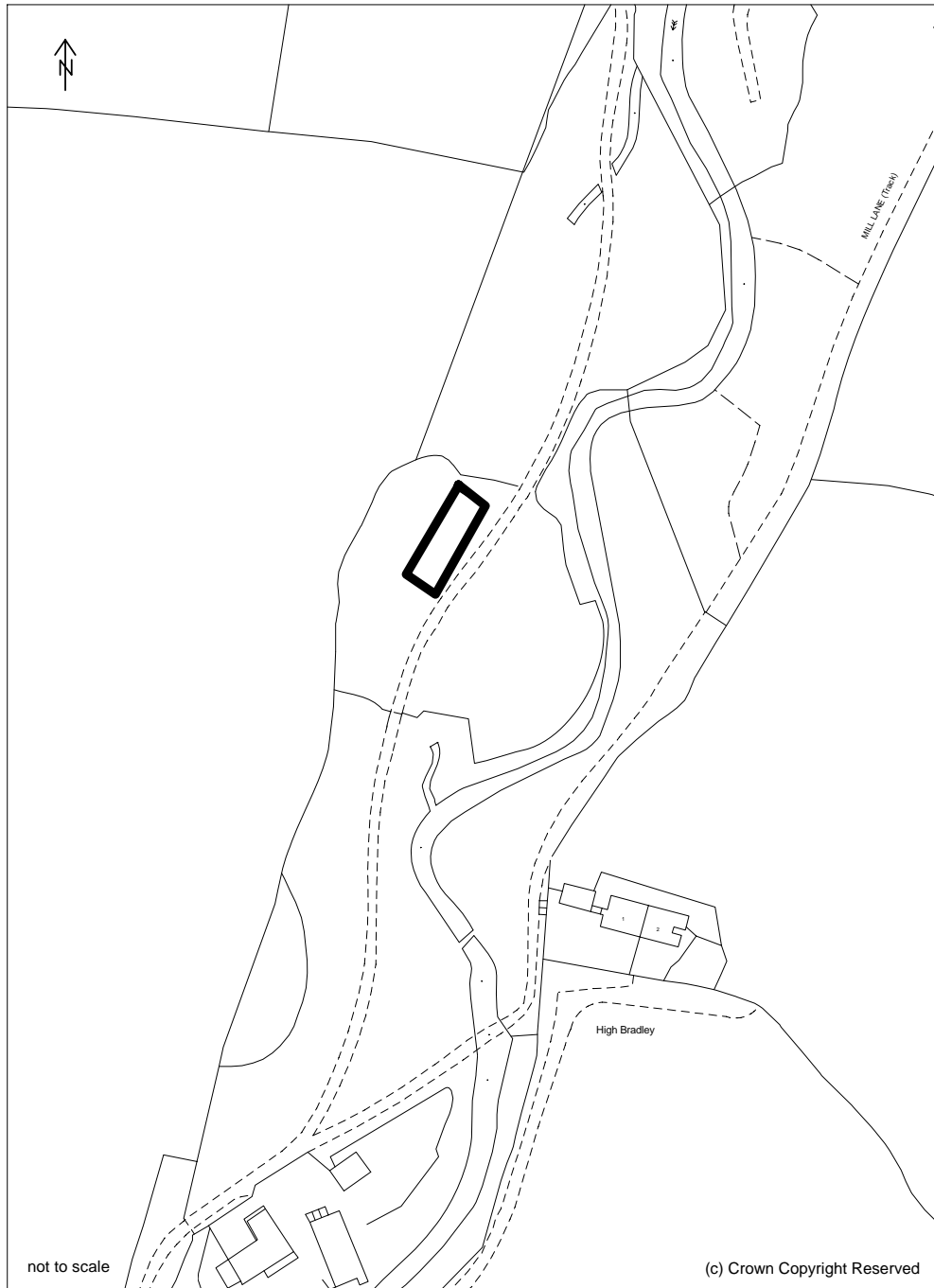
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Peter Duff
Planning Officer
Ext 539

3/2007/0081 - PERMISSION TO USE ONE EXISTING CARAVAN PITCH AS RESIDENTIAL ACCOMMODATION FOR SITE WARDEN AT BRADLEY MILL CARAVAN SITE, BRADLEY BURN, WOLSINGHAM, BISHOP AUCKLAND FOR MR. STEPHENSON -17.03.2007



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0265 - PROPOSED TWO STOREY DWELLING AT LAND AT ST. MARY'S AVENUE, CROOK FOR MR. J. CAMPBELL - 28.03.2007

description and sit and proposals

1. This is a full application for the erection of 1no. 2 bedroom, two storey dwelling on a vacant brownfield site of approximately 162m² at St. Mary's Avenue in Crook. The site is surrounded by a low perimeter wall. There are no trees or other features on the land.
2. The site is within a suburban area near central Crook. It is situated at the entrance to St Mary's Avenue before the open Edwardian and inter-war housing area. The area is characterized by a mix of terraced and semi-detached houses. The immediate neighbouring properties comprise terraced dwellings to the south across a shared access road, semi-detached dwellings to the west and converted apartments and sheltered housing to the north. The area to the east is open space.
3. The scale of the proposed dwelling would be approximately 5m to the eaves and 7.5m to the ridge. The dwelling would be sited towards the south western part of the site. The footprint would be approximately 60m². The dwelling would comprise a mixture of brick and render materials. Amenity space would be provided around the dwelling with the principle amenity area to the east of the site. This area would contain a shared surface incorporating 1 off street parking space. This amenity area would largely be around 9.5m in depth, but over 12.5m in depth in part when no car was parked within the site.
4. The application is a revised scheme following refusal 3/2006/0758 and subsequent pre application advice with officers. The proposal has changed significantly from the refusal to consider separation distances to neighbouring properties, design and provision of amenity space.

planning history

5. The following planning application was received in respect of this site:
 - 3/2006/0758 2 Bedroom Dwelling Refused 25.10.06

planning policies

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

consultations

7. Durham County Highways Authority: No objections.
8. Northumbrian Water: No objections.

officer analysis

9. The key issues for consideration are:
- Principle of Development
 - Impact on the Character and Appearance of the Surrounding Area
 - Impact on the Residential Amenity of Neighbours
 - Highways

principle of development

10. The application site is a brownfield site located within the centre of Crook where there is access to a range of services and public transport. It is therefore considered to be in a sustainable location. This accords with policy H3 of the Wear Valley District Local Plan and national guidance in PPS3 Housing.

