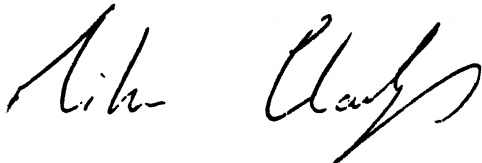


Development Control Committee

Councillor J. I. Agnew, Councillor R. Alderson, Councilor A. Atkinson, Councillor M. Campbell, Councillor H. Christer, Councilor T. Clark, Councillor G. Coulson, Councillor R. Ellis, Councillor G. C. Glass, Councillor P. D. Hughes, Councillor D. Hume, Councillor D. Lavin, Councillor O. Milburn, Councillor T. Pattinson, Councillor S. J. Rothwell, Councillor A. Shield, Councillor E. Turner, Councillor A. Watson O.B.E, Councillor T. Westgarth, Councillor J. Williams, Councillor 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 13th December 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 meeting held on 22nd November 2007 as a correct record. (Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

3. PLANNING PERFORMANCE FIGURES

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

Attached Documents:

[PLANNING PERFORMANCE FIGURES \(B\)](#)

4. APPEAL DECISIONS

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

Attached Documents:

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

5. PLANNING APPLICATIONS

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

Attached Documents:

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

6. EXCLUSION

THE PRESS AND PUBLIC ARE LIKELY TO BE EXCLUDED FROM THE MEETING FOR THE FOLLOWING ITEMS OF BUSINESS ON THE GROUNDS THAT THEY INVOLVE 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).

7. ENFORCEMENT

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

Agenda prepared by Lucy Stephenson, Democratic Services 01207 218249
email: l.stephenson@derwentside.gov.uk

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 22nd November 2007 at 2.00 p.m.

Present

Councillor J.I. Agnew (Chair)

Councillors R. Alderson, A. Atkison, M. Campbell, H. Christer, G. Coulson, R. Ellis, G.C. Glass, P.D. Hughes, D. Hume, D. Lavin, O. Milburn, T. Pattinson, A. Shield, E. Turner, A. Watson, T. Westgarth, J. Williams and R. Young.

Apologies

Apologies for absence were submitted on behalf of Councillors T. Clark and S. Rothwell.

In Attendance

Councillor W. Stelling

46. DECLARATIONS OF INTEREST

Councillor P. Hughes declared a personal interest in application 07/0921 and advised that he would leave the Chamber on this application.

47. MINUTES

The minutes of the following meeting were approved as a correct record with the following amendments:

Development Control – 1st November 2007

Page 106 paragraph 3 to read ‘Councillor Hughes added that in his opinion even though the application had been referred back by GONE this did **not** mean that members should be minded to approve...’

Page 106 paragraph 4 to read ‘she advised that **opposite** the allotment site used to be populated with a terrace of prefabricated houses’.

The Chair advised that as there was to be matters to be discussed on the minutes of the meeting held on 8th November this would be done so after consideration of planning applications.

48. APPEAL DECISIONS

The Director of Environmental Services submitted a report (copies circulated) in respect of the following appeal decision issued by Inspectors appointed by the First Secretary of State:-

- (i) Planning Application – Appeal Under Section 78 of the Town and Country Planning Act 1990 Against the Council’s Decision to Grant Planning Permission for 29 No. Dwellings with associated works on land to west of Fairview Terrace, Greencroft, Stanley. – the Planning Inspector allowed the appeal.

49. PLANNING APPLICATIONS

(1) Public Speaking Applications

07/0361 Barratt Newcastle

Residential Development (outline), Land to the South of Oxhill Farm, South Moor.

The Chair welcomed to the meeting Mr Oldfield who was in attendance to speak against the application and Sandra Thompson who was in attendance to speak in support of the application.

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised that there had been some changes in Policy and H03 which related to allocation of land that had not been saved as part of the revision.

He went on to outline the main grounds of objection made by neighbours and further outlined the benefits that this scheme would have on economic development of business (Stanley Taxis) which would benefit from the move.

He went on to address the privately owned allotment plots that would be removed as part of the development and further that it would be the Council’s intention to try and accommodate the allotment users within Council allotment sites. He further went on to talk about the neighbouring nature reserve and advised that the scheme would enhance the area and increase interest from residents in the nature reserve.

He went on to advise of access arrangements and highway improvements, in addition he advised that a transport assessment had been carried out identifying that a new road system would assist in a reduction in existing queuing times at existing traffic lights. In particular, a new lane would be provided for traffic at the Oxhill Traffic Lights, that would significantly improve traffic flow through the junction.

He then addressed the issue of affordable housing and advised that although the Council did not currently have an adopted policy on this the developers were willing to include 25 properties at below market value, he further advised that the condition relating to this was to be reworded to read in accordance with the similar condition that had been used by the Planning Inspector who had decided the appeal decision at Fairview Terrace, Greencroft, earlier in the Agenda.

He then went on to address drainage issues and advised that Northumbrian Water Ltd were satisfied that adequate foul drainage measures would be provided for and put in place, subject to appropriate planning conditions being imposed. He further advised that some tree planting would be lost through the creation of an access point, however these were young trees and the removal of them would be of wider benefit to the scheme. He therefore recommended approval of the application subject to the change to the wording of the condition relating to affordable housing.

MR OLDFIELD: Speaking Against the Application

Mr Oldfield made the following points in support of refusal of the application.

The plan fails to meet its obligations under government policy, in particular affordable housing, PPS3 Annex B states affordable housing should be available at a low enough cost for them to afford, determined with regard to local incomes, with the vast majority of the local workforce on little better than the minimum wage, no house to be built on the proposed site is affordable to the local man, and first time buyers are totally ignored in this development.

Although regeneration of Stanley is mentioned in the proposed plan and given as a justified reason for approval this is contrary to guidance contained in PPS1. The development would have a detrimental impact on infrastructure in the local area including schools, doctors and traffic impact on highways.

Major objection to the plan is the loss of allotments, these offer local people the only real peace and quiet we get with the 693 being right on the doorstep. Local Plan Policy H022 regarding Recreation and Open Space states that *developments should require sufficient space to meet residents' needs*. The residents are being denied their recreational space so that the developers can meet their obligations under planning policy and Barratts are proposing to destroy decades of heritage and history, this being a perfect example of how current developers treat the local community they claim to be benefiting.

The ecology report is fatally flawed in that it is well known that there are bats roosting on the site and to if they are to be disturbed this could cause real problems.

He thanked the committee for the opportunity to voice his concerns.

SANDRA THOMPSON: Speaking in Support of the Application

Sandra Thompson advised that she was speaking on behalf of Signet Planning and would be discussing the main drivers and benefits arising from the scheme.

- Stanley Taxis Operation – the existing site is inadequate to continue the operation of the business, 130 jobs are currently provided by Stanley Taxis and a relocation to a site which is more appropriate for such an operation would be secured as a result of the proposals offering the opportunity for Stanley Taxis to expand the business ensuring competitiveness within the market place in the future. The benefits arising from this are significant and are a key factor in progressing the scheme;
- The access to the Stanley Taxis site through Eden Terrace is wholly inadequate for such an operation and as a result of the proposals this access would become redundant through the provision of a new access served by traffic lights as agreed in discussions with the County Highways Officers;
- SUD'S - the provision of sustainable urban drainage proposals within the adjacent Charley Local Nature Reserve would create a system of ponds and planting which would directly aid the implementation of the management plan for the nature reserve prepared by North East Community Forests;
- Affordable Provision – Barratt Newcastle are committing to discounting 25 units on the site to improve affordability to aid accessing the housing market. This offer in conjunction with the provision of market housing will look to strengthen housing choice and aid in the regeneration of the South Moor area;
- In addition to delivering the benefits outlined above Barratt Newcastle are also committed to employment and training for local people through delivery of the development.
- As stated in the Officers report the site complies with policy and to which no significant objections have been raised and members are respectively requested to concur with the recommendation and grant permission to ensure the long term benefits in terms of Stanley Taxis as a major employers in the locality but also the other benefits that arise from the scheme.

Councillor Lavin added that he was aware that bats were roosting in this area and this issue would have to be addressed. He further added that he had some concerns over the highway arrangements and suggested that a 3rd lane would cause chaos. He suggested that a roundabout at the Annfield Plain, Catchgate entrance would ease problems far better than the introduction of a 3rd lane and traffic lights. In conclusion he added that he was of the opinion that the comments made by Highways were not valid and honest and any road improvements needed to be considered carefully to improve traffic flow.

The Senior Area Planning Officer advised members that transport assessment had been carried out and the County Highways Department had agreed with the

findings, further that the improvements would make substantial difference to the current highway arrangements.

Further discussion then took place regarding the highway improvements and members agreed that that some improvement would be seen although felt that this was not adequate enough to improve the situation and the Highways Authority should be reconsulted on the matter.

Councillor Watson added that it was clear to see that Members did have some concerns over Highway issues and suggested that the application be deferred for further information and to ensure that a representative can be in attendance at the next meeting to answer any questions that they may have.

Councillor Milburn further added that it would be beneficial for an Allotments Officer to be in attendance.

Following a vote being taken it was **RESOLVED:** that Planning Application 07/0361 be deferred for further information to be obtained on the highway improvements.

07/0735 Mr R. Thurlow
Erection of 9 dwellings, Former W. Hepple and Sons Ltd, Main Street, Crookhall.

The Chair welcomed to the meeting Andrew Richardson who was in attendance to speak in support of the application.

The Head of Planning & Building Control presented the report which recommended approval of the application, he advised that outline permission had been granted last year for 5 dwellings although this application was now for 4 further dwellings on the same site.

He went on to outline the application and some of the recommendations that had been made; one being that County Highways have requested that the bus stop should remain in its existing position.

He advised that the site was brownfield which rises towards the rear of the site and the dwellings would be set in the same line as existing bungalows on the street scene.

He advised that Councillor McElhone had submitted objections to the application and these were outlined in the report.

He advised that one objector Mr Killeen had passed on his concerns these were circulated to members and the nature of the objections were as follows:

- Buildings will be out of character in village area as all dwellings are bungalows and these dwellings will have the appearance of two storey at the rear with dormer windows at the front.
- Other developments in area have been built to keep in character with the surrounding buildings and this should be continued through onto this site.
- Developers should be looking to work with the local community to build affordable bungalows in this area.
- Shortage in bungalows being built in the area for elderly people wanting to downsize or single persons wanting a smaller house – reference to recent resident survey commissioned by the Council and draft Affordable Housing Strategy.

ANDREW RICHARDSON: Speaking in Support of the Application

Andrew Richardson advised that he was speaking on behalf of the applicant Mr Thurlow and made the following comments in support of the application;

- The existing site is dilapidated and unsightly and without investment will soon become a haven for crime, unsociable behaviour and fly tipping.
- Proposal for nine units has been driven by the desire of the applicant and the Planning Authority to achieve more affordable housing inline with Government Planning Policy.
- Proposed houses in keeping with the existing settlement and the size and scale of the development is in proportion with the existing houses in terms of massing and amenity space, furthermore the external materials proposed will be carefully selected to integrate closely with the existing buildings and environment.
- Dwellings proposed to be one and three quarter storeys in height and the dormer feature to the front elevations is consistent with a number of properties in the locality which have been extended to provide accommodation within the roof space. A large number of the existing bungalows in Crookhall have been extended to the rear and into the roof space or both which demonstrates that the houses are more suitable to current housing needs.
- No reduction in privacy to the opposing houses is envisaged as the distance between them and the proposed is approximately 25m (in excess of Government guidelines) and there will be no overlooking.
- Proposed development will make valuable use of a derelict and unsightly site; provide realistic housing opportunities for first time buyers and young families with significant benefit to the community.

The Head of Planning & Building Control advised that if a policy were in place for affordable housing it would not apply on a site of this scale.

Councillor Christer added that she welcomed the inclusion of affordable housing within the reach of local buyers.

Councillor Westgarth suggested that the application should be judged on the planning merits only and not take a decision on the fact that the developer had or had not catered for affordable housing.

Councillor Watson asked how many objections had been received. The Head of Planning & Building Control advised that there had been two objections; 1 from Mr. Killeen and the other from ward Councillor I. McElhone.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0735 be approved subject to:-

- Standard Time Limit (ST)
- Approved Plans (ST01)
- Amended Plans – 15th October 2007 (G04)
- Materials (A03)
- Car Parking (H03)
- Boundary Treatments (H014)
- Contamination Remediation (CI01, CL02, CL06)
- Surface Water Drainage (D03)
- Sewerage Water Disposal (D04)
- Removal of permitted development rights (PD01)
- Protection of development from noise (H11)
- Prior to the occupation of the dwellings hereby approved the redundant vehicular access crossings leading from Main Street into the site shall be fully reinstated to regular footway with full height kerb upstands.
- Notwithstanding the submitted plans the proposed drive widths opposite Main Street shall be increased to 2.4m in width.
- No development shall take place until details of the facilities to be provided for the storage of refuse bins within the site have been submitted to and approved in writing by the Local planning Authority. The facilities shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.
- The approved scheme for parking shall be implemented and made available before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.
- The development shall not be occupied until a 2.0 m high close boarded fence has been erected along the southern boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, the approved fence shall thereafter be retained at the height and position as approved.

