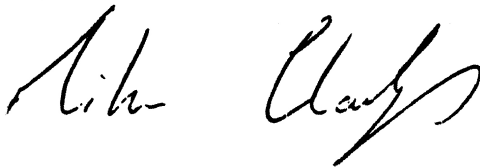


## **Development Control Committee**

**Councillors:**J. I. Agnew (Chair), R. Alderson, A. Atkinson, M. Campbell, H. Christer, T. Clark (Vice-Chair), G. Coulson, R. Ellis, G. C. Glass, P. D. Hughes, D. Hume, D. Lavin, O. Milburn, T. Pattinson, S. J. Rothwell, A. Shield, E. Turner, A. Watson O.B.E, T. Westgarth, J. Williams, R. Young

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 11th October 2007 at 2.00 p.m. for consideration of the undernoted agenda.



**MIKE CLARK**

**Chief Executive Officer**

## **Agenda**

### **1. DECLARATIONS OF INTEREST**

To receive any disclosure by Members of personal interests in matters on the agenda, identify the item on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct.

### **2. MINUTES**

To approve the minutes of this panel's following meetings:

Development Control Committee - 13th September 2007 (Herewith 'A')

Site Visit - 24th Septmeber, 2007 (Herewith 'B')

Attached Documents:

[MINUTES \(A\)](#)

[MINUTES SITE VISIT \(B\)](#)

3. **NORTHUMBERLAND MINERALS AND WASTE DEVELOPMENT  
FRAMEWORK: SITE SPECIFIC ALLOCATIONS  
'REPRESENTATION CONSULTATION'**

To consider the report of the Director of Environmental Services  
(Herewith 'C')

Attached Documents:

[NORTHUMBERLAND MINERALS AND WASTE DEVELOPMENT  
FRAMEWORK: SITE SPECIFIC ALLOCATIONS'REPRESENTATION  
CONSULTATION' \(C\)](#)

4. **APPEAL DECISIONS**

To consider the report of the Director of Environmental Services  
(Herewith 'D')

Attached Documents:

[APPEAL DECISIONS \(D\)](#)

5. **PLANNING APPLICATIONS**

To consider the report of the Director of Environmental Services  
(Herewith 'E')

Attached Documents:

[PLANNING APPLICATIONS \(E\)](#)

Agenda prepared by Lucy Stephenson, Democratic Services 01207 218249

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## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 13<sup>th</sup> September 2007 at 2:00 p.m.

### **Present:**

Councillor J I Agnew (Chair).

Councillors R Alderson, A Atkinson, M Campbell, H Christer, T Clark (Vice-Chair), G Coulson, R Ellis, G C Glass, P D Hughes, D Hume, D Lavin, T Pattinson, S Rothwell, A Shield, E Turner, A Watson, T Westgarth and J Williams.

### **Apologies for Absence**

An apology for absence was submitted on behalf of Councillor O Milburn.

## **26. DECLARATIONS OF INTEREST**

In accordance with the provisions of Section 94 of the Local Government Act 1972: Standing Order No. 33 Councillor P D Hughes declared an interest in Paper E – Enforcement.

## **27. MINUTES**

### **RESOLVED**

(a) That provided the following amendments are made the minutes of the meeting held 23<sup>rd</sup> August at 2.00 pm be agreed as a correct record.

Page 60. last paragraph change Dr Morris speak in support to “*speak against*”.  
Page 62: last paragraph – change Mike Swallow to Mike “*Small*”

## **28. MINUTES OF SITE VISITS**

**RESOVLED:** That the minutes of the site visit held 23<sup>rd</sup> August 2007 at 6.00 p.m. for application number 07/0434 and at 6.40 p.m. for application number 07/BFD/0037 be agreed as a correct record.

## **29. NORTHUMBERLAND MINERALS AND WASTE DEVELOPMENT FRAMEWORK: SITE SPECIFIC ALLOCATIONS**

The report updated Members regarding the ‘Northumberland Mineral and Waste Development Framework: Site Specific Allocations Document’, which allocated specific sites for future mineral extraction and waste disposal in Northumberland County.

Members were advised that the proposed expansion of operations at Broadoak Quarry site had now been omitted from the most recent draft of the Site Specific Allocations Document, which is at the Submissions Stage. This meant that alternative sites, none of which had adverse impacts on Derwentside, would be used for future quarrying extractions during the lifetime of the Northumberland Mineral and Waste Development Framework which covered the period up to 2021.

**RESOLVED:** That the information contained in the report be noted.

### **30. APPEAL DECISIONS**

(1) Appeal against the refusal for outline planning permission for the erection of a two storey dwelling consisting of two flats on the land to the west of Chelsea House, Quarry Road, Shield Row, Stanley.

**RESOLVED:** That it be noted that the Planning Inspector had allowed the appeal.

(2) Appeal against the refusal to grant full planning permission for the erection of a detached garage to the rear of 5 Bronte Place, South Stanley.

**RESOLVED:** That it be noted that the Planning Inspector had dismissed the appeal.

(3) Appeal against refusal to grant listed building consent for the installation of roof mounted solar panels to the rear of 6 Hollinside Terrace, Hollinside, Lanchester.

**RESOLVED:** That it be noted that the Planning Inspector had dismissed the appeal.

### **31. PLANNING APPLICATIONS**

#### **(1) Public Speaking Applications**

All Members who had not been present at the site visit held on 23<sup>rd</sup> August for application 07/0434 left the Chamber at this point and took no part in the discussion or voting thereon.

07/0434 MR & MRS WADE  
Erection on one dwelling (Resubmission)  
Land to the rear of 25 Front Street, Quebec, Durham.

The Divisional Head of Planning & Building Control presented the report which recommended that application 07/434 be refused planning permission. The application had been deferred from a previous meeting for a site visit. The site visit had been taken on 3<sup>rd</sup> September 2007 and as such the application was now referred back to Members for determination.

Mr Wade speaking in support of the application:

Mr Wade made the following comments:

- Policy HO5 – The proposal is a separate dwelling, different interpretations were possible but in his view the policy would not be contravened.
- Separate access to Number 25, not shared access.

Councillor Coulson commented that in his opinion the site was a separate entrance and not tandem development. Councillor Rothwell advised that she agreed with these comments.

Councillor T Clark raised concerns regarding the proposed removal of the trees.

Councillor Glass commented that this contrary to Policy H05 of the adopted Local Plan. Councillor Alderson agreed with this comment and added that if this development was allowed it would set a precedent.

Councillor Watson commented that the site visit had been extremely helpful, in his opinion this development was on a brownfield site, within the curtilage of the owner and not contrary to Policy H05. He also commented that there had been no objection from the Highway Authority and that the Parish Council were in support of the application.

Following the debate and vote it was:

**RESOLVED:** Notwithstanding the Officer recommendation for refusal, application 07/0434 be granted planning approval subject to the following conditions:

Time Limit (ST).

Approved Plans (ST01)

Materials to be agreed (RA04)

Drainage works carried out in accordance with and approved details (RA04).

Landscaping scheme (RA02).

No development shall commence until details of any trees to be removed from the site are first agreed in writing by the Local Planning Authority

Prior to the dwelling hereby approved being occupied a plan shall be submitted to and agreed in writing by the Local Planning Authority, depicting a physical barrier between the curtilage and rear lane, such that vehicular access between the site curtilage and rear lane is prevented. The approved barrier shall be installed prior to the occupation of the dwelling and, unless otherwise agreed, shall remain during the life of the dwelling thereafter

Prior to the dwelling hereby approved being occupied, a plan shall be submitted to and agreed in writing by the Local Planning Authority indicating works to be carried out in the public highway. The development shall be carried out in accordance with the details agreed

Permitted development rights removed (RDH03a)

All Members who had not been present at the site visit held on 23<sup>rd</sup> August for application 07/0433 then returned into the meeting.

**In accordance with the provisions of Section 94 of the Local Government Act 1972: Standing Order No. 33 Councillor P. D. Hughes declared an interest in the following item, left the Chamber and took no part in the discussion or decision thereon.**

(2) 07BFD/00037 Land to the rear of 53-63 Bryan's Leap, Burnopfield

**The Chair advised that the following item was part of Paper 'E' Enforcement but would be taken in advance of the other applications to allow residents concerned to voice their opinion before the Press and Public be excluded and a decision was made.**

The Chairman welcomed P Dinning and P Atkinson to the meeting.

P. Dinning speaking against the sub-division of the land.

My name is Pam Dinning and I have lived with my family at 55 Bryans Leap for the last 28 years.

I have been asked by 6 of the 10 families, to bring to your attention the following points.

1. We would like to draw your attention to the fact that numbers 48 and 49 Bryans Leap have been granted a 'Certificate of Lawfulness for use as garden area' for the land to the rear of their properties. The plots have been divided with a ranch style wooden fence. Surely, this has set a precedent for the land surrounding Bryans Leap?
2. With regard to the visual impact of the land to the neighbourhood. Because of the slope of the land, residents at the playing field end cannot see the land to the rear of 53-57 and vice versa. I would add that there should be a wooden fence at the edge of the playing field, which has not

- been maintained by the County Council. The land cannot be seen from the public footpath on Sandypath Lane or from Fellside Road further away because of the hedge. The path to the rear of the back fence is **NOT** a public footpath but was made by dog walkers on the farmer's land. We would like to point out that the land behind 48-49 is very visible from Fellside Road.
3. We bought the land as 10 individual plots, legally registered at the Land Registry. Many of us have been using and maintaining the area immediately to the rear of our properties for many years whilst others chose to use it as a dumping ground for garden refuse. We would like to be allowed to continue to maintain the area and to control the waist high nettles and weeds that cover the plots.
  4. We bought the land to protect our view from any development that may be planned for the future. Planning permission had been granted to Leech to extend Bryans Leap to the rear of our properties when the estate was first built, but this was never carried through because of subsidence. Also, there is still the threat of opencast mining in the Derwent Valley.
  5. We have always been willing to accept direction as to how we can use the land but for the last 4 years we have been given several different 'officer opinions' on what we can do with the land. We need a definite you can do/can't do this or that with reasons. What is the difference between agricultural and garden use? We need to know!

Finally, whatever your decision we would welcome a meaningful discussion with the Planning Department and members of the Development Control Committee as to what can and cannot be done with the land.

The Chairman welcomed P. Atkinson into the meeting.

P. Atkinson speaking in favour of the sub-division of the land.

I represent the view so 6 out of the 10 landowners.

I am speaking against option one.

What does the resist the subdivision of land actually mean? You can't mean the legal subdivision because this is a question of fact. Each plot has been registered at the Land Registry for over a year now. Options one states that if any landowner subsequently fences their plot the Planning Department will monitor the situation. This seems to suggest that we can fence the land. We, therefore, appear to have eliminated both the legal and physical subdivision so what is left and, incidentally, why won't the planners tell us? Why the secrecy?

If they mean that we all must do the same thing then how will this work in practice? If one cuts the grass will the rest have to? Or, do we have the vote on it. Or, and most undemocratically, will we have to follow the lead of perhaps one person who doesn't want to do anything.

This unwelcome episode in our lives started with threats following a letter from a neighbour. It continued after a complaint, no doubt involving the same neighbour. Now that we have started asking for further information it almost

seems as if the planners don't want the hassle and have chosen the big stick approach.

We are at a loss to understand not only what the planners are trying to achieve with this option but also why they have decided to consider this action in the first place.

Having said that we all feel that until we all have a full understanding of the issues, i.e. what can and can't be done with the land we will never have any peace.

We oppose option one but support option two. We would welcome and in fact prefer active participation from one or more members of the Planning Committee at any meeting.

The Chairman thanked the speakers.

### **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** on the motion of Councillor E. Turner seconded by Councillor A. 07BFD/00037 Land to the rear of 53-63 Bryan's Leap, Burnopfield Watson that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12(A) of the Act (as amended).

The Divisional Head of Planning & Building Control presented the report 07BFD/00037 Land to the rear of 53-63 Bryan's Leap, Burnopfield. He outlined the two options detailed in the report as follows:-

Option One: To resist the sub-division of the land.

Option Two: To allow the sub-division of the land.

Lengthy discussion ensued on the options outlined in the report, the issue of an Article 4 direction and whether or not to take enforcement action. Councillors commented on the following:

- Some residents had bought the land to prevent any future development.
- The residents were divided on this issue – some in favour of sub-division, some against.
- Some of the residents had extended their garden area.
- If the sub-division was not allowed the situation would remain as present with some areas fenced off and others areas left uncultivated.
- An Article 4 direction removing permitted development rights was considered 'heavy-handed'.

**RESOLVED:** That the sub-division of the land be resisted however, permission was not agreed to issue an Article 4 direction.

At this point everyone was invited back into the meeting.

(3) 06/484: MRS J HUNTER

Change of use of land for the storage of ten caravans.



Ragpathside Farm, Lanchester.

The Chairman welcomed Mrs P. Gibson in to the meeting.

The Senior Planning Officer presented the report which was recommended for refusal. He advised that Lanchester Parish Council and Lanchester Partnership had submitted objections to the proposal.

Mrs P. Gibson speaking in support of the application.

Photographs supplied by Mrs P. Gibson were circulated to all at the meeting.

I am speaking to you today on behalf of my mum, Mrs. Jean Hunter of Ragpathside Farm. There are two reasons we re-applied for permission or outside storage of up to 10 caravans after it was refused at the last meeting.

The first reason being as I spoke at the last meeting I did get the feeling that many committee members did actually feel that the 5-10 caravans outside were not actually causing a great environmental problem and that a lot of the objections were from people not even in close proximity of the farm i.e. Washington!! It is not as though we are wanting to increase the number of caravans and run it as a business it is purely friends and family we are catering for. We would provide screening if necessary, or tuck the caravans further into the corner of the yard where as you can see by this photograph these are already established trees. The photograph taken yesterday, also shows the 5 caravans situated which is all we have at present, and would be grateful if you could even grant permission for those five to stay.

The second reason for re-application was on behalf of the family and friends who are own the caravans, as they don't want to have to put their caravans back on their driveways etc. if they can help it.

We were rather concerned by the objections i.e. noise and disturbance the caravans are never brought in or out late at night or very early in the morning as the gate to them is locked, no security risk, as a key is needed. The owners drive very slowly and are not rowdy people. As for the loss of privacy to garden area as you can see from this photograph the neighbours garden is fenced with rather an obtrusive and very high wood fence which you will agree you will not be able to see a car and caravan pass. The next photograph shows you the beautiful view across the valley that my mum used to have from her kitchen window, now she looks out on a wall of wood which I am sure is not in character with the surroundings either.

The final photograph shows you the view from the other side of the neighbour's house, no caravans to be seen. They would have to walk to the edge of their property and turn their heads to a 90° angle to see the caravans.

We are not out to cause detrimental damage to the area concerned as we respect the beautiful countryside where I have lived for over 30 years and my mum 40 years. It is, however, rather soul destroying when there are two farms in very close proximity to Lanchester Village that have caravan storage for over 20 caravans each they do stand out and in our eyes look ugly.

We do not want to create that effect. The area concerned has always been a hard standing where my father and I used to store silage bails and farm machinery i.e. trailers, muck spreader etc until we were tragically taken out by foot and mouth. We just recently tidied the area up. We are merely trying to help out family and friends by making use of what has recently been unused space that we have. Thank you for listening.

Discussion ensued and following a vote being taken it was

**RESOLVED:** That planning permission for application 07/484 be refused as follows:

The external storage of caravans and authorisation be agreed for enforcement proceedings to require the removal of the caravans from the site. It was also agreed that an enforcement notice be served which would allow the applicant two months to arrange for the caravans to be removed from the site.

(4) 07/0529: MR G & MRS C TAYLOR  
Two storey rear extension (resubmission)  
Holyoak House, High Westwood.

The Chair welcomed Mr Hindmarsh to the meeting.

The Principal Planning Officer presented the report which was recommended for conditional planning approval. She circulated a letter of objection and photographs of the site to all at the meeting.

Mr. Hindmarsh speaking against the application:

I am Paul Hindmarsh of Astley House, High Westwood.

Can I begin by asking whether the Development Control Committee is there to uphold the planning policies and rules of the Council.

Can I start with items in the report of the Planning Officer, Mr. Tom Armfield.

Point 1, Item No. 8.

He quotes from Policy EN3 about large extensions which should not exceed 50% of the size of the original building and to be an appropriate size to its surroundings.

Point 2, Item No. 11.

Here he states and acknowledges the fact that the extension would be double the size of the existing bungalow (an increase of 100%) and he proposes these plans to be approved.

Is this a request to the committee to break these rules can I say at this time that a garage has already been built. As I understand it, no planning permission is needed for a garage providing it is below 70 cubic metres, the garage, I am sure is nearer 102 cubic metres calculated by the size of building materials used.