impact on the character and appearance of the surrounding area

11. The proposed dwelling would occupy only approximately 37% of the site area leaving adequate space around the building for amenity space and parking. This is not considered to be overdevelopment of the site. The amenity space of 9.5m depth, as well as further space around the building and the parking space when not in use, is considered to be adequate for the amenity needs of a small 2-bed dwelling. This meets the requirement of policy H24. The design and scale of the proposed dwelling is considered to be sympathetic with surrounding properties and the wider area as it incorporates many typical vernacular features, forms and materials found in surrounding buildings and would be of similar height to many dwellings in the area. The mass of the building would be well broken up in 3 distinct sections including a subservient southern offshoot. Overall, it is considered that the proposed dwelling would sit well in the street scene and therefore would not cause harm to the character or appearance of the surrounding area. This accords with policies GD1 and H24 of the Wear Valley District Local Plan in these respects.

impact on the residential amenity of neighbours

12. The siting and design of the proposed dwelling has been carefully considered to meet the requirement of policy H24 in terms of privacy distances between the proposed dwelling and its neighbours. Policy H24 sets guidelines of 21m between opposing habitable windows and 15m between windowed elevations and opposing gable end walls. The main bedroom windows in the proposed dwelling would be in the northern elevation where there are no immediate neighbours. There would be no habitable windows in the southern elevations of the proposed dwelling. The western elevation would contain 1 habitable window to bedroom 2 at first floor. As this would be the secondary bedroom window it is considered that this could be obscure glazed to prevent loss of privacy to Meadow Cottages opposite. The separation between the western elevation of the proposed dwelling and Meadow Cottages would be over 14m. This is the same front to front distance as most dwellings in the locality and given that all first floor windows in the western elevation could be obscure glazed (second bedroom window, dressing room and bathroom), this is considered acceptable in relation to policy H24. There would be no habitable windows in the eastern elevation facing the rear of the dwellings in Park Avenue. There would only be a kitchen window at ground floor and a stairway window and 2 bathroom windows at first floor. The 2 bathroom windows could be obscure glazed and would therefore not result in a loss of privacy to the neighbours in Park Avenue. It is also unlikely that there would be unacceptable loss of amenity from the stairway window. The separation between the eastern elevation of the proposed dwelling and main windowed rear elevations of the nearest dwellings in Park Avenue would be over 15m. The outlook from the ground floor kitchen window, which is not a principle window, is considered to be acceptable. Subject to conditions requiring obscure glazing, the proposal is therefore considered to be acceptable in terms of impacts on neighbours as there would be no unacceptable loss of privacy, overshadowing or overbearing. This accords with policy GD1 and the requirements of Policy H24 of the Wear Valley District Local Plan.

highways

13. There are no objections from the Highways Authority. The access and parking arrangements are therefore considered to be acceptable. A single parking space is adequate for a 2-bed dwelling and the site has easy pedestrian and cycle access to a range of services in Crook, as well as to public transport. Issues of right of access are civil legal matters and not a material planning consideration. This accords with policy GD1, H24 and T1 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. Three observations have been received, collectively raising the following points of objection:
 - a. The proposal is contrary to policies GD1 and H24 as:

- b. The number of windows facing Park Avenue has increased since last refusal.
- c. There would be less than 15m between windowed elevations and gable ends of surrounding properties.
- d. There would be less than 18m between elevations with habitable rooms.
- e. The ground level of the proposed site is raised therefore offering views into rooms of Park Avenue houses.
- f. There would be less than 10m garden depth.
- g. The building would be out of character with the surrounding area and squeezed onto a small site.
- h. Knocking down the rear (eastern) boundary wall is against regulations.
- i. Vehicle access will have to be taken over a section of the private unadopted road owned by Park Avenue residents.
- j. Scaffolding, materials and site vehicles will be on other people's land.
- k. The land was advertised for sale as garage use only.
- l. The land has been cleared destroying wildlife.

response to objections

15. In response to the issues raised above, I make the following comments:

- a. Considered in report.
- b. Considered in report – none are habitable windows.
- c. Considered in report.
- d. Considered in report – only 1 in western elevation and will be obscured.
- e. Considered in report.
- f. Considered in report.
- g. Considered in report.
- h. Not a material planning consideration and no consent needed.
- i. Not a material planning consideration.
- j. Not a material planning consideration
- k. Not related to the planning process and not a material planning consideration.
- l. Not a material planning consideration as no impact on protected species

conclusion and reasons for approval

- 1. The proposal is considered to be acceptable in relation to policies GD1, H3, H24 and T1 of the Wear Valley District Local Plan as it:
 - a. Would be located on a brownfield site within the development limits of Crook and in a sustainable location.
 - b. Would not cause harm to the character and appearance of the surrounding area.
 - c. Would have suitable levels of amenity for the dwelling.
 - d. Would not result in unacceptable loss of privacy to neighbours or appear overbearing.
 - e. Would have suitable access and parking arrangements.

RECOMMENDED

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

conditions

1. No development shall commence until the exact location of the proposed building has been pegged out on site for inspection and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Before the occupation of the dwelling hereby approved a parking space shall be constructed and completed within the curtilage of the site. Thereafter the parking space shall be retained, kept clear of obstruction and maintained for the parking of private vehicles at all times.
3. Notwithstanding the provisions of Article 3 and Classes A-E of Part 1 and Classes A-C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), 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.
4. Notwithstanding the submitted details the following windows shall be obscure glazed to level 3 or above of the Pilkington scale and shall be retained as such at all times unless otherwise agreed in writing by the local planning authority:
 - all first floor bathroom windows in the south eastern elevation
 - all first floor windows in the north western elevation.
5. No development shall take place until samples of the materials to be used in the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

reasons

1. For the avoidance of doubt. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
2. To ensure that an adequate supply of off-street private car parking is maintained. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
3. To safeguard visual and residential amenity and in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
4. In the interests of the amenity of neighbouring properties. In accordance with policies H24 and GD1 of the Wear Valley District Local Plan.

