



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

Michael Laing Interim Chief Executive

22nd June 2007

Dear Councillor,

I hereby give you Notice that a Special Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **MONDAY 2ND JULY 2007** at **6.30 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider development control application 3/2007/0206 – Amendment to previous planning approval from log cabins to traditional buildings at Castle Golf Limited, Flatts Farm, Toronto, Bishop Auckland for Castle Golf Limited.	1 - 8
3. To consider development control application 3/2007/0228 – Erection of five dwellings (resubmission) at land adjacent to The Green, Witton Park, Bishop Auckland for Mr and Mrs James.	9 - 17
4. To consider development control application 3/2007/0239 – 2 No. dwellings at plot 1 and 2, rear of 1 North Road, Tow Law, Bishop Auckland for Mr Gaines.	18 - 26
5. To consider development control application 3/2007/0040/LB – Conversion of Bedford Lodge to create 4 no. apartments at former BBH Windings Ltd. South Church Road, Bishop Auckland for Mandale Commercial Ltd.	27 - 35
6. To consider development control application 3/2007/0277 – Demolition of factory units and erection of new build 2.5 Storey Town Houses, 2.5 Storey 2 Bed Apartments and conversion of Bedford Lodge to create 88 dwellings (resubmission) at former BBH Windings Ltd. South Church Road, Bishop Auckland for Mandale Commercial Ltd.	36 - 53

7. To consider development control application 3/2007/0333 – 54 - 64
Development of 20 no. 3 bedroom houses, with garages and parking
at land on the north east side of Milton Street, Crook for
Ravensworth Homes LLP.
8. To consider development control application 3/2007/0320 – 65 – 75
Erection of 39 no. bedroom Premier Travel Inn Hotel accommodation unit (to
be run in conjunction with existing restaurant/public house) and
alteration to car parking area at land adjacent to Brewers Fayre,
West Auckland Road, Tindale Crescent, Bishop Auckland for
Whitbread Group Ltd.
9. To consider development control application 3/2007/0362 – 76 – 82
Demolition of existing public house and construction of 10 no. 3
bedroom residential dwellings and parking at The Two Blues Public
House, Douthwaite Road, Bishop Auckland for UK Listings
- 10 & 11. To consider development control application 3/2007/0441 – 1 No. 83 - 91
Dormer Bungalow at land rear of 29 Etherley Lane, Bishop
Auckland for Mr Quinn and

To consider development control application 3/2007/0442 - 1 No.
Dormer Bungalow at land rear of 29 Etherley Lane, Bishop
Auckland for Mr Quinn.

Yours faithfully



Interim Chief Executive

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

*ex-officio, non-voting capacity.

Chair: Councillor Grogan

Deputy Chair: Councillor Mews

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

SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0206 - AMENDMENT TO PREVIOUS PLANNING APPROVAL FROM LOG CABINS TO TRADITIONAL BUILDINGS AT CASTLE GOLF LIMITED, FLATTS FARM, TORONTO, BISHOP AUCKLAND FOR CASTLE GOLF LIMITED - 11.04.2007

description of site and proposals

1. Planning permission for the construction of an 18 hole golf course, club house and facilities and log cabins, at Flatts Farm, Toronto, Bishop Auckland was granted on 12th October 2006.
2. Part of the application proposed the siting of eighteen log cabins, accommodating between four and six people, in a cul-de-sac layout to the east of the main clubhouse. The purpose of the cabins was to provide on site accommodation for users of the golf course. Two planning conditions were attached to the use of the cabins – firstly that they should not be available for occupation until nine holes of the golf course were in use and, secondly that they should not be for permanent residential use.
3. As construction of the golf course has progressed the developers of the facility have refined their proposals and the way in which they see the course operating. The facility was originally planned as a “pay as you play” golf course. The operators wish to offer a wider range of activities and to attract customers for a longer period. The eighteen log cabins, for tourist accommodation, were not considered sufficiently attractive for potential customers.
4. It is now proposed to build twenty four conventional terraced houses, in four blocks around a central green, closer to the main golfing complex of the clubhouse and pro shop and sharing car parking facilities. This will have the effect of grouping the new buildings on the site with the remaining farm buildings. The design of the new buildings is taken from those on Bondgate and the rear of Bishop Auckland Market Place. The scale, design of the roofline and choice of materials reflects those of the farm buildings and the nearby skyline.

planning history

5. The following planning history is considered relevant to this planning application.
- 3/2002/0048 Golf Driving Range Approved 08.08.02
 - 3/2004/0982 18 Hole Golf Course, Club House and Facilities, Parking, Log Cabins and Temporary Site Cabin Approved 31.03.06

planning policies

6. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
- H3 Distribution of Development
 - ENV3 Area of Landscape Value
 - GD1 General Design Criteria
 - TM5 New Tourist Accommodation
 - TM7 New Caravan and Chalets Sites
 - TM8 Occupancy Conditions for Static Caravans, Chalets and Self-Catering Accommodation

consultations

7. Durham County Council Highways: Any permanent residences would require an access road built to adoption standard. Provided that your authority are satisfied that the use of the proposed buildings can be restricted to temporary holiday accommodation I can raise no highway objections to this proposal.
8. Durham County Council Environment: The development of traditional buildings in this location conflicts with County Structure Plan (CSP) policy 4, which requires that new development should, wherever possible, be located in the existing framework of towns and villages, to conserve and enhance the character and appearance of the countryside.
9. The plans to change the log cabins into traditional buildings will further detract from the landscape character of the area, due to the scale, design and massing of the proposed dwellings, which resemble the character of town houses and are not suitable for the open countryside, especially where it is designated an AHLV.
10. The River Wear lies approximately 200m away from the proposal and forms part of a strategic wildlife corridor network. It is up to the District Council to determine if the wildlife corridor would be sufficiently protected.
11. The area lies within the Mineral Consultation Map for Sand and Gravel as identified on the Minerals Local Plan. The County Council regards the mineral resource sufficiently protected from sterilisation if the schedule of conditions previously included in our response is adhered to.

12. The District Council will need to determine, in consultation with the Environment Agency, the degree of flood risk associated with the development.
13. Durham County Council Design and Conservation: The principle of the overall design is acceptable but the fenestration of the terraced blocks should be simpler and the green area made less urban in appearance.
14. Durham County Archaeologist: No response.
15. Northumbrian Water: No response.
16. Environment Agency. No objections.

officer analysis

17. The key issues for consideration are:

- Principle
- Affect on the Appearance of the Site and Countryside

principle

18. The site lies outside the limits to development (policy H3) as identified on the Proposals Maps of the Wear Valley District Local Plan. Policy TM5 states that tourist accommodation will be allowed in the countryside provided it is limited to expansion of existing hotels, guest houses and farm accommodation and the conversion of existing buildings. Policy TM7 states new sites for chalets may be allowed in disused quarries or other locations well-screened all year round. The proposal does not satisfy these policies however, planning permission has been granted previously for eighteen log cabins. The cabins were intended for use by users of the golf course. The proposed buildings are instead of the approved cabins, and therefore the proposal is acceptable in principle.

affect on the appearance of the site and countryside

19. It is proposed to change the form and position of the previously approved log cabins.
20. The construction and appearance of the proposal, when compared to that approved, would be very different. The County Council are of the view that log cabins are a preferable form of accommodation in the open countryside. However it can be argued that the land on which the golf course is being constructed is no longer open countryside in the usual sense. The 115 acres of Flatts Farm is being remodeled into a man-made landscape for outdoor sport. The meander in the River Wear at Bishop Auckland has now been changed from farmland to a golf course. This is a deliberate consequence of the granting of planning permission for the overall scheme. Whether log cabins or traditional buildings are more appropriate in this new landscape is open to debate.

21. The function of the tourist accommodation remains the same – that of short term visitor accommodation. The applicants have not sought to vary the existing occupancy conditions of the planning permission. The golf course operators intend creating a management company to run the accommodation.
22. The position of the accommodation has been moved closer to the main golf/farmhouse complex. This would allow for joint car parking use and would reduce the amount of on-site car parking. By siting the accommodation closer to the existing farmhouse the accommodation would be on higher ground away from the flood plain.
23. The new accommodation would be of varied size, between four and six persons, and in a variety of house front styles. The buildings would be grouped, on four sides around a green. The normal distances between habitable rooms are respected. All of the new development would be contained within the existing farm boundary walls and all mature trees around the site would be retained. Each unit of accommodation would have its own heat pump energy supply for heating the building in winter. The equipment for this would be housed in a garden room attached to each dwelling unit.
24. The golf course accommodation would not be restricted to golfers and so could be used by other visitors to Bishop Auckland and Weardale. The proposal would thus add to the stock of tourist accommodation in the district. The golf course operators have obtained the permission of the Environment Agency to stock the lakes of the golf course with brown trout and are hoping to widen the attraction of the facility by allowing fishing.
25. The application does not comply with WVDLP policies ENV3 or policies TM5 and TM7, which relate to new tourist and chalet accommodation in the countryside. In this regard this new proposal is no different to the original golf course scheme (with log cabins) already approved. The proposal however satisfies policy GD1 of the WVDLP.

objections/observations

26. Notification letters have been sent to the occupiers properties in the surrounding area, a site notice has been posted and a Notice inserted in the local press. One letter of objection has been received, which is summarized as follows.
 - a) Objection due to the height of the development. We have no problem with the golf development just the building height.
 - b) We would hope the boundary height along the river will not be increased due to potential risk of flooding to our property.

response to observations/objections.

27. The following comments are made in response to the issues raised:
- a) The proposal is surrounded on four sides by landscaped mounds. The new development should not be prominent from ground level. It will be visible, as part of a larger group of buildings, from the Newton Cap Viaduct and the rear of the market place. (It will be necessary to consider lighting levels within the tourist area, to avoid light pollution intrusion into the open area.)
 - b) There is no proposal to increase river bank levels as part of this proposal.

conclusion and reasons for approval

1. Permission has been granted for eighteen log cabins grouped in a circle at the eastern end of the farm plateau to be used as tourist accommodation. It is now proposed to have twenty four traditional style "houses" in an informal square, linked to the main club house and Flatts farm. The houses would also be used for tourist accommodation. Although the proposal is not in accordance with policy TM5 and TM7 it is considered acceptable because of the existing planning permission. A Section 106 Agreement is required to ensure the previously approved log cabins are not built if the development subject of this application is implemented.
2. This proposal should be visually and functionally more sympathetic to the existing buildings on site and to the way in which the golf course will operate. The accommodation provided would not only benefit the attraction of the golf course but add to the tourist accommodation of the district in general. The County Council have observed that the proposal is inappropriate in the open countryside and the Area of High Landscape Value. It must be considered that the proposal is part of a larger scheme, which in itself is reshaping the countryside setting, to that of a new, man-made landscape. The scale, position and style of the proposal which seeks to copy building forms and uses materials found on site will have an inevitable impact in the area, but one which overall should blend with its surroundings. The character of the locality is one which is changing, but which should be able to accommodate this development. The proposal consequently complies with policy GD1 of the Wear Valley District Local Plan, but does not comply with policies ENV3, TM5 and TM7.

RECOMMENDED

That subject to the applicant first completing a Section 106 Agreement to ensure that the other permission for 18 log cabins is not implemented if the 24 units are built planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Before the development hereby approved is commenced samples of all materials to be used in the construction of the outer surfaces of the buildings shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
2. Before the development hereby approved is commenced a scheme of landscaping and peripheral treatment of the development shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be implemented during the first planting season thereafter.
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 a lighting scheme, which minimises extraneous light and light pollution from the scheme, shall be submitted to and approved, in writing, by the local planning authority, and the lighting scheme shall be implemented in accordance with the approved details before the tourist accommodation is occupied.
5. The accommodation hereby approved shall not be used until nine holes out of eighteen have been constructed. The accommodation shall not be used for permanent residential accommodation and no unit of accommodation shall be occupied by the same person for more than 6 weeks in any calendar year. To ensure that the accommodation is used solely as short stay residences the golf course operator shall keep a register of the names, addresses and telephone numbers of the primary residences of all owners or hirers. Such register shall be maintained up to date by the golf course operator and shall be made available for inspection by the local planning authority at all reasonable times.
6. No development shall take place until details of the proposed surface materials and drainage to the accommodation have been submitted to and approved in writing by the local planning authority, and the development shall be implemented in accordance with the approved details before the tourist accommodation is occupied.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.

3. 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.
4. To ensure the satisfactory appearance of the completed development and protection of the countryside. In accordance with policies GD1 and ENV3 of the Wear Valley District Local Plan.
5. In accordance with policy TM8 of the Wear Valley District Local Plan which seeks the prevention of holiday accommodation being used for permanent residential use.
6. To ensure the satisfactory appearance of the completed development and satisfactory drainage. In accordance with policy GD1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	<input style="width: 40px; height: 25px;" type="text" value="1"/>				
number of days to Committee	<input style="width: 40px; height: 25px;" type="text" value="82"/>	target achieved	<input style="width: 40px; height: 25px;" type="text" value="√"/>		
explanation					

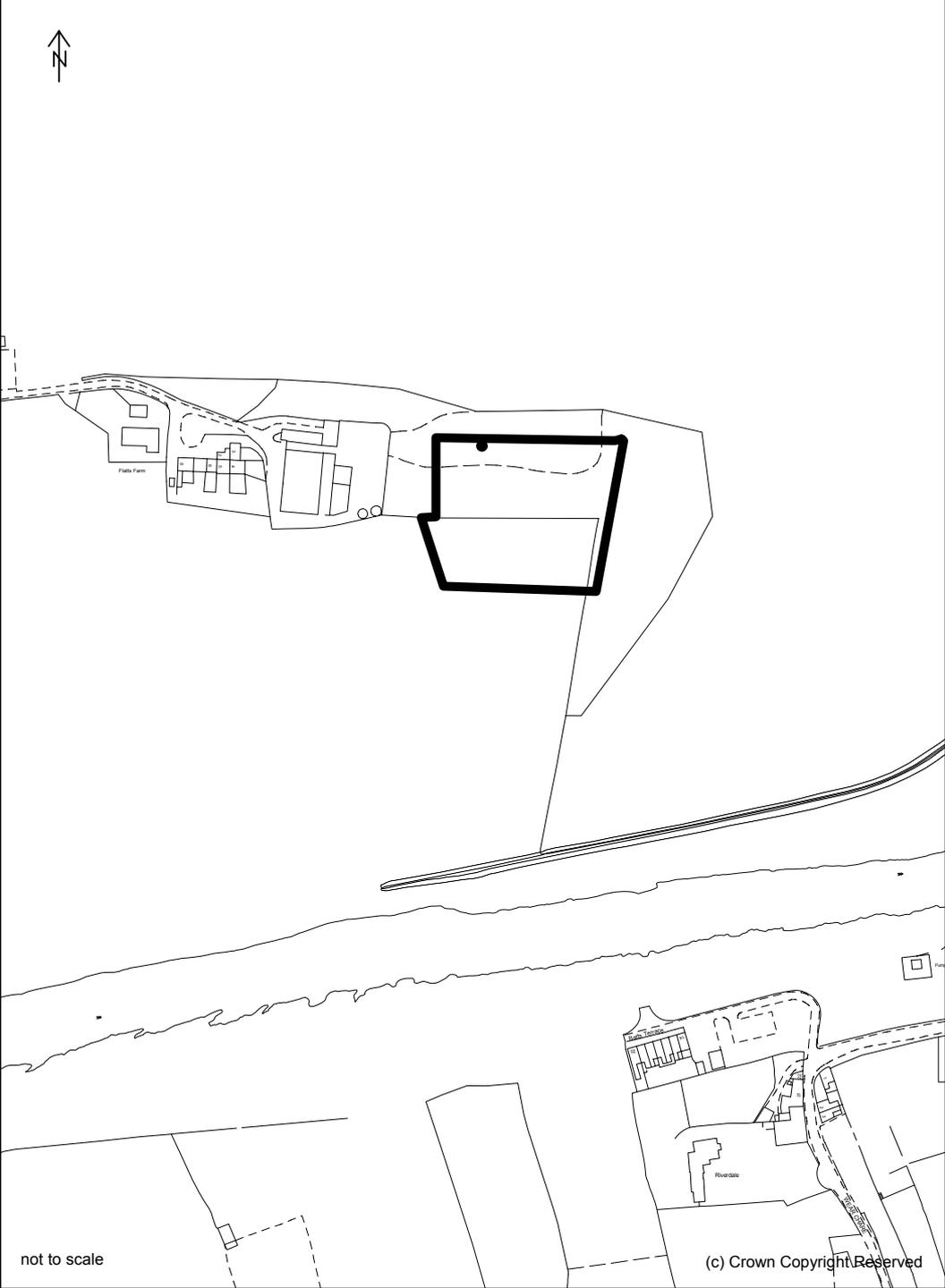
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Peter Duff
 Planning Officer
 Ext 539

3/2007/0206 - AMENDMENT TO PREVIOUS PLANNING APPROVAL FROM LOG CABINS TO TRADITIONAL BUILDINGS AT CASTLE GOLF LIMITED, FLATTS FARM, TORONTO, BISHOP AUCKLAND FOR CASTLE GOLF LIMITED -11.04.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0228 - ERECTION OF FIVE DWELLINGS (RESUBMISSION) AT LAND ADJACENT TO THE GREEN, WITTON PARK, BISHOP AUCKLAND FOR MR. AND MRS. JAMES – 20.03.2007

description of site and proposals

1. Planning permission is sought for the erection of 5 no. properties on land forming part of No. 8 The Green, Witton Park. There are to be 3 no. two storey detached properties and a pair of two storey semi-detached properties. Each property has an approximate footprint of 9 metres by 6 metres with a single garage attached. The means of access is shown as coming off New Road to the west and would come along the north of the proposed dwellings. A road had previously been granted permission to serve No. 10 The Green in a similar location.
2. The application site comprises of an area of garden land to the rear and side of No. 8 The Green, measuring some 20 metres by 50 metres. The land is bordered to the east by a recently constructed bungalow (No. 10, The Green), by 7 no. new dwellings under construction to the south and west and by a cleared area of former housing to the north, which is allocated in the Wear Valley District Local Plan for industrial use (Proposals I2 and I6).
3. The proposed access to the site is located within the area allocated for industrial development. As the proposed road is for residential use, the application is a departure from the Local Plan. The application therefore has to be determined by Members at the Development Control Committee.

planning history

4. The following planning applications have been received in respect of this site:
 - 3/2002/0007 Erection of Bungalow Approved 18.04.2002
(No. 10 The Green,
Witton Park)
 - 3/2005/0434 Residential Development Withdrawn

- 3/2006/0198 Outline Consent for Residential Dwellings on Brownfield Land Approved 25.04.2006
- 3/2007/0021 Erection of 5 Dwellings Withdrawn

planning policies

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

- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- I2 New Industrial Allocations
- I6 Local Industrial Sites
- T1 Highways – General Policy
- FPG2 County Highway Parking Standards

Also of relevance is PPS3: Housing, RSS and Local Transport Plan 2.

consultations

6. WVDC (Housing): No objections.
7. Durham County Council (Highways Authority): The Highways Officer commented on the previous application (Ref: 3/2007/0021) which was withdrawn;
8. The road should be realigned to meet the major road at 90 degrees and must incorporate a turning head. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways.
9. Durham County Council (Public Rights of Way): No response.
10. Parish Council: No response.
11. Northumbrian Water: No response.

officer analysis

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

principle of development

13. Outline planning permission (Ref: 3/2006/0198) was granted on this site on 25/04/2006. The principle of development has been discussed and considered acceptable in the outline application. Evidence was provided within the outline application and it has been agreed that the application site is brownfield land, as the land is the site of a former school and outbuildings. The land has since been utilised as part of the garden area for No. 8 The Green after the school was demolished.
14. The application site is located within the settlement limits of development for Witton Park as defined by the Proposal Maps of the Wear Valley District Local Plan. It is noted that Witton Park is not classified as an urban area, therefore this site is not considered to be a priority site.
15. Given that the site is brownfield land and that a recent outline planning application has been granted permission on the site which has accepted the principle of development, it is deemed acceptable that the sequential approach is not applied in this instance. It is considered that the proposed development for 5 no. residential units is acceptable in principle and in accordance with policy H3 of the Wear Valley District Local Plan.

residential amenity

16. Almost all of the proposed properties achieve adequate separation distances with the surrounding neighbouring buildings. The exception is the relationship between the proposed property second from the west and the neighbouring dwelling directly south. This neighbouring property is a newly constructed dwelling. The separation distance between the windows to habitable rooms of the two properties measures 18 metres, which is 3 metres less than what is recommended in policy H24. Given that one of the two properties is under construction and the other is proposed as part of this development, the 18 metres privacy distance is considered acceptable as it would not result in the loss of privacy to existing occupiers. It is considered acceptable to relax the minimum separation distance in this instance. The separation distances between the proposed dwellings and the existing neighbouring properties would not result in the loss of privacy to existing occupiers. There are no windows to habitable rooms in the gable elevations of the proposed dwellings ensuring adequate levels of privacy between each residential unit.
17. The proposed development is situated to the north of the existing neighbouring dwellings. Due to this, it is considered that there would be no adverse impacts upon adjacent buildings in terms of overbearing or overshadowing impacts. Four of the proposed residential units would have rear garden depths of 10 metres. The most western property would have a garden depth of 8 metres. This western most property would have a garden width of 10 metres and it is considered that this area is sufficient for the enjoyment of future occupiers. It is considered that the proposed residential units would have sufficient amounts of private and useable garden amenity space.