(2) **RESOLVED:** that the following Planning Application be approved.

Councillor P. Hughes declared a personal interest in the following application left the Chamber and took no part in the discussion or voting thereon.

07/0921 C. A. Graham

Proposed erection of detached garage, 11 Dixon Avenue, Ebchester.

The Head of Planning & Building Control presented the report which recommended approval of the application. He advised that there was some updates to make to the report in that the Highways comments had now been received and they had no objections to the proposal. He further highlighted that the height of the garage was 2.9 metres not 2.29 metres as stated in the report.

Subject to:-

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

50. MINUTES

The Director of Environmental Services advised that the minutes relating to 8th November 2007 were, in his opinion, an accurate record of the meeting however there had been a procedural error when the report been written. A number of conditions had been omitted from the report of the 8th November 2007 relating to Barratt Homes which had previously been circulated at the meeting on 1st November 2007 when the application was first considered by the Committee. The Planning Officer involved had been under an impression that the report members had received for the 8th November did contain these amended and additional conditions and therefore recommended approval of the application. However the need for the additional conditions to cover highways matters, and amended conditions concerning other matters, had also been acknowledged at the meeting.

He therefore added that to ensure that a full and correct permission was granted it was recommended that Members approve the inclusion of the conditions in the minutes. A copy of the recommended conditions, with the amended and additional conditions highlighted, were circulated for members to consider.

Councillor Watson added that if there was to be any debate on the subject he must declare an interest in the application and leave the Chamber.

Following a vote being taken it was

RESOLVED: that the minutes of the 8th November 2007 be approved as a correct record with the inclusion of the following amended and additional conditions;

Amended:

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. This shall include the provision of bus stops and shelters within the same frame

Prior to the occupation of the 60th house on the development, or other such time period as may be agreed in writing with the Local Planning Authority 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.

All piling 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

Additional:

Details of the adoptable highway link, estate roads and footways, shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.

Reason- In order to minimize danger, obstruction and inconvenience to users of the highway and of the development having regard to Policy TR2 of the Local Plan.

Details of the protected right hand turning lane to the southern spine road, and the timetable for its provision shall be agreed in writing with the Local Planning Authority.

Reason- The timetable for the right hand turn needs to be agreed separately from the other required highway works to account for the other proposed development within the surrounding area and thus to ensure adequacy of the highway network in accordance with TR2 of the Local Plan.

No dwelling shall be occupied until details of analysis of the C11a Front Street/Genesis Way/A692 by-pass roundabout and flaring of the B6322 entry radius have been submitted to and approved in writing by the Local Planning Authority and any necessary measures implemented prior to the occupation of the 100th house, or other such time period as may be agreed in writing with the Local Planning Authority.

Reason- In the interests of ensuring the adequacy of the highway network in accordance with Policy TR2 of the Local Plan

Councillor R. Young and R. Ellis abstained as they were not present at the meeting held on 8th November 2007.

51. PLANNING SERVICE COMPLAINT

Complaint regarding handling of planning application at 22 Mount Pleasant, Flint Hill Application ref no: 06/0694/DM.

The Head of Planning & Building Control added that members would find the comments of the Legal Services within the report as requested by Members at the previous meeting, their findings being that the Planners response to the complainant was the most suitable approach to take.

Councillor Watson added that in his opinion the committee should take the advise of Legal Services and support their decision.

Councillors A. Atkinson and H. Christer left the meeting at this point.

Councillor Campbell questioned the solution that had been suggested by the Planning Officers, and added that in his opinion there were further solutions that could be investigated.

Councillor Watson added that he agreed with the recommendation of the Planning Officers and suggested that if the complainant wished to further lodge complaint with the Local Government Ombudsman then they would then make a suitable recommendation as to what level of compensation was suitable in the circumstances.

Following a vote being taken it was

RESOLVED: that the Head of Planning & Building Control write to the complainants to advise them that the Council wishes to formally apologise for the error in failing to consult them. The remedy that the Council proposes to offer is the erection of a screen to prevent overlooking of the conservatory.

Conclusion of meeting

The meeting closed at 3.45 p.m.

Chair.

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

CLG Planning Performance Figures
April – June 2007

- 1) Planning Performance figures are produced every quarter by the Department for Communities and Local Government. These reports give Members the opportunity to consider the Council's performance as a Planning Authority in relation to other Durham Districts, as well as pick up on national trends and Best Value Performance. Since Committee considered a report on performance at the meeting on 21st June 2007, further have been released. The purpose of this report is to consider performance, taking into account the latest information.

- 2) Best Value Performance Indicator 109 looks at the speed of determining planning applications. It is not concerned with the overall percentage of applications determined within the eight week statutory period, but the speed of dealing with the three main classes of applications; Major, Minor and Other. Separate targets have been set in relation to the three classes:
 - Major applications - 60% determined within 13 weeks
 - Minor applications - 65% determined within 8 weeks
 - Other applications - 80% determined within 8 weeks

- 3) Table 1 below shows the Council's performance, in terms of percentage of applications determined within the prescribed periods over the past year.

	Major (13 weeks)	Minor (8 weeks)	Other (8 weeks)	All (8 weeks)
April – June 06	82 (11)	63 (57)	82 (163)	75 (231)
July – September 06	71 (14)	70 (60)	78 (184)	74 (258)
October – Dec. 06	80 (5)	80 (45)	85 (173)	82.4 (183)
January – March 07	60 (5)	79 (52)	85 (126)	81.4 (149)
April – June 07	69 (13)	68 (60)	79 (162)	74 (235)

Figures in brackets – total number of decisions

- 4) Figures for the reported periods show that two of the three of the BVPI performance targets were achieved. In the case of ‘Other’ applications, the 80% target was missed by only 1%. The Development Control Team has worked hard to achieve these figures and I commend them for this.
- 5) In order to enable Members to compare our performance with the other Durham Districts I have attached the following table (figures for whole year ending June 2007):

	Total major decisions	Per cent within 13 weeks	Total Minor decisions	Per cent with 8 weeks	Total Other decisions	Per cent within 8 weeks
Chester le Street	7	86	78	86	358	94
Derwentside	37	70	217	74	645	82
Durham	40	83	191	74	744	82
Easington	40	70	195	73	513	88
Sedgefield	36	50	142	69	489	88
Teesdale	4	75	151	62	362	75
Wear Valley	38	79	304	82	484	90

- 6) For the most recent period, District authorities determined 71% of Major applications within 13 weeks; 78% of Minor applications within 8 weeks and 88% of Other applications within 8 weeks. CLG say that these figures reflect no improvement in determining Major and Other applications, but a 2 percentage point improvement in determining Minor applications, and a 2 percentage point improvement in determining Other applications compared with the corresponding quarter in the previous year.
- 7) At national level, the number of planning applications increased during the first quarter of 2007, by 2%. At a regional level, London saw the largest increase in the numbers of applications received for the quarter (9%). However the North East and Yorkshire regions experienced a fall in the number of applications by 2%. The number of Householder decisions 0.4% in number, but still comprised more than half of all planning decisions (52%).
- 8) In the case of Derwentside, during the year ending 30 April 2007, the Council determined a total of 899 applications. In comparison, during the year ending 30 April 2006 the Council determined 824 applications covered in the returns. The number of applications has therefore risen by 75, or 9%, and the overall number is still significantly above the ‘historical norm’ of about 750 applications a year. Taking into account all types of applications, including those

not subject to the published statistics, the annual number of applications remains over 1,000 per year.

- 9) In terms of the numbers of applications dealt with under delegated powers, April - June saw a figure of 89% of applications being dealt with at officer level. The delegated powers that were adopted last year have reduced the number of applications that have to be referred to the Committee, so that this figure will be consistently between 85 and 90%. CLG says that 90% is now the average delegation level nationally. It is important to maintain the increased the level of delegated decision taking (if possible stabilising this at 90%), focussing the work of the Committee on applications that raise significant planning issues.

- 10) Planning performance statistics are concerned with the speed of decision taking. The key outcome of the planning process is, of course, the quality of the planning decisions and efforts to achieve the best possible outcomes in terms of these statistics must not be allowed to compromise the quality of decision taking or service for users. The workload continues to pose challenges in terms of achieving the Best Value targets, however I remain optimistic about the ability of the Development Control team to meet these challenges.

Recommendation

- 10) The report be noted.

Report prepared by Tim Wheeler, Head of Planning and Building Control

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13th December 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

Appeal against the refusal to grant outline planning permission for the erection of two detached houses or bungalows at Land to the North East of Briarhill, The Avenue, Burnhope

1. In April 2007 the Development Control Committee refused to grant outline planning permission for the erection of two detached dwellings on land to the north east of Briarhill, The Avenue, Burnhope. The reason for refusal was:-

“The proposal would result in the development of an area of countryside outside of the existing pattern and form of development in the Burnhope settlement, extending beyond the existing built up area and development limits of the settlement, and thereby being contrary to Policies HO5 and BI1 of the Derwentside District Local Plan.”
2. The appeal was considered under the written representations procedure, and a copy of the Inspectors decision letter is attached. The Planning Inspector dismissed the appeal.
3. The Inspector felt that the main issue to consider was the effect of the proposed development on the character and appearance of the appeal site and its surroundings.
4. The Inspector identified the site as an area of grassland to the east of an unmade track known as The Avenue on the outskirts of the village Burnhope, outside of the development limit.
5. The appellant’s grounds of appeal stated that Local Plan Policies BI1 (Burnhope Development Limits) and HO5 (Development on Small Sites) had now expired, the Inspector clarified that this is not the case as these policies were saved by Direction of the Secretary of State. The appellant also argued that the site was not outside of the development limit for Burnhope, as there are a number of other housing developments under construction or have been built in the immediate vicinity of the appeal site. The Inspector observed these on site and noted the Council’s argument that most but not all of these are within the limit for the village. However as the appeal site is outside of the limit it must be regarded as open countryside and not part of the existing built up area of the settlement. The Inspector advised that the proposal would therefore constitute further harmful encroachment of built development into the surrounding countryside.

6. The appellant also argued, views echoed by the Parish Council, that the development limit boundary in this area be re-examined. The Inspector however, indicated that the appropriate vehicle for undertaking a review is the emerging Local Development Framework. Until this process is completed proposals for development must be judged against saved policies of the Derwentside District Local Plan.
7. The Inspector notes that there is a difference of opinion between the parties as to whether the appeal site is Greenfield or previously developed land. The appellant states that the land had last been used as a factory site with mining workshops and argues that the land is brownfield. The Inspector however notes that on the site visit no remains of buildings could be seen, and that the site had the appearance of a grassed paddock. It was acknowledged that there was a small amount of rubble on the site, however the land had appeared to have regenerated sufficiently to be classified now as Greenfield land in accordance with Planning Policy Statement No.3.
8. The Inspector was not persuaded by the appellant that any of the issues raised were of sufficient material consideration to outweigh the provisions of the relevant Derwentside District Local Plan saved policies. The Inspector concluded that the proposed development would cause harm to the character and appearance of the appeal site and its surroundings and dismissed the appeal..

Recommendation

9. The decision be noted.

Report Prepared by Mr Charlie Colling, Area Planning Officer

W:\Development Control Committee\131207\07.0075



Appeal Decision

Site visit made on 30 October 2007

by **Anthony Lyman** BSc(Hons) DipTP
MRTPi

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 Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pim.gov.uk

Decision date:
22 November 2007

Appeal Ref: APP/V1315/A/07/2050467

Land at The Avenue, Burnhope, Durham, DH7 0DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Henry Barron against the decision of Derwentside District Council.
- The application Ref CC/1/2007/0075/DMOP, dated 23 January 2007, was refused by notice dated 3 April 2007.
- The development proposed is the erection of two detached houses or bungalows.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The application is in outline with all matters reserved for future approval.
3. The description of the proposed development given above more clearly summarises the description on the original application.