Point 3, Item No. 12.

Here he acknowledges the fact that the house would be prominent when viewed from the road through the village and also not in scale with the house itself.

I should be very grateful if the members of the committee could come to see for yourselves, before making your decision

Point 4,

Surely this house cannot be compared with Lonsdale Court, the old school converted into houses, utilising an old building keeping its design. Would the house then be compared with either of the better it should be compared with the two bungalows either side and other purpose built houses and bungalows in the village.

Point 5

A summary of my report has been given by the Planning Officer in his report but is only a scant impression and not all details are correct.

My report should be read in conjunction with my photographs to understand our objections. A copy is available from me now, i.e. especially relative to sunlight. For instance, in winter, we do not see the sun from sunrise until about 10.30 a.m. That is with the existing building. Also no mention of the sun not getting into the porch or lower house windows until even later.

Point 6.

The site plans show Astley House at a greater distance from the boundary fence than it should be, so the question of the distance between the extension and our house would be nearer 20 metres and not 25 metres as stated in his report.

Point 7.

No mention of the rainwater drainage from the garage and existing building has been made in his report. This compounds the problem of soak away drainage.

Discussion ensued regarding the application, Councillors made the following points:

- Planning guidance referred to 50% increase in floor space, this application was for 100% and therefore grave concerns were expressed if this was approved it would make a mockery of the guidance..
- Photographs had been presented showing existing large buildings near the site however, the nearby bungalows had not been shown.

**RESOLVED:** Notwithstanding the Planning Officer's recommendation for planning approval, application number 07/0529 be refused planning permission for the following reason:

The proposed extension would double the size of the property and as such would be out of scale with the original dwelling contrary to policy EN3 of the Derwentside District Local Plan resulting in the dwelling being highly prominent to the detriment of the visual amenity of the area.

(5) 07/0586: MRS J FORSTER

Demolition of existing wooden garage and erection of stable block in rear garden. 14 Lanchester Road, Maiden Law.

The Planning Officer presented the report which was recommended for conditional planning approval. Neighbours had been consulted and a site notice

posted – one e-mail and 5 letters of objection had been received from local residents.

The Chairman welcomed J. Foster into the meeting.

J Foster speaking in support of the application:

I have met all of the County Highways Development Control Officer recommendations:

- When I use the trailer I need to drive into and exit the site using a forward gear. I have changed the plan which allows me to fully drive onto the site, shut the gates, unload the pony, and move the trailer and car into a position that will enable me to exit the site in a forward gear.
- The stable will only be used for my personal use only, one horse, one stable, rest for storage of tack/feed store.
- The hard standing will be kept clear to facilitate the manoeuvring of the vehicles as shown on the revised plan.

I can confirm that I will ensure that the hard standing will be put into place before my vehicle is driven onto the site.

I will meet the recommendations of Environmental Health who have stated that “suitable facilities should be provided for the storage and disposal of solid and liquid waste”.

- There will be no muck heap on the site. I will use wood shavings in the stable which soaks up any liquid. There will be a field drain with a soakaway down the centre of the site to allow for the dispersal of any rain/water.
- Each day the pony is in the stable it will be cleaned, any waste placed in sealed bins and stored out of sight in the Hay/Feed store. The bins will be emptied each week.

Greencroft Parish Council is concerned that “the smell of a manure heap would not be acceptable”. There will be no manure heap. In fact, the site backs onto grazing land. Having spoken to the owner of the land (Mr. McDonough) he advised me that he intends to put cattle or sheep on the land. This would cause more smell than one pony. They have also stated that “horses could cause problems because of cars parked in the lane”. The pony is very good in traffic and my daughter understands the highway code and is a very responsible rider and is a member of the local Pony Club.

Also have horse liability insurance.

Neighbours have various concerns, all of which I can appreciate, but I would like to assure them that I have no intension of having the site turned into a “junk yard or misused allotment” site.

- I have placed the stable at the rear of the site being the furthest point away from the houses – approximately 27 metres from 14 Lanchester Road.
- I will keep the lane clear as the trailer and my car will be parked on the site.

- The pony will be off-loaded into the trailer on site and not in the lane so as to keep the lane tidy.
- I have shown on the plan that I can manoeuvre the horse trailer and my car on the site safely and enter and exit in a forward gear as recommended by the Highways Control Officer.
- Where possible, the trailer will not be used, whenever the pony can be ridden to its destination.
- Only myself and my daughter will be attending to the pony, who, for the most part, will be in a field. I will not place the pony onto the site until I gain access to a field as I do not expect him to stay in a stable for 24 hours a day.
- There will be no muck heap and any smells will be kept to a minimum as the stable will be cleaned each day and any waste will be placed in sealed bins and kept in a closed shed. These bins will be emptied each week.
- There will be no increased vermin into the area. They are only attracted to any food stuff that is left lying around on the ground. Any feed such as oates, barley, pony nuts will be kept in sealed bins in the feed store.
- Yes, tack is expensive but I do not think it will attract more crime to the area. It will be stored in a locked shed behind locked gates. I may even keep the tack in my house if I thought there was a risk of it being stolen.

In summary, I feel I have shown on my plans that I have met the requirements from the County Highways Development Control Officer, that I will meet the recommendations of the Environmental Health regarding the disposal of horse waste and I hope I have been able to assure my future neighbours that the use of the stable is for private use only, that I would keep the site and the lane clean and tidy, that the stable would not create any extra vermin or crime into the area. I am a good member of the community and would not wish to cause any concern to my neighbours and I ask for your approval of my plans. Thank you.

Following a vote being taken it was

**RESOLVED:** that Planning Application 07/0586 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST01)  
Prior to the commencement of the development an amended plan should be submitted to Local Planning Authority showing the revised positioning of the buildings with access gates covering the full width of the western elevation frontage in accordance with the advice of the County Highways Engineer in an e-mail dated 21<sup>st</sup> August 2007 on file reference: (1/2007/0586).
- 
- The stables shall be for private use only.
- The use of the stables shall be ancillary to the related dwelling (no. 14 Lanchester Road) only.
- The hardstanding area shall be available for no other purpose than the manoeuvring or parking of vehicles or a horse trailer.

- The hardstanding area shall be constructed and available for use prior to the commencement of use of the approved buildings.
- There shall be no outside storage of materials on the site.
- Drainage details (D01).

(6) 07/0552: MR & MRS P MADDISON

Erection of single storey rear extension, heightening of existing roof to create additional room.

13 West Drive, Lanchester.

The Chairman welcomed Mr J.P. Smith and L. Maddison into the meeting.

The Senior Planning Officer presented the report which was recommended for conditional planning approval.

Mr J.P. Smith speaking against the application.

1. Peter Smith of 27 Ford Road speaking and on behalf of my next door neighbours Mrs. Dawson and Mr. and Mrs. Little. Our properties back onto West Drive but at a considerably lower level. Our concern is the impact that the gable end of the sun room extension will have on our privacy and outlook, comments will only concern extension into garden to east.
2. Object due to impact on our privacy and amazed that planning officer has not visited our properties to examine the impact on us. Invitations have been given. How can she make judgements in Para 13.
3. Plans do not show the true situation, show as level plot not steeply sloping, so height of gable end of sun lounge extension is only estimated to be 5.5 m below those of proposed extension so we will be looking up at this huge gable end.
4. SPG7 sets out minimum standards for new housing, same criteria should apply to new extensions. SPG3 says extensions not to exceed 3m so why disregard in this instance. Similarly, 45 degree rule disregarded.
5. Para. 11 regarding distances between our properties, has P.O. physically checked the measurements on the plans. Think not as she has not been to our houses. Recommends minimum distance on level ground but difference in height in this case has effect of foreshortening, has this been taken into consideration. Why has P.O. not visited?
6. Para 11 mentions vegetation, this is mainly in applicants' garden and cannot be regarded as permanent feature. Difference in floor levels means that it will not give privacy as anyone standing at gable windows will be looking over top.
7. Para 6 and 8 mention an offshoot to existing property, para 8 says it is to the east giving the impression that there is an existing extension, not so as dining room is behind garage within building line and at the south end of property. Again, I ask has P.O. visited site?
8. Height of gable end is not known as architect has shown as a level site but from information given, we estimate that the top of the gable will be over 6 m above ground floor levels. The height of the extension and width of

- 6.815m would have a huge impact on our properties and given the amount of glazing in the eastern gable, facing us, the privacy of our bedrooms and gardens would be greatly impinged.
9. In Para 10, P.O. states that 0.3m (1 foot) is a marginal measurement, if this is so what tolerances will be allowed in the actual building if it goes ahead.
  10. This report has been written before the amended plans had been submitted and judgements made, all without seeing plans and visiting site to see if from our perspective. Hardly gives the impression of an unbiased judgement as one should expect from an officer of the Council.

L. Maddison speaking in support of the application

- Had met the Planning Officer on a number of occasions for guidance.
- Plans had been amended 3 times.
- Some neighbours had no objections to proposal.
- Local Lanchester resident – supports the local economy.

Councillor Westgarth commented that in the interests of fairness he proposed a site visit be held.

Following a vote being taken it was

**RESOLVED:** That the application be deferred for a site visit and further consideration by a future committee.

(7) 07/0494: MR A HODGSON  
Replacement of doors and windows.  
26 Hunters Close, Medomsley.

The Planning Officer presented the report which was recommended for conditional planning approval.

Mrs Hodgson speaking in support of the application:

Firstly, I would like to thank you all for allowing me to attend this meeting. The windows which we wish to replace are of such poor quality they will not retain the paint for any length of time. They have been painted 3 times in six years.

They are draughty and the doors swell in the winter which prevents them opening which is a fire hazard. It was suggested after the first application was refused if we replace with better quality i.e. box sash which I am prepared to do at an extra cost of £1,800. It has been suggested that we may set a precedent, when in actual fact several houses on the estate have tastefully fitted UVPC windows without planning permission including No. 1, Hunters Close.

No. 1 Hunters Close is more visible than our house when entering the village from Consett, and their windows are huge whereas ours are small.

I feel if permission is not granted, people in future are not going to follow the correct procedure as I am doing, but will go ahead without permission as some other people have already done.

The firm we have chosen is not just a normal run of the mill Double glazing firm they are specialised in replacement building and barn conversions, A and A Compounds.

Following a vote being taken it was

**RESOLVED:** That Planning Application 07/0494 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST01)

Councillor D Hume left the meeting at this point.

(7) 07/278: MR D REED

Change of use to residential.

Hunworth Lodge, Manor House Farm, Durham Road, Lanchester.

The Principal Planning Officer presented the report which was recommended for conditional approval.

Councillor Rothwell raised concerns regarding the loss of the right of way. The Principal Planning Officer advised that this had been an ongoing issue with Durham County Council and the applicant was being encouraged to contact the Right-of-Way Officer to help resolve the situation. Debate ensued on the issue of the right if way and Councillors requested that a letter be forwarded to Durham County Council on this issue.

Following a vote being taken it was

**RESOLVED:** That Planning Application 07/0278 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST01)
- This permission relates to the application as amended by plans –received on 12<sup>th</sup> April 2007.
- Prior to the use commencing and occupation of the building details of any improvement works and external alterations and plans of internal and external of building shall be submitted to the Local Planning Authority for approval and any alterations shall have been completed in accordance with the approved plans.
- Any building materials shall only be stored within the red line site boundary of this application.
- There shall be no temporary residential accommodation on site without the prior written approval of the Local Planning Authority and this temporary accommodation shall only be occupied and sited during the duration of works required to facilitate implementation of this application and once



internal and external works are completed any temporary buildings shall be removed from the site.

(9) 07/0405: MR D WATSON

Details of siting, design and external appearance and landscaping surrounding one agricultural building.

The Beaches, Black House Farm, Lanchester.

The Senior Planning Officer presented the report which was recommended for conditional approval.

Following a vote being taken it was

**RESOLVED:** That Planning Application 07/0405 be approved subject to the following conditions:-

- Approved Plans (ST01)
- Five year time limit (ST)
- Materials (DH05)
- This permission relates to the application amended by plans and landscaping scheme document.
- The colours of the finished exterior walls and roof shall be in accordance with British Standard BS5502 Part 20 and shall be submitted to the Local Planning Authority for approval before the commencement of the development.
- The approved landscaping scheme shall be carried out in accordance with the approved plan which specifies the planting of seven native specie trees in the defined positions, not later than the 31<sup>st</sup> December following the completion of the development, unless otherwise agreed in writing by the Local Planning Authority. The trees shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather and replacement of any failed plants and damaged stakes and ties.
- There shall be no external storage on the site without the prior written approval of the Local Planning Authority.

(10) 07/0714: MRS E WALTON

Erection of two storey side extension (resubmission).

3 Belle Vue, Medomsley Edge, Consett.

The Principal Planning Officer presented the report which was recommended for conditional approval.

Following a vote being taken it was

**RESOLVED:** That Planning Application 07/0714 be approved subject to the following conditions:

- Approved Plan (ST01)
- Five year time limit (ST)
- Materials (DH05)

## **32. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** on the motion of Councillor E. Turner seconded by Councillor A. Watson that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12(A) of the Local Government Act 1972 (As Amended).

## **33. ENFORCEMENT**

(1) The Chair reminded Members that 07/BFD/00037 had been taken earlier.

(2) 07/LAN/00100  
Installation of Hot Tub and Canopy.  
Peth House  
Lanchester

The Principle Planning Officer presented the report and advised that several attempts had been made to negotiate with the owner however, no response had been received.

Following discussion it was

**RESOLVED:** That a planning enforcement notice be issued requiring the removal of the hot tub, decking and canopy with the land reinstated to its former condition. The notice to be complied with within two months from it taking effect.

## **Conclusion of meeting**

The meeting closed at 4.41 p.m.

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of a meeting of a Site Inspection carried out by the Development Control Committee on Monday 24<sup>th</sup> September 2007 at 10.00 a.m.

### **Present:**

Councillor J. I. Agnew (Chair)

Councillors: R. Alderson, M. Campbell, R. Ellis, G.C. Glass, D. Lavin, T. Pattinson, E. Turner, A. Watson, T. Westgarth, J. Williams and R. Young.

### **Apologies for Absence:**

Apologies for absence were submitted on behalf of Councillors A. Atkinson, H. Christer, T. Clark (Vice-Chair), G. Coulson, P.D. Hughes, D. Hume, O. Milburn, S. Rothwell and A. Shield.

#### **1. APPLICATION NUMBER: 07/0522 13 WEST DRIVE, LANCHESTER, PROPOSED ERECTION OF SINGLE STOREY REAR EXTENSION, RAISING OF EXISTING FLAT ROOF TO CREATE ADDITIONAL ROOM.**

The Chairman opened the meeting, the Principal Planning Officer referred to the Development Control Committee held 13<sup>th</sup> September 2007 when the above planning application had been deferred for a site visit.

The Principal Planning Officer advised Members that there were two elements to the proposal. The first element was the extension above the existing garage, the second element was the extension to the rear of the premises.

Firstly, Members viewed the front of the premises from the footpath outside 13 West Drive. The Principal Planning Officer advised that it was proposed to replace the existing flat roof over the existing garage and dining room offshoot at the east of the property with a pitched roof to a height of 6m high to tie in with the existing roofline. Two rooflights would be incorporated within this extension, one to the front and one to the rear. In response to a question regarding the position of the 'soffits', the Principal Planning Officer advised that this was not a planning issue and would be considered a civil issue.

The site delegation then moved to the rear garden of 13 West Drive, Lanchester, where the applicant had 'pegged-out' the area of the proposed extension. The Principal Planning Officer advised that the extension would extend approximately 4.3 metres from the back of the house. The Principal Planning Officer advised that due to the fall of the land the rear extension windows would be on a level similar to the rear bedrooms of 27 and 29 Ford Road. Members viewed the neighbouring and opposite properties from an area of decking in the garden. It

was noted that the boundary of the garden adjoining Ford Road properties was planted with bushes which were not considered as a permanent feature. The Principal Planning Officer was then asked to explain the 45 degree rule.

It was pointed out that a neighbouring property had a similar sized extension to the one under discussion however, this had a flat roof and not a pitched roof.

The site delegation then proceeded to 27 Ford Road where they were invited to view the proposal from an upstairs window and from the garden area.

The Chair thanked Members for their attendance and advised that the planning application would be discussed at a future meeting of the Development Control Committee.

**Conclusion of meeting.**

The meeting closed at 10.21 a.m.