18. As the proposed development is on the boundary of land allocated for industry, it is necessary to assess the impact industry may have upon the amenities of the proposed residential properties. Although there are no industrial units at present, there is the potential for businesses to be located on the land. There are existing properties within the same distance to the industrial allocated land as the proposed development. The future development of the allocated industrial site would have to be designed in order to be sensitive to the amenities of the surrounding properties. It is considered that a development could be achieved on the industrial site which would not adversely affect the residential amenities of the surrounding properties or the dwellings in this proposal.
19. Given separation distances, garden depths have been relaxed in this development, it is deemed necessary to remove permitted development rights from the properties in order to safeguard the residential amenities of surrounding properties.
20. It is considered that the proposed development would not have an adverse impact on the amenities of the occupiers of existing properties and the prospective occupiers of the proposed dwellings. The proposal satisfies the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

visual impact

21. The proposed development shows a simple linear design comprising three detached properties and two semi-detached dwellings. The proposal for a pair of semi-detached properties breaks up the street line and adds character to the development. Generally, the design of the proposed houses are typical of modern housing estates. The appearance of the proposed dwellings would be of similar design and scale to the new properties currently under construction to the south and west. It is considered that the proposed development would not have an adverse impact on the appearance of the street scene and would not have a detrimental effect on the visual amenity of the surrounding properties. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan.

access and parking provision

22. Each property would have a single garage with sufficient driveway space for one additional vehicle. Adequate space is therefore provided for off street parking for each residential unit.
23. Durham County Council Highways Authority commented on the previous application 3/2007/0021 that the proposed access to the housing must have a turning head and must meet the highway to the west at 90 degrees. The proposed access in this application has shown a turning head and a 90 degree access from the main road.
24. It is considered that the proposed access and parking provision are acceptable and would not have a detrimental impact on highway safety. The proposal is in accordance with policies GD1, T1 and FPG2 of the Wear Valley District Local Plan and Local Transport Plan 2.

impact on industrial land

25. The proposed development also incorporates a new road to access the dwellings. This road would be located within an area allocated as an Industrial Site. As the road is for residential development, the proposal is contrary to Proposal I2 and I6 of the Wear Valley District Local Plan and is therefore a departure from the Local Plan.
26. The proposed road would be situated on land allocated for new industry and in particular a local industrial site which allows proposals for business uses (Class B1), general industries (Class B2) and warehousing and distribution (Class B8). The land allocated for industry has been vacant for some time. It is recognised that the land proposed to be utilised as the access road is a strip of land along the south boundary of the allocated industrial site. There are no alternative accesses to the proposed housing.
27. Whilst the road would be utilising land which is allocated for industry, it is considered acceptable to grant permission as the road is on the south boundary of the industrial site, and it would not restrict the future development of the industrial land. The proposed development incorporating the access road would not compromise Proposals I2 and I6 of the Wear Valley District Local Plan.

objections/observations

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

conclusion and reasons for approval

1. The application site is located within the settlement limits of development for Witton Park and is considered a brownfield site. Previous outline planning permission 3/2006/0198 has been granted which accepts the principle of development on this site. Whilst the site is not within an urban area, for the above reasons it is not deemed necessary to apply the sequential approach on this site and the principle of development is therefore considered acceptable. The proposal is in accordance with policy H3 of the Wear Valley District Local Plan.
2. Adequate separation distances are met between the proposed dwellings and existing properties. One exception shows a separation distance of 18 metres between a dwelling now under construction to the south and one of the proposed properties. Given that these are both new properties, it is considered acceptable to relax the privacy distance in this instance as it would not result in the loss of privacy to existing occupiers. Sufficient amounts of private and useable garden areas would be provided for each residential unit. The proposed development would not create any overbearing or overshadowing impacts upon adjacent properties. Given the proposed development is a similar distance away from the allocated industrial land as

other residential properties, it is considered the development would not compromise the future development of the land allocated for industry. The proposal satisfies the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

3. The design and appearance of the proposed properties are typical of houses found on new housing estates. The proposed dwellings would be of similar appearance to the newly constructed houses to the west and south and the development would not be out of keeping with the surrounding area. The proposal would not have a detrimental impact upon the appearance of the surrounding buildings and would not have an adverse effect on the visual amenity of the streetscene. The proposal accords with policy GD1 of the Wear Valley District Local Plan.
4. The proposed road access to the properties provides a turning head and a 90 degree access to the main highway to the west. Each property would have a single garage and a driveway to allow for one vehicle, therefore ensuring sufficient space for off street parking. The proposal would not have an adverse impact on highway safety and is therefore in accordance with policies GD1, T1 and FPG2 of the Wear Valley District Local Plan and Local Transport Plan 2.
5. The proposed development incorporates a new road to access the dwellings. This road would be located within an area allocated as an Industrial Site. As the road is for residential development, the proposal is contrary to Proposals I2 and I6 of the Wear Valley District Local Plan. Whilst the road would be utilising land which is allocated for industry, it is considered acceptable to grant permission as the road is on the south boundary of the industrial site, and it would not restrict the future development of the industrial land. The proposed development incorporating the access road would not compromise Proposals I2 and I6 of the Wear Valley District Local Plan.
6. Given separation distances and garden depths have been relaxed in this development, it is deemed necessary to remove permitted development rights from the properties in order to safeguard the residential amenities of surrounding properties.

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 buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
3. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
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 buildings hereby approved are commenced.
5. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E of Part 1 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.

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 the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
5. Given the separation distances and garden depths have been relaxed in this development, the local planning authority wishes to control future development on this site, in order to safeguard the residential amenities of surrounding properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

INFORMATIVE

The applicant must enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways.

background information

Application files, WVDLP.

PS code

6

number of days to Committee

105

target achieved

No

explanation

Workload combined with planning officer being on sick.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

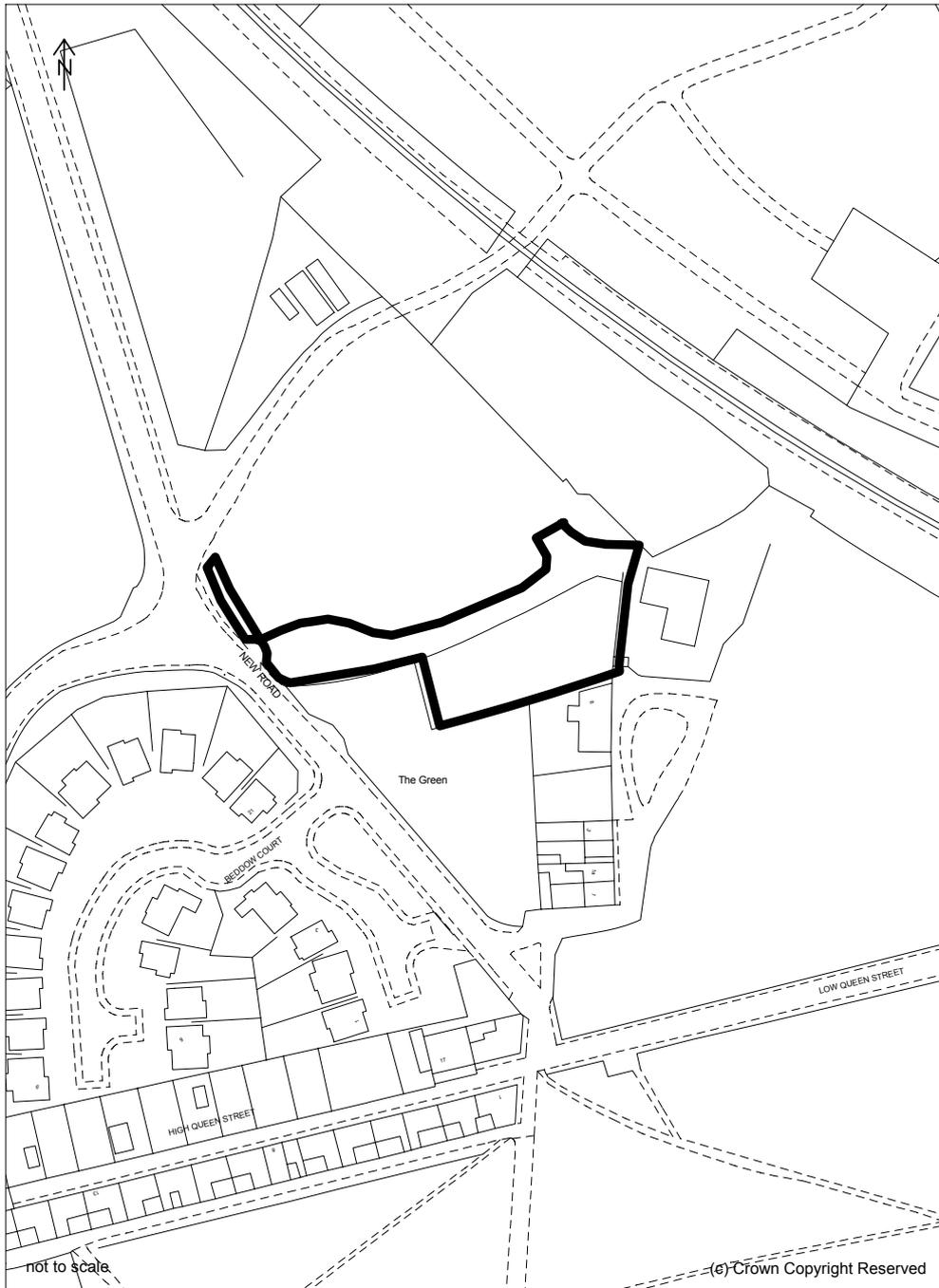
Author of the report

Chris Baxter

Planning Officer

Ext 441

3/2007/0228 - ERECTION OF FIVE DWELLINGS (RESUBMISSION) AT LAND ADJACENT TO THE GREEN, WITTON PARK, BISHOP AUCKLAND FOR MR. AND MRS. JAMES – 20.03.2007 - AMENDED 20.03.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0239 - 2 NO. DETACHED DWELLINGS AT PLOT 1 AND 2 REAR OF 1 NORTH ROAD, TOW LAW, BISHOP AUCKLAND FOR MR. GAINES - 21.03.2007 - AMENDED 22.05.2007

description of site and proposals

1. Planning permission is sought for the erection of 2no. detached dwellings on land to the north of West Dale View in Tow Law. The proposed dwellings are two and half storey five bedroom properties, with an overall footprint of 10.2 metres by 9.3 metres. The properties would reach a height of 6 metres to the eaves and 9.5 metres to the ridge level. A single detached garage is included with each site and both would measure 5.6 metres in length by 3 metres in width. Access to the site would be taken from the south, connecting to the A68. The applicant has indicated his intentions to upgrade the access road.
2. The application site comprises of a vacant parcel of land located to the north of West Dale View. The site is situated within the settlement limits of development for Tow Law as identified on the Proposal Maps of the Wear Valley District Local Plan. Directly to the north of the site are open fields with garden areas to the north west and south east. There are residential properties to the south and south west of the site with the A68 highway located beyond. To the south are the neighbouring bungalows on West Dale View. No. 6 West Dale View is directly opposite plot 2. Neighbouring dwelling No. 1 North Road and neighbouring bungalow No. 2 Moordale are sited directly to the south of plot 1. The access to the site is via the lane which runs between No. 1 North Road and No. 6 West Dale View.

planning history

3. The following planning history is considered relevant to this planning application.
 - 3/2005/0086 New Dwellings (outline) Approved 18.04.2005

planning policies

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

consultations

5. Durham County Council (Highways Authority): The outline application for development (3/2005/0086) included the land between the site boundary and the A68 within the red line. This proposal does not include the land required for access. No details of the required access improvements have been submitted. If these details are not submitted, the highways officer recommends that the application should be refused.
6. Tow Law Town Council: No objections.
7. Northumbrian Water: No comments.
8. Environment Agency: No objections.

officer analysis

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

principle of development

10. Outline planning permission for residential development (3/2005/0086) was granted in 2005. The planning officer's report stated:

'The site lies within the settlement limits for Tow Law. There are no other allocations for the site. Given that the site lies within the settlement limits for Tow Law there are no objections to this site being developed for residential purposes. The proposal accords with the objectives of policy H3 of the WVDLP.'
11. Whilst it appears that the application site is greenfield land, consideration has to be given to the valid outline planning permission on the site and that the site is within the settlement limits of Tow Law. It is considered that the principle of development is acceptable and the development would be in accordance with policy H3 of the Wear Valley District Local Plan.

visual impact

12. The surrounding area of the application site shows a mixture of different house types. Along the A68 there is a range of houses and bungalows constructed from stonework, brickwork and rendered. Whilst the proposal does not incorporate the proposed materials to be used in the construction of the dwellings, it is considered acceptable to use a condition to agree external materials. The applicant has indicated that he would use materials which would match those used on adjoining properties. It is considered that the materials used in the construction of the properties would not be detrimental to the appearance of the area.
13. Given the mixture of house types in the immediate vicinity, it is considered that the scale and height of the proposed properties would not appear out of keeping with the area. The proposed dwellings would be partly screened from the properties to the south and the development would not appear overbearing from the A68 highway.
14. The design and appearance of the proposed dwellings would not have a detrimental impact on the amenity of the surrounding area and would not detract from the visual appearance of the street scene. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan.

residential amenity

15. The proposed development has been amended in order to achieve adequate levels of residential amenity for the occupiers of neighbouring properties. These amendments include the resiting of the proposed properties within the site.
16. Neighbouring property No. 6 West Dale View is located to the south of plot 2 and the neighbouring bungalow has a window to a habitable room located 15 metres away from the gable elevation of the proposed dwelling. The windows proposed in the gable elevations of the properties are secondary windows and a condition is recommended for these windows to be glazed with obscure glass. Similarly, the gable elevation of the property on plot 1 is situated 16 metres from habitable windows in the rear elevation of No. 2 Moordale. It is recognised that the block plans showing the existing properties are not up to date, however the distances between the buildings and the proposed properties are exact. The separation distances between the proposed dwellings and the neighbouring properties meet the required distance stated in policy H24 of the Wear Valley District Local Plan. The neighbouring properties to the east and west, and No.1 North Road to the south, are sited sufficient distance away from the proposed properties to accord with the separation distances stated in policy H24. The proposed development would not compromise the levels of privacy currently enjoyed by neighbouring occupiers.

17. The separation distance between each proposed dwelling is measured at 19 metres. It is accepted that this distance is lower than the 21 metres stated in policy H24, however given the proposal would be for two new properties, it would not result in the loss of privacy to existing residents. It is considered acceptable to relax the separation distance in this instance. The proposed dwellings each provide rear garden areas. Plot 1 provides a rear garden measuring 7 metres in depth by 12 metres in width, whilst plot 2 provides a garden area of 6.5 metres in depth by 18 metres in width. Although a rear garden depth of 10 metres is not provided, the development is still deemed acceptable as a sufficient amount of private and useable garden amenity space would be provided within the curtilage of the properties.
18. As the proposed properties are to be located to the north of neighbouring buildings, there would be no overbearing or overshadowing impacts created which would be detrimental to the amenities of the neighbouring occupiers. The proposed detached garages associated with the dwellings are to be located on the south boundary of each plot. The garages are to be of single aspect and they would not have an adverse impact upon the occupiers of neighbouring properties.
19. The proposed development is considered acceptable and would not have an adverse impact on the residential amenities of existing and prospective occupiers of neighbouring properties and the proposed dwellings. The proposal does not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan.
20. Given the proximity of existing dwellings in relation to the proposed dwellings a condition is recommended removing permitted development rights so that the local planning authority can control future development in order to safeguard residential amenities.

highway issues

21. Each property would have a single detached garage and sufficient driveway area for at least two other vehicles. It is considered that adequate amounts of off street parking would be provided within the curtilage of each property.
22. Durham County Council Highways Authority have been consulted on the proposed development. The highways officer originally objected to the proposal as the application did not provide details of the access from the application site to the adopted highway. The red line boundary has been amended to include the access which is from the lane directly to the south of the site. The agent has also indicated that the access is within the client's ownership and that the intentions are to upgrade the standard of the access. A condition is recommended to ensure the access is upgraded to an acceptable standard prior to the commencement of any development.
23. It is considered that the proposed means of access and the parking provision are acceptable and the development would not have a detrimental impact on the safety of highway and pedestrian users. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

objections/observations

24. The occupiers of surrounding properties have been notified in writing and a site notice has been posted. Four letters of objection have been received. The contents of these letters are summarised below:
- a) The description of the application reads that the development is to the rear of No.1 North Road. This is incorrect, it is actually to the rear of No. 1 – 2 Moordale and No. 6 West Dale View.
 - b) The outline permission was for one dwelling.
 - c) The block plans for the neighbouring properties are incorrect.
 - d) A three storey house is out of character with the area.
 - e) The houses are too close to existing properties.
 - f) The access road cannot cope with additional traffic.
 - g) Loss of view.
 - h) Separation distances not acceptable.
 - i) Overdevelopment of the site.

response to objections

25. The following points are made in response to the issues raised by the objectors:
- a) It is accepted that the development and the proposed properties are to the rear of No. 2 Moordale and No. 6 West Dale View.
 - b) There were no details submitted with the previous outline application. This application is a detailed application and the development has to be considered on its own merits.
 - c) Agreed. A site visit was undertaken and it was recognised that the block plans were not up to date. This issue is explained in the officer analysis.
 - d) The proposals are not for three storey properties. The development is for two and half storey properties, which indicates that the houses have rooms in the roof space. It is not considered that the buildings would be out of character with the area, given that there is a mixture of building types in the near vicinity.
 - e) The scheme has been amended and the proposed properties are further away from neighbouring buildings. The development achieves adequate separation distances.
 - f) The access road is to be upgraded.
 - g) Not a material planning consideration.
 - h) The scheme has been amended. The development would achieve acceptable separation distances.
 - i) The proposal is not considered overdevelopment.

conclusion and reasons for approval

1. Outline planning permission for residential development (3/2005/0086) was granted in 2005. The application site lies within the settlement limits of development for Tow Law as identified by the Proposal Maps of the Wear Valley District Local Plan. Whilst it appears that the application site is greenfield land, consideration has to be given to the valid outline planning permission on the site and that the site is within the settlement limits of Tow Law. It is considered that the principle of development is acceptable and the development would be in accordance with policy H3 of the Wear Valley District Local Plan.
2. The surrounding area of the application site shows a mixture of different house types. Along the A68 there is a range of buildings constructed from stonework, brickwork and render. It is considered that the scale and height of the proposed properties would not appear out of keeping with the area, given the various different house types in the locality. The design and appearance of the proposed dwellings would not have a detrimental impact on the amenity of the surrounding area and would not detract from the visual appearance of the street scene. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan.
3. The proposed development has been amended in order to achieve adequate levels of residential amenity for the occupiers of neighbouring properties. The separation distances between the proposed dwellings and the neighbouring properties meet the required distance stated in policy H24 of the Wear Valley District Local Plan. Whilst the separation distance between the proposed dwellings is slightly less than the required 21 metres, it is deemed acceptable to relax the distance in this instance as it would be for two new properties and would not result in the loss of privacy to existing occupiers. A sufficient amount of private and useable garden amenity space would be provided within the curtilage of the properties. Due to the proposed dwellings being set to the north of the neighbouring properties, the proposed buildings would not create any overbearing or overshadowing impacts. The proposed development would not have an adverse impact on the residential amenities of existing and prospective occupiers of neighbouring properties and the proposed dwellings. The proposal does not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan.
4. Adequate amounts of off street parking would be provided within the curtilage of each property. Amended details have been submitted showing the access to the south linking with the A68 adopted highway. This access is in the applicant's ownership and it has been indicated that the applicant is willing to upgrade the condition of the access. It is considered that the proposed means of access and the parking provision are acceptable and the development would not have a detrimental impact on the safety of highway and pedestrian users. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

RECOMMENDED

That planning permission be **GRANTED** subject to the following 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 buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
3. No development shall commence until the exact location of the proposed buildings have 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.
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 buildings hereby approved are occupied.
5. Before the development hereby approved is commenced the existing vehicular access to the site shall be improved in accordance with plans which shall have been first submitted to and approved in writing by the local planning authority.
6. Notwithstanding the provisions of Article 3 and Classes A, B, C, E of Part 1 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.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be formed in the north and south elevations of the buildings hereby approved.