Main Issue

4. I note the Highway Authority's objection to the proposed development at the application stage. However, the Council made no reference to this in the reasons for refusal and I have not taken this issue into consideration in reaching my decision. Therefore the main issue in this case is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

5. The appeal site is an area of grassland to the east of an unmade track known as The Avenue on the outskirts of the village of Burnhope. The site is outside the adopted development limit for Burnhope.
6. Derwentside District Local Plan (DDLp) policy HO5 permits small scale housing developments but only where, amongst other things, the development does not extend beyond the existing built up area of a settlement. There is also a specific policy relating to Burnhope, policy BI1, which states, "No new housing development at Burnhope will be approved outside the development limit". The appellant in his Grounds of Appeal claims that the DDLp expired in 2006. This is not the case and significantly these two policies were saved by Direction of the Secretary of State dated 31 August 2007.

7. The appellant is also of the opinion that the site is not outside the existing pattern of development in Burnhope and therefore complies with policy H05. He claims this is because a number of other housing developments are under construction or have been built in the vicinity of the appeal site since the DDLP was adopted. I observed these on my site visit but the Council states that most, but not all of these sites are within the adopted development limit for the village. As the appeal site is outside the limit it must be regarded in planning terms as open countryside and not part of the existing built up area of the settlement. The proposal would therefore constitute further harmful encroachment of built development into the surrounding countryside.
8. I note the appellant's arguments, echoed by the Parish Council, for the development limit boundary in this area to be re-examined. The appropriate vehicle for undertaking a review however is the emerging Local Development Framework. Until that process is completed proposals for development must be judged against the saved policies of the DDLP.
9. There is a difference of opinion between the parties as to whether the appeal site is greenfield or previously used land. On the planning application the appellant states that the land had last been used as a factory site with mining workshops and argues on his appeal statement that the site is brownfield land. On my site visit however I could not see the remains of any buildings. The site had the appearance of a grassed paddock and although there was a small amount of loose rubble on site, the land appeared to have regenerated sufficiently to be classified now as greenfield land in accordance with Planning Policy Statement No.3.
10. I am not persuaded that any of the issues raised are of sufficient material consideration to outweigh the provisions of the relevant DDLP saved policies. I conclude that the proposed development would cause harm to the character and appearance of the appeal site and its surroundings. For the reasons outlined and having considered all other matters raised, I dismiss the appeal.

Anthony Lyman

INSPECTOR

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13th December 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

Appeal against the refusal to grant planning permission for the conversion of a single dwelling into two and erection of external staircase at 81 Iveston Lane, Iveston, Consett

-
1. In January of this year the Council refused to grant planning permission for the conversion of a single dwelling into two and erection of external staircase at 81 Iveston Lane, Iveston, Consett. The reason for refusal was: -

"The staircase is an unsympathetic and unacceptable addition to this property within a conservation area and relic landscape area contrary to Policies HO17, HO19, EN8 and EN13 of the Derwentside Local Plan."
 2. The appeal was considered under the written representations procedure, and a copy of the Inspectors decision letter is attached. The Planning Inspector dismissed the appeal.
 3. The Inspector felt that the main issue to consider was the effect of the proposed staircase on the character and appearance of the existing building and the wider Iveston Conservation Area. The Inspector noted that the property is a large and imposing one, with views from the north being limited as the ground floor to the rear is set within a hollow, and views from the public footpath, which runs to the east being largely obscured, however he noted that the lack of public views should not represent a justification for poor or discordant design.
 4. The Inspector considered that the proposed staircase and landing would represent a discordant element in a building, which has been generally constructed and detailed in a traditional manner. The rooftop landing supported by four bulky timber columns would, be a particular heavy and alien feature. The appellant drew the Inspectors attention to other external staircases in the village, however the Inspector commented that these are of a traditional stone construction, with metal balustrades and do not bear comparison to the present proposals, which, in terms of design would be more appropriate for a holiday chalet in a woodland setting.
 5. The Inspector concluded that the proposal would not be sympathetic to the character or appearance of the existing building and would, therefore, be contrary to Policies HO17 and HO19, saved from the Derwentside District Local Plan.
 - 6.

Recommendation

The decision be noted.

Report Prepared by Mr Charlie Colling, Area Planning Officer

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Appeal Decision

Site visit made on 15 October 2007

by **Graham E Snowden BA PhD Dip
Mgmt MRTPI**

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 Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
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co.uk

Decision date:
8 November 2007

Appeal Ref: APP/V1315/A/07/2040467

81 Iveston Lane, Consett, DH8 7TB

- 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 Dr M Shafiqullah and Dr D Berg against the decision of Derwentside District Council.
- The application Ref CC/1/2006/1010/DMFP, dated 16 November 2006, was refused by notice dated 19 January 2007.
- The development proposed is the conversion of a single dwelling into two and replacing the existing external staircase with a wooden straight flight staircase.

Decision

1. I dismiss the appeal.

Main Issue

2. The conversion into two dwellings has been implemented with the second floor flat currently accessed via a metal spiral staircase (which, I understand, is unauthorised) to a supported timber landing, the latter forming part of the appeal proposal. There would not appear to be any objection, on the part of the Council, to the principle of subdivision of the property and I consider that the main issue is, therefore, the effect of the proposed staircase on the character and appearance of the existing building and the wider Iveston Conservation Area.

Reasons

3. The appeal property lies on the eastern edge of the village at a point where the land falls away steeply towards the east, and backs onto long open fields to the north, which have been identified in the Derwentside Local Plan as a local landscape of historic importance. The property is a large and imposing one, with a tall two-storey stone gable dominating the front elevation and a large first floor rear balcony, constructed in timber, which runs the full width of the house and links the roof of a single storey rear extension with elevated land to the west. Views of the property from the north are limited by the fact that the ground floor at the rear is set within a hollow. I am also satisfied that views from the public footpath, which runs to the east would be largely obscured. However, I do not consider that lack of public views should represent a justification for poor or discordant design.

4. Although the proposed staircase and landing linking the first floor balcony to a doorway in the westernmost roof dormer would be executed in timber to match the balcony itself, I consider that it would represent a discordant element in a building which is generally constructed and detailed in a traditional manner. The rooftop landing supported on four bulky timber columns would, in my view, be a particularly heavy and alien feature. Whilst the appellants have drawn my attention to other external staircases within the village, these are of traditional stone construction, with metal balustrades and do not bear comparison with the present proposal, which, in terms of design and materials, seems more appropriate for development such as holiday chalets in a woodland setting.
5. I conclude that the proposal would not be sympathetic to the character or appearance of the existing building and would, therefore, be contrary to Policies HO17 and HO19, saved from the Derwentside District Local Plan.
6. There is some dispute as to whether the part of the appeal property, which has been extended, falls within the boundary of the Conservation Area. In my view, it probably does not, but it falls within the adjacent historic landscape, which forms the landscaped setting for Iveston Conservation Area and any development here is capable of having an impact on the built character and appearance of the Conservation Area. I am required, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in determining this appeal, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Iveston retains the traditional form of a linear village and, whilst considerable new development has taken place, in terms of materials, form and detailing, the traditional character of the village has largely been retained. In that context, an external timber staircase, connecting to a dormer at roof level, represents an alien and uncharacteristic structure, which, in my view, despite the rear location and lack of public visibility, would be harmful to the character and appearance of the wider Iveston Conservation Area.
7. I have taken into account the arguments of the appellants that the conversion would provide affordable housing, although no specific evidence of this is provided. I also note that there is a requirement for an alternative escape route to facilitate the conversion into two units, but again, there is no specific evidence before me to demonstrate that this could not be achieved in some other, more sympathetic, way.
8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G E Snowden

INSPECTOR

DERWENTSIDE DISTRICT COUNCIL**DEVELOPMENT CONTROL COMMITTEE****13 December 2007****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****PLANNING APPLICATIONS AND ASSOCIATED MATTERS****CONTENTS**

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RECOMMENDATION FOR REFUSAL

07/0915	24.10.07
Mr A J Evans	24 Humberhill Drive, Lanchester
Erection of one dwelling	Lanchester Ward

The Application

1. This application seeks full planning permission for the erection of one dwelling within the side garden of 24 Humberhill Drive, Lanchester which is located within a 1960's hillside estate to the south west of Lanchester Village Centre.
2. The proposed dwelling would be a detached two storey dwelling with an easterly orientation fronting onto Middlewood Road. The dwelling would measure 9m by 6.3m with a garage to the side measuring 2.7m by 5.1m. The property would have a pitched roof to a height of 8m. Garden land would be retained to the front and side of the property and to the side of the dwelling would be a pathway to access 24 Humberhill Drive. Access would be taken from Humberhill Drive to the north.

Policy

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

General Development Principles (GDP1)
Development on Small Sites (HO5)
Development and Highway Safety (TR2)

SPG9 The Lanchester Village Design Statement

Consultations

4. County Highways Development Control Officer- Number 24 Humberhill Drive has two vehicular crossings, and driveways, into the site curtilage from the public highway. While the more southerly of the two exits onto the junction radius, which is normally to be avoided, it appears that the crossing has been installed and in use for some time. It is this crossing point which is proposed for the new dwelling. Three vehicles were parked off-street at no. 24 at the time of my site visit (i.e. the two drives were fully occupied) raising issues of where the two vehicles parked on the drive in the application site will be displaced to should this application be approved. While it would probably be difficult to use this as a reason for refusal I would recommend that the existing drive at no. 24 is widened to

accommodate two cars. Other than this I have no objection.

5. Northumbrian Water- The application has been examined and Northumbrian Water has no objections to the proposed development.
6. Lanchester Partnership - The site comprises a very small plot of land, the side garden of 24 Humberhill Drive. The proposed building would occupy the whole of the site behind the “building lines” to the street frontages. The proposed two storey, three bedroomed detached dwelling would face onto Middlewood Road. Although it is proposed that there would be a one metre wide footpath adjacent to the back and side boundaries this is intended to afford access to the rear gardens of the two neighbouring properties, neither would be accessible to the occupants of the new dwelling. There would therefore be no space within the new curtilage either at the rear, or side of the proposed dwelling. It would present a two storey blank wall to the side and rear garden of the applicant’s existing dwelling. There would be no space to the side of the dwelling adjacent to No 20 Middlewood Road so that the new dwelling would have no private amenity space save that open to and overlooked from the two road frontages.

The open side garden of the Humberhill property is typical of street corner treatments throughout this and many other estates not only in Lanchester but throughout Derwentside. The estate was laid out very broadly in accordance with standards for the spacing of dwellings at the time of its development and this corner site is very characteristic of the overall development. Similar such standards are set out in SPG7 “The Layout of New Housing”. The building to plot ratio would be very high and totally inconsistent with neighbouring development so that it would conflict with Local Plan Policy HO5 where housing development on small sites will only be permitted where the development is appropriate to the existing pattern and form of development.

We are in receipt of a letter of objection from the neighbouring residents and support their view that if the development were allowed to proceed considerable difficulty and annoyance would be caused due to the restricted size of the site.

We strongly urge that the development should be refused as wholly inconsistent with and uncharacteristic of surrounding development.

7. Neighbours have been consulted and a site notice posted and five letters of objection have been received from neighbours and local residents, their concerns are summarised as follows:
 - The proposed dwelling will directly block the light to the rear of our house and garden, and also obstruct our views. Our house is positioned such that much-needed sunlight comes from the west of our property, the area of the proposed development. Colepike Road, to our east is in an elevated position to our garden, therefore sunlight from

this direction is already restricted.

- Secondly, we feel that a dwelling built in the garden of No. 24 will look out of place with the frontage of both of our houses as they were designed as one pair of semi-detached houses only, to fit in with the other semi-detached houses on this thoughtfully designed estate. A differentially designed additional property in the garden of our adjoining property will negatively affect the appearance of the two existing properties.
- By building a dwelling in the garden of a corner plot house on this development a precedent will be set for others to follow suit as there are many other corner plots on this estate.
- In the applicant's accompanying letter it was stated that there were 'no objections from neighbours' to the proposals, yet we were only verbally informed of these one-day prior to receiving a letter from yourselves.
- The proposal does not conform to the Council's Development Principles and Policies, nor to relevant supplementary planning guidance.
- Policy HO5 – This proposed development is not on backland or tandem development, on the contrary it is on a very prominent site, not in a large back garden but in the normal sized front/side garden.
Policy HO19 – The proposal is effectively for a massive extension to the existing dwelling at 24 Humberhill Drive and does not meet the criteria laid down in Policy HO19, in that it does not reflect the character of the original dwelling at 24 Humberhill Drive and others surrounding it (particularly in the fenestration and the main entrance; N.B the same make and colour of bricks is no longer available), It does not reflect the scale of the original dwelling, being a detached family house which would double the density of development on this plot.
Policy GDP1 – The design is not in keeping with the character and appearance of the area; the mass, layout, especially density are not appropriate to the site's location and do not take sufficiently into account its existing natural and built features, the proposed development would destroy open land which is recognised for its amenity value and contribution its character makes to the area; there is no provision of landscaping within the design, but on the contrary, the proposal will destroy existing landscaping; the amenities of neighbouring occupiers and land users, particularly people who live in other dwellings round and about and who go along Humberhill Drive and Middlewood Road would be damaged by building on this open, green area.
- In planning and designing this scheme, the relevant guidance in the Lanchester Village Design Statement has not been followed i.e. plenty of greening by grass and trees in the public realm and good examples of estate property at High road (windows alike, recesses for porches) and well co-ordinated extensions.
- The proposed new dwelling at 24 Humberhill Drive does not follow the principles of respect for the neighbouring properties and for the environmental surroundings, which are as applicable within estates as they are within the traditional environment and apply to development, whether new, extension or alterations/replacement. One particular

characteristic of the High Ford Estate mentioned in the schedule to the village design statement is recessed front porches, and it is there observed that care is needed on corner sites to integrate cumulative additions. Relevant design guidelines which should be followed in this case are 4A, 4C and 4D.