5. 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 and H24 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	<input type="text" value="6"/>		
number of days to Delegation	<input type="text" value="71"/>	target achieved	<input type="text" value="No"/>
explanation	First available Committee.		

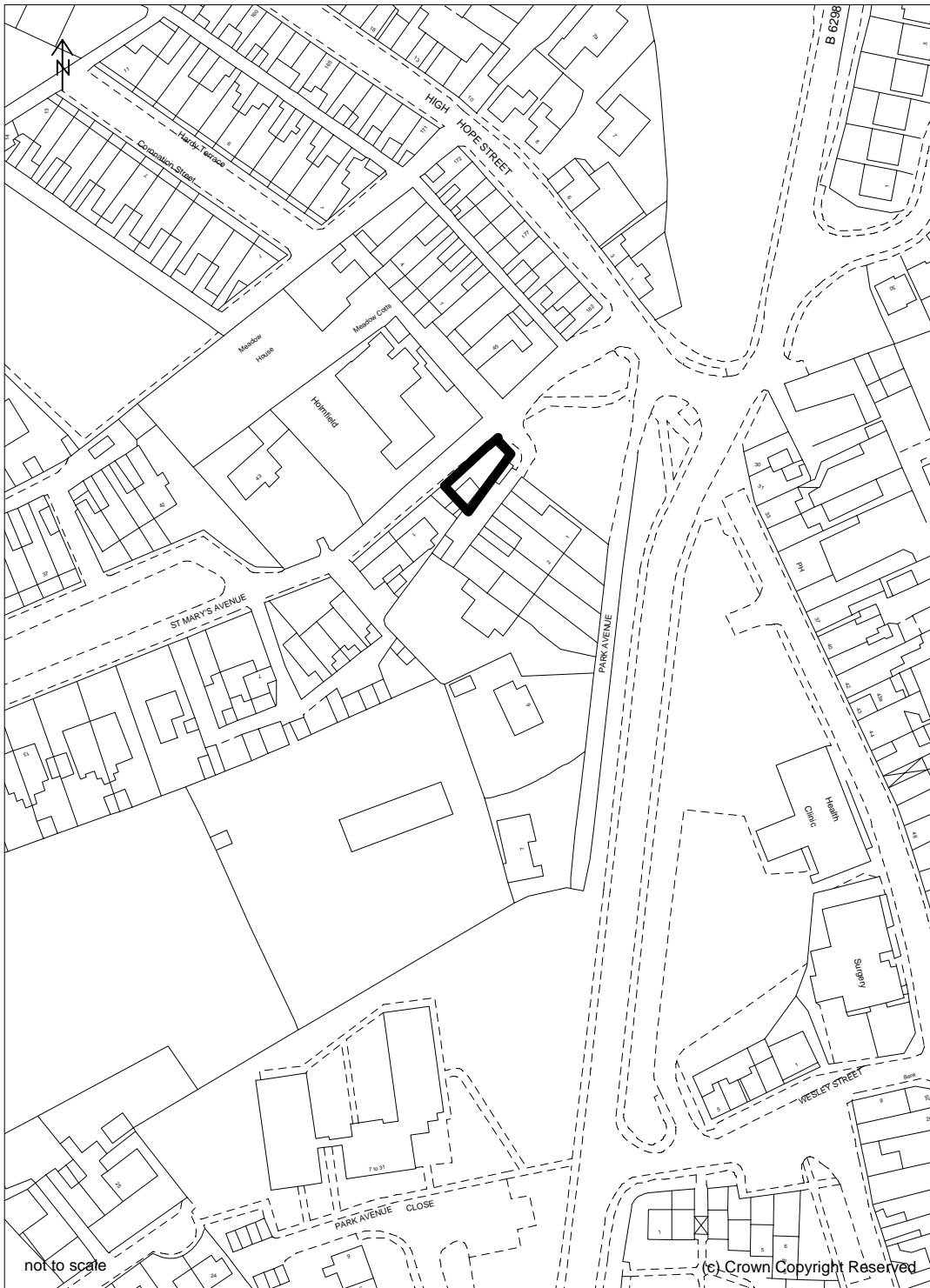
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adrian Caines
Planning Officer
Ext 369

3/2007/0265 - PROPOSED TWO STOREY DWELLING AT LAND AT ST. MARY'S AVENUE, CROOK FOR MR. J. CAMPBELL - 28.03.2007



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0105- REMOVAL OF CONDITION 3 REF:APP/A1340/A/04/1140029 (THE JUNCTION BETWEEN THE A688 MANOR ROAD AND OLD HALL FARM SHALL BE AMENDED TO FORM A GHOST ISLAND PROTECTED RIGHT TURN) AT MAYFIELD MEADOW DEVELOPMENT OLD HALL FARM ROAD, ST. HELEN AUCKLAND, BISHOP AUCKLAND FOR MR. BURGON, GLADEDAL (SUNDERLAND) LIMITED - 14.05.2007

description of site and proposals

1. Planning permission is sought for the removal of condition 3 from a planning permission granted at appeal under reference APP/A1340/A/04/1140029 (LPA Ref: 3/2003/0808). The conditions relates to the requirement to provide a protected right turn into Old Hall Farm Road which was the main access serving the application site at the time of the approval. The condition was worded as follows:

'Before the occupation of the 43rd dwelling hereby approved the junction between the A688 Manor Road and Old Hall Farm shall be amended to form a ghost island protected right turn in accordance with a scheme to be submitted and approved in writing by the local planning authority prior to the commencement of any works on site'.
2. Since the condition was imposed, a further planning application has been approved to the east of the first consent. The result of this subsequent approval is that the main access into the site is now taken from a new road to the east and that the Old Hall Farm Road access is no longer the primary access into the site.
3. In view of the above, the applicant now wishes to formally remove the need to provide this protected right turn.

planning history

4. The following planning history is recorded on this site.

- 3/2003/0808 Erection of 74 Dwellings Refused 11.12.2003
Approved on Appeal
- 3/2004/1045 Outline Application for Resolved to Approve
Residential Development Subject to Section 106
Agreement (Not Signed)
- 3/2006/0086 Erection of 87 Dwellings Approved 19.05.2006

planning policies

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

- T1 Highways -General Policy
- FPG1 Highway Design Standards for New Development

consultations

6. CDE&TS (Highways): No objection.

officer analysis

7. The key issues for consideration are:

- Vehicular Access

vehicular access

8. CDE&TS (Highways) were heavily involved in the Planning Inquiry which resulted in the imposition of condition 3 requiring the protected right turn into Old Hall Farm Road. It is now accepted however that this access is no longer the main access into the site and that the new access to the east which serves the whole site is far preferable in geometric terms.