8. Notwithstanding any other details shown on the plans hereby approved, the windows and any other glazing to be inserted in the north and south elevation of the dwellings shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass of factor 3 or above. The windows shall thereafter be retained as such.

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. For the avoidance of doubt. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
4. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
5. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
6. Given the close distance of the proposed dwellings to neighbouring properties, the local planning authority wishes to control future development on the site in order to safeguard residential amenities. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
7. To safeguard the amenities of the occupiers of adjoining properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
8. To safeguard the amenities of the occupiers of adjoining properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

background information

Application files, WVDLP.

PS code	6				
number of days to Committee	104	target achieved	No		
explanation					
Seeking amendments to the proposed scheme and awaiting additional plans.					

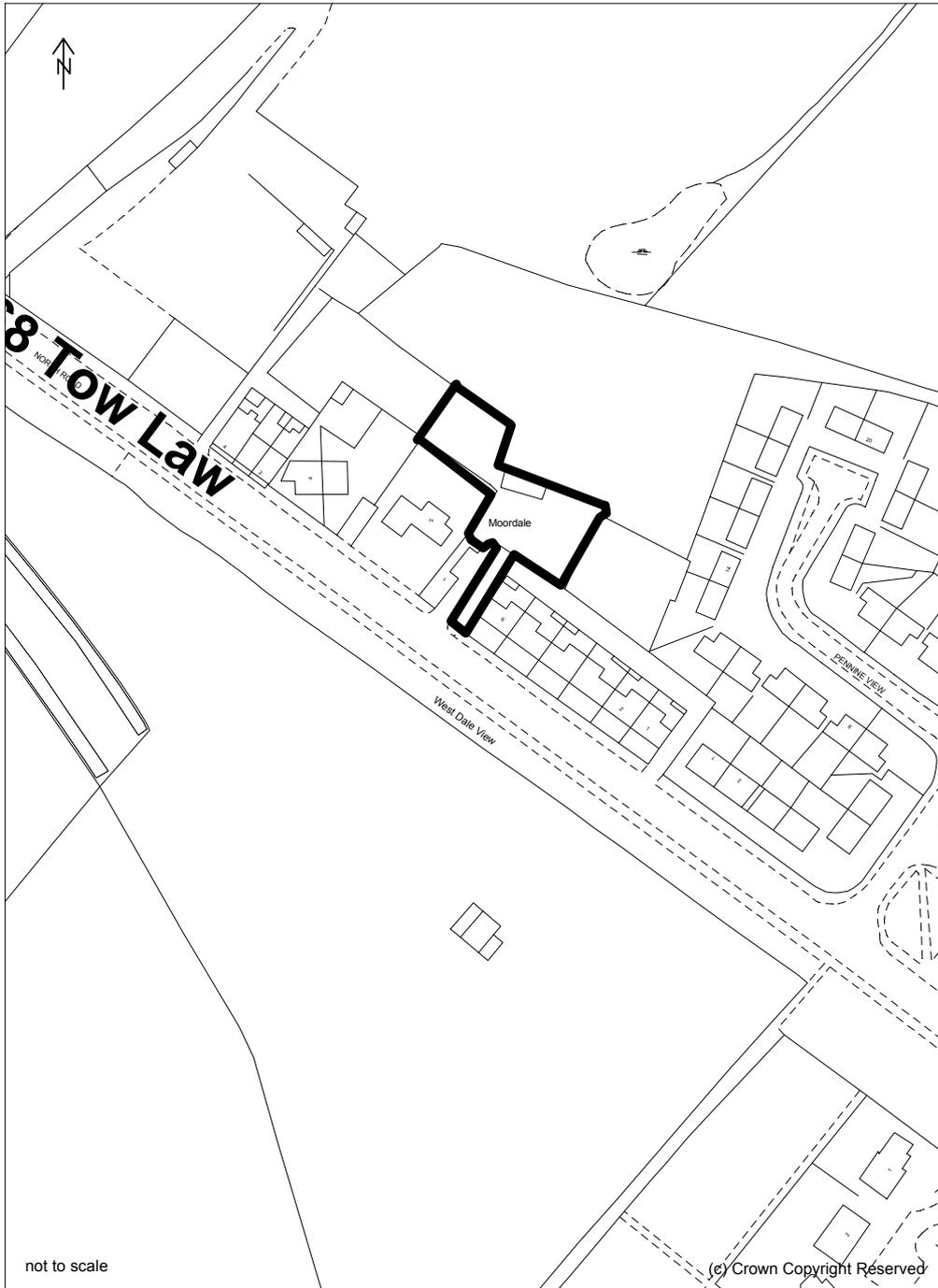
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Chris Baxter
 Planning Officer
 Ext 441

3/2007/0239 - 2 NO. DETACHED DWELLINGS AT PLOT 1 AND 2 REAR OF 1 NORTH ROAD, TOW LAW, BISHOP AUCKLAND FOR MR. GAINES - 21.03.2007 - AMENDED 22.05.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0040/LB - CONVERSION OF BEDFORD LODGE TO CREATE 4 NO. APARTMENTS AT FORMER B B H WINDINGS LTD, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR MANDALE COMMERCIAL LIMITED - 16.01.2007. AMENDED 26.04.2007

description of site and proposals

1. Listed Building Consent is requested for the conversion of Bedford Lodge, a Grade II Listed Building, situated within the former BBH Windings site to the east of South Church Road in Bishop Auckland. The proposal is for the building to be converted into four residential units. There are no extensions proposed with the conversion. The Lodge was surrounded by industrial buildings and used to be utilised as office accommodation. The industrial buildings have recently been demolished. The site is bounded to the south by an existing railway line, to the west by South Church Road, to the east by the River Gaunless and a cemetery, and to the north by Salisbury Place, a street of established residential properties.
2. Bedford Lodge is currently in a derelict state which has been subject to vandalism and several fires. This Listed Building Consent application is part of a larger development, proposed in planning application 3/2007/0277, which would incorporate a mixture of town houses and apartment blocks. The town houses would include three bedrooms with rooms in the roof space. The apartment blocks would be of a two and half storey design and would be positioned along the south and west boundaries of the site. This application is reported at Item 7 on the agenda.

planning history

3. The BBH Windings site, which includes Bedford Lodge, has been the subject of a Planning Inquiry following refusal of planning permission to use the site for retail purposes (Class A1) (ref: 3/2002/0413). The Planning Inspector dismissed the appeal. Other than the interest in the site for retail purposes, there is no planning history considered relevant to the consideration of this application, apart from the following:

- 3/1990/0094 Change of Use from Dwelling to Office Approved 09.04.1990

- 3/2004/0601 Outline Application for Residential Purposes Approved 17.09.2004
- 3/2007/0013 Reserved Matters Application for 98 Residential Units Withdrawn 27.03.2007
- 3/2007/0277 Reserved Matters Application for 88 Dwellings Pending

planning policies

4. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
- BE3 Listed Buildings : Change of Use, Alterations
 - BE4 Setting of a Listed Building
 - ENV13 Protection of Species and their Habitats
 - GD1 General Development Criteria
 - H24 Residential Design Criteria
 - T1 Highways -General Policy

Also relevant are County Local Transport Plan 2 and PPG15 "Planning and the Historic Environment".

consultations

5. WVDC (Public Protection): No comments relating to the Listed Building.
6. WVDC (Housing): No objections.
7. Durham County Council (Highways Authority): No objections.
8. Durham County Council (Design/Conservation): Requests that natural materials be used on the elevations.
9. Durham County Council (Public Rights of Way): No objections.
10. Durham County Council (Archaeologist): Full report on file. Response is summarised below;
11. The Archaeology Officer supports the conclusions reached in the assessment report (Section 6 of appendix 4 of the Planning, Design and Access Statement). It is requested that the developer undertake trial trench evaluation works and the following condition is recommended:

Condition

No site works shall be undertaken until the implementation of an appropriate programme of building recording/analysis has been agreed in writing with the local planning authority, in accordance with a written scheme of investigation.

Reason:

Bedford Lodge is of architectural/historical significance and the specified works are required to record features of interest, inform works and mitigate impact.

12. Network Rail: No objections.
13. Ancient Monument Society: No response.
14. Company for British Architecture: No response.
15. Georgian Group: The Georgian Group wish to strongly urge that in order to protect the setting and architectural significance of Bedford Lodge, the proposed housing development requires amendment. The proposed properties either side of Bedford Lodge should be removed. The proposed roof lights in Bedford Lodge should be removed. The reduction in the height of the apartment blocks should also be achieved.
16. Society for Protected Ancient Buildings: No response.
17. Victorian Society: No response.
18. Twentieth Century Society: No response.
19. English Heritage: Full report on file. Response summarised below:

Insufficient information has been submitted to provide a full understanding of the proposal and its impact on the significance of the site. A full set of clearly annotated drawings should be sought in order to reveal the precise nature and extent of the proposed works.
20. Weardale Railways Ltd: No response.
21. Northumbrian Water: No response.
22. Environment Agency: No response.
23. Architectural Liaison Officer Police: No response.
24. Chamber of Trade: No response.
25. Bishop Auckland Town Manager: No response.

officer analysis

26. The key issues for consideration are:
 - Principle of Development
 - Residential Amenity
 - Listed Building – Impact Upon Design, Appearance and Setting

- Impact Upon Protected Species
- Parking provision

principle of development

27. This Listed Building Consent application is accompanied by an application for reserved matters approval 3/2007/0277 for the residential development of the BBH Windings site which holds Bedford Lodge. The residential development in application 3/2007/0277 is considered acceptable in principle as outline planning permission has been granted previously and the application site falls within the settlement limits to development for Bishop Auckland as allocated on the Proposal Maps of the Wear Valley District Local Plan. The proposed conversion of the Listed Building is considered acceptable in principle as it would be part of the residential development for the BBH Windings site. The proposal also brings a redundant building back into use. The proposal accords with policy H3 of the Wear Valley District Local Plan.

residential amenity

28. The proposed outlook from the listed building would be windows to habitable rooms facing the front (north) and rear (south) of the building. The separation distances between the existing neighbouring properties to the north and the proposed dwellings to the south would be over 21 metres. This separation is sufficient to provide adequate levels of privacy for residential occupiers. Sufficient garden amenity area would be provided to the rear of the Listed Building for the enjoyment of all residents of Bedford Lodge.
29. The proposed development would not have an adverse impact on the residential amenities of the occupiers of existing neighbouring properties and the prospective occupiers of the proposed dwellings would have a satisfactory standard of residential amenity. The proposed development accords with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

listed building – impact upon design, appearance and setting

30. It is noted that Bedford Lodge, a Grade II Listed building, is situated amongst the proposed residential development of the BBH Windings site. It is important that the setting of the listed building and the special historical character of Bedford Lodge are not adversely affected by the proposed residential development. While it is acknowledged that Bedford Lodge is currently in a dilapidated state, it has to be recognised that the Lodge is a listed building and any development surrounding it would have to be sensitively positioned not to impact on the setting of the listed building.
31. English Heritage have commented, stating that it is not possible to judge the full impact of the conversion of Bedford Lodge as no existing plans or elevations have been submitted. The agent for the application has indicated that a full survey of the Listed Building was not obtainable at the time of submitting the application due to the safety aspects involved with the building. As previously stated, the Lodge has been a victim of several fires and the structural safeness of the building is not secure. The agent has agreed to a condition requiring a full set of clearly annotated drawings to be provided by a

qualified surveyor prior to any works on the site. The Georgian Group have also raised concerns regarding the velux windows proposed in the roof along with the position of the proposed properties being close to the Listed Building.

32. It has to be recognised that Bedford Lodge has been in a dilapidated state for a number of years. The Lodge has been subject to several fires and there is no roof with very few internal features remaining. The building has been left to fall into disrepair. The development of the BBH Windings site is seen as an excellent opportunity to revitalise and renovate the Grade II Listed Building. The developers of the BBH Windings site have agreed to retain, restore and renovate the Listed Building in order to bring the structure back into use. The proposal is to restore the external appearance to its original appearance by utilising the existing openings. There are no extensions proposed for the Listed Building.
33. Amended plans have been received which show the removal of the velux windows from the roof and the relocation of the proposed new properties either side of the Lodge to be sited further away from the Listed Building. It is noted that Bedford Lodge was set against the industrial buildings with units built right up against the Lodge. The removal of these industrial buildings provide a much enhanced setting to the Listed Building. Given the existing redundant state of the Listed Building it is considered that the proposal would significantly add to the visual appearance of Bedford Lodge.
34. It is considered that the proposed conversion of the dilapidated Bedford Lodge, a Grade II Listed Building, would not compromise the setting and appearance of the Listed Building. The proposal accords with the aims of policies GD1, BE3 and BE4 of the Wear Valley District Local Plan and PPG15.

impact upon protected species

35. Durham Bat Group have commented on the application stating that Bedford Lodge has the potential to house bat roosts and also the potential to house roosts in the industrial buildings. The industrial buildings have been demolished from the site. An ecology report has been provided which examines the impact on bats and it concludes that there is a low risk of bats within the building with a medium risk of bats in the trees. A methodology statement is proposed for dealing with the presence of bats during building works. A condition is recommended for the methodology statement to be adhered too. It is considered that the proposal would not be contrary to policy ENV13 of the Wear Valley District Local Plan.

parking provision

36. The Durham County Council Highways Officer has raised no objections to the proposed means of access or the parking provision for the proposed conversion development. The proposed plans indicate that 1.5 parking spaces for each residential unit would be provided on the site, which accords with current standards set out in the County Local Transport Plan 2 (LTP2). It is considered that the proposed development would not have a detrimental impact on the safety of motorists and pedestrians and would provide sufficient

off street parking. The proposal is acceptable and accords with policies GD1 and T1 of the Wear Valley District Local Plan and the County Local Transport Plan 2 (LTP2).

objections/observations

37. The application has been advertised on site, in the local press and neighbouring properties have been notified individually. One letter of objection has been received with the contents of the letter summarized below:
- a) Loss of light to neighbouring properties.
 - b) Loss of privacy to neighbouring properties.

response to objections

38. The following comments are in response to the issues raised by the objector:
- a) The proposal in this application is for the conversion of the existing Listed Building which would not involve any new extensions. The conversion of Bedford Lodge would not result in the loss of light to neighbouring properties.
 - b) The conversion of Bedford Lodge accords with the separation distances set out in policy H24 of the WVDLP. Therefore there would be no loss of privacy to neighbouring properties.

conclusion and reasons for approval

1. The Listed Building Consent application is for a conversion of an existing building which is currently in a dilapidated state. The proposed conversion of the Listed Building is part of a larger application for the residential development of the BBH Windings site. The application site falls within the settlement limits to development for Bishop Auckland as allocated on the Proposal Maps of the Wear Valley District Local Plan. The principle of development is supported by policy H3 of the Wear Valley District Local Plan.
2. The proposed conversion of Bedford Lodge provides adequate separation distance between existing and proposed neighbouring properties to ensure adequate levels of privacy. There is sufficient garden amenity space provided within the curtilage of the site for the enjoyment of the occupiers. The proposed development would not have an adverse impact on the residential amenities of the occupiers of existing neighbouring properties and the prospective occupiers of the proposed dwellings would have a satisfactory standard of residential amenity. The proposed development accords with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

3. Bedford Lodge is a Grade II Listed Building and it is important that the setting of the listed building and the special historical character of Bedford Lodge are not adversely affected by the proposed residential conversion. Bedford Lodge has been in a dilapidated state for a number of years and has been a victim of several fires which has left the building gutted with no roof. The residential development of the BBH Windings site has given an excellent opportunity to revitalise and bring back into use Bedford Lodge. The appearance and setting of the Lodge would be significantly improved. Previously industrial buildings were built up against the Lodge. It is considered that the proposed conversion of the dilapidated Bedford Lodge, a Grade II Listed Building, would not compromise the setting and appearance of the Listed Building. The proposal accords with the aims of policies GD1, BE3 and BE4 of the Wear Valley District Local Plan, and PPG15.
4. An ecology report has been provided which examines the impact on bats and it concludes that there is a low risk of bats within the building with a medium risk of bats in the trees. A methodology statement is proposed for dealing with the presence of bats during building works. A condition is recommended for the methodology statement to be adhered to. It is considered that the proposal would not be contrary to policy ENV13 of the Wear Valley District Local Plan.
5. The proposed plans indicate that 1.5 parking spaces for each residential unit would be provided on the site, which accords with current standards set out in the County Local Transport Plan 2 (LTP2). It is considered that the proposed development would not have a detrimental impact on the safety of motorists and pedestrians and would provide sufficient off street parking. The proposal is acceptable and accords with policies GD1 and T1 of the Wear Valley District Local Plan and the County Local Transport Plan 2 (LTP2).

RECOMMENDED

That Listed Building Consent be **GRANTED** subject to the following conditions and reasons;

conditions

1. Before the commencement of building or construction works on Bedford Lodge, a full set of clearly annotated drawings detailing existing and proposed floor plans, sections, elevations, details of replacement features and all interventions into original building fabric including a supporting schedule of work, shall be provided by a suitably qualified surveyor and shall be submitted to and agreed in writing by the local planning authority.
2. No site works shall be undertaken until the implementation of an appropriate programme of building recording/analysis has been agreed in writing with the local planning authority, in accordance with a written scheme of investigation.

3. No development shall take place on Bedford Lodge unless in accordance with the method statement detailed in Appendix 1 and 2 of the 'An Extended Phase 21 and Protected Species Survey of The Former BBH Windings, Bishop Auckland' - E3 Ecology Ltd.

reasons

1. To ensure a satisfactory development. In accordance with policies GD1, BE3 and BE4 of the Wear Valley District Local Plan.
2. Bedford Lodge is of architectural/historical significance and the specified works are required to record features of interest, inform works and mitigate impact. In accordance with policies GD1, BE3 and BE4 of the Wear Valley District Local Plan.
3. To conserve protected species and their habitat. In accordance with policy ENV13 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, PPG15, Local Transport Plan 2.

PS code

15

number of days to Committee

166

target achieved

No

explanation

Significant amendments to the Listed Building Consent application and the accompanied reserved matters application 3/2007/0277 for the residential development of the BBH Windings site.