**DERWENTSIDE DISTRICT COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

**11<sup>th</sup> October 2007**

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**  
**NORTHUMBERLAND MINERALS AND WASTE DEVELOPMENT**  
**FRAMEWORK: SITE SPECIFIC ALLOCATIONS**  
**'REPRESENTATION CONSULTATION'**

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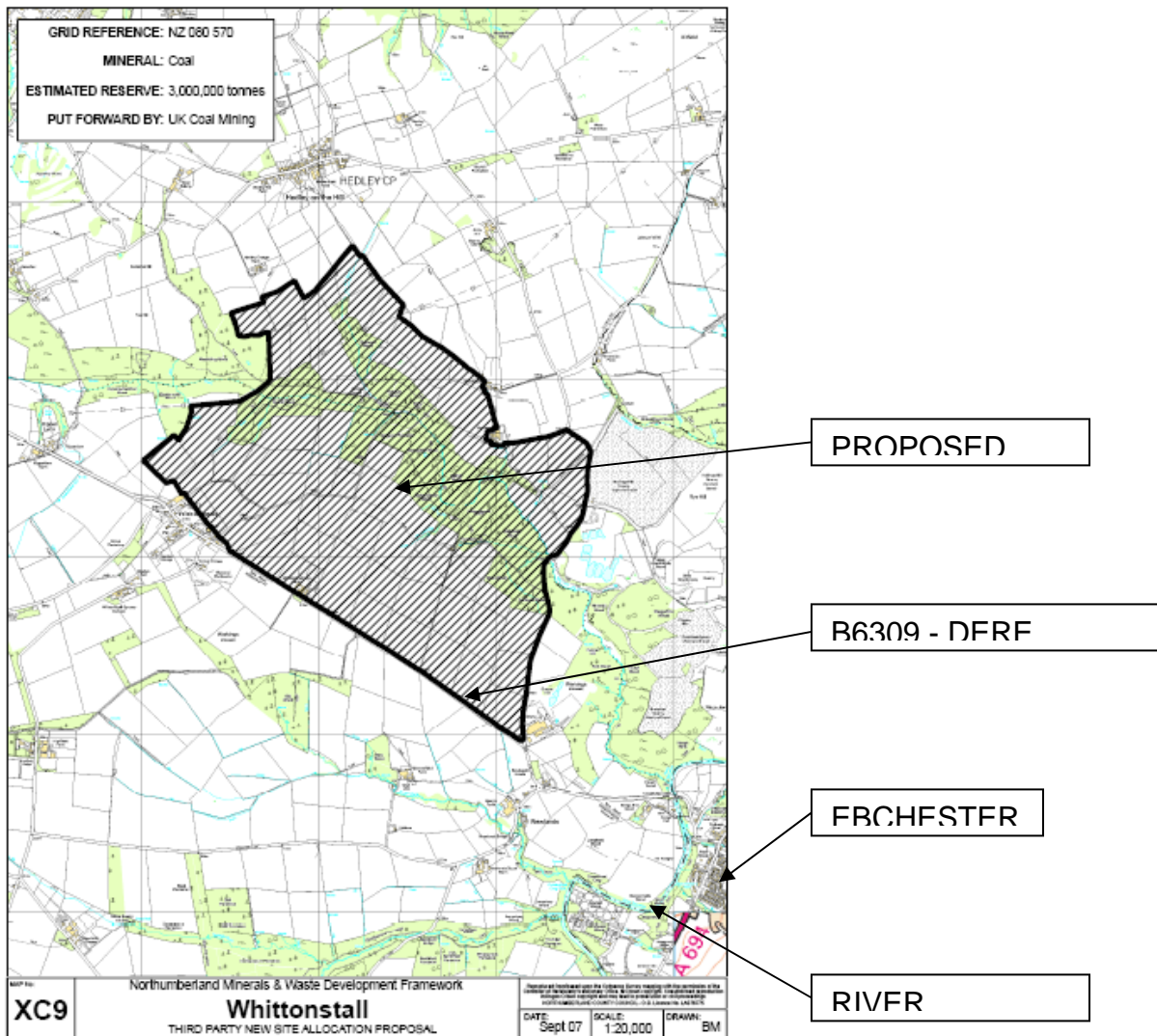
**Introduction**

1. The purpose of this report is to update members with regards the progression of the 'Northumberland Mineral and Waste Development Framework: Site Specific Allocations Development Plan Document (DPD)', which allocates specific sites for future mineral extraction and waste disposal in Northumberland County.
2. Members will be aware of a report presented at the DC Committee of the 13<sup>th</sup> September 2007, which gave an update with regards the omission of the Broadoak Quarry site near Ebchester from the Submission Draft of the Site Specific Allocations DPD.
3. During consultation on the Submission Draft Site Specific Allocations DPD, a new site has been proposed for mineral extraction operations at Whittonstall, near Ebchester.

**Background**

4. Northumberland County Council is preparing a Minerals and Waste Development Framework. This is a folder of documents that will provide the policy framework to guide and determine planning applications, and to allocate sites, for minerals and waste development in Northumberland.
5. The document has recently progressed through the Submission Stage and has been submitted to the Secretary of State for examination. A number of representations have been received in relation to the Site Specific Allocations DPD. These representations seek changes to the DPD by either adding a site allocation to the DPD, or altering any site allocation in the DPD. These must then be subject to further consultation.

6. A representation has been made by UK Coal Mining proposing a site at Whittonstall, in Tynedale District, for consideration for inclusion in the final draft of the Site Specific Allocations DPD. The proposed Whittonstall site is to the immediate west of the Broadoak site, adjacent to Ebchester. Please see map below:
7. Derwentside District Council has been given the opportunity to comment on major changes to site allocations suggested by other respondents, ensuring the Inspector has all views prior to examining the DPD. Comments must be received 29<sup>th</sup> October 2007.



Comment

8. The proposed site is within an Area of High Landscape Value and within the Green Belt as designated in the Tynedale District Local Plan (2000). Policy NE16 in the Tynedale District Local Plan states 'Development which will have a significant and adverse effect on the appearance of the Area of High Landscape Value as defined on the Proposals Map will not be permitted'. While National Planning Policy Guidance 2: Green Belts seeks to protect green belt land from inappropriate use, mineral extraction and related operations can be worked in the Green Belt where harm can be mitigated against and where there is a real need for development.
9. The proposed site is also contrary to guidance and policies contained in both the Formal Submission Draft of the Tynedale District Core Strategy and the Submission Draft Core Strategy of the Northumberland Minerals and Waste Development Framework (June 2007).
10. Policy NE1 in Tynedale District Formal Submission Draft Core Strategy seeks to 'Protect and enhance the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental...interest'.
11. The site is within 'Opencast Coal Constraint Area' as designated in the Submission Draft Core Strategy and the Submission Draft Site Specific Allocations DPD of the Northumberland Minerals and Waste Development Framework (June 2007). Policies SS4 and CS4 in this document both seek to 'strongly resist' opencast coal extraction in the constraint areas.
12. For Derwentside the proposed site would likely cause significant inconvenience to many residents within the vicinity of the site affected by the scheme. The scheme would be highly visible from many parts of District to the south of the site, causing significant environmental degradation and leading to a high number of heavy vehicle journeys related to the operations at the site over a significant time period. The site should not therefore be included in the final (adopted) draft of the Site Specific Allocations DPD.

### Recommendation

13. Members of the Development Control Committee are recommended to agree the above comments and submit a formal objection to Northumberland County Council recommending the site is not included in the final draft of the Site Specific Allocations DPD by the 29<sup>th</sup> October 2007.

**DERWENTSIDE DISTRICT COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

**11<sup>th</sup> October 2007**

**REPORT OF PLANNING OFFICER**

**APPEAL DECISION**

**Appeals against the refusal to grant planning permission for the retention of a rural workers mobile home and conservatory for a further temporary period and two enforcement notices-**

- i) requiring residential occupation to be ceased and the building to be removed and**
- ii) requiring removal of conservatory**

**on land at Langley Meadow Farm, Burnhope Road, Maiden Law**

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1. The Planning history relating to this site is extensive. Members may recall that the Development Control Committee granted planning permission in 2002 for a temporary building for residential use in association with a mushroom growing business. An application to enable retention of the mobile home for a period of 3 further years was refused by the planning Committee in February 2006 and enforcement action authorised, however delayed for a period of 6 months to reassess viability of the business or to allow a reasonable length of time to relocate. The application was refused on the grounds that there was no evidence that the applicant had developed a viable mushroom growing business, and as such there was no functional need for the temporary dwelling.
2. The most recent application (07/0094) and subject of the recent planning appeals was again for the renewal of temporary planning permission for the retention of the mobile home and conservatory attached until April 2008. That application was again refused by the Development Control Committee and enforcement proceedings authorised on 8<sup>th</sup> March 2007.
3. The reason for refusal given by the Development Control Committee was:-

*The applicant has not demonstrated the financial viability of the Mushroom*



*business. There is no functional requirement for residence on the site at this time either on a temporary or permanent basis. Retention of the mobile home with conservatory attached is therefore in conflict with policy HO15 of the District Local Plan and relevant national planning policies.*

4. Appeals were lodged with regard to the refused application but also with regard to the two enforcement notices as outlined above. The appeals were considered at a single planning hearing, and a copy of the Inspectors decisions on the application and two enforcement notices is attached.
5. Members should note that whilst the Inspectorate dismissed the two appeals with regard to the enforcement notices, that the main section 78 appeal with regard to the planning decision was allowed, and as such this has effectively overridden the current enforcement notices.
6. The Inspectors decision indicates that the Council was rightly concerned that the appellant was living on the site, without undertaking the activities that justified the need for a dwelling. The Inspector took into account however that the appellant has suffered a series of set backs which have prevented him from developing the mushroom business as quickly as he had hoped, and also that the appellant was now some way further down the line with 2 of the 3 mushroom tunnels complete. The Inspector considered the appellants intentions for the business to be genuine, and under such circumstances considered that it would be harsh not to give the appellant the chance to demonstrate that he can establish a viable business. The Inspector therefore has granted planning permission for the temporary dwelling and conservatory for a further period 31 August 2008. A further planning application will have to come before the Development Control Committee before the expiration of this period and the applicant should demonstrate that he has developed a viable business. If an application is not forthcoming or the evidence is lacking to show that the business meets the financial test, then it is likely that further enforcement proceedings would have to be considered.

#### Recommendation

7. The decision be noted.

Report Prepared by Mr Shaun Wells, Senior Area Planning Officer



## Appeal Decisions

Hearing held on 4 September 2007

Site visit made on 4 September 2007

by **David C Pinner** BSc (Hons) DipTP  
MRTP1

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Docks  
Temple Quay  
Bristol BS1 6NN

DERWENTSIDE DISTRICT COUNCIL  
17 SEP 2007  
Decision Date

PLANNING  
DIVISION

### Appeal Ref: APP/V1315/C/07/2045604

#### Langley Meadow Farm, Burnhope Road, Maiden Law, Lanchester, DH7 0RA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr N Anderson against an enforcement notice issued by Derwentside District Council.
- The notice was issued on 1 May 2007.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a conservatory attached to a moveable building.
- The requirements of the notice are:
  - i) remove the conservatory and;
  - ii) remove from the land all building materials and rubble arising from compliance with requirement (i).
- The period for compliance with the requirements is 3 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
- Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Summary of Decision:** The appeal is dismissed and the enforcement notice upheld.

### Appeal Ref: APP/V1315/C/07/2045612

#### Langley Meadow Farm, Burnhope Road, Maiden Law, Lanchester, DH7 0RA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr N Anderson against an enforcement notice issued by Derwentside District Council.
- The notice was issued on 1 May 2007.
- The breach of planning control alleged in the notice is failure to comply with condition No 4 of a planning permission Ref: 1/2002/0927/DMFP granted on 13 January 2003.
- The development to which the permission relates is three poly tunnels and a moveable building to provide living accommodation.
- Condition 4 in question states that: the occupation of the mobile home living unit hereby approved shall be limited to persons solely or mainly working at Langley Meadow Farm, or a widow or widower of such a person and to the resident dependants and shall only be permitted for a three year temporary permission, the mobile living unit shall be removed and the land reinstated in accordance with details to be agreed in writing by the Local Planning Authority unless a further application for its renewal or a permanent agricultural dwelling has been made and permission granted.
- The notice alleges that the condition has not been complied with because the mobile home has not been removed from the land and the land reinstated to its former condition following the expiry of the three year period. Planning permission has been

refused for the retention of the mobile home on the land for a further period of 3 years and no application has been received for a permanent agricultural dwelling on the land.

- The requirements of the notice are:
  - i) cease any residential occupation of the land;
  - ii) remove from the land the moveable building;
  - iii) infill all services and drainage channels servicing the mobile home to provide a level area of ground on which it is located.
- The period for compliance with the requirements is 3 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
- Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Summary of Decision:** The appeal is dismissed and the enforcement notice upheld.

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**Appeal Ref: APP/V1315/A/07/2044085/NWF**  
**Langley Meadow Farm, Burnhope Road, Malden Law, Lanchester, DH7 0RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr N Anderson against the decision of Derwentside District Council.
- The application Ref: 1/07/0094/DM, dated 30 January 2007, was refused by notice dated 13 Arch 2007.
- The development proposed is the retention of a rural worker's mobile home and conservatory for a further temporary period.

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

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#### **Preliminary matters**

1. Although the application that led to the s78 appeal was to extend the temporary planning permission to 5 April 2008, at the hearing, the Council agreed an amendment substituting 31 August 2008 as the relevant date. It is on that basis that I have considered the appeal.
2. The appeals are concerned with the temporary dwelling on the land, not the use of the land for agriculture (which includes pig farming). S55(2)(e) of the Town and Country Planning Act 1990 specifically excludes from the definition of development the use of the land for agriculture. Planning controls therefore only extend to operational development associated with agricultural use, not the use itself.

#### **Reasons**

3. The appellant is in the process of establishing an agricultural business based on the production of organic produce including eggs, wild boar meat, pork and bacon, mushrooms and vegetables. In 2003, the Council granted him planning permission for a temporary dwelling on the land. At the time, they accepted that the appellant's proposals to establish a mushroom growing business using three purpose-built mushroom sheds would require him to live on site. A

condition of approval, which was subsequently dropped, was that the mushroom sheds should be built before the dwelling was put on the land.

4. For various reasons, the appellant did not move onto the site until December 2004, nearly two years into his three year temporary permission for a dwelling. Up until the time when the enforcement notices were served, he had made very little progress with the proposed mushroom farm, but had developed various other small-scale agricultural activities. The Council was rightly concerned that the appellant was living on the site, which is in a rural location where new dwellings require special justification, without undertaking the activities that justified the need for a dwelling.
5. It is apparent from what was said at the hearing, that the appellant has suffered a series of set-backs which have prevented him from developing the mushroom business as quickly as he had hoped. However, in the past few months, he has completed two of the three mushroom sheds and the third is perhaps a month from completion. Once the third shed is ready, he will be in a position to sign a contract with a mushroom compost supplier and to begin to produce mushrooms. He is confident that, given a chance, by the end of August next year, he will be able to demonstrate that the farm has become profitable and that a permanent dwelling could be justified in accordance with the tests set out in Annex A of Planning Policy Statement 7 *Sustainable Development in Rural Areas* (PPS7).
6. Paragraph 2 of Annex A clearly sets out the purposes behind the policies that follow. That is, to ensure that proposals that provide the justification for new occupational dwellings are genuine, sustainable and likely to materialise.
7. In this particular case, I do not think there can be any doubt that the appellant's proposals are genuine. He has invested a considerable amount of time and money in developing the enterprise. He has encountered some unexpected problems that have slowed his progress, including this year's very wet summer that has severely hindered construction work on the mushroom sheds. Progress to date might have been slow, but he is now almost in the position that the Council originally wanted him to be in before constructing the temporary dwelling on the land - i.e. with the mushroom sheds built and ready for use. Under such circumstances, it would be harsh not to give the appellant the chance he seeks to demonstrate that he can establish a viable and sustainable business. I shall therefore grant planning permission for the dwelling and conservatory until 31 August 2008 as requested. Clearly, if the appellant needs to occupy the site beyond that period, a further grant of planning permission for either a temporary or permanent dwelling will be required. That would be a matter for the Council and the appellant at the appropriate time.
8. The effect of S180 of the Act is that the enforcement notices will be completely overridden because they are inconsistent with the planning permission that I shall grant. There is no need for me to deal with the appeals against them and, under such circumstances, I shall uphold the notices. However, the Council could reasonably be expected to withdraw the notices using the powers available to them under S173A of the Act and to consider afresh what, if any, action is required after the period of the new temporary permission has expired.