9. In view of the subsequent approval and development of the site to the east, it is no longer considered necessary to undertake the road widening works which would also have had an impact on the existing parking spaces in the vicinity of the Old Hall Farm Road junction.

10. CDE&TS (Highways) have confirmed that they have no objection to the removal of this condition and its removal is therefore seen to comply with policies GD1, T1 and FPG 1 of the adopted Local Plan.

objections/observations

- 11. Local residents have been notified in writing about the application and the amended proposals. No letters of observation have been received.

conclusion

- 1. The removal of the condition is acceptable as the works required are no longer necessary given the provision of a new main access point to the east of the site.

reason for approval

- 1. The proposed access from the new access approved in accordance with planning permission 3/2006/0086 at Manor Road is considered acceptable in relation to policies GD1, T1 and FPG1 of the Wear Valley District Local Plan.

RECOMMENDED: that, condition 3 be removed from planning approval 3/2003/0808

background information

Application files, WVDLP, Development Brief (Feb 2000), Regional Planning Guidance (RPG1), Draft Regional Spatial Strategy (RSS), PPS1, PPG3, PPG13, PPG24.

PS code	<input type="text" value="1"/>		
number of days to Committee	<input type="text" value="27"/>	target achieved	<input type="text" value="√"/>
explanation			

Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

Jeremy Good
Planning Officer
Ext 267

**3/2007/0105 - REMOVAL OF CONDITION 3 REF:APP/A1340/A/04/1140029
(THE JUNCTION BETWEEN THE A688 MANOR ROAD AND OLD HALL FARM
SHALL BE AMENDED TO FORM A GHOST ISLAND PROTECTED RIGHT
TURN) AT MAYFIELD MEADOW DEVELOPMENT, OLD HALL FARM ROAD,
ST. HELEN AUCKLAND, BISHOP AUCKLAND FOR MR. BURGON
GLADEDALE (SUNDERLAND) LIMITED 14.05.2007**



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

TPO/3/2006/0003 – PROPOSAL TO PRUNE A TREE AT LOW POPLARS, 12A EAST END, STANHOPE, BISHOP AUCKLAND, COUNTY DURHAM

1. Consent was sought to prune a Copper Beech tree which is protected by the Bondisle Way Tree Preservation Order 2003. Consent to prune was sought on the grounds of safety.
2. The tree is a large, mature Copper Beech which is a highly attractive feature within the Stanhope Conservation Area. Pruning has taken place within the last three years which has done significant damage to the appearance of the tree. However, the tree is still an important feature within its setting in the conservation area. Consent to prune was refused under delegated powers for the following reasons:
 1. There is no clear justification on the grounds of safety for the proposed pruning works and the proposals are therefore considered contrary to policy ENV14 of the Wear Valley District Local Plan.
 2. The tree should be allowed to re-grow and rebuild its crown following previous pruning works. This is in order to improve its contribution to the character and appearance of the Stanhope Conservation Area. In accordance with policies ENV14 and BE5 of the Wear Valley District Local Plan.
3. An appeal was submitted against this refusal. The Inspector has dismissed the appeal for the following reasons:
 - a) The Copper Beech tree makes a significant contribution to the appearance of the Stanhope Conservation Area.
 - b) The reduction of the tips of branches on the eastern side of the Copper Beech tree by up to 1.0 metre, together with the reduction of branches on its western side by up to 3.0 metres, to balance its shape, would be severely harmful to its future health and development.
 - c) The proposed works would be harmful to the character and appearance of the Stanhope Conservation Area.

d) There is insufficient justification to permit the proposed works.

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

background information

Application file, Inspector's letter dated 17th April 2007.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