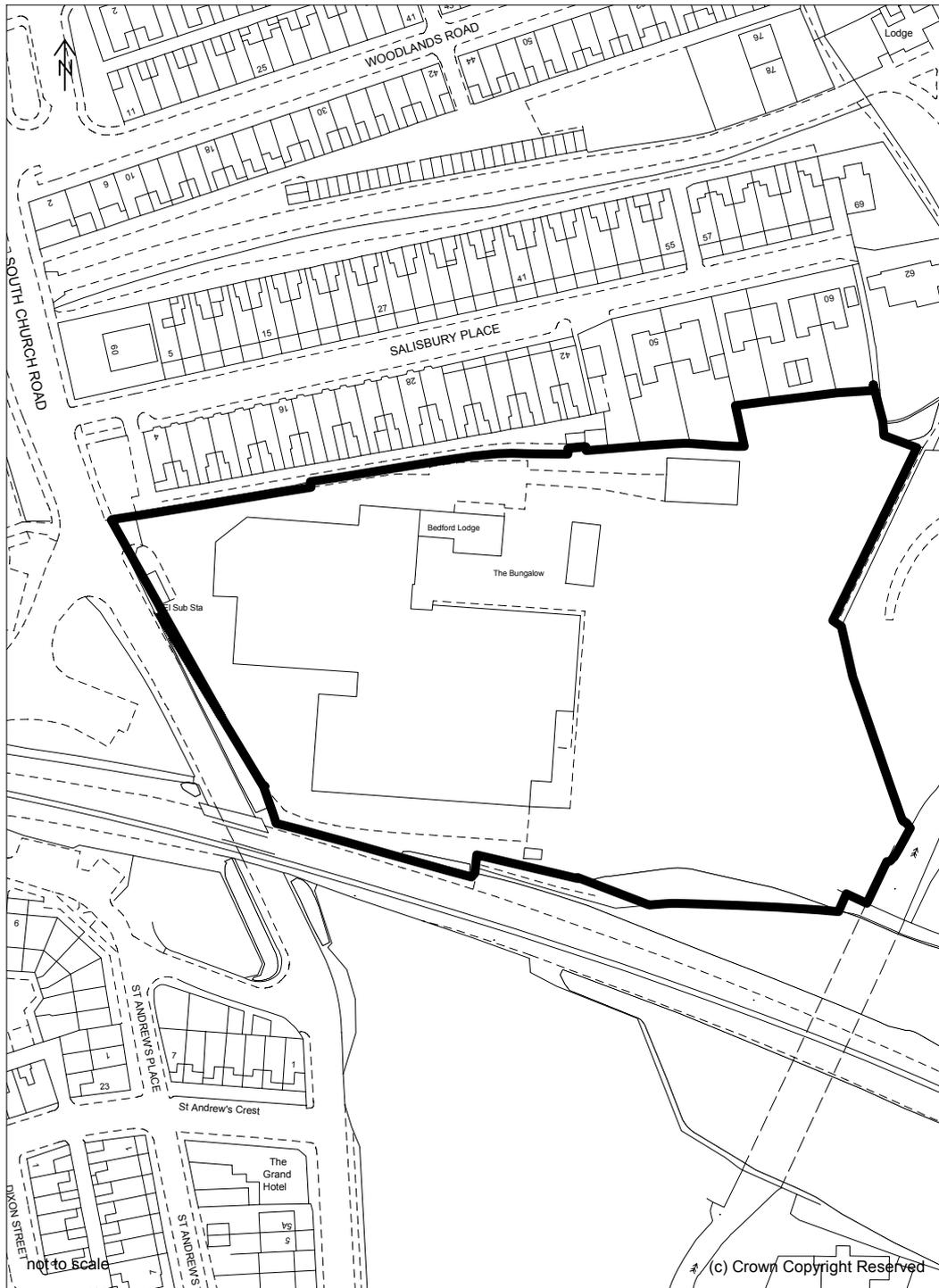
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Planning Officer
Ext 441

3/2007/0040/LB - CONVERSION OF BEDFORD LODGE TO CREATE 4 NO. APARTMENTS AT FORMER B B H WINDINGS LTD, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR MANDALE COMMERCIAL LIMITED -16.01.2007. AMENDED 26.04.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd July 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0277- DEMOLITION OF FACTORY UNITS AND ERECTION OF NEW BUILD 2.5 STOREY TOWN HOUSES, 2.5 STOREY 2 BED APARTMENTS AND CONVERSION OF BEDFORD LODGE TO CREATE 88 DWELLINGS. (RESUBMISSION) AT FORMER B B H WINDINGS LTD, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR MANDALE COMMERCIAL LTD – 05.04.2007 – AMENDED 26.04.2007

description of site and proposals

1. This application seeks reserved matters approval (siting, design, external appearance and landscaping) to outline permission 3/2004/0601 for residential development on the former BBH Windings site to the east of South Church Road in Bishop Auckland. The site is bounded to the south by an existing railway line, to the west by South Church Road, to the east by the River Gaunless and a cemetery, and to the north by Salisbury Place, a street of established residential properties.
2. The proposed development would incorporate a mixture of town houses and apartment blocks. The town houses would include three bedrooms with rooms in the roof space. The apartment blocks would be of a two and half storey design and would be positioned along the south and west boundaries of the site.
3. In addition to the above the site contains Bedford Lodge, a Grade II Listed Building. Bedford Lodge is currently in a derelict state which has been subject to vandalism and several fires. Planning permission is sought for Bedford Lodge to be restored and converted into apartments. A listed building consent application (Ref: 3/2007/0040) has also been submitted and the listed building consent application is to be considered in conjunction with this planning application (Agenda Item 6).
4. In terms of its relationship with the Wear Valley District Local Plan, the application site is situated within the defined settlement limits of Bishop Auckland. The majority of the site has no allocation but was last used for industrial purposes. A small part of the south east corner of the site forms part of the Open Spaces within the Built-up areas allocation (Policy BE14). The majority of the application site is previously-developed land.

5. This application is a resubmission of planning application ref: 3/2007/0013, which was withdrawn in order to reassess the means of access and provide an acceptable entrance to the site, and to clarify the ownership of a strip of land to the west of the site.

planning history

6. The application site has been the subject of a Planning Inquiry following refusal of planning permission to use the site for retail purposes (Class A1) (ref: 3/2002/0413). The Planning Inspector dismissed the appeal. Other than the interest in the site for retail purposes, there is no planning history considered relevant to the consideration of this application, apart from the following:

- 3/2004/0601 Outline Application for Residential Purposes Approved 17.09.2004
- 3/2007/0013 Reserved Matters Application for 98 Residential Units Withdrawn 27.03.2007

planning policies

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

- BE14 Open Spaces within Built-up Areas
- BE3 Listed Buildings : Change of Use, Alterations
- BE4 Setting of a Listed Building
- FPG1 Highway Design Standards for New Development
- GD1 General Development Criteria
- H14 Range of Housing Types
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways - General Policy
- FPG1 Highway Standards for New Development

Also relevant are County Local Transport Plan 2 and PPG15 "Planning and the Historic Environment".

consultations

8. WVDC (Public Protection): The following comments have been received: There is potential for noise to occur from both the demolition and construction phases of the development. To minimise noise disturbance it is recommended that no work be commenced on the site before 08:00 am. A considerable quantity of waste is likely to occur from the demolition of the redundant factory buildings and this may necessitate the use of crushing or screening plant on the site. If such plant is to be used on the site then a Local Authority Pollution Control Permit must be issued to cover the operation of the plant. The applicant should be advised that this Section should be notified of the intention to use such plant. There is a need to ensure dust control measures are in place and available. Measures required include the use of water

browsers and road-sweepers on access roads to and within the site. All waste material generated must be disposed off in a correct and proper manner and no burning permitted on the site.

9. WVDC (Housing): No objections.
10. Durham County Council (Highways Authority): The Highways Officer has commented that the internal layout of the development is generally acceptable subject to a number of minor amendments. These amendments include the turning head leading towards plots 5-6 drawn incorrectly. A condition is therefore recommended that no works should commence until a full engineering layout has been submitted and approved.
11. The Highways Officer has also commented on the junction improvements to the access. The visibility splay improvements shown on Capitas drawing 700-140307 are essential for site traffic as well as the final occupiers of the development. Any approval must be conditional on the access improvements shown on Capitas drawing 700-140307.
12. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out.
13. Durham County Council (Design/Conservation): The Design and Conservation Officer commented on the previous application 3/2007/0013 that the proposal is generally acceptable, although the rear elevations of the larger blocks are very bland and repetitive.
14. Durham County Council (Public Rights of Way): Public footpath 37, Bishop Auckland, runs through part of the eastern section of the site. The plans indicate that footpath 37 will remain unaffected by any development however the developers should be made aware of the following obligations:
 - No building materials must be stored on the right of way.
 - Vehicle movements must be arranged so as to not interfere with the public's use of the way.
 - The safety of the members of the public using the right of way must be ensured at all times.
 - No additional barriers are to be placed across the right of way.
 - There must be no reduction in the width of the right of way available for use by members of the public.
 - No damage or alteration must be caused to the surface of the right of way.
15. Durham County Council (Archaeologist): No response.

16. Network Rail: Full report on file. No objection in principle however due to the close proximity to the operational railway, conditions are required.
17. English Heritage: No objections to the residential development however further information is required for the works to the listed building.
18. Weardale Railways Ltd: No comments.
19. Northumbrian Water: The following conditions should be imposed:
 1. The disposal of and connection points of foul and surface water must be agreed with Northumbrian Water.
 2. Prior to the commencement of the development, details of how foul water from the site will be discharged and treated, including any upgrades to the existing sewerage system and/or sewerage treatment works that may be required, shall be agreed with Northumbrian Water.
 3. All connections to public sewers must be carried out by Northumbrian Water.
 4. New discharges of foul and surface water must be on separate systems.
 5. Surface water must be prevented from entering combined or surface water sewers. Alternative means of discharge must be investigated.
20. Environment Agency: Originally objected to the proposed development as no Flood Risk Assessment was provided with the application. A Flood Risk Assessment has been subsequently submitted to the Environment Agency. The Environment Agency have since withdrawn their objection subject to the imposition of the following condition:
21. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works have been approved by the local planning authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to the system unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
22. Police Architectural Liaison Officer: No observations to make.
23. Bishop Auckland Town Manager: No comments.
24. Bishop Auckland Chamber of Trade: No comments.
25. The Georgian Group: No comments have been made on this application however the following response was made to the previous application 3/2007/0013.

26. The Georgian Group wish to strongly urge that in order to protect the setting and architectural significance of Bedford Lodge, the proposed housing development requires amendment. The proposed properties either side of Bedford Lodge should be removed. The proposed roof lights in Bedford Lodge should be removed. The reduction in the height of the apartment blocks should also be achieved.
27. Durham Bat Group: The factory buildings may house Common Pipistrelle roosts and Bedford Lodge has the potential to house a range of bat species. A recent and relevant bat survey should be produced before a decision on this application is made.
28. Durham County Council (Arboricultural Officer): The County Arboricultural Officer has responded and made comment on the Arboricultural Survey submitted with the application with regard to the three TPO trees on the north boundary.

Tree 1 - Broad Leaved Lime

29. A specimen over mature tree of good shape with well balanced crown. There is evidence of dead wood within the crown, the root plate has been damaged.
30. Recommendation is to retain the TPO tree and to prune to clean out and open crown.

Tree 2 - Common Ash

31. A specimen over mature tree of good shape with well balanced crown. There is evidence of dead wood within the crown, the root plate has been damaged.
32. Recommendation is to retain the TPO tree and to prune to clean out and open crown.

Tree 3 - Common Ash

33. A large tree with heavy scaffolding limb towards the proposed development.

Recommendations:

1. Retain TPO tree.
2. Prune to reduce weight of limb to the west of 50% or remove off by the main bole.
3. Reduce height by 20%.
4. Reduce weight of limb to south by 50%.
5. Reduce weight of limb to east by one third.
6. Dead wood remainder of crown.

officer analysis

34. The key issues for consideration are:

- Principle of Development
- Design and Visual Impact
- Layout
- Access and Parking Provision
- Residential Amenity
- Listed Building
- Protected Open space
- Density
- Impact upon Protected Species

principle of development

35. The application site falls within the settlement limits to development for Bishop Auckland as allocated on the Proposal Maps of the Wear Valley District Local Plan. As this is a reserved matters application the principle of development has been established on this site through outline planning permission 3/2004/0601. The principle of development is supported by policy H3 of the Wear Valley District Local Plan. In any event, the site being predominantly brownfield located within the 'urban area' of Bishop Auckland satisfies the sequential search as agreed by Members at the Regeneration Committee on 2nd April 2007.

design and visual impact

36. The proposed apartment blocks are to be positioned along the west and south boundaries of the site. The architect has submitted a section of the proposed site to indicate the levels of the site in relation to neighbouring properties. The proposed two and half storey apartments would measure an overall height of approximately 11.2 metres. Three storey apartment blocks were proposed in the previous application 3/2007/0013, and these were considered unacceptable as they would have appeared dominant and out of keeping with the surrounding area. The three storey apartment blocks have been omitted and are not proposed in the scheme in this application. The residential properties in the area are mainly of a two storey design. The scale and height of the proposed buildings are more relative to the surrounding properties than the development in the previous application 3/2007/0013. The height and bulk of the proposed apartments would not appear obtrusive to the existing buildings in the near vicinity. Although the apartment blocks would be highly visible from the surrounding area, it is considered that the height of the apartments would not create overbearing and overshadowing impacts within the street scene of the surrounding area.

37. Durham County Council Design and Conservation had commented on the previous application 3/2007/0013 that the rear elevations of the apartment blocks were bland and repetitive. The rear elevations of the proposed apartment blocks have been altered to create steps in the elevation. The apartment blocks are visually more attractive than the apartments previously

proposed in application 3/2007/0013. The rear elevations of the apartment blocks on the west boundary would be prominent and highly visible from the street scene. It is acknowledged that the proposed apartment blocks on the west boundary would be slightly higher than the existing neighbouring dwellings however it is considered that the apartments would not have an adverse impact on the appearance of the streetscene.

38. The design of the proposed housing is typical of those found on new residential estates. The proposed houses are of two storey design and would be in keeping with the surrounding neighbouring properties. The design and appearance of the proposed houses are considered to be acceptable.
39. Given the above, it considered that the proposed development in terms of design and visual impact would not have an adverse impact on the visual amenity of the surrounding streetscene. The proposal accords with policy GD1 of the Wear Valley District Local Plan.

layout

40. Durham County Council Highways Officer commented that the original plans for the internal layout did not conform to the Durham County Council publication 'Guide to the Layout and Construction of Estate Roads'. The architect has had meetings with the Highways Officer in order to agree an acceptable layout. The architect has produced amended plans showing an alternative site layout. The Highways Officer has commented that the amended site layout is acceptable subject to a slight alteration to the turning head at plots 5-6, and he has recommended a condition for full engineering details to be submitted to and agreed in writing by the local planning authority before works commence. A condition is recommended accordingly. The internal layout of the proposed development is considered acceptable and would provide sufficient levels of highway safety. The proposed development is in accordance with policies GD1 and T1 and FPG1 of the Wear Valley District Local Plan.

access and parking provision

41. In the previous application 3/2007/0013, the access to the site was considered unacceptable as it did not provide adequate visibility splays. Whilst it was considered that an acceptable access could have been developed, this would have involved land which was not included within the red line boundary of application 3/2007/0013.
42. Discussions have taken place between planning officers, the highways officer and the architect in order to provide an acceptable access. This application provides a detailed plan showing an access to the site with adequate visibility splays including land which is within the red line boundary. The plan showing improvements to the access also incorporates a protected right turn on South Church Road at the entrance into the site and a footpath link to the footway adjacent to the railway on the west side of the highway. The Highways Officer has emphasised the importance of the visibility splays shown on Capita Symonds drawing No. 700-140307. A condition is recommended for the

access to be constructed in accordance with Capita Symonds drawing prior to works commencing on site.

43. The proposed plans indicate that approximately 1.5 parking spaces for each residential unit would be provided on the site, which accords with current standards set out in the County Local Transport Plan 2 (LTP2).
44. The Durham County Council Highways Officer has raised no objections to the proposed means of access or the parking provision for the residential units. It is considered that the proposed development would not have a detrimental impact on the safety of motorists and pedestrians and would provide sufficient off street parking. The proposal is acceptable and accords with policies GD1 and T1 of the Wear Valley District Local Plan and the County Local Transport Plan 2 (LTP2).

residential amenity

45. There are existing properties to the north of the proposed development. The layout has been designed to respect the privacy and outlook of existing and future occupiers. The minimum separation requirements set out in policy H24 of the Wear Valley District Local Plan have been met with regards to neighbouring properties.
46. The internal relationships between the properties have been assessed and are considered to generally accord with the minimum standards set out in policy H24. It is acknowledged that some of the separation distances are slightly less than stated in policy H24 however it is considered acceptable to relax the separation distances in this instance as it would not harm the residential amenities of existing occupiers. Each of the proposed dwellings would have sufficient amounts of private amenity space to the rear and in most cases the garden depths would be in accordance with policy H24 of the Wear Valley District Local Plan. Given the size of the proposed housing and that this is a new residential estate, it is deemed acceptable to relax some of the garden depths within this proposal.
47. The proposed development would not have an adverse impact on the residential amenities of the occupiers of existing neighbouring properties and the prospective occupiers of the proposed dwellings would have 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.

listed building

48. It is noted that Bedford Lodge, a Grade II Listed building, is situated amongst the proposed development. It is important that the setting of the listed building and the special historical character of Bedford Lodge are not adversely affected by the proposed residential development. While it is acknowledged that Bedford Lodge is currently in a dilapidated state, it has to be recognised that the Lodge is a listed building and any development surrounding it would have to be sensitively positioned not to impact on the setting of the listed building. English Heritage have not commented on this application, however they have commented on the listed building consent application stating that it

is not possible to judge the full impact of the conversion of Bedford Lodge as no existing plans or elevations have been submitted. The conversion of Bedford Lodge into four separate apartments is considered acceptable in principle and the details of the conversion will be assessed in the listed building consent application.

49. The Georgian Group have commented that although they have no objections to the development in principle, there are concerns regarding the impact the development would have on Bedford Lodge. In the previous application it was considered that the proposed properties either side of Bedford Lodge would be too close to the listed building. There were also concerns over the bulk and height of the apartment blocks and it was considered that these apartments would not be subservient to the listed building and would dominate the Lodge. Alterations have been made to the proposed scheme from the previous development. The previously proposed three storey apartment blocks have been removed and the proposed houses either side of Bedford Lodge have been resited further away to allow more space around the listed building. It is considered that the proposed housing and apartment blocks are subordinate to Bedford Lodge and would not be overbearing to the listed building.
50. It is recognised that Bedford Lodge is currently in a dilapidated state and has been for a number of years. The Lodge has been set against the industrial buildings with units built right up against the Lodge. The development of this site is an excellent opportunity to revitalise and renovate the Grade II Listed Building. It is considered that the proposed development would not compromise the setting and appearance of Bedford Lodge, a Grade II Listed Building. The proposal is in accordance with the aims of policies GD1, BE3 and BE4 of the Wear Valley District Local Plan, and PPG15.

protected open space

51. It is noted that the south east corner of the application site is allocated as Open Spaces within Built-up Areas. Policy BE14 states that open spaces which contribute to the character and amenity of the area will be protected against development. The proposed scheme would not involve development on any of the land allocated as open space within built-up areas. The proposal is not contrary to policy BE14 of the Wear Valley District Local Plan.

density

52. The previous application 3/2007/0013, which was withdrawn, proposed 98 residential units, which offered a density of 55 units per hectare. This application shows a reduction in the number of residential units to 88, which reduces the density to 49 units per hectare. The proposed density is considered acceptable in this instance given the majority of the units would be provided within apartment blocks.

impact upon protected species

53. Durham Bat Group have commented on the application stating that Bedford Lodge has the potential to house bat roosts and also the potential to house roosts in the industrial buildings. The industrial buildings have been demolished from the site. An ecology report has been provided which examines the impact on bats and it concludes that there is a low risk of bats within the building with a medium risk of bats in the trees. A methodology statement is proposed for dealing with the presence of bats during building works. A condition is recommended for the methodology statement to be adhered to.

objections/observations

54. The application has been advertised on site, in the local press and neighbouring properties have been notified individually. Two letters of objection have been received. The contents of these letters are summarised below:
- a) Request for the tree adjacent to No. 28 Salisbury Place to be removed.
 - b) Loss of privacy to neighbouring properties.
 - c) Loss of light to neighbouring properties.
 - d) Dangerous access.
 - e) Noise disturbance.
 - f) The new houses will attract anti-social behaviour.

response to objections

55. The following points are a response to the objections received:
- a) The tree adjacent to No. 28 Salisbury Place is protected under a Tree Preservation Order. Durham County Council Arboricultural Officer has advised that the tree be retained.
 - b) Given the distance from the proposed properties to existing neighbouring dwellings, it is considered there would be no loss of privacy.
 - c) Given the distance between the proposed and existing properties, it is considered there would be no loss of light to existing dwellings.
 - d) The means of access to the site is to be upgraded. Durham County Council Highways Authority have raised no objections to the proposed access.
 - e) It is considered that the proposed development would not create noise disturbance which would have an adverse impact on the residential amenities of neighbouring properties.
 - f) The Police Architectural Liaison Officer has been consulted and no objections have been made.

conclusion and reasons for approval

1. The application site falls within the settlement limits to development for Bishop Auckland as allocated on the Proposal Maps of the Wear Valley District Local Plan. As this is a reserved matters application the principle of development has been established on this site through outline planning permission 3/2004/0601. The principle of development is supported by policy H3 of the Wear Valley District Local Plan.
2. The scale and height of the proposed buildings are more relative to the surrounding properties than the development in the previous application 3/2007/0013. Although the apartment blocks would be highly visible from the surrounding area, it is considered that the height of the apartments would not be intrusive to the surrounding area and would not create overbearing and overshadowing impacts within the streetscene. The design of the proposed housing is typical of those found on new residential estates and they would not be out of keeping with the scale and height of the surrounding neighbouring properties. The proposal would not have a detrimental effect on the appearance of adjacent properties and would not have an adverse impact on the visual amenity of the surrounding streetscene. The proposal accords with policy GD1 of the Wear Valley District Local Plan.
3. The Highways Officer had commented that the internal layout of the proposed development did not conform to the Durham County Council publication 'Guide to the Layout and Construction of Estate Roads'. The architect has produced amended plans showing an alternative site layout. The Durham County Council Highways Officer has confirmed that the internal layout of the proposed development is now acceptable, and in accordance with policies GD1 and T1 and FPG1 of the Wear Valley District Local Plan.
4. The proposed means of access to the site is considered acceptable as it would provide adequate visibility splays, a protected right turn into the site and a footpath link to the opposite side of the highway. Adequate amounts of off street parking would be provided for the residential units of the development. Durham County Council Highways have not objected to the access and parking provision. The proposal would not have a detrimental impact on the safety of highway users or pedestrians. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan.
5. The existing properties to the north would not be compromised by the development in terms of loss of privacy or overbearing/overshadowing impacts. The internal relationships between the properties are considered to generally accord with the minimum standards set out in policy H24. It is noted that some of the separation distances are slightly less than stated in policy H24 however it is considered acceptable to relax the separation distances in this instance as it would not harm the residential amenities of existing occupiers. Sufficient amounts of private and useable garden amenity space would be provided for each proposed dwelling. The proposed development would not have an adverse impact on the residential amenities of the occupiers of existing neighbouring properties and the prospective occupiers of the proposed dwellings would have 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.