- Please will you ensure that the design of the main easterly elevation of the new dwelling is altered so as to be more in keeping with that of the original dwellings on this estate. In particular, the windows and porch should follow the good example of estate property pictured on page 21 of The Village Design Statement: The first floor windows, if not all the windows, should have no horizontal glazing bar, the porch should have a simple recess because, as the Village Design Statement says, glazing in of porches detracts from the 3 dimensional effect of the elevation. If the porch of the new dwelling must be glazed in it should be a very simple design with plain frame and glass.
- The site is too small to accommodate any kind of development. If it had been suitable the original developer of this estate would have built on the site 50 years ago.
- The new build is located too close to the existing properties.
- Excavating deep foundations close to the existing and established properties could compromise the stability of said properties.
- No consideration has been given to the fact that the site is too small to accommodate the planned foundation plan and a working area plus all the necessary construction equipment that will be required. This will lead to this equipment being located on the roadway along Middlewood Road adjacent our house. This would restrict access for vehicles on a blind bend and present a health and safety issue for pedestrians.
- Natural light would be blocked to our front lobby and hallway, stairway and landing, conservatory and garden.
- The open views across the village and the natural light to the garden and conservatory of 24 Humberhill Drive would be lost.
- Our bedroom window would look directly onto the proposed new property's bathroom window.
- The front elevation of the new build would be located on Middlewood Road, which has 6 properties of the same design. The new build does not match their design and therefore does not blend in. Plus matching existing materials such as brickwork and roof tiles of an established estate would be a problem.
- The site is elevated above the level of Middlewood Road and the new build would be located directly opposite a near bungalow at 22 Humberhill Drive, which is sited below the level of Middlewood Road making it directly overlooked.
- There has never been any direct access from Middlewood Road to the rear of 24 Humberhill Drive. An existing brick wall and hedge prevents this. The proposed access pathway to the side of 20 Middlewood Road is totally unacceptable. Any access to the rear of the property located in Humberhill Drive must be from Humberhill Drive as it is at present and not Middlewood Road.
- The open aspect of the area would be lost should the build go ahead.

- A one metre perimeter with adjoining buildings would give the appearance that this property is out of character given that it would appear to be cramped.
- Parking of cars on the drive will block to corner view of other approaching vehicles on the road increasing the dangers to many young children who access that part of the estate to play on the green opposite the proposed plan.
- It would lower the value of my property as views from my lounge and kitchen would disappear.

Officer Assessment

8. This application seeks full planning permission for the erection of a dwelling within the side garden of 24 Humberhill Drive which is a 1960's constructed estate built on the hillside within Lanchester. The proposed site is bounded by properties to the west and south and the estate road to the north and east.
9. The main issues members must consider with regard to this planning application are whether this is a suitable location for residential development in terms of national and local policy, whether the development would have a detrimental impact upon neighbouring and local amenity, whether the layout, scale, design and landscaping, parking provision and access are suitable within this long established estate.
10. The main policy document that contains guidance on suitable locations for residential development is contained in PPS3 which seeks to ensure that new housing development should take place on brownfield sites within settlements. The definition of a brownfield site includes garden land within the curtilage of a dwelling. Whilst this is a brownfield site it is also a fundamental principle of the planning system that existing residential areas be protected from developments which would harm the quality of the neighbourhood. Local Plan Policy HO5 only permits housing development on small sites within Lanchester where there would be no loss of amenity to neighbouring properties, where the proposal would reflect the form and character of existing development in the locality, where the proposal incorporates sensitive design and good landscaping and where a safe and convenient means of vehicular and pedestrian access could be provided, including adequate parking provision.
11. Being located on a side garden plot with dwellings within close proximity on all sides the site has significant constraints and it is important to look closely as to whether there would be a loss of privacy, light, outlook or significant overshadowing from the proposed development and whether sufficient amenity space would be retained. With regards to privacy, outlook and light, as a rule of thumb where dwellings face onto gable walls there should be a distance on not less than 12.5m between the main window of a habitable room and a facing wall with no habitable room windows. There is no need to apply this distance in relation to number 24 Humberhill Drive given that there are no principal windows within the side

or within the rear elevation of the proposed dwelling. However, the proposed dwelling fails to comply with this standard privacy distance in relation to 20 Middlewood Road as the proposed dwelling would only be a distance of 6.4m from a first floor bedroom window, albeit that it is only a small section of this window that would directly face onto the gable end. The proposed dwelling is an acceptable distance from 22 Humberhill Drive.

12. With regards to outlook from other properties whilst number 13 Colepike Road is on a higher level than the proposed site it is still considered that the occupants would suffer from an unsatisfactory outlook to a 7.5m high rear blank wall. It is likely that the occupiers of number 24 Humberhill Drive would suffer also from this overbearing high rear wall on the boundary of their property which is likely to lead to a loss of light and overshadowing for their property and their rear garden area.
13. The development of the side garden of number 24 Humberhill Drive coupled with the loss of the use of the front garden which would be needed for further parking purposes would mean that only approximately 36 square metres of garden area would remain for 24 Humberhill Drive which would mean it would have one of the smallest gardens on this estate which would result in a further loss of amenity to the occupiers of 24 Humberhill Drive.
14. Objectors have raised further issues such as loss of view, concerns about foundations and site materials. Right to a view is not a material planning consideration and it is the developers responsibility to ensure that development is carried out and materials are stored in a safe and orderly manner.
15. Local Plan Policies GDP1 and HO5 and The Lanchester Village Design Statement seek to ensure that any new residential development reflects the form and character of existing development in the locality. Sufficient space should be provided to ensure there is a satisfactory appearance to the overall estate. The distance between buildings should be balanced against the mass of the building so that a cramped appearance is avoided.
16. The estate is a spacious mature low-density area characterised by moderately large detached and semi-detached dwellings and smaller bungalows in relatively spacious plots with well established planting and trees. Several other corner plots have large side gardens such as this. Although there are different types of dwellings there is an overall spacious ambience and structure, especially to the corner sites within a landscaped setting. This results in the estate having an uncrowded appearance with each property having adequate garden space and the houses being positioned a reasonable distance away from each other. The plots on this estate vary in size between 187 square metres and 597 square metres although in this particular area of the estate the average plot size is estimated to be approximately 240 square metres. The application site measures 220 square metres and the property remaining at 24 Humberhill Drive would be 234 square metres. This would result in these two

properties having similar sized plots to the detached properties opposite although they would be slightly smaller in size than the adjacent plots of Middlewood Road. Whilst the new plot sizes would not be particularly out of keeping on this estate it is the location of the dwelling within the plot that would create an overly cramped appearance.

17. In order to allow for some garden space and sufficient driveway space the proposed dwelling is proposed to be sited only 1.1m away from the building line of 24 Humberhill Drive and 20 Middlewood Road. Whilst other properties are similarly spaced gable to gable there are no other properties on this estate where the rear elevation faces onto a gable end on this estate and it is this layout coupled with the close proximity to the neighbouring building line that would create a cramped and incongruous appearance. This would be of detriment to the spacious layout and character of the estate and may potentially set a precedent for the development of other corner sites which would lead to a detrimental cumulative impact.
18. Humberhill Drive and Middlewood Road are characterised by two storey and single storey detached and semi-detached properties, the adjacent sites are semi-detached properties and properties with adjoining garages therefore it is considered that a new detached dwelling would not look particularly in keeping. The applicant has made an attempt to make the dwelling blend in with the surroundings by keeping to the building set back lines of Middlewood Road and Humberhill Drive and following the roof styles of the streetscape. However, there are a number of deviations from the original designs of the neighbouring property which would make the dwelling appear out of place.
19. Middlewood Road is characterised by narrow two storey dwellings, the main two storey sections measuring approximately 7.5m with garage and porch offshots to the side. The proposed dwelling is 1.5 greater in width than the neighbouring properties of Middlewood Road and does not follow the central emphasis design of their front elevations with their centrally placed windows. Nor do the windows and a doorway on the northern elevation mirror the location of openings at 24 Humberhill Drive. The proposal also differs in terms of design as it would not make a feature of the porchway entrance unlike the properties of Middlewood Road which have porch offshots or of Humberhill Drive which have recessed porches. The garage does not reflect the elevations of Humberhill Drive as it is to the front of rather than the side of the property and would not fit in with the front facing garages on Middlewood Road.
20. Other original design features of the properties on this estate such as the use of tile hanging/rendered panels to the exterior elevations have not been replicated within this design and whilst the materials proposed for the development would be of a similar colour to those of adjacent properties it would be extremely difficult for there to be an exact match to the other properties on the estate. Therefore it is considered that the proposed dwelling would stand out on this prominent corner plot. Whilst it is the

case that some elements of the design could be improved by the applicant it is considered that even if the design were revised the proposed dwelling would still be considered to be too close to neighbouring properties and detrimental to the area's character and local amenity.

21. No landscaping is proposed as part of this application, the application states that no existing vegetation would be lost but it is likely that some vegetation would be lost as a result of the development and the need for more driveway to the front of 24 Humberhill Drive would lead to a mostly paved or concrete frontage inconsistent with the lawn frontages on this estate which would have a detrimental impact upon the visual amenity of the area contrary to local Plan Policy GDP1, HO5 and The Lanchester Village Design Statement.
22. Local Plan Policy TR2 seeks to ensure that all new development incorporates adequate parking and has a safe vehicle access and exit. Whilst the proposed access exits onto a junction radius which is normally to be avoided and the concerns of objectors regarding safety at the junction are noted the access is considered acceptable as it has already been used for some time for additional parking for number 24 Humberhill Drive. As this parking area appears to be currently well used and would no longer to be used by the occupants of number 24 Humberhill Drive the proposed development would be likely to lead to displacement of vehicles to the street which is not acceptable. However, the Highways Officer has stated that should an existing driveway of number 24 be widened to accommodate two cars there would be no objection to the proposal. The applicants have note confirmed that they are willing to do this, however if they do the proposal would accord with Local Plan Policy TR2.
23. In conclusion, it is considered that whilst the proposed dwelling would not be significantly detrimental to neighbouring privacy it would be located where it would be detrimental to neighbouring outlook and light and that the closeness to neighbouring properties and design would be harmful to the character and appearance of this estate which could set a precedent for further development of corner plots on this estate. It is therefore recommended that this application be refused as it is contrary to Local Plan Policies GDP1, HO5 and The Lanchester Village Design Statement.