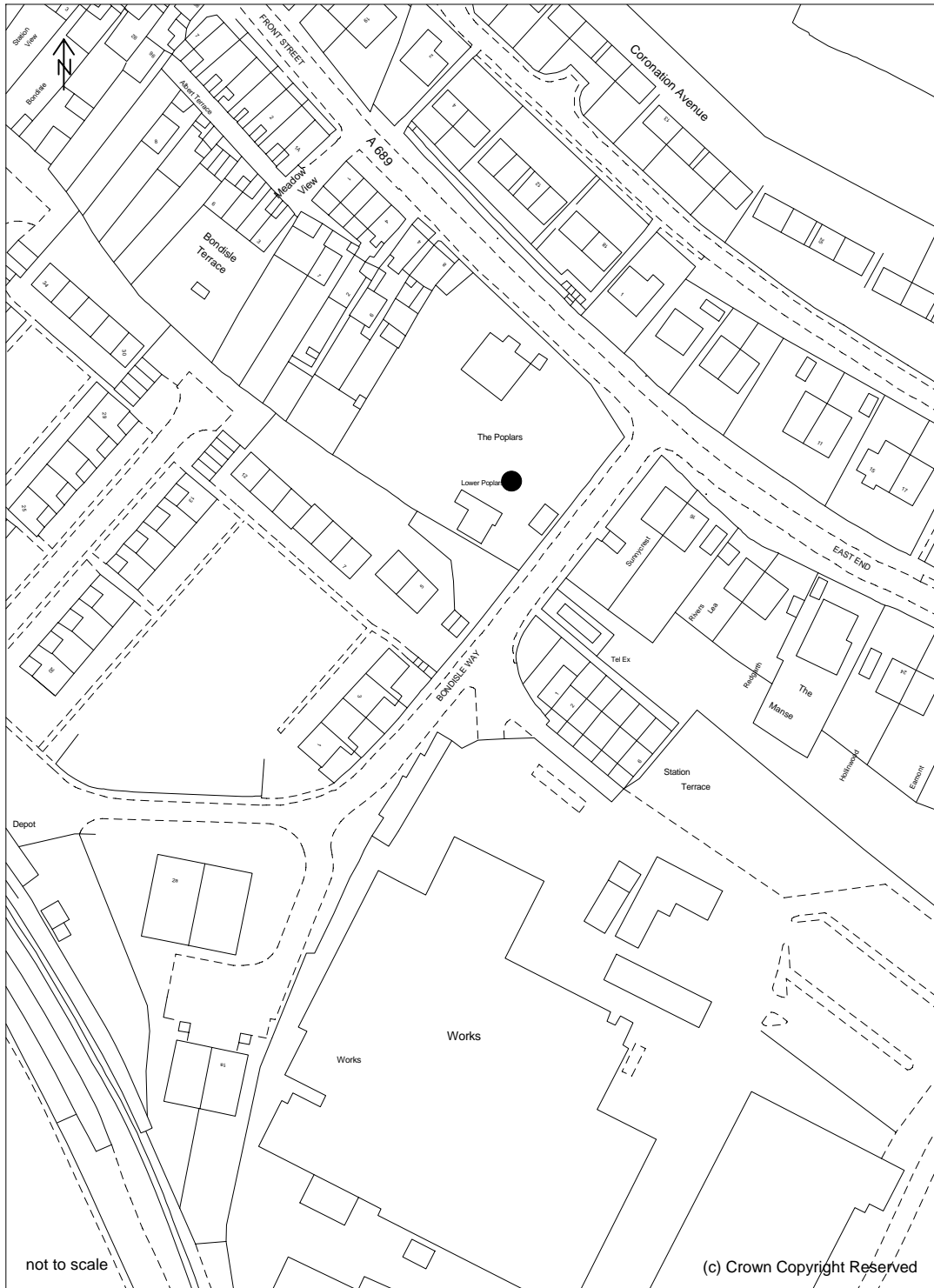
Author of the report

Sinead Folan

Planning Officer

Ext 272

TPO/2006/0003 – PROPOSAL TO PRUNE A TREE AT LOW POPLARS, 12A EAST END, STANHOPE, BISHOP AUCKLAND, COUNTY DURHAM



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

3/2006/0249 – NEW DWELLING AT MOWBRAY HOUSE, HIGH HOPE STREET, CROOK

1. Planning permission was sought to erect a new dwelling at Mowbray House, High Hope Street, Crook.
2. The application site comprises a former garage site and garden, which is part landscaped and overgrown. The site is positioned to the south east of two large detached properties; Mowbray House and Chestnut House and the high density, terraced residential properties of Coronation Street and Hardy Terrace to the south east. West of the site is the Hartside School and Hartside Close.
3. An appeal was submitted against the refusal of planning permission for the new dwelling. The Inspector was requested to dismiss the appeal for the following reasons:
 1. The proposed development does not meet the required separation distances in relation to number 14 Hartside Close, Crook. The proposed new dwelling will therefore result in a loss of privacy and outlook to the occupiers of number 14 Hartside Close causing a loss of residential amenity contrary to policies GD1, H24 and H26 of the Wear Valley District Local Plan.
 2. The Local Planning Authority and the Highway Authority, in agreeing the Durham County Council publication 'Guide to Layout & Construction of estate Roads', have agreed standards for the layout of roads serving new residential developments. The existing access road does not conform tot these standards and is therefore not adequate to serve the development proposed. The proposal is contrary to policy T1 of the Wear Valley District local Plan.
4. The Inspector has dismissed the appeal for the following reasons:

5. The only route out of the site to the road network is through Coronation Street via its junction with High Hope Street. Access to this junction is severely restricted. The last section of this road is incapable of taking two-way traffic due to the narrow width and the high gable walls of the dwellings which flank the road. Visibility at the junction of Coronation Street with High Hope Street is also severely restricted.
6. Visibility at the junction of Coronation Street with High Hope Street is considerably below the standards in the Council's guide and also well below the minimum safe recommended standards set out in the Manual for Streets. There is a high potential for conflict with other vehicles and pedestrians when emerging from this junction onto High Hope Street. As such it is considered that any additional use would be seriously harmful to highway safety conditions.
7. It is considered that the increase in vehicles using this substandard road and junction would increase the likelihood of accidents and would reduce highway safety conditions.
8. In relation to living conditions the Inspector concluded that the development would not have a harmful effect on the living conditions for the occupants of 14 Hartside Close in relation to privacy and outlook and there would be no conflict with policies GD1, H24 and H26 of the Local Plan in this respect.

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

background information

Application files, Inspector's letter dated 15th May 2007.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