6. Bedford Lodge, a Grade II Listed building, is situated amongst the proposed development. The conversion of Bedford Lodge into four separate apartments is considered acceptable the principle and the details of the conversion will be assessed in the listed building consent application. Significant alterations have been made to the development from the previous application 3/2007/0013. Bedford Lodge is currently in a dilapidated state and the development of this site is seen as an excellent opportunity to revitalise and renovate the Grade II Listed Building and improve its existing setting. It is considered that the proposed development would not compromise the setting and appearance of Bedford Lodge, a Grade II Listed Building. The proposal is in accordance with the aims of policies GD1, BE3 and BE4 of the Wear Valley District Local Plan and PPG15.
7. It is noted that the south east corner of the application site is allocated as Open Spaces within Built-up Areas. Policy BE14 states that open spaces which contribute to the character and amenity of the area will be protected against development. The proposed scheme would not involve development on any of the land allocated as open space within built-up areas. The proposal is not contrary to policy BE14 of the Wear Valley District Local Plan.
8. The proposed residential development provides a housing density of 49 units per hectare which is lower than previously proposed in application 3/2007/0013. The proposed housing density is considered acceptable in this application as the majority of the residential units are to be provided within the apartment blocks.
9. Due to the reduced separation distances and the size of the rear garden areas, it is considered necessary to withdraw permitted development rights so that the local planning authority can control future development in the interests of safeguarding visual and residential amenities.

RECOMMENDED

That reserved matters approval for the siting, design, external appearance and landscaping 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 buildings 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 should be recessed 100 mm from the face of the building;
 - b) details of all windows in the proposed houses shall be submitted to and agreed in writing by the local planning authority before works commence on site.
 - c) All roof lights shall be conservation flush fit style lights.
3. 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.
4. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring dwelling houses 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.
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. All trees on the north boundary, under Tree Preservation Orders, shall be protected for the duration of construction operations by appropriate protective fencing minimum of 1 metre in height. Protection to trees shall be positioned around the crown spread to prevent any access, disturbance or contamination within the rooting zone.
8. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the buildings hereby approved are first occupied.

9. Before the development hereby approved is commenced a management scheme for the trees on the site shall be submitted to and approved in writing by the local planning authority, which scheme shall be prepared by an arboriculturist and shall:
 - (i) give details of the size, spread of crown and general condition of each tree;
 - (ii) specify the proposed measures to be taken for each tree; and
 - (iii) indicate when these measures are to be implemented.

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

10. 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 details shown on Capita Symonds drawing No. 700-140307 Revision: Rev O.
11. Before the development hereby approved is commenced details showing full engineering layout of the internal roads shall be submitted to and approved in writing by the local planning authority.
12. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.
13. At no time whatsoever shall any waste material, goods, merchandise or any article of any description be burnt on the site.
14. No activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. and 6.00 p.m. on any other day.
15. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E and G of Part 1 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.
16. Before the development hereby approved is commenced details of the arrangements for dealing with surface and foul water discharges from the site shall be submitted to and approved in writing by the local planning authority and the works that are subsequently approved shall be implemented before use of the buildings hereby approved commences.

17. Development shall not commence until a scheme to deal with contamination, which shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings and the environment when the site is developed, has been implemented and a verification statement produced by a suitably qualified person has been submitted to the local planning authority.
18. No development shall take place unless in accordance with the method statement detailed within Appendix 1 and 2 of the 'An Extended Phase 1 and Protected Species Survey of the Former BBH Windings, Bishop Auckland' – E3 Ecology Ltd.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
2. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE3 and BE4 of the Wear Valley District Local Plan.
3. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. 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 policy GD1 of the Wear Valley District Local Plan.
5. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
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 ensure that the Tree Preservation Order trees are appropriately protected from damage by the building works. In accordance with policy GD1 of the Wear Valley District Local Plan.
8. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
9. To ensure the continued existence of this attractive area of woodland; in the interests of safeguarding the appearance of the area. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. In the interest of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

11. In the interest of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
12. In the interest of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.
13. In order to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.
14. 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.
15. Due to the size of the housing plots, the local planning authority wishes to control future development on the site in the interests of safeguarding visual and residential amenities. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
16. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policy GD1 of the Wear Valley District Local Plan.
17. To protect the environment and to ensure the remediated site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan.
18. To conserve protected species and their habitat. In accordance with policy ENV13 of the Wear Valley District Local Plan.

INFORMATIVE

1. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0 metres of the nearest railway line, or where the railway is electrified, within 3.0 metres of overhead electrical equipment or supports.
2. Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rails Territory Outside Parties Engineer.
3. If not already in place, the Developer must provide a suitable trespass proof fence (of at least 1.8 in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal. Network Rails' existing fencing/wall must not be removed or damaged. In addition, given the proposed layout of the parking areas, an Armco-type barrier shall be installed to protect the boundary fencing from accidental damage.
4. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail Property.

5. No building materials must be stored on the right of way.
6. Vehicle movements must be arranged so as to not interfere with the public's use of the way.
7. The safety of the members of the public using the right of way must be ensured at all times.
8. No additional barriers are to be placed across the right of way.
9. There must be no reduction in the width of the right of way available for use by members of the public.
10. No damage or alteration must be caused to the surface of the right of way.
11. The developer must enter into an agreement under Section 38 of the Highways Act 1980 in order to ensure the adoption of the proposed new highways.
12. The developer must enter into an agreement under Section 278 of the Highways Act 1980 in allow the required works within the existing highway to be carried out.

background information

Application files, WVDLP, Local Transport Plan 2, PPG15.

PS code	<input style="width: 40px; height: 20px;" type="text" value="1"/>			
number of days to Committee	<input style="width: 40px; height: 20px;" type="text" value="90"/>	target achieved	<input checked="checked" style="width: 40px; height: 20px;" type="checkbox"/>	
explanation				

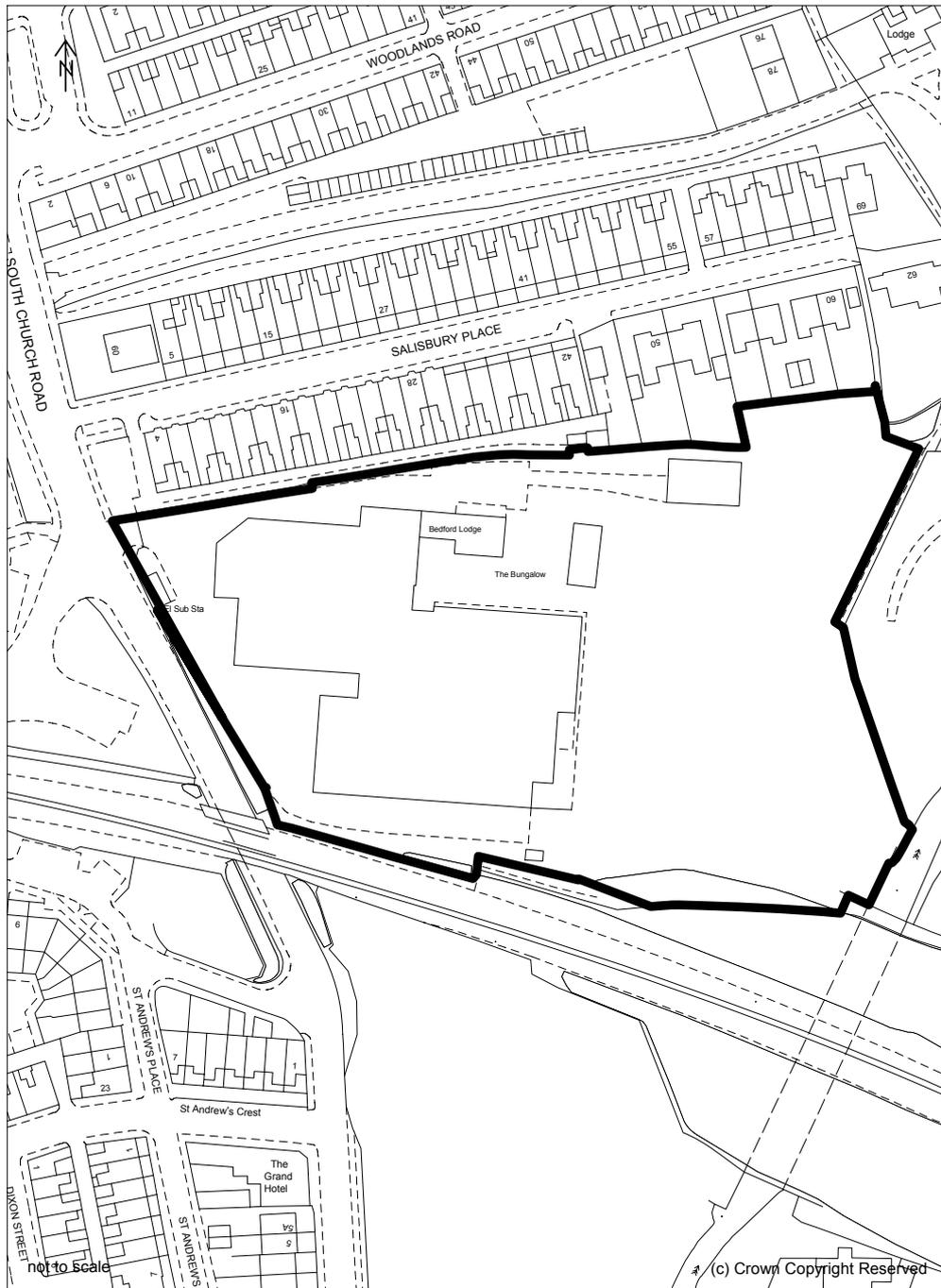
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Chris Baxter
 Planning Officer
 Ext 441

3/2007/0277- DEMOLITION OF FACTORY UNITS AND ERECTION OF NEW BUILD 2.5 STOREY TOWN HOUSES, 2.5 STOREY 2 BED APARTMENTS AND CONVERSION OF BEDFORD LODGE TO CREATE 88 DWELLINGS. (RESUBMISSION) AT FORMER B B H WINDINGS LTD, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR MANDALE COMMERCIAL LTD - 05.04.2007. AMENDED 26.04.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0333 - DEVELOPMENT OF 20 NO. 3 BEDROOM HOUSES, WITH GARAGES AND PARKING AT LAND ON THE NORTH EAST SIDE OF MILTON STREET, CROOK FOR RAVENSWORTH HOMES LLP – 24.04.2007

description of site and proposals

1. Planning permission is sought for the erection of 23 no, 3 bedroom houses, including garages and parking spaces on land at Douglas Terrace/ Milton Street, Crook.
2. The application site is an area of open land which appears to be used for informal recreation (approximately 0.3 hectares). On the surface the site appears to be grassed over however, closer inspection and evidence provided by the applicant's agent reveals that there remains evidence of previous land uses and more recently the use of the land as a fairground.
3. There are a collection of buildings to the north west of the site beyond which lies an area of land used predominantly for light industrial uses. Otherwise the site is predominantly located within a residential area. The south western boundary of the site is formed by Milton Street, which has a number of terraced properties looking onto the application site. The south eastern boundary is formed by Douglas Terrace with the gable elevation of 21 Percy Street and 7 terraced properties facing onto the site. The north eastern boundary is formed by an area of dense vegetation and grass beyond, which is designated as an area of protected open space (Policy BE14 of the WVDLP), and where the land level drops considerably down to the road. There is no significant vegetation or landscape features within the site itself.
4. The application proposes 23 no. two storey, 3 bedroom dwellings with garages and parking at a density of approximately 55 dwellings per hectare. Two house types are proposed, however externally these are largely of the same style and scale. The majority of dwellings would be terraced. The properties would be positioned around a new adopted road access and turning head which would enter the site from Milton Street. Each property would have off street parking and a private rear garden. Most properties would also have amenity areas to the front. In total, including garages, there would be 28 no. off street parking spaces and 7 no. visitor spaces.

5. This application is a revised scheme following refusal of application 3/2006/0826 for 23 no. dwellings on the site, and withdrawn application 3/2006/0316 for 24 no. dwellings. The main changes in this revised scheme are the reduction in the number of dwellings proposed, and changes to the highways layout and plot relationships with the neighbouring industrial site.

planning history

6. The following planning applications have been received:

- | | | | |
|---|-------------|------------------|----------------------|
| • | 3/2006/0826 | 23 No. Dwellings | Refused 08.12.2006 |
| • | 3/2006/0316 | 24 No. Dwellings | Withdrawn 19.05.2006 |

planning policies

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

- GD1 General Development Criteria
- H14 Range of Housing Types
- H22 Community Benefit
- H24 Residential Design Criteria
- H3 Distribution of Development
- RL4 Children's Playing Space Target
- RL5 Sport and Recreation Target
- T1 Highways – General Policy
- FPG2 County Highways Parking Standards

Also relevant are Planning Policy Statement 3: Housing (PPS3), the emerging Regional Spatial Strategy for the North East (RSS) and the Local Transport Plan 2.

consultations

8. Environment Agency: An application of this scale should incorporate sustainable energy use/ renewable energy. In line with the emerging Regional Spatial Strategy for the North East, we would strongly encourage the proposed development to incorporate policies 39 (sustainable energy use) and 40 (renewable energy generation). The development should be designed to ensure energy consumption is minimised and meets BREEM ratings. The development should have embedded a minimum of 10% energy supply from renewable resources.
9. The sewerage undertaker should be consulted to ensure disposal systems have sufficient capacity to accommodate additional flows.
10. Durham County Highways: No objections subject to amendments. The access road appears to be shown as a shared surface. Given the majority of the road frontage will be hard paved, I consider that the access road should be a conventional type 3 access road with footways.

11. Visitor parking space 3 should be parallel, as 6&7, not right angled as shown. A parallel bay adjacent to the rear garden wall of unit 3 is more likely to be used by the public.
12. The applicant will have to enter into an agreement under Sections 38 and 278 of the Highways Act 1980 to ensure adoption of the new highways and to do works in the existing highway.
13. Northumbrian Water – No response.

officer analysis

14. The key issues for consideration are:
 - Principle of Development
 - Impact on the Character and Appearance of the Surrounding Area
 - Level of Amenity and Impact on the Residential Amenity of Neighbouring Properties
 - Highways and Access
 - Community Benefit
 - Renewable Energy

principle of development

15. The application site is situated within the settlement limits of Crook (Policy H3 of the WVDLP), which is one of the main urban areas of the district and identified in policy 3 of the RSS as a sustainable location for new housing in the district. The previously developed nature of the site has been disputed in the past, however after examining further evidence the site was accepted as being brownfield land during the previously refused application. This argument is accepted again, primarily on the evidence of previous garaging in the north west of the site and the more recent use of the site by the traveling fairground. There is also evidence of a tarmac track, however the purposes of this track remain unclear. Historically, some suggestions are that a small portion of the site formed part of the railway sidings used in connection with the coal industry, however the site appears to have remained unused since the 1970's, during which time the land has seemingly blended back into the landscape and cannot be considered brownfield on that argument. Nevertheless, on the strength of evidence of some structures having occupied the site over more recent times, the site is considered brownfield land and therefore under the Council's hierarchy approach to site selection, adopted in April 2007 in line with the RSS, a sequential test is not required in this case. The site meets the description of the Priority 1 site as set out in policy 3 of the RSS.
16. The site is located close to the town centre where there is access to a range of services and facilities within walking distance, as well as public transport. The site is also in what is predominantly a residential area, particularly to the south being surrounded by residential properties on two sides. There is no particular allocation for the site within the Wear Valley District Local Plan.

17. It is therefore considered that residential development of the site would be appropriate and in accordance with policy H3 of the Wear Valley District Local Plan, the Council's sequential approach to site selection and the requirements of policy 3 of the RSS, as well as national advice on housing in PPS3. The principle of the proposal is therefore considered to be acceptable.

impact on the character and appearance of the surrounding area

18. The proposed dwellings would be located around a central vehicular access and turning head. Amendments from previous layouts have provided a proposal with active frontage onto Douglas Terrace and Milton Street. The proposed dwellings would be two storeys high and the majority terraced, which would be in keeping with the general character of housing in the locality. The density of approximately 55 dwellings per hectare would also be similar to surrounding development and would make efficient use of brownfield land. The proposed house designs are considered to be acceptable modern interpretations of surrounding existing housing and would retain much of the simple character of that housing. Landscaping and enclosure details should be conditioned for approval, however the principle of metal railings and hedges along the frontages of Douglas Terrace and Milton Street is considered to be acceptable.

19. Overall, the proposal is considered to make good use of brownfield land and would be of suitable design, scale and layout. The proposal would therefore be sympathetic to the character and appearance of the surrounding area and in turn accords with policies GD1 and H24 of the Wear Valley District Local Plan.

level of amenity and impact on the residential amenity of neighbouring properties

20. The size of the plots and siting of the dwellings are largely constrained by the width of the site and internal vehicular access. Nevertheless, the plots have been designed to provide both off street parking and gardens to the rear and front. While many of the proposed private rear gardens range from only 6 metres to 8 metres in depth, these properties generally would have an additional garden area to the front. Units 7-12 would also benefit further from outlooks onto the protected open space area to the north east of the site and internal layouts have been designed with this in mind. The amount of amenity space for the proposed terraced dwellings would also be considerably greater than that enjoyed by the existing terraced dwellings in the locality, many of which have only a small yard. The level of amenity space serving the proposed dwellings is therefore considered to be acceptable in this case because of the type and size of the proposed dwellings and general character of existing dwellings in the surrounding area. The fact that off street parking would be provided in the curtilages of units 13-20 is also an acceptable compromise given the above. Unit 7 would face the gable end of unit 6 at 14 metres however, the main living accommodation of unit 7 would be arranged with a northern outlook onto the protected open space and is therefore not of concern.