**Formal Decisions**

**Appeal Refs: APP/V1315/C/07/2045604 and 2045612**

9. I dismiss the appeals and uphold the enforcement notices.

**Appeal Ref: APP/V1315/A/07/2044085/NWF**

10. I allow the appeal, and grant planning permission for an agricultural workers' temporary dwelling with attached conservatory at Langley Meadow Farm, Burnhope Road, Maiden Law, Lanchester, DH7 0RA in accordance with the terms of the application, Ref: 1/07/0094/DM, dated 30 January 2007 and the plans submitted with it, subject to the condition that the occupation of the temporary dwelling and conservatory hereby approved shall be limited to persons solely or mainly working at Langley Meadow Farm, or a widow or widower of such a person and to any resident dependents and shall only be for a period ending at midnight on 31 August 2008. Upon the expiry of that period, the occupation of the temporary dwelling and conservatory shall cease. By 30 November 2008, the temporary dwelling and conservatory shall have been removed from the land and the land shall have been reinstated to the condition that it was in before the temporary dwelling and conservatory were placed there.



**DERWENTSIDE DISTRICT COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

**11<sup>th</sup> October 2007**

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

**PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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## SITE VISITS

07/0552

9.17.07

Mr and Mrs P Maddison

13 West Drive, Lanchester.

Erection of single storey rear extension and raising of existing flat roof to create additional room.

Lanchester Ward

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### The Application

1. At the last meeting of the Development Control Committee on the 13<sup>th</sup> September 2007 the Committee decided to defer consideration of a report regarding the erection of a single storey rear extension and the raising of an existing flat roof at 13 West Drive, Lanchester.
2. The site visit has now taken place and the Committee should be in a position to determine whether or not planning permission should be granted. The officer's recommendation remains as previously for conditional approval.

### Recommendation

3. Conditional Permission
  - Time Limit (ST)
  - Approved Plans (ST01)
  - This permission relates to the application as amended by plans no 06 received on 6<sup>th</sup> September 2007.  
Reason: In order to define the consent.
  - External materials (DH05)

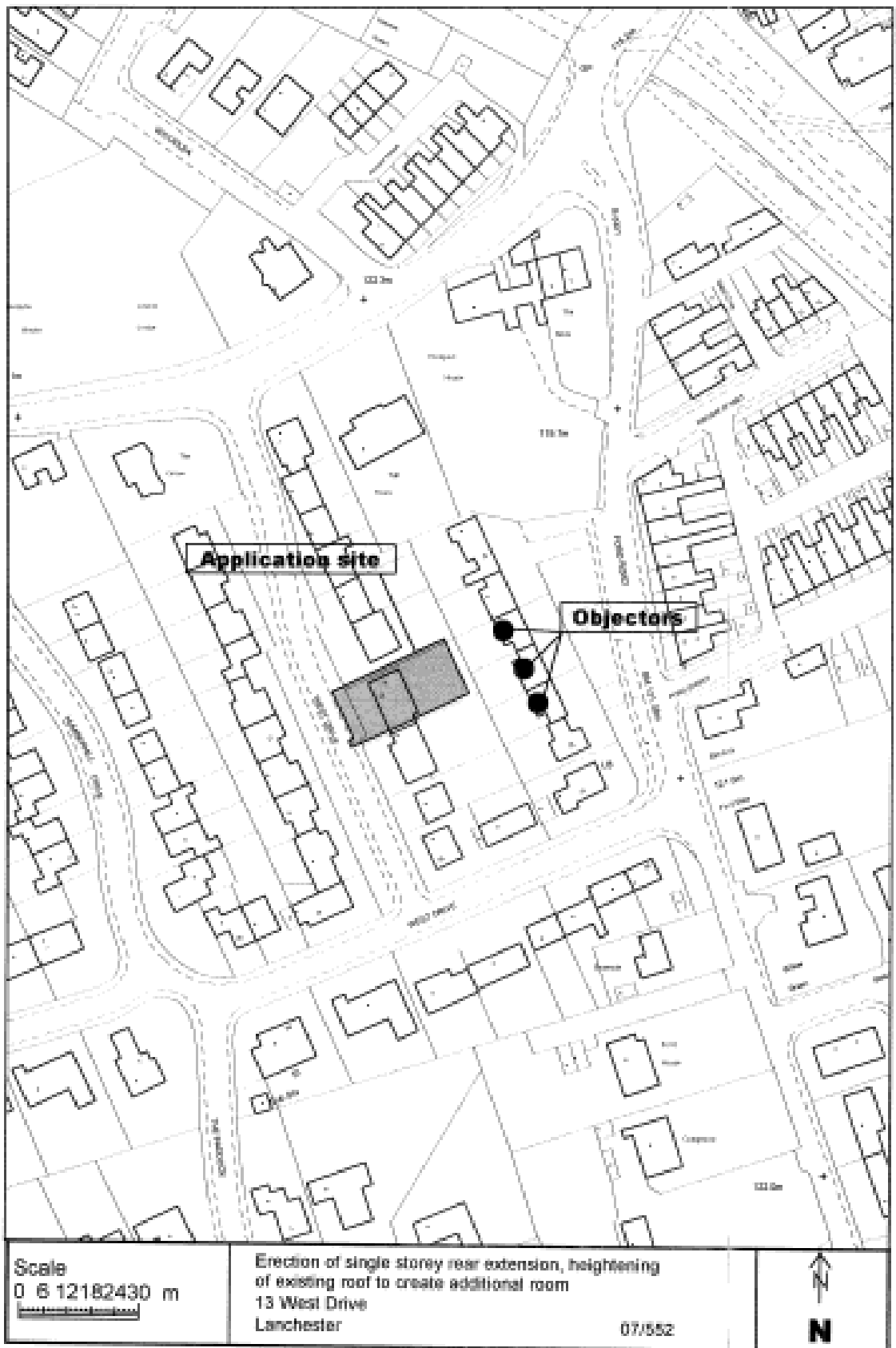
4. Reason for Approval

The proposed extensions are considered to comply with Policy HO19 of the District Local Plan and Supplementary Planning Guidance Note 2 on House Extensions and The Lanchester Village Design Statement and there are no other material considerations which outweigh the decision to approve the application.

Report Prepared by, Louisa Ollivere, Area Planning Officer

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## RECOMMENDATION FOR REFUSAL

07/0813

7.09.2007

Mrs I Webb

88 Lanchester Road, Maiden  
Law

Erection of one dwelling  
(resubmission)

Lanchester Ward

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### The Application

1. The application seeks full planning permission for the erection of one 2 storey dwelling attached to the northern side garage of no. 88 Lanchester Road, Maiden law within the northern side garden of the property. Access to the proposed new property would be via the existing access to no. 88 off Lanchester Road.
2. The land is currently garden area and land housing a number of storage sheds and shelters which is fairly overgrown and untidy at present. The land is fenced, separating the site from the adjoining fields and is not used for agriculture.
3. The proposal also seeks to refurbish the existing property of no. 88 through the installation of traditional vertical sliding sash windows and the replacement of a porch to the front elevation. The existing garage to the northern side of no. 88 would also be demolished and replaced with a double pitched roof garage for the existing adjoining the garage for the proposed dwelling.

### History

4. A planning Application (reference: 07/0686) for the same proposal was withdrawn in September to allow the applicant's agent to address the planning committee.

### Policy

5. The following policies of the adopted Local Plan are relevant in determining this application:

GDP1 (General Development Principles)  
HO5 (Development on Small Sites)  
HO14 (Infill Housing)  
EN1 (Protecting the Countryside)  
EN2 (Preventing Urban Sprawl)

## Consultations

6. County Highways Development Control Officer-Sight Visibility - the vehicular access position is on a crest of the A6076 affording acceptable vertical alignment visibility. While the access point is within a 30mph speed limit, the site is close to the de-restricted speed limit area and actual traffic speeds are higher. The road is relatively straight at this point however, and subject to a condition regarding the boundary wall treatment, I am satisfied an appropriate safe visibility splay can be achieved.
7. Plan drawing accuracy - the actual distance of the drive length to no.88's existing garage is 7.5m and the existing access width between the boundary wall is 3.8m. In the drawing Ref '01' however these distances scale off as 4.4m and 2.7m respectively, i.e., a large margin of error. The external length of the existing garage scales at 3.8m, while the ordnance survey suggests it is closer to 6m. These points raise the issue of the accuracy of the drawing. I consider that this needs to be brought to the attention of the agent and amended drawings submitted.
8. The existing access point width must be widened slightly (northwards), to cover both garage doors, in order to ensure that the proposed new dwelling has independent vehicular access to the A6076 highway, avoiding the situation of a vehicle parked in front of 88's garage and parking related to the proposed dwelling then having to take place on the public highway. This will require the relocation of a street lighting column.
9. Northumbrian Water-No objections
10. Neighbours have been consulted and a site notice posted. Two letters of representation has been received. The occupier of Rose Cottage to the far north of the site supports the proposal on the basis of the current untidy state of the site. It is large enough to accommodate a new house which will improve and benefit the site and the village. Although the curtilage to the village is unclear, this should not cause a problem.
11. The occupier of no. 86 Lanchester Road is concerned that the proposal represents a significant extension of the village which is too great. The double fronted dwelling appears to be out of scale with the existing terrace. It appears as a detached dwelling planted onto the end of the terrace by its garage. This would leave a void in the terrace above its garage and that of the existing garage of no. 88, making the terrace appear incomplete. The foul and rainwater is to be connected into the existing drainage. The existing drain serving 84, 86 and 88 for a long way is private. It is old and in poor condition and the drain is not capable without substantial work of accepting further demands.

## Officer Assessment

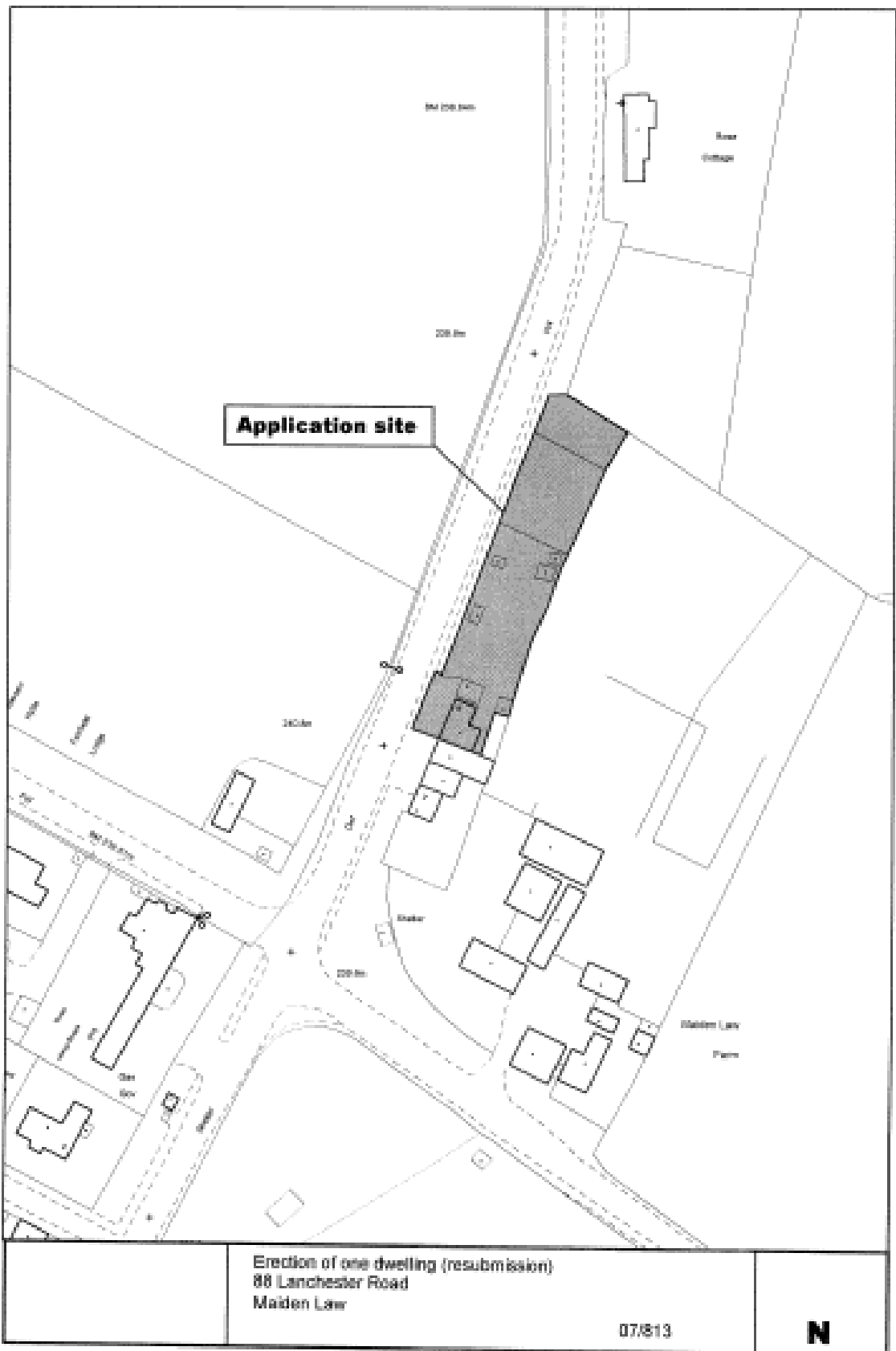
12. The site is located at the end of the terrace comprising of nos. 84,86 and 88 Lanchester Road, to the northern side of the Maiden Law crossroads. The existing dwelling of no. 88 is an end terrace double fronted stone built cottage with an existing flat roof single garage attached to the northern side. The site then extends northwards into the garden area and then land currently housing a variety of storage sheds at present.
13. It is proposed to demolish to the existing flat roof garage and erect a double pitched roof garage to the northern side of no. 88 and erect a further dwelling to this garage as a continuation of the terrace into the garden area and land beyond. This would be 2 storey with a pitched roof and be constructed from stone and slate. A rear offshoot would provide a third bedroom at 1<sup>st</sup> floor and kitchen and utility at ground floor. There would be a pitched roof porch to the front elevation. A garden would be provided to the rear as well as a long side garden to the northern side. This would be accessed from a gate off Lanchester Road.
14. The issue to consider in regard to this application is whether the principle of development in this locality is acceptable. The application site is currently a garden area and beyond this land being previously used for hobbies and storage which a variety of sheds occupying the site. The site would be regarded as brownfield land following the advice outlined in national planning policy (PPS3). Having said this, Maiden Law is not listed as a settlement in policy HO5 of the Local Plan where housing development on small sites may be acceptable. National Planning Policy promotes the development of sites that are located in urban centres as a priority, while land in small settlements such as the application site, are viewed unfavorably. The site is also in an unsustainable location, outside the built- up area adjacent a small hamlet in the countryside.
15. Policy HO14 of the Local Plan allows limited infill housing to take place in settlements not listed under Policy HO5 or in small groups of housing if the development would be within the physical boundaries, be appropriate to the pattern and form of development and would be within scale and character with the neighbouring dwellings.
16. It is the principle of the development which is considered to be unacceptable rather than any assessment being made of proposed design and materials etc. It is considered that the introduction of an additional house to the end of the existing terrace would produce an unacceptable extension beyond the built up framework of the established settlement limit, lying beyond the existing last house. The northern most terrace block to the village ends at the existing garage building next no. 88 Lanchester Road. It is considered that this garage

building marks the established physical boundary. It is considered a further dwelling would extend beyond the established built up mass of the settlement amounting to the extension of the settlement and unacceptable ribbon development.

17. It is noted that planning permission was granted in 2004 for a detached bungalow at land to the northeast of the Three Horse Shoes pub on Tower Road, at the Maiden Law crossroads. In this case permission was granted as the site contained workshop and stable buildings which were long established on site and was not part of the surrounding countryside. It was furthermore not deemed unusual to find a house at a village crossroads and therefore had a good relationship with the settlement. It was considered a Brownfield site within the built up area of Maiden Law as it was contained within strong physical boundaries, separate from adjacent agricultural land and would therefore not set a precedent for other development.
18. In terms of housing numbers, the draft Regional Spatial Strategy allocates Derwentside 4250 net new dwellings from 2004 to 2021 (250 net per annum). With the number of dwellings already completed since 2004, those under construction and those with planning permission, the District now has approximately 17.5 years supply of housing. Therefore the District already has sufficient sites under construction and with planning permission to meet the housing allocation in the submission draft RSS without having to consider additional less appropriate site.
19. As the site lies outside of any established settlement it would therefore be regarded as a site within the countryside. As such the proposal is considered to be contrary to Local Plan Policies EN1 and EN2 as although the site has some small wooden buildings on it the development would not result in the landscape character being significantly enhanced as these are not highly prominent in the landscape or detract from the visual qualities of the area. Furthermore, the development is not considered to be with well established physical boundaries and would extend beyond the existing developed area contrary to policy HO14. It is therefore recommended the application be refused planning permission.
20. Recommendation  
  
Refusal  
  
Reason for Refusal
21. The proposed residential development would be a located outside of any settlement listed under Policy HO5 of the adopted plan. The proposal represents unsustainable development which would produce an unacceptable extension beyond the built up mass and framework of the established physical settlement limit, amounting to ribbon development within the countryside, contrary to Policy HO5, EN1, EN2

and HO14 of the adopted Local Plan.