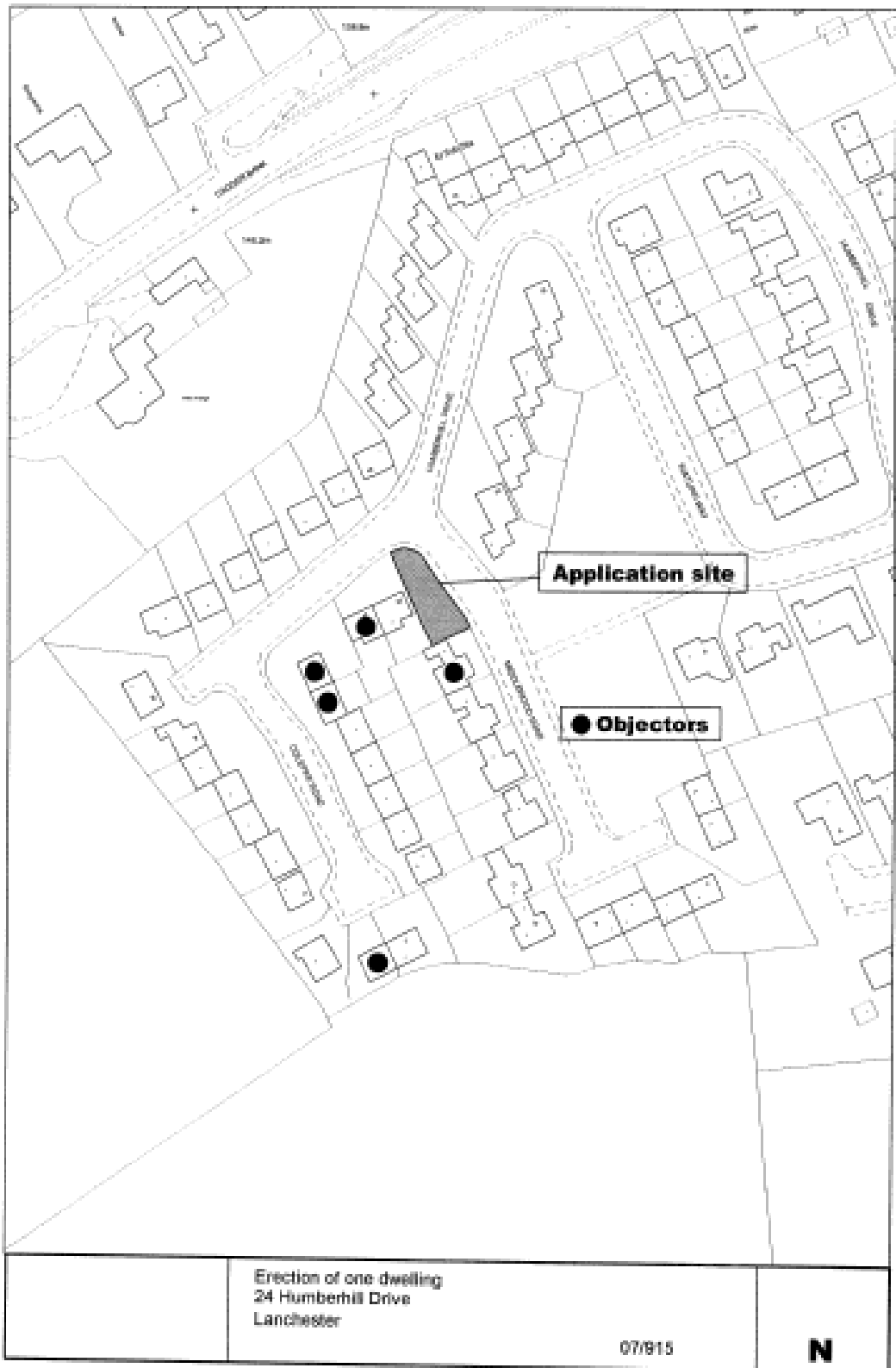
Recommendation

24. Refuse

The proposed development of this corner plot would have a negative impact upon local amenity and the character and appearance of the estate. The dwelling would not respect the character of the estate and would produce a cramped appearance. In addition the property would affect neighbouring outlook and light and fails reflect the design of other properties in the area to the detriment of the appearance of the area. The proposed dwelling would contrary to local plan Policies GDP1 and HO5 and The Lanchester Village Design Statement.

Report Prepared by Louisa Ollivere, Area Planning Officer

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RECOMMENDATION FOR REFUSAL

07/0892

26.10.07

Ms T Cooper

Car park to the front of
Bargain Clearance Store
Clifford Road
Stanley

Siting of mobile catering van

Havannah Ward

The Application

1. This application seeks planning permission for the siting of a mobile catering van operating 9 a.m. to 4 p.m. seven days a week, in the car park to the front of Bargain Clearance Store, at the Clifford Centre, Stanley.

History

2. An application for the siting of portable building for taxi office was refused in 2003 (reference 1/2003/0169/DM). The proposed siting of the temporary building was within 30 metres of the proposed siting of the building now under consideration. The application was refused for the following reason:-

'The proposed siting of a portable building for use as a taxi office outside of the Clifford Centre Stanley, would by virtue of design, character, visual appearance, be detrimental to the quality of the local shopping environment and the vitality and viability of the shopping function of the centre, contrary to policies CO1 and GDP1 of the Local Plan.'

Policy

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

General Development Principles (GDP1)

Consultations

4. County Highways Development Control Officer- No highways objections.
5. Environmental Health (DDC)- No objections.
6. Neighbours have been consulted and a site notice posted. One letter of objection has been received from the furniture retailer Whitfield and Lindsay who own unit 2Two of the Clifford Centre. Their concerns in summary are:

- Applicant does not own the land and does not have the owners

permission to site.

- Clearance Bargain also does not own the land only having a leasehold interest and shared rights to the car parks.
- Previous appalling experiences with licensed and non licensed burger bars operating on this private retail park.
- Strong smells, not conducive to furniture sales, smells may contaminate upholstery and bedding products.
- Litter and discarded food.
- Existing problem of disruptive youths could worsen.
- Stanley has 3 mobile catering vans already serving market days and other cafes already.

Officer Assessment

7. The two main issues to consider with regard to this proposal are the potential for any visual impact upon the locality and also as the proposed siting is within a car park, the potential for impact upon parking and highways safety issues.
8. Policy GDP1 of the Local Plan states that when considering proposals for new development, the Council will expect a high standard of design which is in keeping with the character and appearance of the area, and that the amenities of neighbouring occupiers and other land users should be protected.
9. It is your officer's opinion that the unit as proposed would be highly visible within the locality. The movable catering unit would be poor quality and inappropriate development which would not improve the image of the main shopping function of the town centre, and it would do little to ensure the continued vitality and viability of the town centre, contrary to GDP1.
10. Problems of smells and litter are also of concern as indicated by the objector. The general ambience of the retail centre would be detrimentally affected should permission be granted. Within the progression of possible future plans for the regeneration of Stanley Town Centre, your Officers believe that it would be inappropriate to allow development which would lead to a poor visual character to the area.
11. The refusal of planning permission to site a portable taxi office within 30 metres of the site in 2003 on the grounds that it would be detrimental to the quality of the local shopping environment would also weigh against the proposal.
12. Whilst the applicant has served notice regarding the submission of the planning application on the Clearance Bargain Store, it is understood from the objector that the Clearance Bargain Store are not owners of the car park although do have leasing rights. Procedurally the applicant should have notified the correct landowner, although Members should be mindful that issues of ownership are not a material planning consideration, and regardless of this, the proposal would be unlikely to gain Officer support.

13. The proposal would lead to the loss of at least two parking spaces- one space to locate the van and an area for waiting customers. Whilst there would appear to be a lack of parking in the locality, the Highways Development Control Officer (DCC) has not objected to the proposal.

Recommendation

14. Refuse

The proposed siting of a mobile catering van in the car park of the Clifford Centre Stanley, would by virtue of its poor design, character, and visual appearance, as well as possible cooking smells and litter generated, be detrimental to the quality of the local shopping environment and the vitality and viability of the shopping function of the centre, contrary to policy GDP1 of the Local Plan.

Report Prepared by Shaun Wells, Senior Area Planning Officer

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RECOMMENDATION OF APPROVAL

07/0361

23.04.07

Barratt Newcastle

Land at Oxhill Farm,
Stanley

Residential Development
(Outline)

South Moor Ward

The Application

1. Members deferred making a decision on this item at the previous meeting of the Development Control Committee, requesting the attendance of the County Highways Development Control Officer to the following meeting and also a statement from the Allotments Officer.
2. Unfortunately the Highways Officer has declined the invitation to the meeting, however has forwarded additional comments which are attached to this report.
3. At the time of writing no comment had been received from the Allotments Officer, but this is likely to be forthcoming before the meeting and will be reported verbally to Members. Your Officers recommendation remains for approval of the application subject to conditions, including a slightly revised condition requiring that the affordable housing as proposed is retained as affordable for a specified period to be agreed.
4. An area of this site is allocated for residential development within the Local Plan and outline planning permission has previously been granted for residential development of much of the allocated area. The site covers an area of approximately 7 hectares, part brownfield and part greenfield, and the proposal is that 3.75 hectares be developed for residential use. The remainder of the site area would largely be used for the creation of a Sustainable Urban Drainage System (SUDs) within the Charley Local Nature Reserve, which would be a system of ponds and utilisation of the natural features of the land to drain the development.
5. The brownfield element of the site includes a residential property and the buildings from which the Stanley Taxi's and Coach Hire Company operate, including a significant area of hard standing. The site also includes 18 allotment gardens, 13 of which are rented to nearby residents.
6. The Applicant has indicated a commitment to delivering 25 affordable new homes on the site should planning permission be forthcoming, in compliance with policy HO8 of the Local Plan.

History

7. 01/883-Planning permission was granted in outline on 28th January 2002 for residential development of the Stanley Taxis depot area of the site only.
8. 98/845- Planning permission was granted on 14th November 1998 for the storage of taxis, minibuses and caravans and a repair workshop for taxis. A condition stated that no more than 20 commercial vehicles should be serviced from the site.
9. 93/385-Planning permission was granted on 2nd November 1993 for a repair garage for the applicant's taxis and mini buses at Oxhill Farm. A condition of the permission stated that no more than 30 commercial vehicles associated with the taxi business should be kept; stored, based, maintained, serviced or operated from the site.
10. 92/502-Planning permission was refused on 9th February 1993 for an MOT test workshop on the grounds of inadequate access and loss of amenity to residents
11. 90/747- Planning permission was also refused on 9th February 1993 for a garage for the repair of vehicles for the same reasons as the MOT Testing Station.

Policy

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

General Development Principles (GDP1)
Low Cost Housing Provision (H08)
Recreational Space Within Housing Sites (H022)
Development and Highway Safety (TR2)

Consultations

13. County Highways Development Control Officer- The application is 'outline' with means of access the only matter not reserved. While a housing layout has been shown, as this does not form part of the application, and may conceivably alter, I do not propose to comment upon it. Means of access however does include the principle of accessibility to the site by pedestrians and cyclists from the wider area. In that regard footway links, respectively, from the south and north east of the site, are essential to connect to schools, community facilities, and bus stops. Their provision must be conditioned.

A S.278 agreement will be required in order to effect the highway works. Such works may include means to warn of possible queuing traffic on the A693 westbound approach to the newly proposed signalised junction.

I have no objections to the proposal subject to the following conditions:

1) Prior to the occupation of any dwellings the required highway improvements at the existing A693/C11 Park Road junction, as indicated in drawing C004, dated 19/10/07 shall be completed and available for use.

Reason: In the interests of highway safety and to accommodate development traffic.

2) Prior to commencement of development the new signalised junction with the A693 shall be constructed and available for use.

Reason: In the interests of highway safety and inconvenience to existing residents.

3) Prior to the occupation of any dwellings details of footpaths linking (a) the north east of the site with Eden Terrace, and (b) the south of the site with Windermere Terrace, shall be submitted for approval, and made available for use.

Reason: To ensure the adequacy of sustainable links to the site.

14. County Rights of Way Officer- There are no records of registered public rights of way across or abutting the development site, however an unregistered track which may have acquired public rights an which forms part of the South Stanley Green Corridor Cycle Route, abuts the east side of the development site. I note from the site plan that the proposed access road serving the estate will cross the cycle track, although it should otherwise remain largely unaffected by the proposed development.
15. County Council Landscape Section- I have no objection to the proposed development on visual amenity grounds, however I have concerns over the location of the proposed SUDS area. Part of this area is shown as a tip on the 1970-79 Ordnance Survey, and investigations should be carried out to determine the suitability of this area for the proposed drainage scheme. In addition I am concerned at the possible effect of the SUDS on the trees that are growing on part of the area. I would wish to see details of landscaping in due course.
16. Development Plans Team (DDC)- The proposed scheme seeks outline permission for a residential development on a site of mixed land uses, including a mixture of brownfield land to include a Taxi Hire business and yard and greenfield land in the form of allotments, open grassland/scrub and a paddock. Planning permission was granted in 2001 for residential development on the land occupied by the Taxi business and yard.

Status of the land

17. The policy imperative of Planning Policy Statement 3: Housing (PPS3) favours the development of brownfield land ahead of greenfield land. PPS3 (*para.40 & 41*) states:

A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

The national annual target is that at least 60 per cent of new housing should be provided on previously developed land. This includes land and buildings that are vacant or derelict as well as land that is currently in use but which has potential for re-development.

Guidance in the Submission Draft Regional Spatial Strategy (RSS) places the same emphasis on prioritising brownfield developments, recommending at least 65% of new housing is built on previously developed land. The District currently has a large housing supply (allocated sites and sites with permission) already in place, which means that there is no requirement to grant permission for greenfield sites in order to satisfy the housing allocation as set by the RSS.

The acceptability of developing the brownfield elements of the site for residential use has already been determined by an earlier planning permission.