21. The layout of units 4-6 has also been amended from previous proposals to achieve greater separation with the adjacent industrial premises to the north west. An additional landscape buffer is proposed to that boundary.
22. It is therefore considered that the proposed dwellings would offer suitable levels of amenity to future occupants. Removal of permitted development rights is required so that the local planning authority can ensure this remains the case.
23. Careful attention has been paid to ensure all privacy distances (Policy H24) would be met between the proposed dwellings and neighbouring dwellings outside the site. Units 1-3 would achieve 21 metres between habitable windows of dwellings in Milton Street and the gable end of unit 20 would achieve 15 metres to the front of dwellings in Milton Street at that end of the site. Similarly, units 13-16 would achieve 21 metres between habitable windows of dwellings in Douglas Terrace and there would be over 21 metres between the gable end of unit 12 and Douglas Terrace. The proposed dwellings would therefore be a significant distance away from the adjacent existing dwellings and at a relatively low height so as not to cause any loss of privacy or loss of light to neighbouring dwellings.
24. The area is predominantly residential and will already experience typical levels of disturbance associated with a residential area. In addition, there will be extra traffic and disturbance from the adjacent industrial and commercial premises to the north west. At the scale of the proposed development, it is considered that the additional activity and traffic from the proposed development would not cause an unacceptable level of disturbance to neighbouring properties over and above the existing situation.
25. The proposal therefore accords with the requirements of policies H24 and GD1 of the Wear Valley District Local Plan in terms of level of amenity for occupiers and affect on neighbours.

highways and access

26. Apart from the orientation of visitor parking bay 3, which is a minor detail that does not affect the principle of the development and can be conditioned for amendment, the County Highways Authority considers the point of access onto Milton Street, the site layout, provision for pedestrians and impact on the existing road network are all acceptable. Further clarification by means of further detail, which again can be conditioned, will be required regarding the road surfacing.
27. The County highways parking standards require that the average on-site parking provision should not exceed 1.5 spaces per dwelling. As there would be a total of 28 spaces for the 20 dwellings the proposal would meet this requirement. There would also be 7 visitor spaces. The site is within walking distance to the town centre and there is access to nearby bus routes. Restriction of the number of private vehicle parking spaces within central areas is an acknowledged means of encouraging reliance on more sustainable means of transport. These standards are therefore appropriate for the development. The proposal is considered to be in accordance with policies

GD1, H24, T1 and FPG2 of the Wear Valley District Local Plan in this respect, and Local Transport Plan 2.

community benefit

28. Under policies H22, RL4 and RL5 it is appropriate to seek a developer contribution for the provision/maintenance of play, social, community and/or recreational facilities in the locality to meet the additional demand on social infrastructure from the proposed new housing. A commuted sum in lieu of on site provision of open space and play space would be appropriate in this case. At the standard figure of £30000/ha the required sum for the proposal with site area 0.36ha would be £12000. This has been agreed with the developer. The proposal therefore accords with policies H22, RL4 and RL5 of the Wear Valley District Local Plan.

renewable energy

29. The policies of the emerging RSS, which is attributed significant weight because it is at the latter stages of adoption, requires major developments, including housing developments of 10 or more dwellings to have embedded in the development a minimum of 10% energy supply from renewable resources. This can be through a number of options appropriate to the site including wind power, solar power and heating, biomass and ground source heating/cooling. In addition at the same time, construction standards should ensure energy consumption is minimised and meets BREEM ratings. No information has been provided to show the development can meet these targets. It is therefore appropriate to condition that the development does not commence until such details are received and approved.

objections/observations

30. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
31. Five objections have been received and are summarised below:
- a. The only change from the previous unacceptable layout is the reduction in numbers of dwellings.
 - b. Too many dwellings would look out of place with existing character.
 - c. The scheme would cause loss of light and overshadowing
 - d. The new dwellings would have an adverse impact on privacy from overlooking.
 - e. The scheme would cause noise and disturbance.
 - f. Proximity to industrial units is inappropriate.
 - g. The dwellings would obstruct existing views and devalue existing properties.
 - h. On the basis of the applicant's evidence the land must be considered a greenfield site.
 - i. Road infrastructure is inadequate to support increase in traffic.
 - j. The lack of parking provision will add to existing problems and cause safety problems from manoeuvrings in narrow streets.
 - k. There is no demand for more new houses.

response to objections

32. In response to the issues raised, I would make the following comments:
- a. The layout, with incorporated changes, is now considered acceptable, as assessed in the report.
 - b. The proposed density makes efficient use of brownfield land in line with national planning guidance and is in character with surrounding development, as assessed in the report.
 - c. The proposed development is situated to the north and west of those properties looking onto the land. Therefore, in terms of the path of the sun the proposed development is not likely to significantly alter the amount of sunlight enjoyed by these existing properties. In addition the proposed dwellings are at an adequate distance away and height not to cause unacceptable loss of light or overbearing impact, as assessed in the report.
 - d. The relationship between the existing properties and the proposed development meets all the requirements of policy H24 of the WVDLP, as assessed in the report.
 - e. There is no information which would substantiate this suggestion. The level of noise and disturbance is unlikely to be greater than from the existing neighbouring industrial uses, as assessed in the report.
 - f. It is considered that the layout and future landscaping would overcome concerns, as assessed in the report.
 - g. This is not a relevant planning consideration.
 - h. Disagree; there is evidence of previous structures and activity on the land, as assessed in the report.
 - i. The County Highways Authority has raised no concerns about the impact of the development on the surrounding road network, as assessed in the report.
 - j. The proposal is in accordance with the County Council parking standards, as assessed in the report.
 - k. This is not a relevant planning consideration.

conclusion and reasons for approval

1. The proposal is considered to be acceptable in relation to policies GD1, H24, H3, H22, RL4, RL5, T1 and FPG2 of the Wear Valley District Local Plan PPS3 and policy 3 of the RSS as it:
 1. Would be located on a brownfield site within the development limits of Crook.
 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 and would offer a suitable level of amenity to occupants.
 4. Would have suitable access and parking arrangements and would be in a sustainable location.
 5. Would secure appropriate developer contributions towards the provision/maintenance of social and community infrastructure.

RECOMMENDED

That subject to the applicant first submitting a unilateral undertaking agreeing to pay a sum of £12000 towards the provision and maintenance of off site play/recreation facilities, 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 dwellings hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings hereby approved 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 a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
4. 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.
5. 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.
6. No development shall take place until further details of the vehicular access road and footways, including the layout, surfacing and means of construction have been submitted to and approved in writing by the local planning authority, and before the dwellings hereby approved are first occupied access shall be fully implemented in accordance with the approved details.
7. Before the development hereby approved is commenced, revised details showing the layout of visitor parking space 3 shall be submitted to and approved in writing by the local planning authority, and before the dwellings hereby approved are first occupied the subsequently approved details shall be fully implemented.

8. Before the dwellings hereby approved are first occupied the garages, hardstandings/drives and visitor parking spaces shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.
9. Notwithstanding the provisions of Article 3 and Classes A, D, E and G of Part 1 and Classes A and B 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.
10. Prior to the commencement of any development, details of the predicted energy use of the development and the generation of on-site renewable energy shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how energy efficiency is being addressed, including benchmark data, and show the on-site measures to be taken to produce a minimum of 10% of the total energy requirements of the new development by means of renewable energy sources. Such details as may be approved shall be implemented prior to the first occupation of the development and retained in perpetuity.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and H24 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 the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. 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.
5. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
6. In the interests of highway safety. In accordance with policies GD1, H24 and T1 of the Wear Valley District Local Plan.
7. In the interests of highway safety. In accordance with policies GD1, H24 and T1 of the Wear Valley District Local Plan.
8. To ensure that satisfactory off-street car parking provision is made in accordance with the local planning authority's standards and in the interests of highway safety. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

9. To retain adequate amenity space around the dwellings and in the interests of visual amenity. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
10. To reduce carbon emissions. In accordance with policies 39 and 40 of the Regional Spatial Strategy (RSS).

background information

Application files, WVDLP, PPS3, RSS, Local Transport Plan 2.

PS code	1			
number of days to Committee	72	target achieved	√	
explanation				

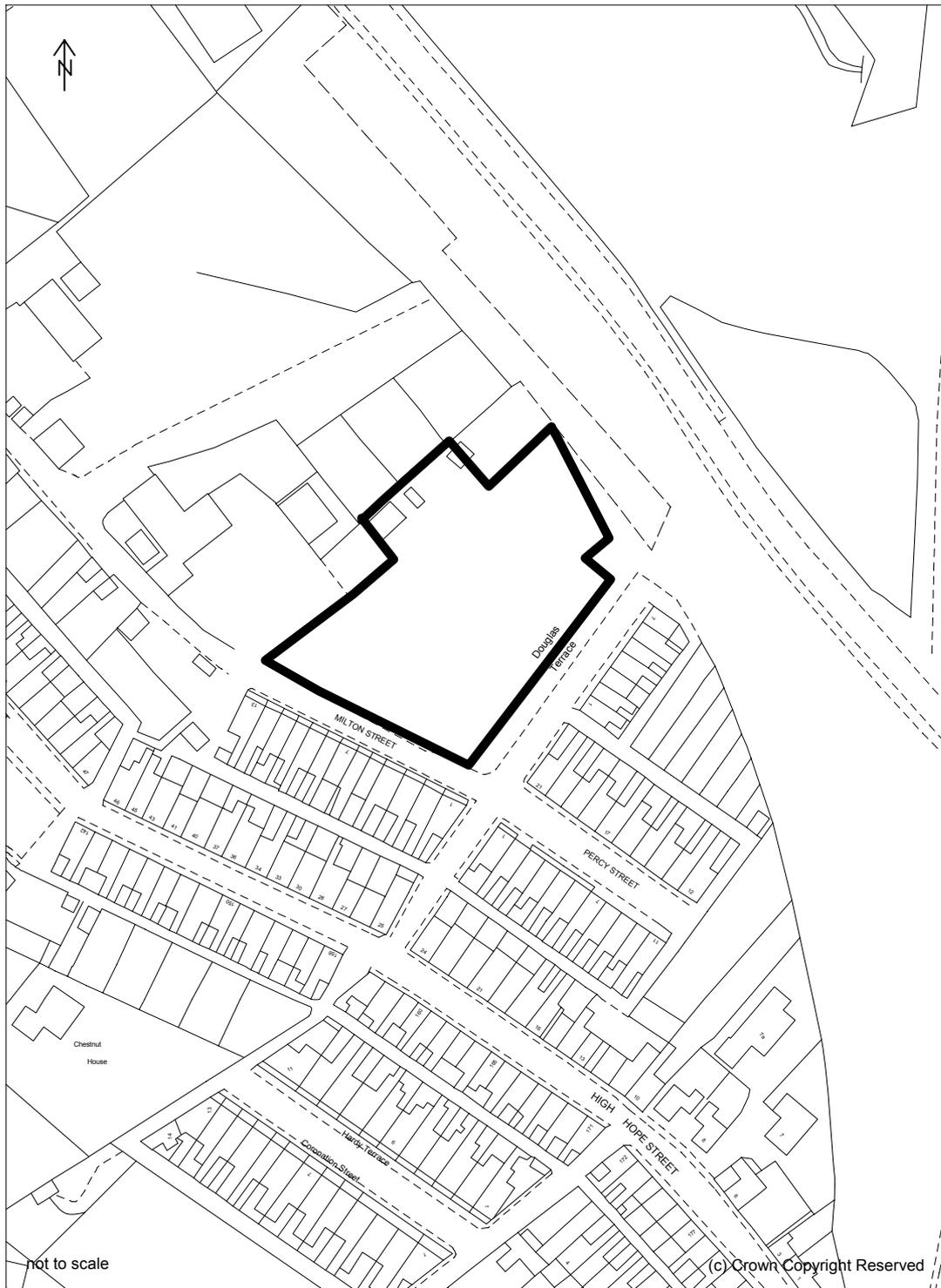
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext 369

3/2007/0333 - DEVELOPMENT OF 20 NO. 3 BEDROOM HOUSES, WITH GARAGES AND PARKING AT LAND ON THE NORTH EAST SIDE OF MILTON STREET, CROOK FOR RAVENSWORTH HOMES LLP – 24.04.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0320- ERECTION OF 39 NO. BEDROOM PREMIER TRAVEL INN HOTEL ACCOMMODATION UNIT (TO BE RUN IN CONJUNCTION WITH EXISTING RESTAURANT/PUBLIC HOUSE) AND ALTERATION TO CAR PARKING AREA. AT LAND ADJACENT TO BREWERS FAYRE, WEST AUCKLAND ROAD, TINDALE CRESCENT, BISHOP AUCKLAND FOR WHITBREAD GROUP PLC-17.04.2007

description of site and proposals

1. Full planning permission is sought for the erection of a 3 storey, 39 bedroom hotel accommodation block (Premier Travel Inn) to be built on part of the existing car park of the Brewers Fayre public house/restaurant at Tindale Crossing West Auckland.
2. The site comprises a large free standing public house/restaurant and parking area (92 spaces) located at the junction of West Auckland Road and West Auckland Way, approximately 2 miles south west of Bishop Auckland town centre. There is an existing vehicular access onto West Auckland Road. The site is within the development limits of Bishop Auckland (Policy H3 WVDLP) in what is largely a commercial and industrial area. There are some houses immediately to the east across West Auckland Road and beyond these houses is the Romanway Industrial Estate. Immediately to the south is a car dealership. The land immediately adjacent to the west is presently undeveloped; however it is allocated as the Fieldon Bridge General Industrial Site (Policy I5) for uses Class B1, B2 and B8. A small part of the existing parking area in the site falls within this industrial allocation. Further to the north is the proposed football club site. The site is largely open to view with boundary treatment comprising of post and rail fencing and hedgerow planting.
3. The proposed hotel accommodation would be run in conjunction with the existing public house/restaurant as there would be no dining facilities or public rooms within the proposed accommodation block. As the proposed building would be built within the existing car park, a new area of parking would be formed to the rear of the public house/restaurant in the western corner of the site. Remaining spaces would also be reorganised around the proposed building.

4. The proposed building would be of simple rectangular form with a width of approximately 14.7 metres and length of approximately 33 metres. The building would comprise 3 storeys with a ridge height of approximately 12.8 metres. The building would be oriented so that the main windowed elevations would be facing north and south with the gable ends facing West Auckland Road and the presently undeveloped industrial allocation land (Fieldon Bridge) to the east and west respectively. There would be two small feature gable projections on each of the north and south main elevations to visually break up the elevations. A porch and covered walkway would be located to the north of the proposed building, linking with the existing public house/restaurant. Proposed materials are largely a combination of red facing brick (to match the existing public house/restaurant) and render to the walls, and blue/grey slates to the roof. The existing access onto West Auckland Road would be utilised. The total car parking spaces after development would be 87 plus 12 disabled bays.

planning history

5. The only relevant history is application 3/1998/555 for the approved development of the public house/restaurant.

planning policies

6. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - I2 New Industrial Allocations
 - I5 General Industrial Sites
 - T1 General Policy Highways
 - TM1 Criteria for Tourist Proposals
 - TM4 Hotel Allocation
 - TM5 New Tourist Accommodation
 - MW2 Development on Landfill Sites
 - FPG2 County Highway Parking Standards

Also relevant are PPS1 Delivering Sustainable Development, PPS6 Planning for Town Centres, PPS22 Renewable Energy, PPG13 Transport, The Good Practice Guide on Planning for Tourism (GPGPT), the emerging RSS for the North East, and Local Transport Plan 2.

consultations

7. Durham County Highways – No objection.
8. Environment Agency – No objections but observations:
 - An application of this scale should incorporate sustainable/renewable energy generation in line with policies 39 and 40 of the emerging Regional Spatial Strategy for the North East. In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the BREEM excellent ratings. In addition, the

proposed development should have embedded a minimum of 10% energy supply from renewable resources.

9. The sewerage undertaker should be consulted to ensure the sewage disposal systems have sufficient capacity to accommodate additional flows without causing pollution.
10. Environmental Health Officer – No response.
11. Regeneration Officer – No response.
12. Northumbrian Water – No response.

officer analysis

13. The key issues for consideration are:
 - Principle of Development
 - Impact on the Character and Appearance of the Surrounding Area
 - Highways, Access and Parking
 - Level of Amenity
 - Renewable Energy and Sustainability
 - Landfill Gas

principle of development

14. The application site is located within the defined development limits for new development (Policy H3 WVDLP). The site is already developed as the Brewers Fayre public house/restaurant with associated car parking. Most of the site is not allocated for any particular purpose, apart from part of the car park area to the south of the site, which falls within the Fieldon Bridge General Industrial Site allocation surrounding the south and west of the application site (Policy I2 WVDLP). A small proportion of the proposed building would be located within this allocation. However, in this case, because the site boundaries in reality do not accord with the lines on the Proposals Map of the Wear Valley District Local Plan, and it is unlikely that this portion of the site would ever be developed as part of the industrial allocation because it is already developed in conjunction with the existing public house/restaurant, it is considered that the proposal is not contrary to the development plan in this respect. The proposed development would be located wholly within the already developed site and therefore it is considered that it would not prejudice the availability of industrial land in the Fieldon Bridge allocation. This accords with policies I2 and I5 of the Wear Valley District Local Plan.
15. Having considered that the proposal would not undermine the industrial allocation surrounding the site, it is now appropriate to consider whether the location of a hotel on the site would be appropriate. While PPS6 makes some reference to hotels, which may be considered as town centre uses, the Good Practice Guide on Planning for Tourism (GPGPT) expands and recognizes that the range and type of hotel accommodation can vary widely and so can locational requirements. Generally however, in line with PPG13 Transport, developments should still be located where they are accessible by a range of

means of transport and should not have an adverse impact on sensitive environments. It is accepted that types of budget hotels such as motels and travel lodges cater more for car-borne travellers, often on single overnight stay, and therefore the preference will be for locations on major traffic routes, outside main centres. The GPGPT recognises that edge of town centre locations such as on ring roads or major routes will usually be the most appropriate location if a town centre location is not suitable, available or viable. Nonetheless, these locations should still be close to public transport interchanges and bus routes. It is only for major hotel facilities (around 80 bedrooms with associated dining and public facilities) that PPS6 requires a sequential approach to site selection. The proposed Premier Travel Inn would have just 39 bedrooms and no dining or public facilities and is therefore not considered to be a major hotel facility requiring a sequential approach to site selection. The proposed hotel site is located within the development limits and close to the main town centre of Bishop Auckland on a major route. There is a regular bus service linking the site to nearby town centres and train stations, with a bus stop immediately adjacent to the application site. The existing road capacity would not be exceeded and the surroundings are not visually or environmentally sensitive. The location is therefore considered to be appropriate for a budget hotel of the type proposed.

16. Despite not needing to carry out a sequential site selection approach, the applicant has nevertheless carried out a comparative test between the application site and the Council's preferred hotel site at Bracks Farm, Bishop Auckland. Policy TM4 of the Wear Valley District Local Plan identifies a site at Bracks Farm, Bishop Auckland as the preferred site for a new hotel to compliment the envisaged high quality business and office development at Bracks Farm. The vision for the allocated hotel site accordingly is for a high quality hotel with associated conference facilities appropriate to the desired prestige business environment. The applicant's comparative test considers issues of availability, suitability and viability.
17. In terms of availability, while the Bracks Farm site is on the market and allocated for hotel purposes, it does not have planning permission, is not in the applicant's ownership and there are apparently issues relating to ownership which may not be easily resolved. The application site, however, is already within the applicant's ownership and could allow development within a reasonable timescale.
18. In terms of suitability, the Bracks Farm site and the proposed site, both are of suitable size, however, the Bracks Farm site is not serviced and has no on site or nearby dining facilities rendering it unsuitable for a Premier Travel Lodge.
19. In terms of viability, the costs of the land acquisition, provision of additional dining facilities and servicing the site would render the Bracks Farm site financially unviable for a budget hotel.