Report Prepared by, Ann Rawlinson, Senior Area Planning Officer  
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## RECOMMENDATION FOR APPROVAL

1/2007/0298

27.03.2007

Project Genesis Limited and Land to south of Fenwick Way  
Barratt Homes

Reclamation of ground via ground remediation and erection of 341 dwellings of 277 houses and 64 apartments, associated highway and landscaping  
Consett South Ward

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### The Application

1. Planning Permission is sought for residential development of approximately 7.87 hectares of vacant land to the south of Fenwick Way, west of Genesis Way, Consett. The application site is a relatively level plateau area formed during the reclamation of the steelworks and is 9.65 hectares in size overall. The site lies between the existing residential development that was undertaken by Barratts to the north and the site of the proposed sports centre to the south. To the east is the Consett urban Park with grassland to the west.
2. The proposed development includes the reclamation of the site via ground remediation as the site is contaminated from its occupation by the steelworks and substantial structures remain underground then following this the construction of 277 dwellings and 64 apartments. The development would include some three storey townhouses and a mixture of terraced, detached and semi detached properties containing between two and four bedrooms with the dwellings having private gardens. The apartments would be four storeys in height and have one, two and four bedrooms. These would sit to the far south eastern and western ends of the site on the front corner of Genesis Way and the rear corner, opposite the proposed sports centre and the new mini roundabout approved as part of that scheme.
3. The existing soil mounds to the north of the site would be remodeled and landscaped to provide a strip of public open space, 1.78 hectares in size consisting of wildflower, trees and grassed area. This would incorporate an equipped play area and an informal kick about area, feature artwork and a seating area. Footpath and cycle links would be created through this area linking the urban park to the east of the site via the existing footpath at Genesis Way to the Derwent Walk to the western side as well as from within the site.



4. Access to the site would be taken from the spur road which leads from Genesis Way which would also provide access to the sports complex. This is currently unadopted highway which extends round the south and west of the site. Bus stop lay-bys would be provided to the eastern side on Genesis Way, to the southern access road and also within the site.

5.

#### History

Planning permission was granted in July 2007 for residential development comprising one hundred and forty nine dwellings including eighteen shared ownership and twelve homes for the elderly with associated highway and landscaping works (reference 06/0310).

An application for one hundred and four houses on a smaller site forming part of the application site was submitted in 2005. The application was withdrawn (reference 1/2005/1056/DM).

Planning Permission was granted in December 1994 for access roads to service proposed industrial development (reference 1/1994/1449/DM).

Planning Permission was granted in August 1999 for the use of land at Berry Edge for a car boot sale (reference 1/1999/0450/DM).

An application was submitted in 1992 for industrial and warehouse development which was subsequently withdrawn (reference 1/1992/0687/DM)

#### Policy

6. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)  
Development Affected by Pollution (EN25)  
Development on or close to Landfill and Contaminated Site (EN27)  
Noise (EN29)  
Large Sites Identified for Housing Development (HO3)  
Recreational Public Open Space within Housing Sites (HO22)  
Development and Highway Safety (TR2)

#### Consultations

7. The North East Assembly- The principle of development in this location is consistent with the objectives of RPG1 policy DP1 and the locational strategy, and Regional Spatial Strategy (RSS) proposed changes policies 3, 5 and 6. Whilst the approval of 345 dwellings on this site

would maintain the oversupply of housing land in Derwentside, it is noted that (in accordance with the information supplied to the NEA for the RSS Annual Monitoring Report 2005-6) the majority of the council's remaining local plan allocations are greenfield sites (795 greenfield sites and 72 previously developed sites). Therefore, the development of this site better fulfils the objectives of the RSS than the greenfield sites allocated in the local plan. However, the Council should have regard to the need to manage down, on a phased basis, this oversupply in considering new applications for residential development in the borough.

The provision of affordable housing, where a need has been identified is encouraged through policy H7 of RPG1, and policy 32 of the RSS proposed changes. Although the Local Authority has identified a need for affordable housing, through a housing needs assessment, the development proposal does not include an element of affordable housing. The Local Authority should be satisfied that affordable housing is provided, where a need is identified, to ensure consistency with the objectives of this policy.

The development of this site would contribute to meeting previously developed land targets in RPG1 policy H4 and RSS proposed changes policy 30. It is advised that the Council should require a clear indication of phasing of the residential development, to ensure that the redevelopment of this site is responsive to changing circumstances over the build period, in accordance with RPG1 policy H3 and the RSS proposed changes policies 4 and 31.

In accordance with the objectives of RPG1 policy EL4 and RSS proposed changes policy 18, the local authority should be satisfied that the release of this site for housing development would not have an adverse impact on the economic development and regeneration strategies for this area, and the overall allocation of employment land provision which should be made in the district (105 hectares).

The proposal does not propose to incorporate any embedded renewable energy generation, or demonstrate how it intends to reduce energy consumption. The NEA would therefore support the inclusion of these measures, to reflect the objectives of RPG1 policies EN1 and EN7, and RSS proposed changes policies 39 and 40.

The application does not mention the provision of Sustainable Drainage Systems (SUDS). The inclusion of such provision would conform with the objectives of RPG1 policies ENV3, ENV4 and the RSS proposed changes policy 36, and therefore the NEA would support the local planning authority in requiring the incorporation of SUDS. The application includes a flood risk assessment which concludes that the site will not cause any increased risk of flooding. RSS proposed changes policy 37 requires that, in considering planning proposals, a sequential risk based approach to development and flooding should be adopted as set out in PPS25. It will be necessary to ensure that the Environment

Agency is satisfied that these requirements have been met to ensure general conformity with the objectives of this policy. The development proposal is considered to be in general conformity with the objectives of RPG1 and the RSS proposed changes, subject to the issues raised in this report being addressed.

8. County Council Planning Policy Team- the following comments are made on behalf of the County Planning Authority in order to achieve the general objectives of the County Durham structure Plan. Structure Plan Policy 1 promotes the principles of sustainable development. Although the site lies within the fabric of Consett, which is identified in structure plan policy 3 as a main town where new development is encouraged, the site itself is fairly isolated from day to day facilities. Improving accessibility to the site needs to be a priority.

The site is also in a town which should be encouraging employment development so the local planning authority will need to fully consider the consequences of losing such a large employment land allocation before granting permission for more housing. However it is noted that a large part of the site has already received permission for the development of housing. The site is located on the urban fringe of Consett.

The design layout submitted does not seem to have had much regard for structure plan policy 71 regarding environmental impact of the development on the current state of the site and its surrounds which provides the setting for a distinctive design. To comply with this policy area more attention should be given to providing a locally more distinct design of building than that of the recently built new estate to the north of the site. Planning Policy Statement 3 supports local authority intervention to avoid new properties lacking in design quality.

Structure plan policies 37, 43 and 44a seek to ensure new development accommodates the needs of pedestrians and cyclists. The layout details needs to clearly indicate how cyclists will access and travel round the site. To accord with the County Council access and parking guidelines (Annex G of the Local Transport Plan 2) developers should demonstrate how pedestrians and cyclists will access each dwelling and that each dwelling includes one easily accessible secure cycle parking space.

There are to be 521.5 new car parking spaces to be provided. This exceeds the County Council's accessibility and parking guidelines. To comply the development should not exceed an average of 1.5 spaces per dwelling (517.5 spaces). The site will be within 400m of accessing bus stops. The existing bus stops may need to be improved to serve the new development. The building of new residential development should be conditional on the developers providing well lit shelters.

9. County Highways Development Control Officer- I have now had an opportunity to study the revised layout and would advise there are a

number of matters relating to the layout which give me concern (including its suitability for adoption and average parking provision at plots 278 to 311).

10. County Public Rights of Way Officer-After checking the Definitive Map I can inform you that there are no registered Public Rights of Way affected by the proposals. Please be aware that the Definitive Map is only a record of known Public Rights of Way. Other rights can be acquired on the basis of usage or documentary evidence or by the actions of a landowner.

When looking on the ground and at aerial photographs, there are several unregistered paths which criss-cross the site. I have currently have no evidence in my possession at this time to suggest whether public rights have been acquired over these routes.

After viewing the proposals I welcome the incorporation of pedestrian access points around the site boundary, and think the network of internal of footpaths will hopefully help decrease future residents' use of their cars.

I note that the internal footpaths will be accessible by cycles. Please bear in mind that it is an offence to ride a bicycle on a footway (a pavement at the side of a carriageway) and a person who rides on a pavement can be fined on the spot. Therefore the intent to have both cycles and pedestrians using these routes should be examined further.

11. County Council Landscape Architects: The species mix for the structure planting is acceptable. I look forward to seeing the details of the other planting when they have been prepared. I will expect the planting proposals to take account of the site's elevation and exposed situation.

Comments on amended plans: I have no objection to the layout of the scheme but I would expect the depth of topsoil in the structure planting areas to comply with BS 4428:1989 for tree planting, namely to be 600mm minimum depth. The depth in grassed areas should be 100mm, but wildflowers succeed best where there is poor topsoil, or none. While I recognise that such differential depths may be difficult to achieve perfectly, and in order to achieve a smooth finish to the surface it is likely to be necessary to provide some depth of topsoil in wildflower areas, it would benefit the planting if there is some differentiation along the lines outlined. I would also recommend that to increase public acceptability a mown strip of approximately 1 metre, which will therefore not support wild flowers, be maintained at the edge of all paths.

12. Council's Environmental Health Department- The site is bounded by Genesis Way, which carries significant traffic as indicated in the application submission; previous noise measurements in the area have indicated the potential for problems from noise to new residents. Preliminary measurements carried out on the 24/04/07 would support

this view and suggested that properties close to the road may well lie within noise exposure categories B to C as defined by PPG 24. I would recommend that the developer undertake a comprehensive noise survey as detailed in PPG24 and submit amelioration proposals for those properties likely to be affected;

Should planners be minded to grant permission it may be worth considering conditions controlling hours of operation, in order to protect current neighbouring residents from noise at unreasonable times. I would suggest that normal operations should not start before 08:00hrs and finish around 17:00hrs Monday to Friday, Saturdays 08:00hrs to 13:00hrs and no work on Sundays or Bank Holidays;

Over the last year or so this section has dealt with several complaints concerning noise from construction sites during the night, mainly due to the use of generators to provide power for security personnel on site. I would ask that the developer provides information as to whether generators will be used on the site during the night and if so a condition should be stipulated that no generators shall be used on site outside of the agreed working hours, mentioned above, unless details of the type of generator to be used (sound power levels etc.) and suitable siting locations have been submitted to and agreed with Environmental Health; finally

I would also recommend that a condition be applied to have the developer propose and implement a suitable dust management scheme in order to minimise potential impact on nearby receptors.

I have read through the Noise Assessment submitted by Wardell Arsmtrong. I would recommend that the authors' recommendations in the conclusion of the report are followed and that precise specification of the glazing and type of acoustic venting should be agreed before the development is occupied. It may also be worth considering extending the mitigation proposed for the facades facing directly onto Genesis Way to the facades running into the estate in order to provide an adequate level of protection from the traffic which will use the new road and from any development nearby, for example leisure facilities.

13. Council's Contaminated Land Officer: The Remediation/Development Strategy document (March 2007) is satisfactory as far as it goes, however it only gives a broad outline of the information required. As mentioned in the document in due course I require a copy of :-  
Desk Study (ref: E3760/DTS/Sep 2003)  
Site Investigation report (ref: E3760/GI/INT Feb 2004)  
Mining Ground Investigation (ref: E3670/GI/M/INT Feb 2004)  
Desk Study Ground Investigation Interpretative reports  
When available a more Detailed Remediation Strategy/Specification and Method Statement  
In due course a Validation/Completion Report following the completion of the works.

Following a review of the Geo-Environmental Ground Investigation Interpretative Report and our meeting sometime ago with the developers/consultants regarding this site, I am awaiting the results of the further investigation and testing. Following these results I would expect to see a Risk Assessment and Remediation Strategy for the development of the site. This should be followed in due course by a Validation/Completion report.

14. Council's Engineers-The surface water run off from this development could be contentious, if they are proposing soakaways then the water will percolate through the reclaimed material, leaching into the surface water collection for which we are responsible at the bottom of the Genesis site. If they are discharging into the public SW sewers this again is passing through the SW system we are responsible for. We currently have an estimate for the cleansing of this system at £13000, for which Derwentside DC have to find the monies yet most of the water issuing through this pipework comes directly from the newly developed sites and possibly this new development plus the development at Fell View, the proposed sports village and the development on the Park Road Allotments site. Could it become a condition of the planning that all these new developments contribute to these long term maintenance costs?

I have asked Durham CC Private Street Works engineers to provide a list of works which will need to be done to get the relevant roads adopted as yet I have not had a response from them but as you recall the intention was to pass the liability for this road to the Highway Authority or at least the responsibility for getting the road adopted to the developer. I am pretty sure that they would wish the road to be adopted anyway. The developers should be responsible for getting the road adopted upto the turning head.

15. Development Plans Team: Planning permission was granted on a large portion of the site (5.69ha) for residential development on 17<sup>th</sup> July 2006 (ref: 06/0310). It was indicated in this permission that a smaller piece of land to the northwest of the site would be developed for business units as part of a future application. This application seeks permission to effectively update the earlier permission (06/0310) to include the business site and a mound area to the north, equating to a land area of some 9.65ha gross and 7.87ha net. While the whole site is allocated for business use in the adopted Local Plan, the 06/0310 application was judged to be an acceptable departure from the plan given the wider regeneration benefits it offered, and also the indication of some business development as part of the scheme. The 2005/06 Annual Monitoring Report for the District shows a supply of employment land totally approximately 47.16 hectares. In the absence of an up-to-date employment land review for the District it is difficult to determine if the application site would result in a materially significant reduction in the employment land reserve. To give the total employment land figure some context however, it is perhaps worth considering the draft Regional Spatial Strategy recommends the District allocate a supply of

employment totally 105 hectares up to 2021.

The application seeks permission for 345 units, which equates to a density of around 43 or 44 dwellings per hectare. The earlier permission was granted for 149 units and included 18 shared ownership and 12 homes for the elderly. The proposed scheme doesn't include any affordable housing provision or homes designed specifically for the elderly. The 2006 Housing Needs Assessment for the District estimates that there will be a shortfall of 130 affordable units per annum over the next five years in the District. The immediate implications for affordable housing are that an affordable housing target of between 35 - 50% of new units would be justified on all suitable sites. The District currently has a large housing supply in place (allocated sites and sites with permission) and given the likely annual allocation the District will receive in the Regional Spatial Strategy (RSS), there is no pressing need to grant permission for new developments (especially of the scale of the proposed development). Further permissions may impinge upon strategic planning imperatives both now and in the future; such as the need to provide affordable housing as part of this supply; to provide more energy efficient homes; and to ultimately be in general accord with regional housing allocations when formally adopted in the RSS (likely end 2007).

The general layout of the scheme appears quite 'mazy' and lacking in coherency. The large scale of the site and high density of dwellings may mean the internal layout is difficult to navigate and confusing. Some form of internal demarcation is perhaps needed to help give the scheme some character and a layout that is easier to remember and navigate. This could be achieved simply by incorporating a well-considered landscaping design for the scheme, or by creating road surfaces which grade down the further into the site you travel.

The main 'junction' in the middle of the site could be improved to provide better orientation and legibility. A successful junction could be more reminiscent of a village green-type nexus, providing a more fluid footway and road network. There are several double garage blocks that protrude beyond the building line at several locations as the site borders Genesis Way and the main road to the south of the site. These garages (see fig 2 for example) tend to dominate the street frontage and act as 'blocks', both in terms of the affect on the appearance of the streetscene and the impact they have on views and passive light penetration. The scheme proposes landscaping a mound to the north of the residential portion of the site and creating footways linking this area to the scheme. While this would be welcomed it would benefit from some features, such as a 'viewpoint' and public artwork/sculpture.

The scheme accords with Durham County Council Accessibility & Parking Guidelines in terms of the number of car parking spaces per dwelling (1.5). Some parking spaces are located to the front of units which means cars have to cut across the footways to park, creating

potential conflicts between pedestrians and cars. Drives to the front of units tends to make the car a dominant feature in the streetscene; some of these could be replaced by parallel parking bays to improve the appearance of the streetscene and provide accommodation for visitor parking, whilst some small parking courts/bays could further alleviate the problem.