A portion of the site is occupied by allotment gardens, and it is felt that these should be retained if there is local need and occupation of plots (an issue which will be clarified in the Open Space Assessment that is currently being produced for the District). While planning policy encourages development of brownfield land ahead of greenfield land, there are instances where development of greenfield land can be acceptable and beneficial, such as when land is of limited amenity value and there is a need for regeneration and new housing.

Layout and Design

18. The proposed layout, as submitted in the outline plans, is indicative of what could be built on the land should the principle for residential development be given approval. The site is an irregular shape and is poorly integrated with surrounding built up area; compounded by a lack of footway access into and out of the scheme. Residents in the northeast corner of the development, for example, would have a journey of over 500m to get onto the main road to the bus stop, and considerably further to access facilities and public transport. This could be improved by including a footpath or access road at this part of the site, linking onto the A6076 and reducing journey times for pedestrians and cyclists.

The internal roadway 'grades down' the further you move into the site which is welcomed, which in combination with the indicative junction treatments ('Town Squares') would give the development some character and legibility. The exact design of the 'Town Square' junctions would have to be carefully designed to ensure that these nexus points maintain good enclosure in the street scene, avoiding broad and ill-defined spaces that feel out of keeping

and scale with the rest of the scheme.

As the site is located on the edge of the built up area and highly visible when viewed from afar the materials will be important to help the scheme integrate into the wider area; grey roof tiles will be more in keeping with the locality and less visible in the landscape.

Transport & Parking

19. Durham County Council Accessibility & Parking Guidelines recommends 1.5 spaces per dwelling and one cycle-specific storage facility per dwelling.

Energy efficiency & Biodiversity

20. The increased importance of climate change is reflected in national, regional and local planning guidance (Policies 39 & 40 in the submission draft Regional Spatial Strategy (RSS); Planning Policy Statement 22; policy GDP1 Local Plan) encouraging developments to have embedded in them energy supply from renewable sources and to be more resource-efficient.

Policy 40c in the Submission Draft RSS states:

Strategies, plans and programmes should...require new developments, particularly major retail, commercial and residential, to have embedded within them a minimum of 10% energy supply from renewable sources.

For a development of this scale a district heating system or community heat & power scheme could be feasible and would likely reduce the cost and consumption of energy for residents.

Barratt Homes has worked with the energy company Positive Planet on a scheme to incorporate solar energy systems as standard on homes across the country and it is felt that such technology should be incorporated into the proposed development.

The SUDS system is welcomed and will help reduce the burden new homes would have on the local drainage/sewer system.

Tree planting is indicated throughout the scheme, which will help to integrate the development into the landscape and reduce its visual impact in the landscape when viewed from afar. Species should varied and native to the area.

Affordability

21. 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, and that thresholds below the current minimum of 25 dwellings per hectare (as prescribed by Government advice contained in Circular 6/98 and PPG3 (2000)) should be seriously considered.

22. Environmental Health (DDC)- No adverse comments to make regarding this development.
23. Natural England- Advises that the proposal is unlikely to have an adverse affect in respect of species especially protected by law. However, the Local Planning Authority may wish to attach an informative based on the information in ODPM Circular 06/2005 Part IV B and C if planning permission is granted, to make the applicant aware that such species may be present in the general area and the legal protection afforded to this species.
24. Environment Agency- On considering the submitted Flood Risk Assessment, the Environment Agency does not object to the proposal subject to the following conditions:-

-Surface water discharge from the development is to be discharged via ponds to Northumbrian Water's sewer at a maximum rate of 20 l/s

Reason: To reduce the risk of flooding down stream

-Ponds created as part of the surface water management for this development are to be maintained by North East Community Forest for the lifetime of the development

Reason: To ensure adequate maintenance of the SUDS system for the lifetime of the development

The Environment Agency welcome the use of SUDS and the habitat improvement that directing the surface water to Charley Nature Reserve will bring

25. Northumbrian Water Limited- As the Council will be aware there is an issue about sewage treatment capacity at the receiving sewage treatment works, Hustledown STW, and we are currently investigating the impact on sewage treatment from planned development in the town. NWL therefore recommends the following conditions:-

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

Condition-Surface water discharge from the development

Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason

To ensure the discharge of SW from the site does not increase risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk".

26. Neighbours have been consulted, a site notice has been posted and a notice has been placed in the local press.

Twenty three written or e-mailed objections have been received with regard to the proposal. It should be noted that 16 of these letters were the same in content and in a pro-forma style with signatures attached. Concerns of in summary are:-

- The A693 road is heavily congested. The Transport Assessment only covered peak periods (8-9am, 5-6pm) however the traffic on this road is busy at all times.
- The traffic at times backs up from Eden Terrace all the way back to the Morrison Busty Depot, the development, with possibility of 140-280 cars trying to gain access onto the road, will worsen the situation.
- One occupier on Eden Terrace states that they cannot open their front windows for smell of traffic fumes, dust and noise.
- Highway Safety concerns- there have been 2 fatal accidents in recent years, the increase in traffic will worsen the situation.
- Although supporting information with the application states there is no risk from flooding, the occupant of 1 Ivy Terrace still raises concerns. In the past the area did have ponds but the water did overflow onto Park Road. For a number of years this caused damage from flooding to housing.
- Devaluation of existing properties due to loss of views from development.
- Many people have put a lot of time and effort into the allotments and their loss could have a mental and physical effect on their day to day life.
- The allotments were originally part of a statutory site (known as Fern Avenue statutory site) until they were sold, and as far as neighbours are aware this status has not changed with the Government Office for the North East, so their usage cannot be changed without their approval
- Impact on wildlife.
- Infrastructure already stretched- Schools, doctors, dentists etc- development may worsen.
- Impact on privacy of occupants on Eden Terrace, would be overlooked from

new development.

- Vast majority of locals will not earn enough money to buy one the properties.
- Disturbance from construction traffic.

Officer Assessment

27. Background

The site at which Stanley Taxi's operates at Oxhill Farm is no longer adequate for the business, who wish to expand. The existing business currently uses the access onto Eden Terrace and the A693, which is considered to be an inadequate access at present for the use of the business.

28. Stanley Taxi's are one of the Districts largest employers and Economic Development Officers are discussing a possible move to an alternative site and more appropriate site to meet the needs of the growing business within the District. Should planning permission be granted then this should raise the capital to allow the company to relocate to new premises and would also allow the redevelopment of the site, with improvements to the access at Eden Terrace.

29. The Principle of the Development

A significant area of the application site proposed to be developed for housing, falls within the area as allocated for housing purposes in the Local Plan. Much of this area is also previously developed, including the Stanley Taxis premises and hardstanding and a single dwelling on the site known as 'Timbertops'.

30. The acceptability of developing the brownfield elements of the site for residential use has already largely been determined by an earlier planning permission for residential development (01/883). The green areas which would also be developed for housing purposes include 18 allotment plots and an area of open scrub/grassland. While planning policy encourages development of brownfield land ahead of greenfield land, there are instances where development of greenfield land can be acceptable and beneficial, such as when land is of limited amenity value and there is a need for regeneration and new housing.
31. The Scott family who own the site also own the allotments. Of the 18 allotment garden plots only 13 are currently in use. Whilst it is understandable that some users of the allotments will not be happy with losing their rented plots, the allotments within the application site are not a public amenity and are in private ownership. The applicant has also indicated that the intention is to develop the site in a phased manner with the emphasis of this particular area of the site falling in the final phase of development to allow current users the opportunity to find alternative provision in the locality.

32. The scrub land and other green areas have no particular public use, and the impact of developing these green areas is unlikely to have a significant impact upon the amenity of local residents.
33. Improvements to the Charley Local Nature Reserve, in which the developer will be committed to delivery through the Sustainable Urban Drainage Scheme, will enhance the nature reserve and opportunities for resident use and will offset the loss of the lower quality green space for the housing development.
34. As indicated earlier, there are instances where development of greenfield land can be acceptable and beneficial, such as when land is of limited amenity value and there is a need for regeneration and new housing. The development of the site would allow support of an improved amenity area through the works to be carried out at the Charley Local Nature Reserve. The wider economic benefits to the Stanley area that would result from the development, and also significant abnormal costs to the developer of building on this site, also lend some weight in favour of allowing development upon the green areas of the site. Effectively the constraints of the site have made it relatively expensive to develop and as such without the Greenfield elements included, it is unlikely that the site would be developed. (A break down of the abnormal constraints of the site are shown in a letter from the applicants adjacent attached to this report). This is possibly one of the reasons why the previous outline approval for residential development on the brownfield element only, was never followed up by a reserved matters application and implemented.
35. The Urban Capacity Study recognises the role that new housing can play towards regeneration within the Stanley area and states that it may be necessary to release some greenfield sites to ensure sufficient land is available to achieve an urban renaissance in this part of the District. The material gains in terms of regeneration and in support for improvements to the Charley Nature Reserve would appear to outweigh the losses, which in the main would be the private allotment garden area. On balance the inclusion of the Greenfield elements within the scheme is considered to be acceptable, as is therefore the general principle of the development.

Access Issues

36. The proposal includes the creation of a new vehicular access point to the west of Eden Terrace and the existing access serving the Stanley Taxi's/Oxhill Farm site. The existing access is considered to be inadequate.
37. The improvements would include creation of a junction, a protected right hand turn lane and proposed repositioning of an existing bus lay by on the A693. It is proposed to signalise the new junction with lights running in sequence with the traffic lights already in existence on Eden Terrace, therefore minimising any further traffic flow impact upon Eden Terrace. A further plan has also recently been received to show that the proposal is also

for the widening of the A693 (see attached) which would provide for an additional eastbound lane out of Oxhill toward Stanley Centre.

38. Whilst the concerns of some neighbours are noted, a Transport Assessment submitted with the application provided a review of the implications of this access point and potential for impact upon the A693, and concluded that the new system would assist in reduction in existing queuing time at existing traffic lights. One clear benefit of the proposal would be that taxi's and larger minibuses and buses would no longer be turning into and out of the currently sub standard access at Eden Terrace.
39. The Highways Development Control Officer (DCC) has considered the Transport Assessment and has also requested further traffic survey and analysis work from the applicant. He is however satisfied with the information supplied to him and does not object to the proposals subject to the improvements to the new access coming into place prior to occupation of any new dwellings. This will reduce potential for disturbance of existing residents on Eden Terrace from construction traffic. It has also been recommended that, details of footpaths linking the north east of the site with Eden Terrace, and the south of the site with Windermere Terrace, shall be submitted for approval, and made available for use prior to the occupation of any dwellings.
40. The concerns of some of the objectors with regard to the A693 road are noted, however the Highways Development Control Officer does not object to the proposal, which is therefore considered to be in accordance with policy TR2 of the Local Plan.

41. Affordable Housing

Members may be aware that currently the Local Authority has no standard District Wide affordable housing policy in place. The area of this site which is allocated for housing within the Local Plan however, is one of only 5 sites identified under policy HO8 on which the Council may put a stronger case for the requirement of affordable housing. Policy HO8 identifies the Oxhill Farm site as one of those where, *'Developers will be expected to provide an element of affordable housing.'*

42. The site has very tight financial viability through constraints as indicated in the letter submitted by the agent for the applicant. In order to comply with policy HO8 however, the developer has indicated that it would be willing to provide 25 units at below market value. This could be controlled via planning condition.

Drainage Issues

43. At least one objector has raised the concern over localised flooding which historically would appear to have been a problem. The planned Sustainable Urban Drainage System (SUDS) would be put in place to mitigate against any increased surface water run-off.

44. The SUDS scheme would be developed to the west of the site in conjunction with the Great North Forest and their plans for management of the Charley Nature Reserve. Final details of the SUDS scheme could be agreed through planning condition.
45. The Environment Agency are satisfied with the findings of the Flood Risk Assessment submitted with the application, which confirmed that there is no risk of flooding as a result of the proposal.
46. Northumbrian Water similarly do not object to the proposal, however have concerns with regard to the foul discharge and whether there is capacity at their Hustledown Treatment Works to deal with the foul flows from the development. NW would have a duty to deal with the foul flows however in negotiation with the developer. A Grampian style condition could be attached however as advised by Northumbrian Water which would mean that the development could not be occupied until NW were satisfied that adequate foul drainage is implemented.

Landscape and Trees

47. Whilst the Landscape Section of the County Council has no objection to the principle of the development, they do have some concern over the proposed SUDS scheme and how this may impact upon trees within the locality.
48. The Landscape Section claim that the area is indicated as a tip on the 1970-79 Ordnance Survey, and investigations should be carried out to determine the suitability of this area for the proposed drainage scheme. As indicated earlier however, the Environment Agency have no objections to the proposals, and the development would be the subject of full contamination study and remediation works if necessary, which would be required by way of planning condition.
49. An area of existing tree planting would be lost in order to create the new access to the site. The trees that would be lost are young trees of limited amenity value however, and significant tree planting would remain either side of the A693 road.
50. Full landscaping details would either be considered at the reserved matters stage or through planning condition.