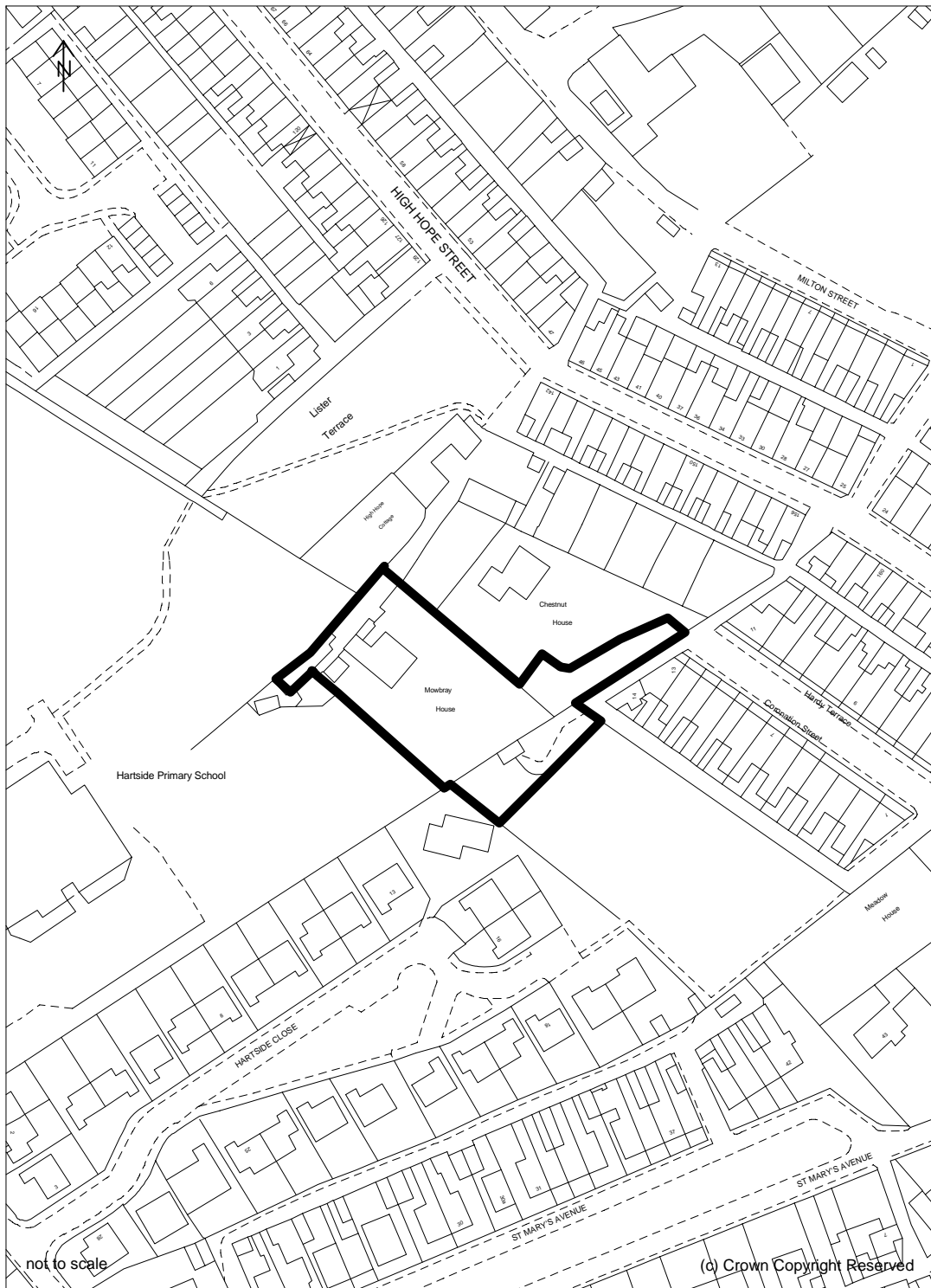
Author of the report

Sinead Folan

Planning Officer

Ext 272

3/2006/0249 – NEW DWELLING AT MOWBRAY HOUSE, HIGH HOPE STREET, CROOK



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

3/2006/0645 ERECTION OF TWO STABLES TO THE REAR OF 5 ASCOT COURT, LEEHOLME FOR MR. J. DUVAL

1. Planning permission was refused on 13th October 2006 against the officer recommendation for the erection of 2 stables to the rear of 5 Ascot Court, Leeholme.
2. The application was refused by members at the October Development Control Committee meeting on the following grounds;
 - i) The access to the proposed stables is considered to be of insufficient width to adequately serve the development and would not provide an acceptable access to the site in the event of an emergency contrary to policies T1 and GD1 of Adopted Wear Valley District Local Plan.
 - ii) The siting of the proposed stables is such that the development would cause harm to neighbouring dwellings in terms of odour and other nuisance related to animal wastes, contrary to policy GD1 of the Wear Valley District Local Plan.
3. The applicant appealed against the decision.
4. The Inspector has allowed the appeal. The inspector concluded that the main issues in the appeal were as follows:

highway safety
5. The proposed stable would be on land accessed through the driveway of 5 Ascot Court which is 3 metres wide. The Council were concerned that, at 3 metres, this is of insufficient width to allow emergency vehicles access to the site. The Manual for Streets (Dept. for Communities, 2007) sets out that the requirements for emergency vehicles are generally dictated by the fire service and are based on the time required to get fire appliances to a particular area and the ease of movement within it.

6. The appellant provided information from the Durham Fire Brigade who state there is no requirement for this access to be wide enough for emergency vehicles. He considered emergency vehicles should be able to gain access through Ascot Court to park close to the dwellings in front of this site. Given that the Fire Brigade also consider a fire hose could reach the stable location, he did not consider it necessary for this private access to a small stable to be of a width capable of accommodating emergency vehicles. He noted the County Highways do not oppose the proposal and this added weight to his opinion on this matter.
7. The Inspector acknowledged the concerns of the Council in relation to the width of the access and the local residents concerns that access through a residential property to a site for horses and stabling is not ideal. However, the appellant stated the width of the access is capable of accommodating the vehicle and trailer used to serve the needs of the two ponies. He considered large vehicles are unlikely to be necessary to collect or remove materials from the site given the small scale of the use. The Inspector therefore saw no difficulties in bringing a horse box to the site. This would be no worse than parking other recreational vehicles such as a caravan at a dwelling. In this respect the Inspector considered the width of the access is adequate and the development would not result in harm to highway safety conditions. Moreover, since the ponies could continue to be kept on the site the provision of stables for their shelter would not increase the current use of the access.
8. The Inspector appreciated local concerns that this development could lead to more stabling, liveries and horse related businesses in the future. However, he noted that the Council would still have control over future applications for such uses at this site. Moreover, whilst he assessed the access to be acceptable for the small stables proposed, the lack of an independent access and its width would need to be carefully assessed in relation to any future additional or commercial use.
9. Overall the Inspector concluded on this first issue that the access arrangements would be adequate to serve the modest development proposed and he found no conflict with policies GD1 or T1 of the Wear Valley District Local Plan or the guidance in the Manual for Streets in this respect.

living conditions

10. The proposed stables would be situated in the vicinity of several dwellings and their rear garden. The Inspector noted the Council's and resident's concerns over the potential for smells, flies and vermin. The concerns expressed in relation to drainage problems and run off due to the slope of the land towards the houses were also considered. The Inspector agreed that because of the proximity there could be a risk of odour and other nuisances from the horse manure particularly in warm weather. This could have a harmful effect on the living conditions of the occupants of nearby dwellings reducing the enjoyment of their house and gardens significantly.