The Design & Access Statement emphasises the links the site enjoys for cycling and pedestrians. Despite this, many of the units (especially the smaller flats which do not have garages) have no storage space for cycles. The scheme proposes including a bus route that would pass through the site and provide a welcome alternative transport option to the private car.

Energy efficiency measures that could be reasonably incorporated into the development should be sought. The increased importance of climate change is reflected in national, regional and local planning guidance (Planning Policy Statement 22, Policy 39 & 40 from the draft RSS, policy GDP1 Local Plan), encouraging developments to have embedded in them energy supply from renewable sources and to be more resource-efficient. For a development of this scale a District Heating System or community heating/power scheme could be feasible and would likely reduce the cost and consumption of energy for residents.

16. Environment Agency- We must object to the proposal on the following grounds: The Agency has received a Flood Risk Assessment, (FRA), provided by KF Shadbolt & Partners which we understand has been provided to support the planning application. The Agency has been reliant on the accuracy and completeness of the FRA in undertaking our view, and can take no responsibility for incorrect data or interpretation made by the authors. However, based on these reports we can confirm that we consider the details do not meet the requirements of the Agency.

Many options are put forward in this FRA for the management of surface water however the Environment Agency can't make any comments or propose conditions when there is so little detail. Our preferred option is discharging to NWL's public sewer, if this can be confirmed then we will be able to remove our objection.

If however it is proposed to discharge the surface water into the surface water drain which eventually discharges in to the River Derwent, via the Howden Burn then the Environment Agency would recommend that any surface water discharge to the Howden Burn be restricted to greenfield rates of 3.5 litres/second/ per hectare of development.

The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.



Should the above objection be resolved, we would request the following condition be included on any planning permission granted:

Condition: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Reason: To prevent pollution of the water environment.

The Howden Burn is polluted when it issues from the hillside to the west of the development site. The pollution is historic in nature and it is believed to be caused by salts leaching from slag deposited during the life of the former steelworks. Although not part of our formal objection, due to the history of this site with regards to the former steel works, we recommend the following information regarding contaminated land be strongly considered by the LPA throughout the determination process.

The existing pollution at this site could potentially result in the designation of areas of the former steelworks, including the development site, as contaminated land under the provisions of Part 2A of the Environmental Protection Act 1990. Responsibility for the designation of the site would rest with the local authority who are the principal regulator for the Part 2A regime. The implications if the site were to be designated as contaminated land following its development are potentially significant as it could result in the issue of 'blight'.

At present there is a lack of information regarding the location of the source of the pollution in the Howden burn and as a consequence it is not possible to assess the potential implications in terms of the proposed development. Given the consequences it is important to disassociate the development site from the existing pollution and as such consideration should be given to placing a requirement on the developer to undertake investigations to identify the source of the pollution. This would allow any links between it and the development site to be established and on the basis of this the nature and scope of potential remedial options could be identified.

Where the source cannot be identified consideration should be given to ensuring that the development is designed in such a way that any contribution the site could make to the pollution is minimised. A key factor is likely to be surface water ingress and measures should be taken to minimise infiltration. This could be achieved through the capping which is already proposed and the hardsurfacing, provided by buildings and the roads associated with the development itself. The views on this approach and the level of information needed should be obtained from the relevant section of the local authority since it could potentially form the basis for excluding the development area from consideration were they required to designate areas of the former steelworks as contaminated land.

In undertaking the investigation and assessment of the site the Environment Agency recommends that developers should: Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

We would also like to make further recommendations regarding sustainable development. We consider that a planning application of this scale should incorporate Sustainable Energy Use / Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. 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).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings. In addition, we would suggest the proposed development should have embedded a minimum of 10% energy supply from renewable resources.

After discussions with the applicant regarding the surface water drainage on this site, we are now in a position to withdraw our previous objection so long as the following condition is included on any granted planning permission:

Condition: Surface water from the development must be discharged to public sewer

reason: To ensure satisfactory provision of drainage facilities from the site

Should it become clear prior to the determination of this application that surface water will not be able to go to sewers, we would then wish to be reconsulted with any alternative schemes.

17. Northumbrian Water- As the Council will be aware there is an issue about sewage treatment capacity at the Consett STW and we are currently investigating the impact on sewerage treatment from all planned development in the town. Until such time as this is completed, would you please apply the following planning condition.  
Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of the

foul flows has been completed and commissioned in accordance with the approved details. Reason The capacity of the Sewage Treatment Works to which the development will discharge is currently under investigation and cannot accept the foul flows.

I am aware that there has been discussion between the Council and NWL due to the impact on regeneration of the town and I would reassure you that our investigations are being carried out as a matter of priority.

18. Durham Bat Group-This is an important economic contribution to the area which will further expand Consett's roll as a dormitory town. It will bring three hundred and forty five new families and their pets into close contact with the important habitats of the Derwent Valley. The people and pets can only have a negative effect on wildlife. This can be minimised by careful planning and offset by mitigation. It is not reasonable to assume that any positive contribution will be possible as the current land is a former steels works and the estate will not be able to provide links to strengthen existing areas. Any mitigation will have to be provide new homes for the more abundant species which will tolerate close proximity to people. In the context of bats at this site, this means that we are looking for mitigation for Common Pipistrelle and possibly Soprano Pipistrelle as part of the new buildings and landscaping which connects the new roost sites to the existing bat habitats in the valley bottom. It is important that these are properly designed and created as alien species could cause damage to existing habitats. DBG would like to see the EIS for this development and would be pleased to work with LPA to advise on how bats can best be protected as part of the development. As you know, the collective expertise of the bat group is considerably wider than just bats and we may be able to make some positive suggestions for this development. We would like to see this development used positively to bring the wildlife rich habitats of the Derwent Valley closer to Consett rather than driving the urban sprawl further down the hillside to lower the value of an important wildlife area.

19. Neighbours have been consulted and a site notice posted.

Three letters of representation have been submitted. These are summarised as follows:

- No objection to houses.
- Concerns regarding number and style of houses.
- Look and feel of squeezing a large number of houses onto site.
- Very cramped and crowded appearance.
- Designed to maximize sales for housing developer rather than the appearance of the estate to other residents in Consett.
- Mass over development given other developments within Consett.
- Loss of surroundings and views.
- Apartments out of character, an eyesore and detrimental to family orientated estates.
- Increase in local population of about 200 people.

- Effects on local services such as doctors, dentists, schools, strain on emergency services and police dealing with youth disorder.
- Loss of open green area for leisure.
- Consett set to become a building site with no restriction on building companies with residents suffering affects.
- Landscaping and access to Derwent Walk good idea which will promote wildlife and enable families to enjoy the countryside.
- Could a pedestrian access at the end of 71 Fenwick Way be provided to give close access to the Derwent walk, which is used by most people. This would avoid us having to walk around or adjacent to the building work when it commences.

### Officer Assessment

The main issues in determining this application are the principle of the development, the design and layout of the development, highways issues, contamination, noise, affordable housing and sewerage and surface water disposal. Each of these issues are addressed below.

### The Principle of the development

20. The application site forms part of the Berry Edge site which was formerly occupied by the Consett Steelworks. Following the closure of the Steelworks a feasibility study was carried out for the future development of the site (Project Genesis Study Report). This report was used as the basis for the allocation of the land for various uses in the Local Plan. This particular part site was until very recently allocated in the Local Plan as being suitable for a Business Park under policy C14. The areas identified for particular types of development on the Proposals Map were not intended to be rigid although the development of the site for residential purposes would clearly not comply with this policy.
21. This site is however now unallocated as its business park allocation is not intended to be saved and carried forward into the development of the Local Development Framework. If Members were minded to approve the proposal the development would not now be a departure from the Development Plan and therefore it would not be necessary to refer the application to the the Government Office.
22. Consideration of the proposal does though need to take place in the context of the overall need and supply of employment land. Although the site is identified in the Durham County Council Structure Plan as a site for a proposed business park it does not fall within the list of Regional Prestige Employment Sites set out in the Regional Spatial Strategy. The availability of employment land is not a major constraint within the Consett or Derwentside and it is considered that this development would not lead to a shortage of industrial land. Given the volume of employment land available in the district and also in and around Consett, the overall loss as a result of the proposed residential

development is acceptable.

23. In addition the land has been allocated as a business park for many years and there has not been any interest in developing the land for such purposes, it can therefore be assumed that there is not a demand to develop the site for such uses. Planning consent was also granted in July 2007 for residential development of 149 dwellings (reference 06/0310) on the majority of the site. It is not felt that the loss of employment land would be detrimental to the future development of the Berry Edge site or the District as a whole.
24. The site is previously developed land on the edge of the settlement and within walking distance of Consett Town Centre. It is accessible by bus and is located adjacent to cycle and pedestrian routes and is therefore is a sustainable location. Residential development would be considered to be acceptable in principle on this site.
25. It should be noted that dwellings on this site would maintain the oversupply of housing land in Derwentside and the Northeast Assembly have recommended that there is a need to manage down on a phased basis this oversupply in considering new applications for residential development.
26. The North East Assembly have also advised that the Council should require a clear indication of phasing of the residential development, to ensure that the redevelopment of this site is responsive to changing circumstances over the build period. To prevent the oversupply of housing in this part of the district and to minimise the annual effect of the proposed development on the housing figures contained within the submission Regional Spatial Strategy a condition preventing the developer from implementing the permission and building the whole development within a short space of time would allow the development to be phased over a reasonable time period of time. The applicant has stated that they would require units to be constructed and released at a minimum of 60 dwellings per annum in order to recover the costs of remediation of the site and provide a financial contribution towards the sports centre development. 60 dwellings per annum as suggested by the applicant would adequately control the number of units to be built annually.

#### Design and Layout of the Development

27. There have been some concerns raised regarding the design and layout of the development with the layout appearing quite 'mazy'. The houses appeared tightly spaced on the site, which presented quite a cramped look, lacking in open area. Other specific aspects of the design that need to be considered include the orientation of dwellings, boundary treatments and the layout of the housing, garages and internal access roads, and how these relate to the surrounding highways and open space to the northern side.

28. The plans have now been amended to address the concerns highlighted. To the main southern and eastern road frontage, dwellings now face directly onto the highway with private gardens and landscaping adjacent the main roads. This produces a good relationship with the surrounding area and avoids the estate from being inward facing. It is important that the boundary enclosures along these sides of the site are low and carefully designed to ensure that the openness of the estate is maintained. The areas of tarmac roads, garages and drives around the periphery of Genesis Way have been removed with the provision of rear courtyards.
30. Open space and landscaping has been incorporated at well considered strategic locations within the site including the entrance and locations to centre. This provides green links, focal points and orientation to the internal layout and footpaths which would ease navigation of the site. The orientation of the dwellings to entrances, roads and open spaces are more attractive and also focused well around the open spaces and landscaped footpathed corridors. This would also provide some informal amenity space. The curving of the housing facing onto the open space and entrances is particularly attractive.
31. Two four storey, well designed, distinctive apartment blocks are proposed at strategic locations to the southeast and southwest corners which step down well to three storey dwellings fronting Genesis Way. The different types of houses are then grouped throughout the site to guide residents and visitors through the development by the different styles of dwellings. The design of the dwellings would be similar to that within the existing estate to the north and constructed of brick with aspects of render and concrete roof tile with a mix of hard surfaces. This helps to provide the different parts of the site with more of an individual identity, which is considered important in a development of this size and density.
32. In some places the privacy distances are slightly less than would normally be required. However these relate to the distances between new properties and would not affect any existing properties therefore the residents of these properties would be aware of the intervening distances when deciding whether to purchase these homes and could make a judgment on the acceptability of these reduced distances.
33. There is still concern with the number of dwellings proposed, appearing rather squeezed into and cramped within the site. The applicant was asked to justify the density from the layout approved in 2006. They advise that this is partly due to the type of units proposed which includes two blocks of apartments and terraced houses which now provides a variety of housing, in terms of price and mix of different households such as families with children, single person households and older people.
34. Furthermore the applicants advise that given the historical use of the

site, although the steelworks the buildings were removed, some substantial structures remain underground and there is deep expansive slag on site. The land, being contaminated, is not currently acceptable for development without remediation. It needs to be remediated at a significant cost before being developed for any use. Redevelopment of this site for residential use brings a value that allows for the reclamation of land via ground remediation. Ground investigations revealed that the site required a much greater amount of remediation than initially anticipated. A lower density would not be viable given the significantly high cost of the remediation of the land to bring it up to developable standards. Following the completion of the ground stabilisation and remediation only a small proportion of houses will be constructed with standard foundations. As the housing development moves west, expensive engineered foundations will be required with the majority requiring long piles at extra cost.

35. The density of the proposed development therefore reflects the need for reclamation of the land and additional foundation costs. It is only by maximizing house density that the land can be put to best use and the costs associated with the stabilisation and remediation works can be economically defrayed. The cost of remediation is the same regardless of the number of residential units proposed.
36. A further additional extraordinary cost of the development is a contribution towards Derwentside Council Sports and Leisure Centre. This proposal would provide a financial contribution towards the development costs of the sports centre which received planning permission in April 2006. The availability of funding for the sports centre is crucial for the project to come forward. Developing the application site for residential use at the density proposed allows the whole site to be remediated as well as providing an element of funding for the sports centre. The development is also to fund the extension to the Urban Park through the partial removal and re-modeling the mound to the north of the proposed development.
37. The existing area of mounding to the northern side is to be remodeled to form a loose 'S' shape extending from east to west across the top of the site to form eight smaller landscaping mounds. A footpath/cycle path would extend through the centre from Genesis Way to join the Derwent walk and C2C cycle route. There would be three access points from the estate as well as being accessible to the existing estate. The soil will be used for the remediation of the site and to create a series of smaller mounds within the open space area. These mounds would extend to 4m in height at the highest point, (to the far northwestern side) with the majority extending to 3m adjacent the existing estate. The existing mounds have the benefit of planning consent, with the far northwestern mound having a temporary consent whilst this proposal is considered (ref. 07/0131). The area would be grassed and incorporate structure planting, trees and wildflower areas. This will improve the visual impact of the one large existing mound and enhance the outlook from the

existing and proposed estate.

38. The open space would also provide benches, a play area for younger children, informal kick about area of 35m by 25m in size, for older children, feature artwork and seating area. A stone wall and trees would provide the entrance feature to the area. It is envisaged a high quality area of public open space which forms an extension to the urban park to the east of Genesis Way will be created. The landscape / open space area will stay in the ownership of the Project Genesis Trust. The area will be maintained on behalf of the Trustees by the Project Genesis Management Company.

### Highways Issues

39. There would be two points of access, one to the southern link road with a protected right hand turning lane proposed and a further one mid point along the western boundary. A bus lay-by in also incorporated within the site, aswell as one to the south, potentially also serving the proposed sports centre. The layout has been designed to allow for bus penetration and two further new bus lay-bys are also to be installed on Genesis Way between the existing and proposed estate. The site will incorporate 521.5 car parking spaces, an average of 1.5 spaces per dwelling, through parking courts, drives and private garages. The development would provide good links for pedestrians and cyclists to the wider area, is within walking distance of the town centre and accessibility by public transport would be good given the close proximity of bus stops to the site
40. The County Council's Highways Development Control Officer

### Contamination

The planning application seeks permission for reclamation of the land via ground remediation given the historical use of the site and thus contaminated nature of the ground conditions. A Geo-Environmental Ground Investigation Report was submitted with the planning application detailing issues and actions to deal with the concentrations of contamination and also address the current geotechnical constraints. The Council's Contaminated Land Officer confirmed that the document submitted with the planning application is satisfactory although further information was requested. A Desktop Study, Mining Report and Site Investigation Report was then submitted. Following a review of this Council's Contaminated Land Officer is awaiting the results of the further investigation and testing. Following these results they would expect to see a Risk Assessment and Remediation Strategy for the development of the site. This should be followed in due course by a Validation/Completion report. These aspects are thus conditioned accordingly.



## Noise

The Council's Environmental Health Officer requested that a noise survey be undertaken to assess the likely impact of traffic noise on the plots that face onto Genesis Way. A noise assessment has been prepared and submitted to determine the level of noise from traffic on Genesis Way during both the daytime and night time periods. The survey demonstrated that the properties whose facades face directly onto Genesis Way could experience some disturbance from traffic. However noise attenuation measures could be undertaken with regard to these properties to ensure that satisfactory noise levels are achieved within the dwellings and to ensure an adequate level of protection within habitable rooms that face onto Genesis Way. The mitigation recommended includes double glazing and acoustic venting to those dwellings facing onto Genesis Way. A condition of the planning permission therefore would require details of noise attenuation measures to be submitted and approved, the noise measures would need to be undertaken before the use of the houses commences.