Wildlife

51. A full ecological survey was submitted with the planning application which assessed the wildlife on the site at present. No protective species such as bats were recorded through survey. Natural England have been consulted and have no objections to the proposals. The Environment Agency welcome the use of SUDS and the habitat improvement that directing the surface water to Charley Nature Reserve will bring.

Other Issues

52. Whilst a layout plan has been submitted with the application, this is for illustrative purposes only and full details of siting, scale and design of the dwellings would be agreed at the reserved matters stage should this outline application be approved. It would appear at this stage that the development would consist of a mix of house type of 2, 3 and 4 bed properties of varying styles.
53. The proposed housing development does not include the provision of any recreational open space or play equipment. In accordance with Policy HO22 of the Local Plan, the Council requires the payment of a commuted sum in lieu of play provision on-site with a sum of £300 per dwelling payable. A condition to ensure that the commitment is met by the developer is recommended should the application be approved.
54. Wider benefits from the proposal are indicated in the letter attached to this report from the agent for the applicant. The developer has an ethos of using local labour particularly in training and development of 16 to 21 year olds through the modern apprenticeship scheme, which may bring further benefit to the local economy.
55. The applicant has been approached by the Chairman of the South Moor Allotment Association with regard to boundary enclosure to the east of the site. The South Moor Allotments are Council owned allotments to the east of the application site. The applicant has agreed to provide a 1.8m high screen fence on the boundary with these allotments should the application be approved.

Conclusions

56. The acceptability of developing the brownfield elements of the site for residential use has already largely been determined by an earlier planning permission for residential development (01/883). The development of the site would allow support of an improved amenity area through the works to be carried out at the Charlie Local Nature Reserve. The wider economic benefits to the Stanley area that would result from the development, and also significant abnormal costs to the developer of building on this site, also lend some weight in favour of allowing development upon the green areas of the site. On balance the inclusion of the green field elements within the scheme is considered to be acceptable, as is therefore the general principle of the development.
57. The concerns of some of the objectors with regard to the A693 road are noted, however the Highways Development Control Officer does not object to the proposal. The new wider access and signalling should not further delay traffic movement, and the proposals are therefore considered to be in accordance with policy TR2 of the Local Plan.

Recommendation

58.

Conditional Permission

- Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (Reason: Details of these matters were not submitted with the outline application).
- This permission relates to the application as amended on 9th August 2007 by the applicant.(Reason: To define the consent).
- Materials(A03)
- DO1(RDO1)Drainage
- L03(RLO2)Landscaping
- GL01(RGLO1)Ground Levels
- Development shall not commence until full details of the Sustainable Urban Drainage System have been submitted to and agreed in writing by the Local Planning Authority. The SUDS scheme shall then be implemented in accordance with the agreed details. (Reason: In order that the Local Planning Authority retain control over these details)
- Prior to the occupation of any dwellings the required highway improvements at the existing A693/C11 Park Road junction, as indicated in drawing C004, dated 19/10/07 shall be completed and available for use. (Reason: In the interests of highway safety and to accommodate development traffic).
- Prior to commencement of the development hereby approved the new signalised junction with the A693 shall be constructed and available for use. (Reason: In the interests of highway safety in accordance with policy TR2 of the Local Plan)
- Details of footpaths linking (a) the north east of the site with Eden Terrace, and (b) the south of the site with Windermere Terrace, shall be submitted for approval, implemented in accordance with the details agreed, and made available for use, prior to the occupation of any dwellings (Reason: To ensure the adequacy of sustainable links to the site).
- The development permitted by this permission shall not commence by the undertaking of a material operation as defined in Section 56(4)(a) - (d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to s106 of the said Act relating to the land has been made and lodged with the Local Planning Authority or other such undertaking as may be entered into with the Local Planning Authority. The said obligation will provide for the payment of £300 per dwelling in lieu of open space or play provision within the site. (Reason: In the interests of providing suitable open space and play provision within the District in accordance with Policy HO22 of the Local Plan).
- No development shall commence until the application site has been subjected to a detailed contamination desk study and site investigation, which shall include remediation objectives as determined through the risk assessment for the removal or otherwise rendering harmless any contamination. These shall be submitted to and approved in writing by

the Local Planning Authority, and the works undertaken in accordance with the agreed details prior to the commencement of development.(RCLO1)

- Within 3 months from the date that any contamination found on the site, as identified by the detailed contamination desk study and site investigation, a validation report shall be submitted to the Local Planning Authority after the works have been undertaken to verify that the agreed methods for the remediation of the contaminants found on the site have been undertaken accordingly. No further development shall commence on-site until the validation report has been agreed in writing by the Local Planning Authority.(RCLO1)
- No plant or machinery shall be operated on the site during the construction period between the hours of 8.00am – 6.00pm weekdays and 10.00am and 4.00pm Sundays and Bank holidays (Reason: In the interests of the amenity of neighbours of the site)
- The development shall provide for 25 no. 'affordable' dwelling units, in a scheme where the units are maintained as affordable for a time period to be agreed in writing with the Local Planning Authority. (Reason: To provide an element of affordable housing within the scheme in compliance with policy HO8 of the Local Plan).

Reason for Approval

59. The proposed residential development is considered to comply with GDP1, H08, H022 and TR2 of the District Local Plan and there are no other material considerations as outlined in the report to the Development Control Committee which outweigh the decision to approve the application.

Report Prepared by Shaun Wells, Senior Area Planning Officer

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M/NM/DCS (1/2007/0361a)

Mr S Wells
Planning Division
Environmental Services Directorate
Derwentside District Council
Civic Centre
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DH8 5JA

30 November 2007

Dear Shaun

Location: Land to the south of Oxhill Farm, South Moor, Stanley.

Proposal: Residential development (outline).

I understand some of your DC Members have concerns regarding generated traffic arising from the above outline application for residential development (of an identified housing site in DDC's Local Plan), and have deferred determination of the application.

In addition to my original 29th October 2007 consultation response it may be helpful therefore if further information is provided.

The estimate of generated departure traffic in the AM peak hour, from the development, is 47 vehicles eastbound and 19 vehicles westbound. This respectively constitutes around 4% and 2% of average existing weekday A693 flows in these directions, for these peak hours. Figures for arriving traffic in the PM peak hour are reversed, at 2% and 4% eastbound and westbound respectively.

Only the combination of the highest 'existing' and 'generated' peak traffic flow hours are analysed in a Transport Assessment (TA) given that, by their nature, these correspond to the 'worst scenario'. The generated trip figures have been derived from a recognised national traffic survey database and applied to the highway network using accepted methodology. DCC is satisfied the figures used are representative and indeed the actual net traffic generation figures could be argued to be slightly lower than those shown in the TA given existing traffic movements arising from the Stanley Taxis site have been disregarded.

As with all Transport Assessments, the proposals have been based on assessing the impact of generated traffic on the existing highway network, and, where necessary, mitigating such impact. I would point out that (a) there is no basis where one can realistically require a developer to improve conditions on the highway network beyond those which pre-exist, and (b) where development traffic is deemed to be able to be satisfactorily accommodated upon the existing highway network, or its increase is not material, then mitigation measures are also not able to be required (i.e., by compelling, or placing a condition on, a developer to do so). For clarification, the developer is proposing funding of mitigation measures.

As you will be aware, the existing A693/B6313 Park Road, South Moor, traffic signal junction is a known 'pinch point' to A693 flows at peak periods. The capacity of this junction is dictated in practice by the physical public highway extent rather than the configuration of the present signals (which are effectively working at full capacity at peak periods). The developer proposes to fund a more sophisticated

method of controller at the South Moor signals in order to mitigate generated traffic and while DCC does not agree with the Consultant's suggested (13%) scale of capacity improvement at the junction overall, some, smaller, degree of improvement can be expected nevertheless. The operation of these signals would be linked to the new signalised junction from the development site in order to optimise their control.

In terms of a capacity improvement at the existing South Moor signals however, more important will be the applicant's proposed additional carriageway width formed via DDC owned land immediately to the north of the South Moor signals junction, which will permit an additional lane eastbound such that two lanes of traffic (rather than one) can feed forward into the dual carriageway section. The bus stop and shelter will remain essentially in the same position. Overall, the proposed measures adequately mitigate the traffic generated by the development.

In summary, while queuing on the A693 exists at peak periods, and obviously will not be removed, given the mitigation measures proposed there is not considered to be means by which a refusal of the application could be sustained on highway grounds.

Yours sincerely

David Stewart
Highway Development Control

Copy M Sinclair, DCC Traffic Signals.



RECOMMENDED FOR APPROVAL

07/0839

17.09.07

Oakapple Homes

Former Pimpernel Site,
Derwent Street, Blackhill,
Consett

Erection of fifty two dwellings
(twenty six dwellings and
twenty six apartments), change
of use of police house to create
3 bedroomed dwelling.
Erection of mixed use retail
development to Durham Road.
Widening of adopted highway
at Templar Street, re-working
of adopted area to Durham
Road

Blackhill Ward

The Application

1. The proposal seeks planning permission for the erection of fifty two dwellings, to include, twenty six houses and twenty six apartments at the Pimpernel factory site situated on Durham Road, extending up Derwent Street and Church Road in Blackhill. The existing vacant 1960's brick and steel factories would be demolished. A former police house fronting Derwent Street would also be converted into a three bedroomed dwelling. Furthermore, it is also proposed to build a mixed use retail development fronting onto Durham Road. Highway improvements to surrounding roads and footpaths are also proposed.
2. The site is bounded by Derwent Street to the east and Church Road to the west. To the north the site fronts Durham Road local shopping area. The scheme comprises three distinct adjoining sites, separated by Templar Street and Oxley Street, extending to approximately 0.84 hectares total area. The site rises significantly southwards.
3. A mix of retail units, with apartments above and associated car parking facilities, and six dwelling units are proposed for the northernmost site adjoining Durham Road. The retail building would comprise of a large retail unit and two small units, proposed to be for either financial or professional services, restaurant, snack bar or café use or for a hot food takeaway. The two smaller shops would be accessed from Durham Road with the larger shop being accessed from the side (western) elevation and from the rear car park.

4. Eleven two bedroomed flats are proposed at second and third storey levels above the shops. These would incorporate cycle and bin storage and would be accessed from Durham Road and the side (eastern) elevation.
5. To the rear of this building is a car par to serve the flats and shops and a delivery yard. There would be 17 spaces to serve the shops and 14 spaces to serve the flats. Six three bedroomed terraced houses would also be constructed fronting onto Church Road with parking to the front and gardens to the rear. Twelve spaces would be provided for these properties. Vehicular access to the shops, flats and houses would be via the existing access to the factory on this part of the site, off Church Street.
6. To the centre part of the site, twenty six, two and three bedroomed terraced and semi-detached dwellings with front gardens would be provided, fronting onto Derwent Street. Car parking courts and bays would be provided as well as spaces to rear gardens. A new access from Derwent Street would be made with pedestrian access from Templar Street and Church Road. An area of open space would also be formed adjacent to Church Street.
7. The existing single storey stone building to the south of the site previously used as offices and a reception is to be retained and converted into fifteen one and two bedroomed apartments. Pitched roofed dormer windows would be incorporated into the roofspace of the building. The existing extensions to the internal courtyard would be removed, with car parking, bin storage and cycle parking provided to the inner courtyard area accessed from Templar Street as existing.

History

8. None relevant.

Policy

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

General Development Principles (GDP1)
 Development on or close to Landfill and Contaminated Sites (EN27)
 Recreational Public Open Space within Housing Sites (HO22)
 Development and Highway Safety (TR2)
 Subdivision and Adaptation of Existing Buildings to Residential Use (HO17)
 New Shop Fronts (CO9)
 Hot Food Takeaways and Cafes (CO12)

Consultations

10. Durham County Council Highways Authority- I have been involved in

discussions with the agents regarding this application. Following a meeting at I received Revision G of the site layout drawing no. 001. I would comment that parking provisions are acceptable. Necessary highway improvements are shown (widening of Templar Street adopted carriageway and footway, footway links towards Church Road and Oxley Street, slight widening of southern footway at A691 Durham Road). Derwent Street is one way southbound and a traffic sign will be required on Derwent Street's eastern side, opposite the proposed junction between plots 7 and 11, to indicate the direction in which vehicular traffic must proceed.

11.

It will be necessary for the developer to enter into a joint agreement with Durham County Council under sections 38 and 278 of the Highways Act 1980 in order to ensure the adoption of the newly constructed highway and permit the required highway works. Subject to the following condition I have no objections. The highway improvements shall be completed and available for use prior to occupation of the dwellings hereby approved.