11. However, the Inspector noted that the stables are very modest in scale and are intended to accommodate only two ponies. Moreover they would be positioned 50 metres away from the nearest dwelling. Although the Council's own Environmental Health Department had raised concerns that there is potential for odour and flies to occur they suggest ways in which these problems could be overcome. These concur with the appellant's Environmental Consultant recommendations. These recommend that animal waste could be managed effectively through a number of measures including, the provision of a suitable metal surfaced storage area for the animal waste with drainage to a storage tank ensuring that any run-off or liquid spillage is controlled and the placing of manure in sacks, covering it on site with regular removal. Good animal husbandry to ensure cleanliness is also stated to be beneficial.
12. Given the distance from the house the Inspector did not consider the provision of clean water to the site should present difficulties. He appreciated that the stables could be sited further from the houses since the appellant owns more land extending east. However, he considered that the risk of smells and nuisance for the proposed stable position would be minimal provided suitable conditions are imposed.
13. Subject to appropriate conditions in relation to the above measures the Inspector considered the proposed stables would not have a harmful effect on the living conditions for the occupants of nearby dwellings due to smells and nuisance related to animal waste. Nothing else is sufficiently compelling to warrant a different view. The Inspector therefore found the development would not conflict with policy GD1 of the Wear Valley District Local Plan in this respect.

background information

Application files, WVDLP, Manual for Streets, Inspectors letter dated 9th May 2007.

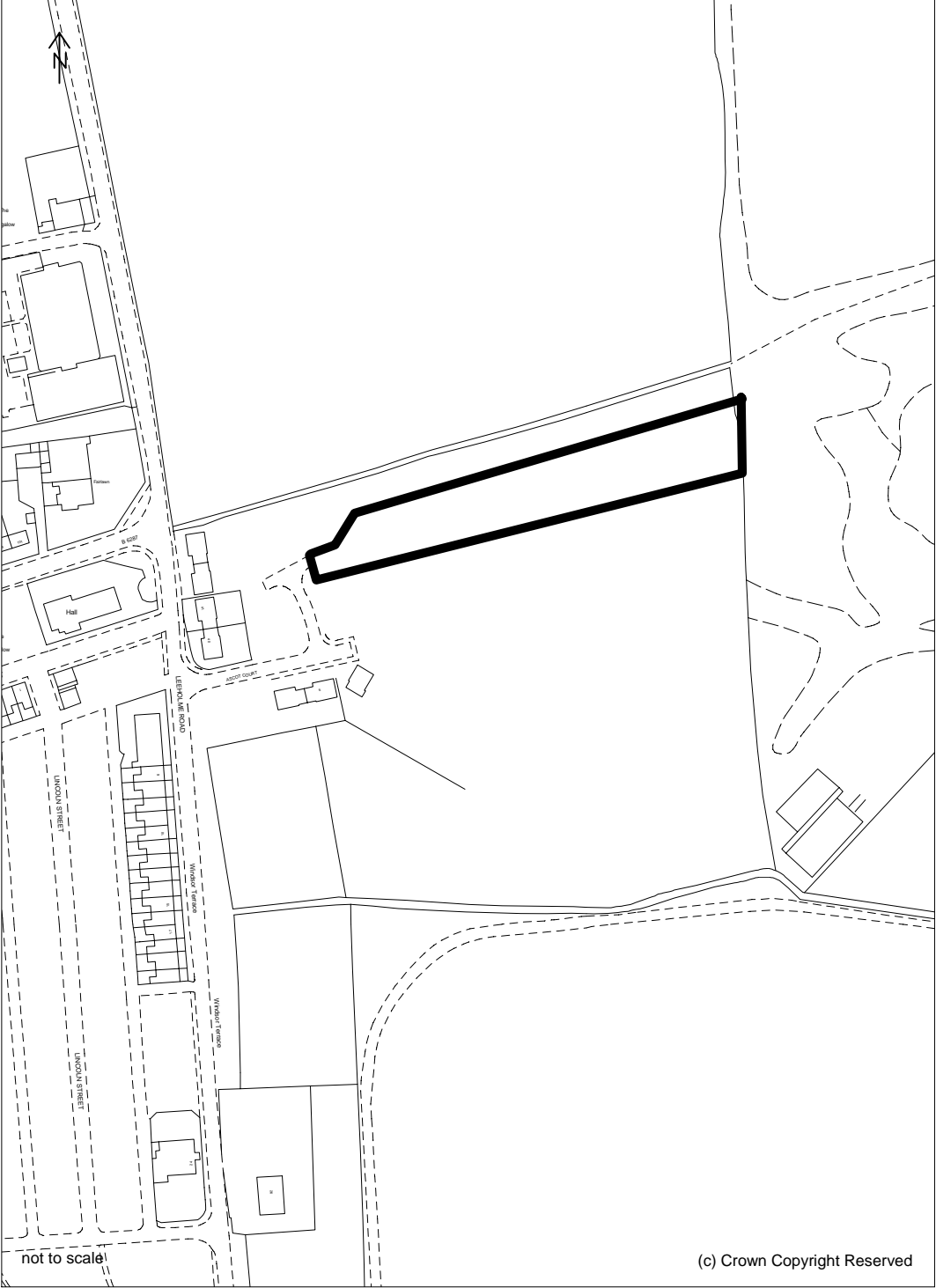
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 441

3/2006/0645 - ERECTION OF 2 STABLES TO THE REAR OF 5 ASCOT COURT, LEEHOLME, BISHOP AUCKLAND FOR MR. J. DUVAL



DEVELOPMENT CONTROL COMMITTEE

7TH JUNE 2007

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

**REQUEST TO AMEND SECTION 106 AGREEMENT IN RESPECT TO
PROVISION OF KICK ABOUT AREA
APPLICATION REFERENCE 3/1996/0564, 139 DWELLINGS FOR MCLEAN
HOMES N.E. LIMITED - LAND AT ETHERLEY DENE FARM, BISHOP
AUCKLAND**