## Sewage and Surface Water Disposal and Flood Risk

Members will be aware that Northumbrian Water have had concerns with a number of schemes for residential development in the Consett area recently on the grounds that the sewerage works has reached their design capacity and cannot accept the additional flows from proposed development. Northumbrian Water is looking into this matter with a view to resolving the situation. They have indicated that a feasibility study is being undertaken with regards to the potential upgrading of the works. If members are minded to approve the application a condition could be placed on the permission requiring details of the connections. In considering other applications a condition has been imposed requiring details of connections to be agreed to the sewerage works with the Local Planning Authority. It is recommended that such a condition should be imposed in this case if members are minded to approve the application. The applicant's have indicated that they would accept such a condition.

In terms of surface water drainage the proposed development would drain into the existing adopted public sewer. The Environment Agency have now thus removed their objection to the proposal. This sewer then flows into a culverted watercourse which is the responsibility of the Council. This was designed as part of the reclamation scheme, to aid the removal of material detrimental to the watercourse (Howden Burn) and ultimately the River Derwent. It was though designed to take flows from potential business/leisure development rather than housing. The Council's Engineer feels that the operation of this structure is being adversely affected and is being blocked up by the increased discharges from the various developments that have been given planning permission and are proposed for the future. Therefore he feels that

developers should be contributing to some of the future maintenance costs. The Council currently have an estimate for cleansing this structure of £13000 as it is required to be cleaned at present. This request has been put to the applicants, however they feel that the Council should seek maintenance contributions from Northumbrian Water (as it is their sewer which connects into the Council's pipe) and not from developers as Northumbrian Water will only benefit from the development given they will charge water rates to new residents. Members however may feel that it is appropriate to require a maintenance cost of the drain from the developers as the flows from the new housing would pass through the Council's drain. Any maintenance or one off cleaning cost could be attached as a planning condition should members feel this is appropriate.

A Flood Risk Assessment was required due to the size of the development. This has been submitted and is satisfactory.

### Affordable Housing

Although the Council has identified a need for affordable housing, through a housing needs assessment, the development proposal does not unfortunately include an element of affordable housing. This is disappointing especially given the provision of shared ownership units and homes for the elderly in the already approved application for this site.

The applicant states that the potential for included an element of affordable housing with the scheme is limited as part of the value realised by this proposed development will provide a financial contribution towards the development costs of the adjacent sports centre. In addition, the remediation costs for the application site are significant.

The Council are preparing an Interim Planning Policy to secure affordable properties but at this point the Council does not currently have an adopted policy relating to the inclusion of affordable housing therefore unfortunately it would be difficult to insist on an element of affordable housing being provided. Clearly there is also a aspect to this that including affordable housing would affect the economics of the development and therefore the contribution that could be made to the Sports Complex proposals.

### Other Issues

Concern has been raised by a local resident regarding the potential effect of new residents placing a strain on local schools. This issue has been raised with the County Council Education Department who advise that a large number of new residents would not necessarily mean that there will be an increase in school age children requiring a school place.

People may well be moving within the area and there are three primary schools within a short distance of the site which are not full. There are also three secondary schools within the local area which have always been able to offer school places.

In terms of the potential effect of new residents causing a strain on local services such as doctors or dentists the Primary Care Trust has not made the Council aware of any problems that it is encountering due to the development of sites within Consett for new housing. Members will be aware that this has been raised as an issue on a number of occasions when new housing developments have been proposed in the Consett area, however there is no clear evidence base to support refusal of planning permission on these grounds. It is also normal practice that the provision of such facilities should adjust to any changes in catchment population, rather than increased provision be made in anticipation of future developments proceeding.

### Recommendation

Conditional Permission subject to the submission of a revised layout addressing the concerns of the County Council's Highways Development Control Officer and confirmation of their satisfaction with the scheme.

- Standard time limit (ST)
- Approved plans (ST01)
- Amended Plans-13<sup>th</sup> September 2007 (GO4)
- Materials (AO3)
- Car Parking (HO3)
- Boundary Treatments (HO14)
- Car Parking (HO3)
- Contamination Remediation (CL01, CL02, CL06)
- Surface Water drainage (DO4)
- Removal of permitted development rights (PD01)
- Design and Phasing of Highway works (HO7)
- Landscaping (LO1)- this shall include the depth of topsoil in the structure planting areas to comply with BS 4428:1989 for tree planting, (600mm minimum depth) and a mown strip of 1 metre, shall be maintained at the edge of all paths.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment in accordance with GDP 1 of the Derwentside Local Plan

- Prior to the commencement of the development full details of connections to the sewage treatment works shall be submitted to and approved in writing by the Local Planning Authority.

Reason- In order to ensure that the sewage treatment plant can accept the flows from the development in accordance with Policy GDP1 of the

Local Plan.

- Surface water from the development must be discharged to public sewer

Reason: To ensure satisfactory provision of drainage facilities from the site

in accordance with Policy GDP1 of the Local Plan.

- Within two months of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of the equipped play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the approved scheme prior to the occupation of the 100<sup>th</sup> house on the development, or other such time period as may be agreed in writing with the Local Planning Authority.

Reason- In order to ensure that adequate play facilities are provided in accordance with Policy HO22 of the Local Plan

-No dwelling shall be occupied unless a footpath of adoptable standard has been provided along the entire highway frontage of the site.

Reason: To prevent the occupiers of the dwellings having to walk on the carriageway to the detriment of highway safety, in conformity with Policy TR2 of the District Local Plan.

-The bus lay-bys shall be provided in accordance with the approved details prior to the occupation of the tenth dwelling to be completed, or other such time period as may be agreed in writing with the Local Planning Authority.

Reason- In order to encourage sustainable means of travel in accordance with PPG13.

-No more than 60 new dwellings shall be occupied within any calendar year.

Reason- To control housing occupancy at the site.

-Within one month of the commencement of the development or other such time period as may be agreed in writing with the Local Planning Authority, details of noise attenuation measures shall be submitted and approved in writing by the Local Planning Authority. The agreed noise measures shall be undertaken in accordance with the approved details prior to the occupation of the dwellings to which they relate.

Reason- In the interests of the amenity of the residents of the proposed dwellings and in order to comply with Policy EN25 of the Local Plan.

-All construction work shall take place between the hours of 8:00 and 18:00; Monday - Friday and 8:00-13:00; Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy GDP1 and EN29 of the Derwentside Local Plan

-Before any of the units of residential accommodation hereby permitted are occupied the open space/landscaping area to the north of the site shown on the approved plans shall be provided and made available for use as such by the residents of the accommodation created by the development and thereafter so retained.

Reason: In order to ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area having regard to policy GDP1 and HO22 of

the Derwentside Local Plan

-Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details of the equipment, seating, landscaping and surfacing in the areas of land to be provided for public amenity and play use shall be submitted to and approved by the local planning authority. Each area shall be finished according to the approved plans as the houses nearest it are completed, and at that time made available for the use of the occupiers of the houses.

Reason: In the interests of the character and appearance of the development in accordance with Policy GDP1 of the Local Plan.

-No development shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities, which shall include the provision of wheeled refuse bins, shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

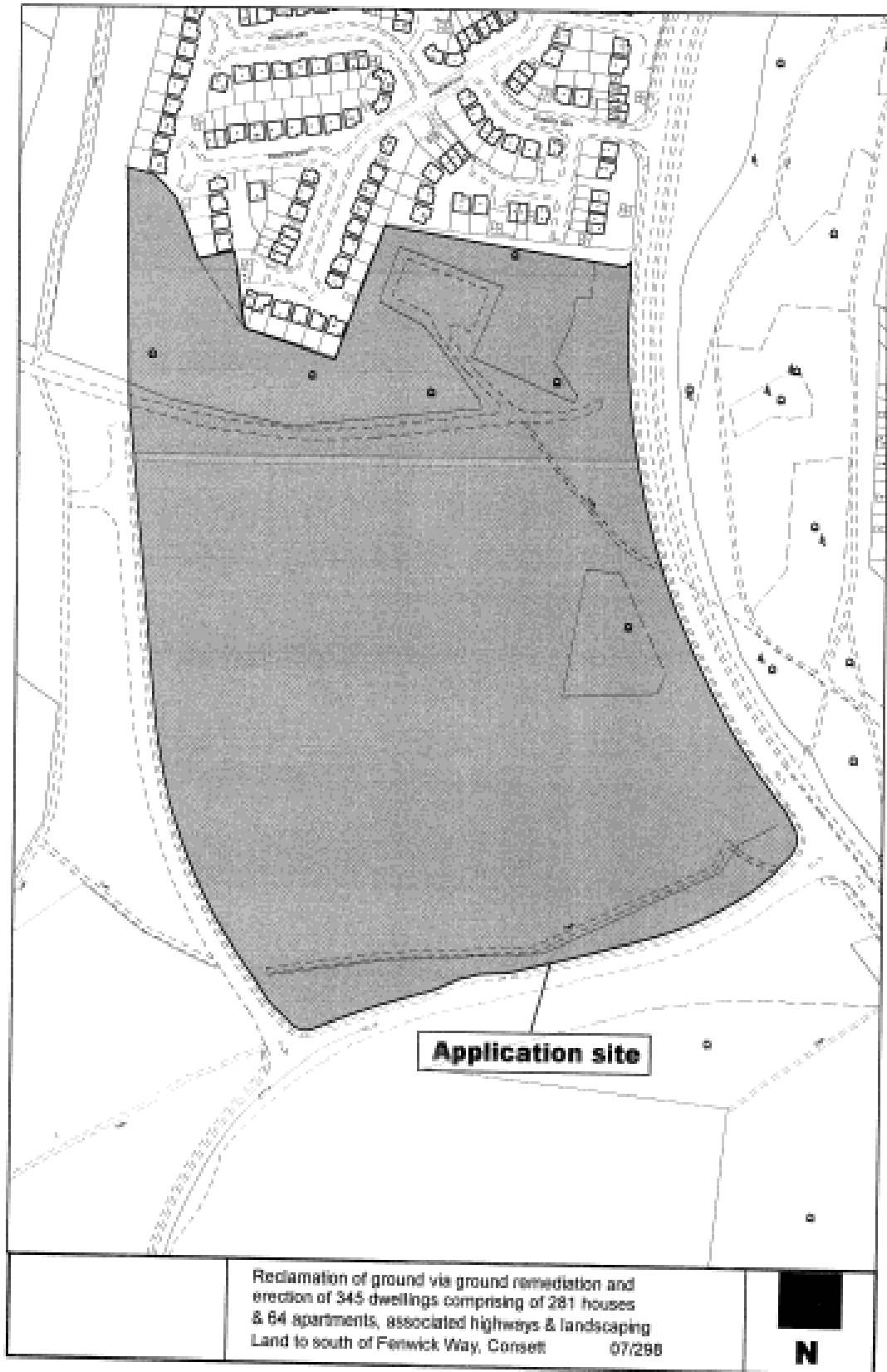
Reason: In order to safeguard the amenities of the area having regard to policy GDP1 of the Derwentside Local Plan

#### Reason for Approval

The proposed residential development is considered to comply with Policies GDP1, EN25, EN27, EN29 HO3, HO22, and TR2 of the District Local Plan on the layout of new housing and there are no other material considerations which outweigh the decision to approve the application.

Report Prepared by, Ann Rawlinson, Senior Area Planning Officer

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## RECOMMENDATION FOR APPROVAL

07/0627

18.07.07

Punch Taverns Limited

Peacock Inn, Tanfield, Stanley

External Canopy and  
Alterations to Access Doors

Tanfield Ward

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### The Application

1. Planning permission is sought for the erection of an external canopy and alterations to the access door to the side of The Peacock Inn, Tanfield. The site lies within the Tanfield Conservation Area.

### History

2. Non relevant

### Policy

3. The following policy of the adopted Local Plan is relevant in determining this application:

General Development Principles (GDP1)

### Consultations

4. County Highways Officer- no objections.
5. Environmental Health – no objections to the structure it complies with smoke free legislation. The use of the area may induce noise complaints 0 the nearest property is approximately 20m away.
6. Neighbours have been consulted and a site notice posted. One letter of objection has been received form the occupier of the Gatehouse, Tanfield Village, who has the following concerns:
  - Is it really intended for family groups or is the real plan to use it as a smoking area. Plans show no consideration for noise reduction or smoke control, the canopy is open, we hear bad language at times, we are convinced this will increase.
  - It is a bad place for family groups being next to the road unless satisfactory fencing is included in the scheme.
  - There is a lot of noise already from the cellar chiller unit, if we can hear that we are bound to hear noise from the covered area, this will affect our privacy.

- We are concerned the scheme as proposed will affect the value of our property and destroy the character of the village in an area very close to the church.
- The main rooms and bedrooms are on the front of our house with single glazed, sliding sash windows, would we be allowed to install double glazed units if noise continues to be a problem?
- Since a recent change in ownership there has been an increase in noise, i.e. tents in car park for parties on two occasions, what are the terms of the license. The total loss of parking on these occasions created real access problems to our property for us.

#### Officer Assessment

7. Planning permission is sought for the erection of an external canopy and alterations to the side access door at The Peacock Inn, Tanfield Village, Stanley. Amended plans have been submitted as the initial plans conflicted with the footpath to the front of the property.
8. The proposed canopy would be situated to the eastern gable of the building. The canopy would project for 3m to the side of the public house and would run along the gable for 5.6m. It was originally proposed to erect the canopy in line with the front of the building, however this would have conflicted with the position of the public footway. As such amended plans have been submitted which show the canopy would be set back from the front of the building by 1.4m. This would avoid any conflict with the footway and would also aid in reducing the visual impact of the canopy.
9. It is proposed that the canopy would take a fairly simple form with three timber posts and a slate roof to match the existing property. The design of the canopy is considered to be in-keeping with the existing building and would not have any detrimental impact upon the appearance of the conservation area in accordance with Policy GDP1 of the Local Plan, and would be constructed in materials to match the existing property again in accordance with Policy GDP1 of the Local Plan.
10. There is a tree within approximately 1.6m of the proposed canopy, however the applicant has indicated that no pruning works would be required, and given the nature of this extension it is not considered that it would have the potential to affect the health of the tree (the tree is not covered by a TPO but within the Conservation Area).
11. An existing window would be altered to form a new access from the public house to the canopy area. The access would be a new single disabled access from the existing internal pool area.
12. A single objection has been received from the occupiers of The Gatehouse, which is on the opposite side of the road, approximately 21m north of the application site. The objector asks the question is this area not going to be used as a smoking shelter. This would seem to be the case, and Members will be aware that it is not uncommon for public



houses to make some sort of provision for shelters outside as a result of the no smoking legislation. However, notwithstanding this, the normal test of harm to amenity that is applied to any development (GDP1, criterion H) must be applied.

13. The most significant area for concern is that of noise disturbance. To the rear of the public house there is a car park beyond which there are residential properties, and to the front of the pub there is a road with residential properties beyond. It is appreciated that there may be some increase in the number of people sitting outside the pub should the canopy be erected, and this would potentially result in some increase in noise. Given the distance to the objector's property (20m) it is considered that it would not be possible to sustain a refusal of planning permission in this instance. In visual terms the proposals in this application are considered to be sensitive to the conservation area and has been sited to limit the affect upon the overall appearance of the public house and the conservation area in accordance with Policy GDP1 of the Local Plan.
14. On balance it is considered that although there may be some increase in noise from the use of the proposed canopy, this would not be sufficient reason on which to refuse the application. This is ultimately a public house which by its nature is likely to produce some noise disturbance, and it would be unreasonable to refuse the application.