20. The proposed site is clearly the sequentially preferable site for the proposed budget hotel. Additionally, the proposed budget hotel with no independent dining and conferencing facilities would not be the type of hotel development envisaged for the Bracks Farm site. Forcing the proposed hotel to locate on the Bracks Farm site could therefore prejudice the opportunity of attracting such a hotel to Bishop Auckland and at the same time undermine the aims of creating a high quality prestige business development at Bracks Farm.
21. It is considered that there is a clear need in Bishop Auckland for the type of hotel development proposed as well as for a more up market hotel which could still be located at the Bracks Farm site. The type of hotel proposed and that envisaged for Bracks Farm are at different ends of the tourism and hotel market and it is therefore considered that the application proposal would not prejudice the site at Bracks Farm. Additionally, there are wider regeneration aims for the southern end of Bishop Auckland and West Auckland, including the relocation of the football club to the north of the site and potential further leisure and retail development there. It is considered that the opportunity for private investment as proposed should be welcomed and could play an important role in the regeneration of this particular area with clear job creation benefits.
22. Given that the proposed development would not prejudice the supply of industrial land, would be suitably located, would not necessarily compromise the allocated hotel site at Bracks Farm, would serve a need for such accommodation in Bishop Auckland and could have wider regeneration benefits, the proposal is considered to be acceptable in principle and in accordance with policies I2, I5, T1, TM1, TM4 and TM5 of the Wear Valley District Local Plan, as well as national guidance in PPS6, PPG13 and the Good Practice Guide on Planning for Tourism.

impact on the character and appearance of the surrounding area

23. The site is on the outskirts of Bishop Auckland within a predominantly commercial and industrial area. The area has no special designation and is not environmentally sensitive. There is no established vegetation or trees on the site and it is mostly flat, being taken up by car parking. Surrounding buildings are generally large in scale, including the Brewers Fayre public house/restaurant on the site. The land immediately to the west and south is allocated for general industrial use and could be occupied by large industrial sheds. The front-on visual impact would be limited by the orientation of the proposed building with the gable end facing the road. The additional parking area would be located to the rear of the existing public house/restaurant and would represent a relatively minor extension of the existing car park. The proposed materials would also be in keeping with those of the adjacent Brewers Fayre public house/restaurant. The siting, scale and design of the proposed building and parking are therefore considered to be acceptable in the context of the character of the surrounding area. Landscaping details should be conditioned.

24. Overall, it is considered that the proposal would not cause harm to the character and appearance of the surrounding area and therefore accords with policies GD1, TM1 and TM5 of the Wear Valley District Local Plan.

highways, access and parking

25. Durham County Highways Authority has been consulted on the proposal and has no objections. The site is located on a main transport route and there is an existing vehicular access. The road network is capable of accommodating the existing and proposed commercial traffic in the area and it is considered that there is sufficient capacity to accommodate the traffic from the proposed development. Public transport is in easy access of the site.
26. At present there are 92 car parking spaces serving the Brewers Fayre public house/restaurant. This is far in excess of the County Council Parking Standards for the size of building. The car parking survey submitted with the application shows that there is considerable spare capacity in the existing car park with the highest recorded occupancy at any time during the survey being around 47%. After the proposed development there would be 99 parking spaces, 12 of which would be for disabled parking. This is in accordance with the County Council Parking Standards requirements for both the proposed development (64) and existing public house/restaurant (36). An oversupply of car parking spaces would be contrary to national planning policy to reduce reliance on private car journeys.
27. For these reasons it is considered that the proposal would make sufficient provision for car parking and is acceptable in terms of highways. This accords with policies GD1, T1, FPG2 and TM1 of the Wear Valley District Local Plan and the Local Transport Plan 2.

level of amenity

28. The proposed building has been specifically oriented in an east/west direction so that the main outlook of windowed elevations would not be directly onto the industrial allocation to the west, or busy road and industrial site to the east. Together with suitable glazing and soundproofing details, as well as landscaping of the western boundary, which can be conditioned for approval, it is considered that a reasonable level of amenity can be expected for occupiers of the proposed hotel. These design measures should ensure that there is minimal conflict between the proposed hotel and any future industrial development to the west. This accords with policies GD1, I5 and TM1 of the Wear Valley District Local Plan.

renewable energy and sustainability

29. Some indication has been given that sustainable construction methods will be used to improve energy efficiency in the proposed building. However, the policies of the emerging RSS, which is attributed significant weight because it is at the latter stages of adoption, requires major developments to have embedded in the development a minimum of 10% energy supply from renewable resources in addition to construction standards meeting BREEM ratings. This can be through a number of options appropriate to the site

including wind power, solar power and heating, biomass and ground source heating/cooling. No information has been provided to show how the development can meet these targets. It is therefore appropriate to condition that development does not commence until such details are received and approved.

landfill gas

30. The site is identified as being within 250m of a landfill site. It would therefore be appropriate to condition that a site investigation is carried out to determine whether landfill gas is present at the site and to identify any remedial measures required. This is in accordance with policies GD1 and MW2 of the Wear Valley District Local Plan.

objections/observations

31. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
32. One letter of support has been received:
 - a) Bishop Auckland loses out on tourist trade. A Premier Travel Inn is affordable for visiting family and friends. It would also bring much needed jobs into the area.

conclusion and reasons for approval

1. The proposal is considered to be acceptable in relation to policies GD1, T1, FPG2, TM1, TM4, TM5, I2 and I5 of the Wear Valley District Local Plan, as well as PPS1, PPS6, PPG13, The Good Practice Guide on Planning for Tourism, the RSS and Local Transport Plan 2 as it:
 1. Would be located on a brownfield site within the development limits of Bishop Auckland.
 2. Would not prejudice the availability of industrial land in the Fieldon Bridge allocation.
 3. Would be suitably located where it would be accessible by a range of means of transport.
 4. Would not prejudice the Council's preferred hotel site at Bracks Farm, Bishop Auckland and the associated business allocation at Bracks Farm.
 5. Would widen the choice and range of hotel accommodation in Bishop Auckland and the district.
 6. Would have wider regeneration benefits for the southern end of Bishop Auckland and West Auckland, including job creation.
 7. Would not cause harm to the character and appearance of the surrounding area in terms of siting, scale and appearance.
 8. Would make sufficient provision for car parking and is acceptable in terms of highways and access.
 9. Would offer a suitable level of amenity to occupiers and would not unacceptably conflict with future industrial development to the west.

RECOMMENDED

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

conditions

1. Prior to the commencement of any development, details of the predicted energy use of the development and the generation of on-site renewable energy shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how energy efficiency is being addressed, including benchmark data, and show the on-site measures to be taken to produce a minimum of 10% of the total energy requirements of the new development by means of renewable energy sources. Such details as may be approved shall be implemented prior to the first occupation of the development and retained in perpetuity.
2. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. 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.
4. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of landscaping to the western site boundary.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. Before the building hereby approved is first occupied, the car parking provision shown on the approved plans shall be constructed and completed in accordance with the approved details. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of cars.
7. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 (or any order revoking and re-enacting those Regulations), no advertisements shall be displayed on the building hereby approved or within the curtilage of the property without an application having been first submitted to and approved in writing by the local planning authority.

8. Before the building hereby approved is occupied a detailed scheme for the insulation of the interior of the building from external noise sources shall be submitted to and approved in writing by the local planning authority and the scheme shall be implemented in accordance with the approved details before the building is brought into use.
9. Before the development hereby approved is commenced details of the arrangements for dealing with surface and foul water discharges from the site shall be submitted to and approved in writing by the local planning authority, and the arrangements shall be implemented in accordance with the approved details before the development hereby approved is commenced.
10. No development shall take place until tests have been carried out to determine if landfill gas is present on the site and the findings, together with a scheme for any necessary remedial measures, have been submitted to and agreed in writing by the local planning authority. The scheme for remedial measures shall include measures for monitoring and controlling landfill gas emissions, and migration to existing or proposed buildings, structures and/or plant, within and beyond the site. The approved remedial measures shall be implemented as the development proceeds and shall be completed before any part of the development is brought into use.
11. Development shall not commence until a Method of Construction Statement to include details of:
 - a) parking for vehicles of site personnel, operatives and existing public house customers,
 - b) Loading and unloading of plant and materials,
 - c) Storage of plant and materials.

reasons

1. To reduce carbon emissions. In accordance with the requirements of policies 39 & 40 of the Regional Spatial Strategy (RSS).
2. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan.
3. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. To ensure the satisfactory appearance of the completed development and in the interests of amenity. In accordance with policy GD1 of the Wear Valley District Local Plan.
5. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan.

6. In the interests of road safety and traffic convenience, and the amenities of the locality. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.
7. To enable the local planning authority to control the number, size(s) and type(s) of advertisements displayed on both the building and site, in the interests of safeguarding the visual appearance of the building and surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan.
8. To safeguard the occupiers of the building from undue noise disturbance from surrounding industrial and commercial uses. In accordance with policy GD1 of the Wear Valley District Local Plan.
9. To ensure a satisfactory means of disposal and prevention of pollution. In accordance with policy GD1 of the Wear Valley District Local Plan.
10. To ensure that the site is safe for development, and in particular because of the proximity of the site to a former waste tip. In accordance with policies GD1 and MW2 of the Wear Valley District Local Plan.
11. In the interests of highway safety and general amenity. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, PPS1, PPS6, PPS22, PPG13, RSS, The Good Practice Guide on Planning for Tourism, Local Transport Plan 2.

PS code	<input style="width: 40px; height: 20px;" type="text" value="5"/>					
number of days to Committee	<input style="width: 40px; height: 20px;" type="text" value="76"/>	target achieved	<input style="width: 40px; height: 20px;" type="text" value="√"/>			
explanation						

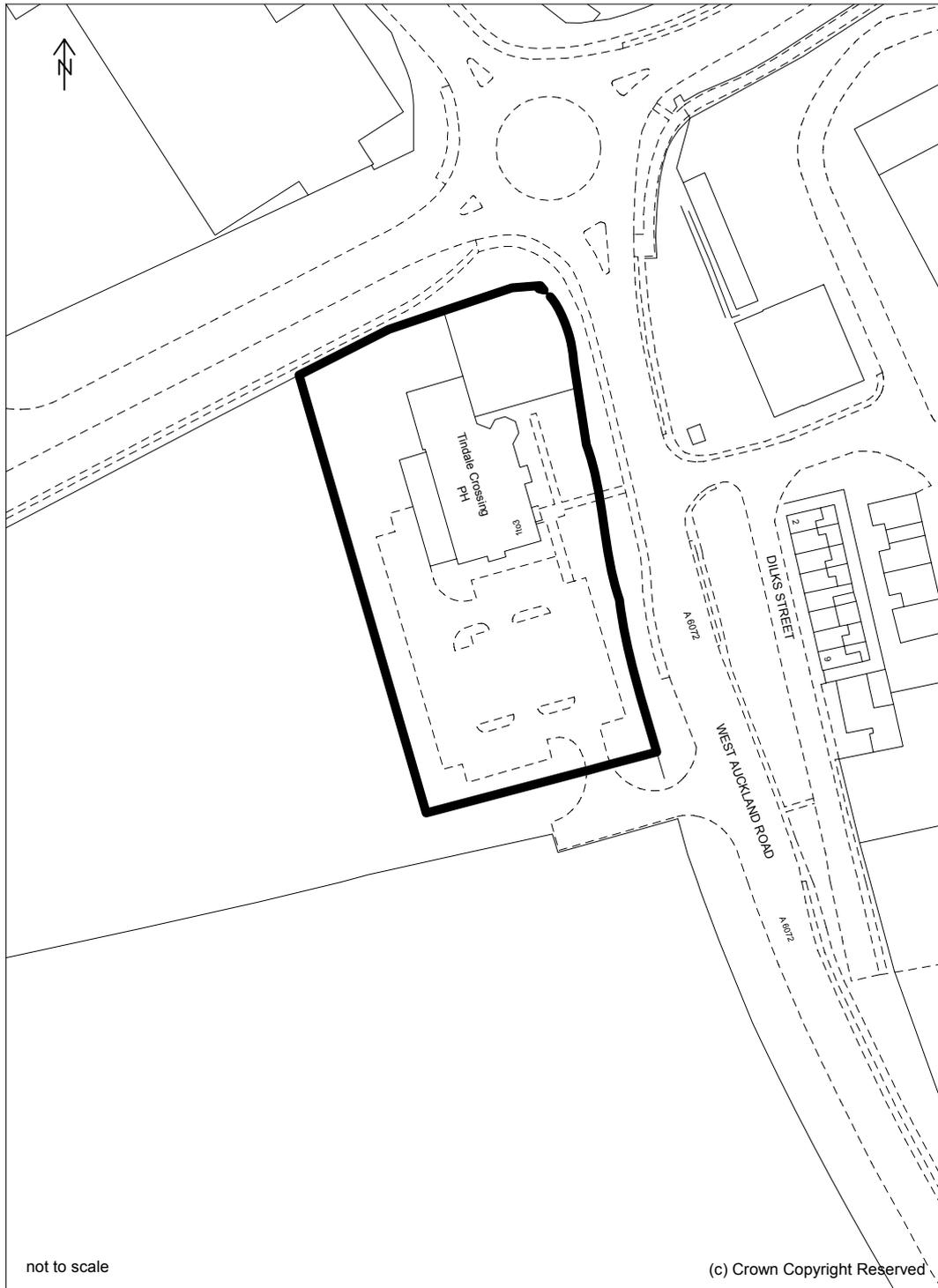
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext369

3/2007/0320- ERECTION OF 39 NO. BEDROOM PREMIER TRAVEL INN HOTEL ACCOMMODATION UNIT (TO BE RUN IN CONJUNCTION WITH EXISTING RESTAURANT/PUBLIC HOUSE) AND ALTERATION TO CAR PARKING AREA. AT LAND ADJACENT TO BREWERS FAYRE, WEST AUCKLAND ROAD, TINDALE CRESCENT, BISHOP AUCKLAND FOR WHITBREAD GROUP PLC- 17.04.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0362 - DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 10 NO. 3 BEDROOM RESIDENTIAL DWELLINGS AND PARKING AT THE TWO BLUES PUBLIC HOUSE, DOUTHWAITE ROAD, BISHOP AUCKLAND FOR UK LISTINGS – 03.05.2007 - AMENDED 18.06.2007

description of site and proposals

1. Full planning permission is sought for the demolition of the vacant Two Blues Public House, off Douthwaite Road Bishop Auckland, and erection of 10 no. two storey terraced/semi-detached dwellings. The site is located within a predominantly residential area and surrounded by two storey terraced and semi-detached dwellings with a highway on all sides. The rear of the terraced dwellings to the north, east and south face the site. The street scene on these sides comprises largely of rear walls, fences and garages. The site comprises a vacant building surrounded by an area of hardstanding. It is level with no features or vegetation.
2. The proposed dwellings would be oriented parallel to the terraced dwellings to the north and south of the site. The dwellings would be built from facing brickwork and concrete roof tiles, similar to surrounding dwellings. The design would include a front gable feature. Each dwelling would have a private rear garden of 9 metres in depth and a driveway/hardstanding to the front to provide off street parking for one car. 4 no. visitor spaces would be provided off the highway to the east and west of the site. Rear boundary fences would comprise of close boarded timber fencing 1.8 metres high. Front boundary treatment to the corner plots would comprise of a mixture of brick walls with metal railings 1.2 metres high. The application has been amended to provide 4m corner radii, 1.8m wide footways and additional visitor parking space.

planning history

3. None relevant

planning policies

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

- GD1 General Development Criteria
- H22 Community Benefit
- H24 Residential Design Criteria
- H3 Distribution of Development
- RL4 Children's Playing Space Target
- RL5 Sport and Recreation Target
- T1 General Policy Highways

Also relevant are PPS3 Housing, the Draft Regional Spatial Strategy (RSS), FPG2 County Highways Parking Standards and the Local Transport Plan.

consultations

5. Environment Agency – No comment.
6. Forward Planning Section – No response.
7. Durham County Highways – no objections subject to minor amendments to corner radii, width of footways and provision of fourth visitor space. Note is also made that because of the significant works to the footways surrounding the site it will be necessary for the applicant to enter into an agreement under Sections 38 and 278 of the Highways Act 1980.

officer analysis

8. The key issues for consideration are:
 - Principle of Development
 - Impact on the Character and Appearance of the Surrounding Area
 - Level of Amenity and Impact on the Residential Amenity of Neighbouring Properties
 - Highways and Access
 - Community Benefit
 - Renewable energy

principle of development

9. The application site is considered to be brownfield land and is located within the settlement limits of Bishop Auckland, which is one of the main urban areas of the district and identified in the RSS as a sustainable location for new housing in the district. The site meets the description of a Priority 1 site as set out in Policy 3 of the RSS. The site is within a residential area and surrounded by dwellings on all sides. There is no particular allocation for the site within the Wear Valley District Local Plan. Residential reuse of the site would therefore be appropriate and would accord with policy H3 of the Wear Valley District Local Plan as well as the sequential requirements of the emerging Regional Spatial Strategy and national planning advice in PPS3: Housing.

impact on the character and appearance of the surrounding area

10. The site, as existing, comprises a single vacant building in a derelict state and does not make efficient use of the size of the site. At present, because of its derelict state, it detracts from the character and appearance of the surrounding area.
11. The proposed dwellings, which would replace the existing building, would be of simple design and appearance with front gable features to add interest. The general design and use of materials would be similar to surrounding dwellings. The proposed scale, massing, layout and dwelling types would also be similar to surrounding dwellings. The proposed density of approximately 60 dwellings per hectare would make efficient use of brownfield land and would be appropriate for the surrounding area, which comprises a large amount of terraced housing.
12. Overall, the proposal is considered to make good use of a previously developed and redundant site and would be of suitable design, scale and layout. The proposal would therefore be sympathetic to the character and appearance of the surrounding area and in turn accords with policies GD1 and H24 of the Wear Valley District Local Plan.

level of amenity and impact on the residential amenity of neighbouring properties

13. The size of the plots and siting of the dwellings are largely constrained by the surrounding highways and dwellings. Nevertheless, the plots have been designed to provide both off street parking and private rear gardens. Each proposed dwelling would have a garden depth of 9 metres. Although slightly less than the recommended 10 metres (Policy H24), this is considered appropriate for the size of the dwellings and in character with the surrounding terraced dwellings, which have even smaller rear gardens. In addition provision of 10 metre gardens would make it impossible to get any off street parking, so the proposal is considered to be a suitable compromise. Similarly, the recommended 21 metres back to back separation would not be achieved within the development; this would be 18 metres. However and more importantly, 21 metres would be achieved to the rear elevations of existing neighbouring dwellings to the north and south. Distances greater than 15 metres would also be achieved between the gable ends of the proposed dwellings and front/rear elevations of the neighbouring dwellings to the east and west. There would be no windows in the gable elevations.
14. It is therefore considered that the proposal would offer a suitable level of amenity for occupants of the proposed dwellings and would not cause harm to the living conditions of neighbours as a result of loss of privacy, overshadowing or appearing overbearing. This accords with policies H24 and GD1 of the Wear Valley District Local Plan.

highways and access

15. Amendments have been received specifically addressing the initial comments of the Highways Authority. It is considered that this has overcome the issues raised and the access and parking arrangements are now considered to be acceptable. The County highways standards require that the average on-site parking provision should not exceed 1.5 spaces. As there would be 1 space per dwelling the proposal would meet this requirement. There would also be 4 visitor spaces. The site is close to the town centre and there is access to nearby bus routes. Restriction of number of private vehicle parking spaces within central areas is an acknowledged means of encouraging reliance on more sustainable means of transport. These standards are therefore appropriate for the development. The proposal is therefore considered to be in accordance with policies GD1, H24, T1 and FPG2 of the Wear Valley District Local Plan.

community benefit

16. Under policies H22, RL4 and RL5 it is appropriate to seek a developer contribution for the provision/maintenance of play, social, community and/or recreational facilities in the locality to meet the additional demand on social infrastructure from the proposed new housing. A commuted sum in lieu of on site provision of open space and play space would be appropriate in this case. At the standard figure of £30000/ha the required sum for the proposal with a site area 0.154ha would be £6000. This has been agreed with the developer. The proposal therefore accords with policies H22, RL4 and RL5 of the Wear Valley District Local Plan.

renewable energy

17. The policies of the emerging RSS, which is attributed significant weight because it is at the latter stages of adoption, requires major developments, including housing developments of 10 or more dwellings to have embedded in the development a minimum of 10% energy supply from renewable resources. This can be through a number of options appropriate to the site including wind power, solar power and heating, biomass and ground source heating/cooling. In addition at the same time, construction standards should ensure energy consumption is minimised and meets BREEM ratings. No information has been provided to show the development can meet these targets. It is therefore appropriate to condition that development does not commence until such details are received and approved.

objections/observations

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

conclusion and reasons for approval

1. The proposal is considered to be acceptable in relation to policies GD1, H24, H3, H22, RL4, RL5, T1 and FPG2 of the Wear Valley District Local Plan as it:
 1. Would be located on a (Priority 1) brownfield site within the development limits of Bishop Auckland.
 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 and would offer a suitable level of amenity to occupants.
 4. Would have suitable access and parking arrangements and would be in a sustainable location.
 5. Would secure appropriate developer contributions towards the provision/maintenance of social and community infrastructure.