Introduction

1. On 1st February 2007 the Committee agreed to a request from Smith Roddam on behalf of Mr. Allison (owner of Etherley Dene and former owner of the land on which the above housing development has been built) to rescind a clause of the Section 106 Agreement attached to planning permission 3/1996/0564 which required Mr. Allison to transfer Etherley Dene to the Council within two months from completion of the housing development.
2. Smith Roddam have now asked the Council to agree a further amendment to the Section 106 Agreement. Mr. Allison wishes to retain ownership of the kick-about area shown outlined in black on the plan accompanying this report and return it to its previous agricultural use
3. Although the approved kick-about area is used by the general public it has not yet been adopted by the Council because it has not been completed to the Council's satisfaction. Remedial works were required but these have not been undertaken.

observations

4. Occupiers of surrounding properties have been notified in writing of the current owner's proposal. In response to this representations in the form of a petition, objection slips, letters and e-mails have been submitted to the Council objecting to the release of the land in question from the clause of the legal agreement. These are summarised in detail below.

5. A petition with 119 signatures has been received requesting the protection of the existing recreational open space.
6. A total of 44 objection slips have been received requesting that the open area be adopted by WVDC and kept as a kick about area for the local children. A number of the residents who have submitted a slip have also signed the petition and submitted a separate letter of objection.
7. 26 letters and 2 e-mails objecting to the proposal have been received.
8. A detailed summary of the representations received are set out below:

the implications of the loss of the playspace

- Children from the estate use the land for sporting activities if the open space was not available they would have to play in the street.
- The streets of Dene Side chase will be used as a play area.
- Barrington Meadows play area is a 10/15 minute walk from the Etherley Dene estate and children would have to cross a busy main road, which would prejudice the safety of the children.

future use of the site

- There is a view expressed that the landowners request relates to future development aspiration.
- Properties purchased on the understanding that the open space would not be developed. Any development of the site would lead to an unacceptable increase in through traffic and noise levels and a possible decrease in our property value.

impact on species

- The Durham County Badger Group believe that the amendment to the Section 106 agreement could lead to more housing/other development and in turn harm a badger sett present within the Dene.

meeting local need

- The Council should have ensured that the land was transferred within two months from the completion of the housing development.
- Residents bought the properties under the precedence that there was going to be an open area and therefore they have been misled.
- Children will have nowhere to play, the Council should adopt this land and keep it clean and safe, surely there is Section 106 money earmarked for play improvements.

- If the land is released to Mr Allison residents will lose this community facility.
- The facility is needed to prevent youths complaining about having nothing to do. The facility should be improved.
- There are many families with children in the area, the playing field is vital for children to play ball games.
- It is the only playing field for ball games close to the local residents homes and provides the safety of children not having to cross a busy road.
- The Council presumably saw a need 10 years ago, that need is still relevant.
- WVDC owes a duty of care to all its residents to protect their interests including the protection of their public open spaces.
- Emphasis is being placed nationally on encouraging exercise; therefore the Council should not even consider the removal of a facility which has a positive impact on health and healthy play. We urge the Council to reconsider its decision and to adopt the land for continuing use by our children.
- Escomb Primary School object to the loss of the kick about area on behalf of students who use it as many of the children are committed to a healthy lifestyle.
- The loss of the open space would be going against the Councils corporate objective 3 to “use its services to help improve the health and well being of Wear Valley residents and improve healthy lifestyles”. It would also be going against the Councils long term Corporate Objective to be “the best District Council in England”.
- The open area should be transferred to WVDC and retained as a kick about area for local children and their families as green spaces provide safe environments which families can enjoy together and as a meeting place. This in turn builds stronger communities, which leads to less anti-social behaviour.

residential amenity for residents at Barrington Meadows

- Residents of Barrington Meadows object to the use of their green as a play area when the kick about area is returned to Mr Allison. The Green at Barrington Meadows was previously used as a kick about area and attracted anti-social behaviour.
- Residents of Barrington Meadows do not wish to see large numbers of teenagers collecting in the area.

analysis

9. The main issues raised by third parties principally relate to the implications of the loss of the play space, meeting local need, the future alternative use of the site and the impact upon residential amenity.

10. Given that the owner's future intention are unknown and a planning application has not been submitted to date concern raised in relation to the latter two issues are not relevant to the consideration of this request.
11. The Strategic Director of Community has raised no objection to the release of the land from the clause.
12. At the time that the legal agreement was prepared and signed the Council considered that there was a justifiable local need for such a facility. Since then further residential development has taken place to the east of Etherley Dene Estate. The site has since been brought into use and provides a local recreational facility, albeit unadopted at this current time. Whilst there is an alternative open space at Barrington Meadows, this would involve crossing the busy road.

financial implications

13. If the terms of the Section 106 Agreement were complied with the Council would become responsible for the maintenance of the kick-about area. This would amount to cutting the grass several times per year.

legal implications

14. The Assistant Director of Administration and Legal Services has confirmed that it is possible to enter into a document rescinding the relevant clause of the Section 106 Agreement should Members so wish.

conclusion

15. There is scope for the Council to enter into a document rescinding the clause of the Section 106 Agreement which otherwise requires Mr. Allison to transfer the kick-about area. However, public opinion received suggests that this an existing valued and needed public recreational facility which is appropriately sited in relation to an established residential area.
16. The principle consideration of this matter relates to the degree to which Members consider local need can be satisfied through alternative existing kick about provision in the locality.

RECOMMENDED

17. That Members consider whether it is appropriate that the Assistant Director of Administration and Legal Services be instructed to draft and complete a document rescinding the clause of the Section 106 Agreement which requires Mr. Allison to transfer the kick-about area to the Council.

background information

Section 106 Agreement attached to planning permission 3/1996/0564, letter from Smith Roddam dated 2nd April 2007.

Officer responsible for the report	Author of the report
Robert Hope	David Townsend
Strategic Director for Environment and	Head of Development and Building
Regeneration	Control
Ext 264	Ext 270

APPLICATION REFERENCE 3/1996/0564, 139 DWELLINGS FOR MCLEAN HOMES N.E. LIMITED - LAND AT ETHERLEY DENE FARM, BISHOP AUCKLAND