#### Recommendation

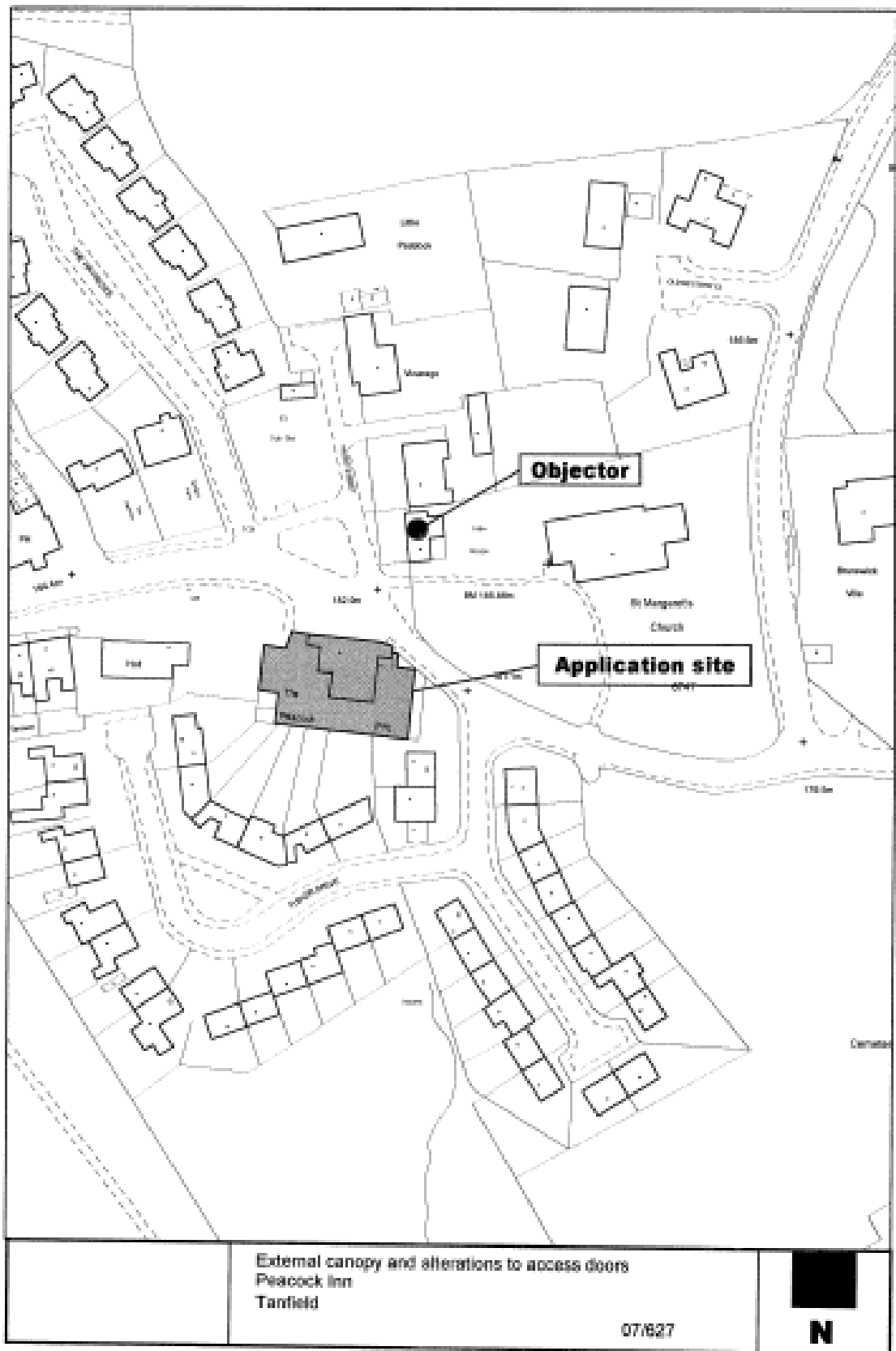
15. Conditional Permission
- Standard Time Limit (ST)
  - Approved Plans (ST01)
  - Amended Plans (G04)
  - Materials (A05)

#### Reason for Approval

16. The decision to grant planning permission has been taken having regard to policy GDP1 of the Derwentside District Plan, and relevant planning considerations, as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant consent.

Report Prepared by, Charlie Colling, Area Planning Officer

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## RECOMMENDED FOR APPROVAL

07/0804

07.09.07

Mr Goldsbrough and Ms  
Harrington

22 Greenwell Park,  
Lanchester

Erection of two storey side  
extension, a two storey rear  
extension and a first floor  
extension above existing  
garage

Lanchester Ward

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### The Application

1. Planning permission is sought by District Council Employees for the erection of a two storey side extension, a two storey rear extension and a first floor side extension above an existing garage at 22 Greenwell Park, Lanchester, which is a semi-detached property within a housing estate outside of the central village core area of Lanchester.

### Policy

2. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)  
Extensions and alterations to existing buildings (HO19)

SPG2  
The Lanchester Village Design Statement

### Consultations

3. Durham County Council (Highways) – response not yet received (consulted 13<sup>th</sup> September 2007).
4. Northumbrian Water – response not yet received (consulted 13<sup>th</sup> September 2007).
5. Neighbours have been consulted and a site notice posted and one letter of objection has been received to date from a local resident whose concerns are as follows :
  - The extensions do not reflect the character of the original dwelling and its surroundings. The original dwelling and all the others on the Greenwell Park estate are alike: 3 bedroomed semi-detached houses,

each with a single garage and drive for parking. The original dwelling at no.22 has already been extended with a conservatory to provide additional living space. Extending it massively as proposed now would alter the character of the dwelling and put it out of place in its surroundings.

- The proposed extensions do not respect the scale of the original dwelling. They are excessive in scale compared with the existing property, comprising another 2 bedrooms and bathroom upstairs, another garage, and a breakfast room, utility room and w.c downstairs.

#### Officer Assessment

6. This application seeks planning permission for the erection of a two storey side extension, a two storey rear extension and a first floor side extension at 22 Greenwell Park, Lanchester, a semi-detached property.
7. The proposed first floor extension would be constructed over the majority of the existing ground floor garage measuring 4.25m x 3.1m. Adjoining this extension to the rear would be a 2 storey extension measuring 3.4m x 3.1m. The roof over these extensions would be pitched and to a height of 7.7m which would continue the existing property roofline. The first floor extension would incorporate one window to the front and there would be one window within the rear 2 storey extension. The two storey side extension would be constructed adjacent to the garage, first floor side extension and two storey extension. The extension would be 9.25m in depth and 2.9m wide also with a pitched roof to a height of 7.7m to continue the roofline. Windows would be incorporated in the front, rear and side of this extension. In front of the 2 storey extension would be a 1.2m x 2.9m single storey offshot identical to the adjacent single offshot to provide a double garage for the property. All of the extensions would be constructed of brick with concrete roofing tiles chosen to match the existing property.
8. For extensions such as this Local Plan Policy seeks to ensure that the main issues of neighbouring amenity, design and parking requirements are considered.
9. Local Plan Policy HO19, SPG2 and The Lanchester Village Design Statement highlight the importance of the protection neighbouring amenity when assessing householder planning applications. For side extensions the main impact would be from a loss of privacy and the privacy of neighbouring occupiers must be protected by ensuring that neighbouring properties and gardens are not overlooked from side extensions. This property benefits from being located on an end plot of the estate a considerable distance from the properties to the front and rear and with no property adjacent to the proposed extensions. The views from the front and rear would be no closer than the existing views which are approximately 30m distant, well over the 21m distance between facing first floor windows recommended in SPG2. Although there are windows in the side elevation these are garage windows and a frosted glass window only

and in any case there is established vegetation between the proposed extension and the public footpath to the north east which will protect the privacy of the property occupiers from views from this footpath.

10. Local Plan Policy HO19 and The Lanchester Village Design Statement seek to ensure that extensions reflect and respect the character, scale, material and features of the original dwelling and its surroundings. Whilst this is a large scale extension the impacts upon the streetscape are reduced given its location on an end plot at the top end of a cul-de-sac. A few other residents on this estate have already extended their dwellings over their garages and there is a very similar sized extension at 4 Greenwell Park at the entrance to the estate which is a far more prominent location than this therefore it is not considered that the side extensions are out of keeping with the character of the area. The design of the extension incorporates features and materials that will blend in well with the existing property.
11. Side extensions have the potential to increase the amount of bedrooms at a property whilst reducing the amount of parking space thereby creating a nuisance of on-street parking on housing estates. SPG2 states that in the case of larger dwellings of four or more bedrooms it is preferable to provide more than two off-street spaces/garages. These extensions would change this property from a 3 bedroom property to a 5 bedroom property, however the proposal includes an additional garage to the existing garage and driveway which is satisfactory for such a property.
12. The proposed extensions are not considered to be detrimental to neighbouring amenity and are considered to be of an acceptable design with sufficient offstreet parking provision and are therefore considered to be acceptable and in accordance with Local Plan Policy HO19 and SPG2 and The Lanchester Village Design Statement.

#### Recommendation

13. Conditional Permission
  - Three year time limit (ST).
  - Approved Plans (ST01)
  - External materials (DH05)

#### Reason for Approval

14. The decision to grant planning permission has been taken having regard to policy HO19 of the Derwentside District Plan and relevant supplementary planning guidance and material considerations as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report Prepared by Louisa Ollivere, Area Planning Officer

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## **DEVELOPMENT CONTROL COMMITTEE**

**11<sup>th</sup> October 2007**

### **APPENDIX – DISTRICT LOCAL PLAN POLICIES**

The following local plan policies have been referred to in reports contained in this Agenda:

#### **Policy GDP1**

When considering proposals for new development, the Council will not only assess each application against the policies in the following chapters, but will also expect, where appropriate, the following measures to have been incorporated within each scheme:

- (a) a high standard of design which is in keeping with the character and appearance of the area. The form, mass, layout, density and materials should be appropriate to the site's location, and should take into account the site's natural and built features;
- (b) designed and located to conserve energy and be energy efficient;
- (c) protection of existing landscape, natural and historic features;
- (d) protection of important national or local wildlife habitats, no adverse effect upon, or satisfactory safeguards for, species protected by the Wildlife and Countryside Act 1981, no harmful impact on the ecology of the District and promotion of public access to, and the management and enhancement of, identified nature conservation sites;
- (e) the protection of open land which is recognised for its amenity value or the contribution its character makes to an area;
- (f) the provision of adequate landscaping within the design and layout of the site and where appropriate creation of wildlife habitats reflecting the semi-natural vegetation of the surrounding area and using native species wherever possible;
- (g) designed and located to deter crime and increase personal safety;
- (h) protection of the amenities of neighbouring occupiers and land users;
- (i) adequate provision for surface water drainage;
- (j) protection of areas liable to flood from development;
- (k) protection of ground water resources and their use from development.



### **Policy EN1**

Development in the countryside will only be permitted where it benefits the rural economy or helps to maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources of the area.

### **Policy EN2**

Except where specific provision has been made in the Plan, development outside existing built up areas will not be permitted if it results in:

- (a) the merging or coalescence of neighbouring settlements; or
- (b) ribbon development; or
- (c) an encroachment into the surrounding countryside.

### **Policy EN25**

Residential or other sensitive development will not be permitted on sites affected by unacceptable levels of pollution from adjoining land uses.

### **Policy EN27**

Planning permission will only be granted for new development within a 250 metre radius of a landfill site, mine workings, or on or adjacent to a contaminated site, if the developer:

- (a) provides the results of an expert investigation to detect and monitor the presence and likely effects of any gases, leachates, corrosive materials, groundwater areas of permeable sub strata and the potential for subsidence within and around the site; and
- (b) identifies a detailed programme of remedial works to resolve known and potential problems, covering site preparation, design and building construction, protection for workers and all other measures required to make the site, proposed development and surrounding area safe and stable.

### **Policy EN29**

Planning permission will only be granted for development if it:

- (a) would not result in noise generating uses likely to cause an unacceptable degree of disturbance being located in close proximity to existing noise-sensitive uses; or
- (b) would not generate noise levels which would have a significant adverse effect on the amenities of neighbouring occupiers.

New noise-sensitive developments will be permitted where they would be located an appropriate distance from any existing noise-generating uses.

### **Policy HO3**

The following large sites are proposed for housing development:

	<b>Dwellings (Estimated)</b>
<b><u>Annfield Plain</u></b>	
Harperley Road	40
Pontop Terrace	15
Rear Of Earl Grey Public House	10
<b><u>Burnhope</u></b>	
South Of Vale View	15
<b><u>Consett</u></b>	
Railway Street	25
Sherburn Terrace	40
<b><u>Delves</u></b>	
Gloucester Road	80
<b><u>Dipton</u></b>	
Ewehurst	40
<b><u>Hamsterley</u></b>	
East Of Dane Engineering	50
<b><u>Langley Park</u></b>	
Adjacent To Hillside Estate	20
<b><u>Leadgate</u></b>	
Garden Terrace	25
Station Yard	20
<b><u>Medomsley</u></b>	
Medomsley Sawmill	35
<b><u>New Kyo</u></b>	
Shield Row Lane	75
<b><u>Quaking Houses</u></b>	
Oswald Terrace	10
<b><u>Shotley Bridge</u></b>	
Elm Park	38
North Of Murray House	50
Wood Street	10

<b><u>South Moor</u></b>	
<b>Oxhill Farm</b>	<b>60</b>
<b><u>Stanley</u></b>	
<b>Chester Road</b>	<b>15</b>
<b>Stanley Hall</b>	<b>270</b>
<b>Tyne Road</b>	<b>35</b>

**Policy HO5**

**Housing development on small sites will only be permitted in the settlements listed below, where the development:**

- (a) is appropriate to the existing pattern and form of development in the settlement; and**
- (b) does not extend beyond the existing built up area of the settlement; and**
- (c) represents acceptable backland or tandem development; and**
- (d) does not exceed 0.4 hectares in size if taken together with an adjoining site.**

**Annfield Plain (Including Catchgate And West Kyo)**

**Blackhill**

**Burnhope**

**Burnopfield**

**Castleside**

**Consett**

**Cornsay Colliery**

**Craghead**

**Crookgate**

**Delves Lane (Including Crookhall)**

**Dipton (Including Flinthill)**

**Ebchester**

**Esh**

**Esh Winning**

**Greencroft**

**Hamsterley (Including Low Westwood)**

**Hamsterley Mill**

**Harelaw**

**Hobson (Including Pickering Nook)**

**Iveston**

**Lanchester**

**Langley Park**

**Leadgate**

**Maiden Law**

**Medomsley**

**Moorside**

**New Kyo**

**No Place**

Oxhill  
Quaking Houses  
Quebec  
Satley  
Shotley Bridge  
Stanley (Including Shield Row)  
Tanfield  
Tanfield Lea (Including Broomhill)  
Tantobie  
The Dene  
The Grove  
The Middles  
South Moor (Including Oxhill)  
White-Le-Head

#### **Policy HO14**

Limited infill housing development (i.e. the filling of a small gap) will only be approved in settlements not listed under Policy HO5 or in other small groups of housing in the countryside, if the development:

- (a) would be within well established physical boundaries; and
- (b) would be appropriate to the existing pattern and form of development in the area; and
- (c) would not occupy important open spaces in the street scene; and
- (d) would be sited and designed in scale and character with neighbouring dwellings; and
- (e) would not harmfully extend beyond the existing developed area.

#### **Policy HO19**

Planning permission will only be granted for the extension or alteration of a dwelling if the proposal:

- (a) reflects the character of the original dwelling and its surroundings; and
- (b) respects the scale of the original dwelling; and
- (c) incorporates pitched roofs wherever possible; and
- (d) specifies materials to match those of the existing dwelling; and
- (e) does not result in an unacceptable loss of privacy and/or amenity to neighbouring occupiers; and
- (f) does not result in the loss of off-street car parking space such that the level of provision is reduced to below the minimum requirements.

**Hamsterley**  
**East Of Dane Engineering**  
**Hobson**  
**Syke Road, Pickering Nook**  
**Langley Park**  
**Adjoining Hillside Estate**  
**Medomsley**  
**Medomsley Sawmill**  
**Shotley Bridge**  
**Elm Park**  
**South Moor**  
**Oxhill Farm**  
**Stanley**  
**Kiphill**  
**Low Stanley Farm**  
**Middles Farm**

Applications will need to show proposed tree planting belts and, where planning permission is to be granted, such approval may be subject to a planning condition or the applicant agreeing to enter into a planning obligation to ensure that the areas will be planted and then maintained over an agreed period.

#### **Policy HO22**

Planning permission for new housing developments will be granted if:

- (a) the detailed proposals include sufficient public open space and play areas, in appropriate locations, to meet the needs of residents within the development, in accordance with the recommendations contained in the NPFA document the 6 acre standard - minimum standards for outdoor playing space, at Appendix H; and
- (b) such approval may be subject to a planning condition or the applicant agreeing to enter into a planning obligation to ensure that the area(s) will be set out and then maintained; or
- (c) the developer agrees to make a financial payment in lieu of direct provision, where sufficient provision cannot be made on site.

#### **Policy TR2**

Planning permission for development will only be granted where the applicant can satisfy the Council that the scheme incorporates, where necessary:

- (a) a clearly defined and safe vehicle access and exit; and
- (b) adequate provision for service vehicles; and

- (c) adequate vehicle manoeuvring, turning and parking space;  
and**
- (d) effective access at all times for emergency vehicles; and**
- (e) satisfactory access to the public transport network; and**
- (f) a satisfactory access onto the adopted road network.**

**Planning permission will only be granted if the proposal also complies with the car parking standards in Appendix D.**