RECOMMENDED

That, subject to the applicant first submitting a unilateral undertaking agreeing to pay a sum of £6000 towards the provision and maintenance of off site play/recreation facilities, 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 buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
3. Before the occupation of any dwelling hereby approved the proposed footways and driveways (where applicable) between the dwellings and the existing highway, shall be properly consolidated and surfaced to an adoptable standard.
4. Before the occupation of the dwellings hereby approved the parking spaces shall be provided within the curtilage of each dwelling and thereafter permanently retained for the parking of cars incidental to the residential use of the site.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be formed in the gable elevation of the dwellings hereby approved unless otherwise first agreed in writing by the local planning authority.

6. Prior to the commencement of any development, details of the predicted energy use of the development and the generation of on-site renewable energy shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how energy efficiency is being addressed, including benchmark data, and show the on-site measures to be taken to produce a minimum of 10% of the total energy requirements of the new development by means of renewable energy sources. Such details as may be approved shall be implemented prior to the first occupation of the development and retained in perpetuity.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and H24 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. In the interests of highway safety and the amenities of the occupiers of the proposed residential development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
4. To ensure that satisfactory off-street car parking provision is made in accordance with the local planning authority's standards and in the interests of highway safety. In accordance with policy GD1 of the Wear Valley District Local Plan.
5. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan.
6. To reduce carbon emissions. In accordance with policies 39 and 40 of the Regional Spatial Strategy (RSS).

background information

Application files, WVDLP, PPS3, RSS, Local Transport Plan 2.

PS code	<input style="width: 40px; height: 20px;" type="text" value="1"/>				
number of days to Committee	<input style="width: 40px; height: 20px;" type="text" value="63"/>	target achieved	<input style="width: 40px; height: 20px;" type="text" value="√"/>		
explanation					

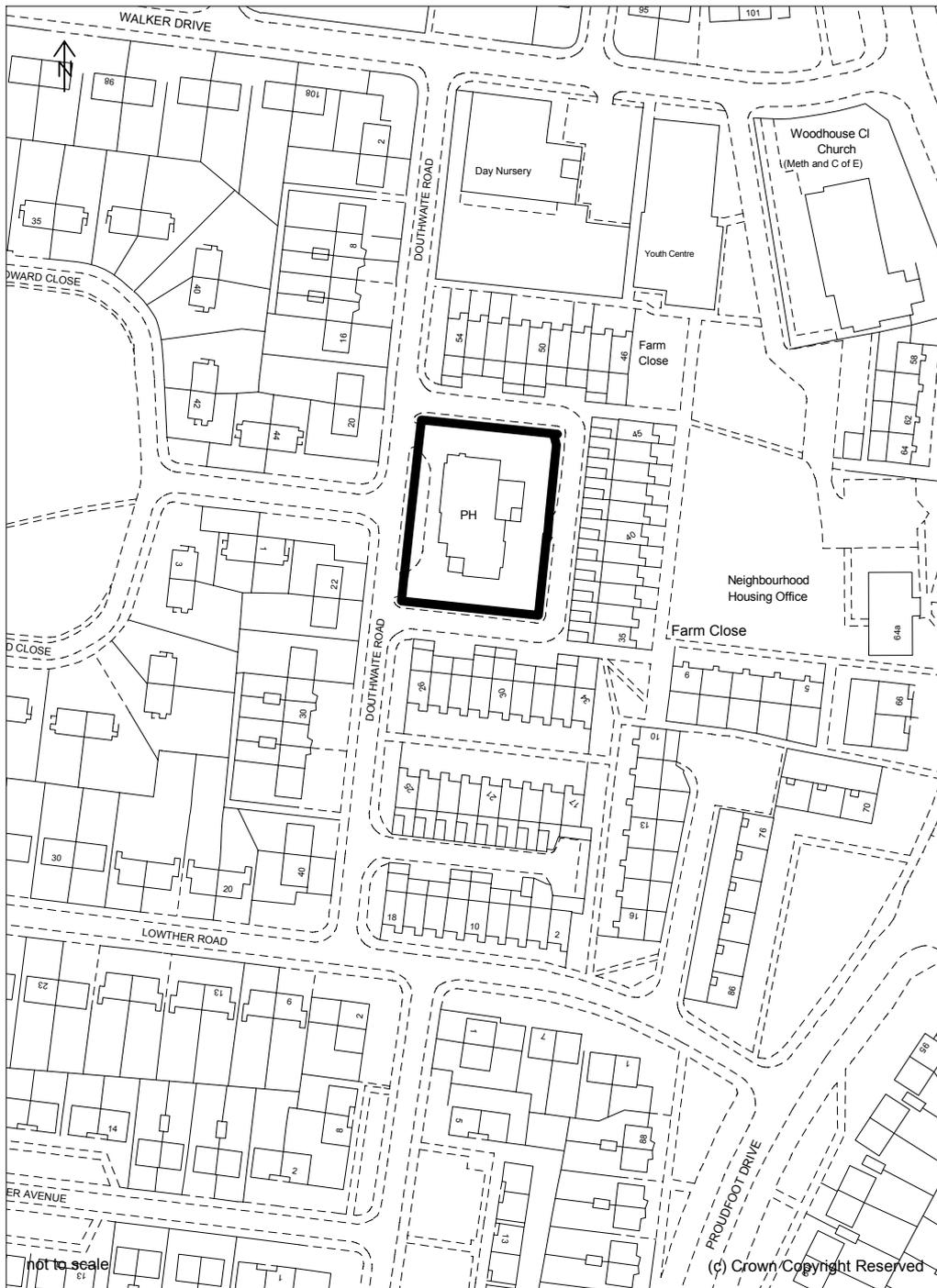
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext 369

3/2007/0362 - DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 10 NO. 3 BEDROOM RESIDENTIAL DWELLINGS AND PARKING AT THE TWO BLUES PUBLIC HOUSE, DOUTHWAITE ROAD, BISHOP AUCKLAND FOR UK LISTINGS - 03.05.2007 - AMENDED 18.06.2007



SPECIAL DEVELOPMENT CONTROL COMMITTEE

2nd JULY 2007

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

A. 3/2007/0441- 1 NO. DORMER BUNGALOW AT LAND REAR OF 29 ETHERLEY LANE, BISHOP AUCKLAND FOR MR. QUINN – 02.06.2007

B. 3/2007/0442LB - 1 NO. DORMER BUNGALOW AT LAND REAR OF 29 ETHERLEY LANE, BISHOP AUCKLAND FOR MR. QUINN – 02.06.2007

description of site and proposals

1. Planning permission and Listed Building Consent are sought for the erection of 1 no. dormer bungalow to be sited within the garden area of a residential property. The proposed dormer bungalow would have an 'L' shape foot print with a width of 14.5 metres and a length of 16.7 metres. The bungalow has split levels for the ridge height with the main ridge line measuring 6.6 metres and the off shoot element of the building measuring 5.7 metres to the ridge level. The bungalow would have hipped elements to the roof design. Access to the site is to be taken from the existing lane which runs along the rear of properties 25 & 27 Etherley Lane. The proposed development would involve the demolition of some prefab garage buildings. There are a number of Tree Preservation Order trees located to the west of No. 29 Etherley Lane.
2. The application site is currently utilised as garden area which is within the curtilage of No. 29 Etherley Lane, Bishop Auckland. No. 29 along with No. 25 and 27 are Grade II Listed Buildings and the application site is located within the Bishop Auckland Conservation Area. Neighbouring properties surround the application site with terraced properties on Clarence Street located to the south and detached properties on The Clarence to the east. Neighbouring gardens are located to the north. The proposed bungalow would be sited to the east of the residential property of No. 29. The application site is bounded to the north, south and east by 2-3 metres high walling and there is a row of conifer trees also positioned along the east boundary.

planning history

3. The following planning applications have been received in respect of this site:
 - 3/1989/0435 Bungalow Refused 11.09.1989
 - 3/1996/0371 Erection of Conservatory Approved 07.10.1996

- 3/2007/0154 1 No. Two Storey Dwelling Withdrawn 01.06.2007
- 3/2007/0268LB 1 No. Two Storey Dwelling Withdrawn 01.06.2007

planning policies

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

- BE3 Listed Buildings : Change of Use, Alterations
- 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
- H26 Backland Development
- H3 Distribution of Development
- T1 General Policy – Highways
- FPG1 Highway Design Standards for New Development

Also of relevance are PPG15: Planning and the Historic Environment, the County Local Transport Plan 2 (LTP2) and the Submission Draft Regional Spatial Strategy (RSS).

consultations

5. Durham County Council (Highways Authority): No objections but had the following comments to make:
6. It is apparent that the existing property has a right of access to the rear of 25 and 27 Etherley Lane. It is a matter for the adjacent residents to determine whether or not the access rights will include the proposed dwelling. The private access to this site is less than 25m in length. For this reason I can raise no objections.
7. Durham County Council (Design/Conservation): No response.
8. Parish Council: No response.
9. Northumbrian Water: No response.

officer analysis

10. The key issues for consideration are:
 - Principle of Development
 - Residential Amenity
 - Visual Impact upon Listed Building, Conservation Area and Surrounding Area
 - Access and Parking Provision

principle of development

11. The application site is located within the settlement limits of development for Bishop Auckland as defined by the Proposal Maps of the Wear Valley District Local Plan. The site is classified as brownfield land as it is garden area within the curtilage of an existing residential property. The application site is considered to be sequentially preferable as the site is redevelopment of a brownfield site within the urban area of Bishop Auckland and is therefore considered a priority site. The site is within close proximity to community facilities and local services therefore the site is considered to be sustainable.
12. Given the above, the proposed development for a dormer bungalow is acceptable in principle and is in accordance with policy H3 of the Wear Valley District Local Plan and policy 3 of the Submission Draft Regional Spatial Strategy (RSS).

residential amenity

13. The previous applications (Ref: 3/2007/0154 & 3/2007/0268LB) for a two storey property, received a number of objections, some of which were concerned with the height of the proposal. The applicant decided to withdraw the application and resubmit with a scheme showing a dormer bungalow in this application. The applicant has reduced the height of the proposal in order to reduce the impact on neighbouring properties and alleviate the concerns of the occupiers. Given the height of the proposed bungalow, the design of the hipped roof and the orientation of the proposal in relation to neighbouring properties, it is considered that there would be no adverse impacts upon adjoining buildings in terms of overbearing or overshadowing impacts.
14. Given the 2-3 metres high walling along the north, south and east boundaries, it is considered that the neighbouring properties would not be overlooked from the windows in the ground floor of the proposed dormer bungalow. At first floor level, the dormer bungalow would have roof lights in the east elevation which would be located approximately 14 metres from the blank gable elevation of the neighbouring property to the east. There would be one window in the first floor which would face south and this would be situated over 21 metres away from the windows in the north elevation of the terraced properties on Clarence Street. This separation distance is considered acceptable as it provides sufficient levels of privacy. There would be no windows in the north elevation at first floor level.
15. The main part of the property No. 29 Etherley Lane has windows in the east elevation which are located 21 metres from the proposed windows in the west elevation of the dormer bungalow. This separation distance is acceptable and would not result in the loss of privacy to property No. 29 Etherley Lane. In the east elevation of the off shoot to No. 29 Etherley Lane there is a ground floor window to a non habitable room and a window at first floor to a habitable room. The ground floor window is a small opening and it is considered that the proposed development would not have an adverse impact upon this opening. Given the angle between the first floor windows of the proposed dormer

bungalow and the first floor window of the off shoot to No. 29 Etherley Lane, it is considered adequate levels of privacy would be provided.

16. Due to the design of the hipped roof, the height of the bungalow being relatively low and the height of the boundary walls, it is considered that the outlook from windows of neighbouring properties would not be adversely affected.
17. The proposed development provides a rear garden of 8 metres in depth and 22 metres in width. It is considered that this garden area is sufficient to be utilised as a private amenity space. There would be sufficient garden amenity space retained by No. 29 Etherley Lane.
18. Given the above, it is considered that the proposed development would not have an adverse impact on the residential amenities of occupiers of existing neighbouring properties and prospective occupiers of the proposed dormer bungalow. The proposal does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

visual impact upon listed building, conservation area and surrounding area

19. The proposed development is located within the Bishop Auckland Conservation Area and adjacent to a Grade II Listed building. It is therefore essential to ensure the proposed development would not compromise the appearance or setting of the Listed Building or the Conservation Area.
20. It is noted that the properties to the east appear relatively modern and are built in a buff brick. There are a number of different house types and materials within the surrounding locality of the application site. The Listed Building is constructed from two types of materials, with the main bulk of the property constructed from stone and what looks like a later extension constructed from brick. The description for the Listed Building relates mainly to the external appearance and does not incorporate the setting of the building. A red multi brick is proposed for the construction of the walls of the dormer bungalow with a grey slate for the roof. Artstone cills and lintels are proposed above the windows and doors to match in with the features of the adjacent Listed Building. It is considered given the mixture of house types and materials in the surrounding area, the proposed dormer bungalow would not have an adverse impact on the visual appearance of the surrounding area.
21. The proposed development would not be visible within the street scene as the bungalow would be screened by the existing housing surrounding the site. From the street scene the setting and appearance of the Listed Building would not be compromised as the proposed bungalow would not be visible. Given that the proposed dormer bungalow would not be visible from any public point in the surrounding area, it is considered that the proposed development would preserve the special scenic qualities of the Bishop Auckland Conservation Area. As the main view of the Listed Building is from the west, where the proposed bungalow is screened from, it is considered that the proposal would not detract from the architectural and historic qualities of the Grade II Listed Building.

22. The proposed development would not have an adverse impact upon the appearance of the Grade II Listed Building, Bishop Auckland Conservation Area and the surrounding area. The proposal does not conflict with the aims of policies GD1, BE3, BE4, BE5 and BE6 of the Wear Valley District Local Plan, and accords with PPG15

access and parking provision

23. Access to the site would be taken from the existing access which supplies No. 29 Etherley Lane. This access runs along the rear of properties No. 25 & 27, and measures less than 25 metres in length. Durham County Council Highways Authority have been consulted and they have raised no objections to the proposed means of access. It is therefore considered that the proposed access to the bungalow would not have an adverse impact on the safety of highway users.
24. The proposed development provides 1.5 car parking space for both the new bungalow and the existing property No. 29 Etherley Lane. There would be sufficient off street parking provision provided within the curtilage of the proposed bungalow and the existing property No. 29 Etherley Lane.
25. The proposed development is in accordance with policies GD1, H26, T1 and FPG1 of the Wear Valley District Local Plan and in accordance with the Local Transport Plan 2.

objections/observations

26. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. There have been 4 letters of objection with the contents of the letters summarised below:
- a) The access is a private unmade lane.
 - b) The access lane is narrow and unsuitable for delivery lorries carrying building materials to the site.
 - c) Heavy or regular traffic serving the site will cause damage and subsidence to neighbouring properties.
 - d) Loss of privacy.
 - e) Loss of sunlight to neighbouring properties.
 - f) The boundary wall is delicate and could fall away.
 - g) Overdevelopment.
 - h) The applicant has no intentions of living there and is only after profit.
 - i) Problems with drainage and utility services.
 - j) This proposal would create a precedent for future development.
 - k) The dormer bungalow is similar to an average house size and should be considered as a two storey building.
 - l) Impact on Conservation Area.

response to objections

27. The following comments are in response to the objections raised above:
- a) Agreed. It is a matter for the residents to determine whether the new property has right of access over the land.
 - b) The construction of the property is not a material planning consideration. Whether lorries can get to the site or not, it is not an issue which would warrant refusal of the application.
 - c) Damage to neighbouring properties as a result of delivery lorries visiting the site is not a material planning consideration. It is a civil matter.
 - d) Discussed in officer analysis. Adequate separation distances are achieved between the proposed property and neighbouring dwellings ensuring no loss of privacy to neighbouring occupiers.
 - e) Discussed in officer analysis. Given the height of the proposed development and the orientation of the surrounding properties, neighbouring properties would receive substantial amounts of natural light.
 - f) Alterations to the boundary walls are not included within the proposed development.
 - g) The proposed development provides sufficient amenity space for prospective occupiers and adequate separation distances are achieved with neighbouring dwellings. The proposal is not considered to be overdevelopment.
 - h) Not a material planning consideration.
 - i) Not a material planning consideration. The issue of drainage and utilities would be dealt with through Building Regulations.
 - j) Future planning applications would have to be assessed on its own merits. This development would not create a precedent.
 - k) The dormer bungalow is not the same size as a two storey property.
 - l) The impact of the development on the Conservation Area is discussed in officer analysis.

reasons for approval

1. The application site is a brownfield site located within an urban area, situated within the settlement limits of development for Bishop Auckland. As such the proposed development of a dormer bungalow on this site is sequentially preferable. The proposal is in accordance with policy H3 of the Wear Valley District Local Plan and policy 3 of the Submission Draft Regional Spatial Strategy (RSS).
2. Due to the 2-3 metre high boundary walls and the separation distance between windows, it is considered there would be adequate levels of privacy maintained between the proposed property and the dwellings to the south and east. Given the distance and angle between the windows of the proposed bungalow and those in the east elevation of No. 29 Etherley Lane, there would be no significant loss of privacy to the occupiers. Given the hipped design and low ridge level of the proposed bungalow, there would be no adverse impacts created upon neighbouring properties in terms of overbearing or

overshadowing effects. Similarly due to the design of the proposed roof, it is considered the outlook from windows to neighbouring properties would not be compromised. Sufficient useable and private garden amenity space would be provided within the curtilage of the proposed property along with adequate levels of garden area retained for No. 29 Etherley Lane. The proposed development would not have an adverse impact on the residential amenities of occupiers of existing neighbouring properties and prospective occupiers of the proposed dormer bungalow. The proposal does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan.

3. The proposed development is located within the Bishop Auckland Conservation Area and adjacent to a Grade II Listed building. There are a number of different house types and materials within the surrounding locality. The proposed property would be screened from the street scene by the surrounding dwellings and would not be visible from any public point. It is therefore considered that the proposed dormer bungalow would preserve the special scenic qualities of the Conservation Area and would not detract from the architectural and historic qualities of the Grade II Listed Building. The proposal does not conflict with the aims of policies GD1, BE3, BE4, BE5 and BE6 of the Wear Valley District Local Plan and accords with PPG15.
4. Access to the site would be taken from the existing access which supplies No. 29 Etherley Lane. Durham County Council Highways Authority have raised no objections to the proposed means of access and it is considered that the proposed access to the bungalow would not have an adverse impact on the safety of highway users. There is sufficient off street parking provision provided within the curtilage of the proposed dormer bungalow and the existing property No. 29 Etherley Lane. The proposed development is in accordance with policies GD1, H26, T1 and FPG1 of the Wear Valley District Local Plan and in accordance with the Local Transport Plan 2.
5. Given the size of the site and the close proximity to a Listed Building, it is considered appropriate to remove permitted development rights so that the visual and residential amenities of the area can be safeguarded

RECOMMENDED

- A. 3/2007/0441 - That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.

3. 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.
4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E of Part 1 and Classes A and B 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.

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 achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
 4. Given the size of the site and the close proximity to a Listed Building, the local planning authority wish to control future development on the site, in order to safeguard the visual and residential amenities of the area. In accordance with policies GD1, BE3 and BE4 of the Wear Valley District Local Plan.
- B. 3/2007/0441 - That Listed Building Consent be **GRANTED** subject to the following conditions and reasons;

conditions

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

4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E of Part 1 and Classes A and B 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.

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 achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan.
4. Given the size of the site and the close proximity to a Listed Building, the local planning authority wish to control future development on the site, in order to safeguard the visual and residential amenities of the area. In accordance with policies GD1, BE3 and BE4 of the Wear Valley District Local Plan.

background information

Application files, WVDLP, PPG15, LTP2 and 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="32"/>	target achieved	<input checked="checked" style="width: 40px; height: 20px;" type="checkbox"/>		
explanation					

Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Chris Baxter
 Planning Officer
 Ext 441

3/2007/0441 & 3/2007/0442LB- 1 NO. DORMER BUNGALOW AT LAND REAR OF 29 ETHERLEY LANE, BISHOP AUCKLAND FOR MR. QUINN – 02.06.2007