12.

Council's Environmental Health Department- The proposed site is surrounded by nearby sensitive receptors, that is Durham Road, Church Road and Derwent Street. The main issues to consider surrounding the impact of the proposal on these nearby receptors, from an environmental health perspective, are noise, dust and lighting.

13.

I understand that section 15 of the planning application refers only to the hours that the retail units will be operated when the works have been completed. This means that no information has been provided as to the hours of operation or any methods of mitigation to protect nearby sensitive receptors from the actual development. I would propose that you consider a condition recommending that no works, including deliveries are allowed to commence before 08:00 finishing at 18:00 Mondays to Friday, 08:00 to 13:00 on Saturdays and no works on Sundays or Bank Holidays.

14.

I would also suggest that where possible mains electricity should be used on the site to prevent problems with noise from generators, if this is not possible then a condition should be stipulated that no generators should be used on site outside of the hours mentioned above without prior approval being obtained and agreed by the Council's Environmental Health section.

15.

I would further recommend that you consider a condition stipulating that hoarding should be used between the site perimeter and nearby sensitive receptors, for example 6 foot by 4 foot plywood sheeting (stood on the 4 foot end). This will not only help to reduce the impact from noise on receptors but also reduce the escape of dust from the site.

16.

With regard to lighting, details of any security and finished lighting should be supplied and agreed by the Local Planning Authority before works commence. This will prevent any chance of disturbance or nuisance

being caused to nearby receptors both during construction and the after use.

17. The developer should be asked to provide details of proposals to mitigate unwanted noise from Durham Road and the proposed retail units entering the proposed apartments and causing disturbance to the future residents. Building Control will be able to advise on current Buildings Regulations which will stipulate minimum requirements regarding the prevention of unwanted transmission of sound between buildings. I would also recommend that the developer should aim for the 'Good Standard' described in BS 8233:1999 'Sound insulation and noise control for homes - Code of Practice'. This could result in the need for some form of rapid/forced ventilation in the apartments.
18. As the proposal includes retail units, which will entail deliveries of goods, I would recommend that a condition be added to limit the impact on sensitive receptors, which will also include the proposed houses and flats as well as existing receptors previously mentioned, to daytime deliveries only.
19. I would also recommend that the developer be asked to provide an adequate noise barrier between the retail unit and its carpark and the residential properties numbered 19 to 26 on Church Road, in order to prevent disturbance from the customers using the retail unit to the residents. The details of the proposed barrier should be supplied to, and agreed by, the Local Planning Authority before being constructed.
20. As I have mentioned to you in conversation the proposal does not appear to provide adequate provision for refuse for both sets of apartments. With regard to any proposed food businesses, details of any extraction system should be agreed by Environmental Health prior to occupation.
21. On a final note please see comments from my colleague, Accreditation and Liaison Officer, relating to Houses in Multiple Occupation: "Under the Housing Act 2004: Part 2 (Licensing of Houses in Multiple Occupation) the three storey building does not require a mandatory licence. Developers should be aware however that this may be reviewed, and could require licensing in the future".
22. Development Plans Team- The proposed scheme seeks permission for residential and retail development on land currently occupied by the works of the former Pimpernel factory located in Blackhill. The site is regarded as brownfield land within the built up area of Blackhill, which is a sustainable urban location. The land is considered suitable in principle for residential development under saved Policy HO5 of the adopted Local Plan and in line with guidance for selecting sites for development as contained in Planning Policy Statement 3: Housing.
23. Three retail units are proposed on the site adjoining the commercial area of Blackhill on Durham Road. As at 31st March 2007 there were twenty

eight retail units in the commercial area, the majority being A1 Use Class (shops). The District currently does not have an up to date Retail Assessment and the Local Development Framework is in the early stages of production, which means there is limited up-to-date local policy steer with regards the retail requirements in Blackhill. The 2006-07 Annual Monitoring Report includes a Retail Centre Health check (as part of 'Core Indicator 22'), which shows three vacant A1 units in Blackhill as at 31st March 2007. Generally the commercial area appears quite healthy. Shops tend to have a high turnover rate.

24. National Planning Guidance for retail development is contained in Planning Policy Statement Note 6: Planning for Town Centres, which states that retail development should be planned through the LDF. In the absence of such a framework, appropriate schemes for local shopping centres like Blackhill should seek to strengthen local centres by seeking to ensure there is a range of facilities, consistent with the scale and function of the centre, to enable people to meet their day-to-day needs.
25. Factors that should be considered when appraising the need for further retail development include: the quantitative and qualitative need, accessibility, the vitality and viability of the area, scale and location of the development, and the impact on the existing area. Other material considerations include employment generation, physical regeneration, economic growth and social inclusion.
26. Planning Policy Statement 1 (Sustainable Development):
'Design which...fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.' Guidance in the government supported 'Building for Life' standards (CABE- Home Builders Federation) promotes design of individual homes and entire neighbourhoods that is specific to context: 'A good design should make the best use of the land, provide value and create successful places with character, variety and identity'.
27. The scheme comprises three distinct adjoining sites, separated by Templar Street and Oxley Street, extending to approximately 0.84 hectares in area. The proposal seeks permission for the erection/conversion of 53 dwellings, which equates to a density of around 63 dwellings per hectare.
28. A mix of retail units, with apartments above and associated car parking, and six dwelling units are proposed for the northernmost site adjoining Durham Road. In general the retail/apartment building is a large mass in relation to the existing retail units and buildings in the vicinity. The frontal elevation is quite plain, the shop frontages and signage could be better designed and incorporated into the façade to add some interest and character to the building.
29. The rear and west-facing elevations appear bland, which is problematical as dwelling units are proposed to the rear portion of the block that will have views of this elevation. Additional window openings could be added to

increase passive surveillance and detailing to improve the appearance of this façade, while some tree planting would likely soften the appearance and diffuse the mass of the building in the streetscene.

30. The planters in front of the shop units have the potential to be an attractive feature, however they are elevated above street level and would therefore mostly appear as blank expanses of wall in the streetscene. The planters could potentially create a 'barrier' between the shops and the street and they should therefore be redesigned to better connect the shops to the street reducing blank and inactive surfaces as far as possible.
31. Two short terraces of six dwellings are proposed to the rear of the retail/apartment building. It is felt these units are of uniform design, while the large expanse of car parking in the front curtilages of the dwellings makes the private car visually dominant in the streetscene. Consideration is needed to ensure these units are integrated into the scheme and do not appear out of place in relation to the surrounding land uses.
32. The dwellings in the middle of each of the short terraces have pathways which loop round the back garden of the neighbouring dwelling to gain access to the rear gardens. This requires additional infrastructure and fencing, which will appear 'fussy' and create narrow 'rat runs' raising security concerns. Gaining access to the rear garden by passing through the dwelling is acceptable provided bin storage is provided to the front of the dwelling.
33. The central site in the scheme features twenty new dwellings and refurbishment of the existing Police House. The layout of this portion of the development is constrained by several existing fringe buildings, though overall this part of the scheme makes efficient use of the site. A cluster of tree planting and a small area of functional open space are proposed in the northwestern corner of this site. This part of the site is quite steeply sloped meaning mature trees are required to create the appropriate level of enclosure needed.
34. A small amendment could be considered to the boundary wall to the dwelling in the corner of this site, where Templar Street meets Derwent Street. From the plans it appears the boundary wall will create a narrow section of garden space along the gable end of this dwelling. Where similar narrow sections of garden have been fenced off on other recent developments in the district it creates an underused passage that would be better left as a planted area of the streetscene, saving on unnecessary boundary treatments.
35. The southernmost site in the scheme adjoins Church Road and is currently occupied by a stone building. The scheme proposes to redevelop the existing building to create fifteen apartments and a parking area in the internal courtyard. This building is an important counterpoint to the Church and Community Centre buildings, and retaining it will better integrate the scheme into the locality.

36. Durham County Council Accessibility & Parking Guidelines recommends 1.5 car parking spaces and one cycle-specific storage facility per dwelling. Car parking provision is patchy throughout the scheme. The central site provides roughly 1.5 spaces per dwelling, while the redeveloped stone building appears to provide just 1.2 spaces per unit, with the apartments above the retail units having one space per unit plus three visitor spaces. Cycle parking provision, conversely, is good for the apartments but absent for the houses. A simple facility could be added to the proposed bin stores to provide cycle storage, as non of these units have garages and many of the gardens appear too small to reasonably accommodate a garden shed.
37. The increased importance of climate change is reflected in national, regional and local planning guidance (Policies 39 & 40 in the submission draft Regional Spatial Strategy (RSS), Planning Policy Statement 22, policy GDP1 Local Plan) encouraging developments to have embedded in them energy supply from renewable sources and to be more resource-efficient. Policy 39 in the Proposed Changes Draft RSS states:
- Strategies, plans and programmes, and planning proposals should:
- (a) ensure that the layout and design of new buildings and developments minimise energy consumption;
 - (b) require the inclusion in new developments or in the redevelopment of existing buildings, measures to achieve high energy efficiency and minimize consumption so that they achieve BREEAM and Eco-Homes “very good” or “excellent” rating;
 - (c) ensure all new developments meet the Energy Efficiency Best Practice Standard and conform to the Code for Sustainable Homes;
 - (d) encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption;
 - (e) set local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to have embedded within them a minimum of 10% of their energy supply from renewable sources, but seek to achieve more where appropriate.
38. The submitted proposal does not include any features to improve energy efficiency or to generate power from renewable sources. In light of the above it is felt some renewable generation of energy should be sought. It is probably the case that solar hot water systems for water heating and ground source heat pumps to provide space heating would be efficient ways to achieve reductions in emissions commensurate with the guidance in the Proposed Changes Draft RSS.

39. The proposed scheme includes provision of eleven affordable apartment units, equating to just over 20% of the units. The proposed footway through the area of functional open space ought to feature an extra link to the existing footway to the south, as this is likely to be a desire line in the finished scheme. Tree species ought to be native to the area.
40. Derwentside District Council Engineers- Following a review of the Desk Study supplied and given the former commercial and industrial uses of the site I would recommend the following requirements:
- (i) Comprehensive site investigation and interpretation,
 - (ii) Risk assessment,
 - (iii) Remediation strategy and method statement,
 - (iv) Post-remediation validation report.
41. Environment Agency- The Environment Agency has no objections to the proposed development but recommends visiting www.pipernetworking.com for standing advice regarding general surface water drainage issues. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDs approach.
42. In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration, e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.
43. In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters. We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. It is recommended that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports/ Planning Policy Wales and the WLGA/ EA Land Contamination: A Guide for Developers should be followed.
44. 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 consider the proposed development should incorporate Policies 39 (Sustainable Energy Use) and 40 (Renewable Energy Generation).

45. In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the EcoHome "very good" or "excellent" rating or an equivalent Code for Sustainable Homes rating. In addition, we consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.
46. An acceptable method of foul drainage disposal would be connection to the foul sewer. 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.
47. Natural England- Based on a brief assessment of the documentation submitted, Natural England advises that the Local Planning Authority, as the competent authority, should secure relevant measures to conserve protected species by way of conditions, where mitigation or enhancement is proposed. If the author of the above named report has determined that mitigation is not required, an informative (see below) should be attached. Advice from Local Authority ecologists/Countryside Officers should also be sought, where appropriate. The applicant should be informed that protected species may be present in the general area. The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation– Statutory Obligations and their Impact within the Planning System.
48. The applicants should also be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular. The issues raised in this correspondence represent Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. The later decision on a licence application (if required) is a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.
49. Northumbrian Water- Northumbrian Water would not object to the application for planning consent providing that the consent is conditioned as follows: 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.

50. 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 sewage treatment from all planned development in the town. Until such time as this is completed, would you please apply the following planning condition. Also the developer should be made aware of the following information. The development may be within the zone of influence of Northumbrian Water's apparatus. Northumbrian Water will not permit a building close to or over its apparatus. 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.
51. Durham Constabulary- Advice is given as to amending the design and layout of the scheme to improve safety, vandalism and security. Crime prevention advice is given in respect of the following aspects, on the entrance of the development, landscaping, street lighting, natural surveillance, public access, car parking, security lighting, doors, windows, drain pipes and alarms.
52. Blackhill Ward Councillors, Councillor Llwellyn and Councillor Malone have confirmed that they have no objection to the proposed development. However, would suggest the following conditions be applied if approval is given.
- The trees at the top of the site be protected.
 - Due to the high number of old people living in the area we suggest that the working hours are sociable, 8am-6pm, Monday to Saturday and none on Sunday.
53. Neighbours have been consulted and five site notice posted at locations around the site. One letter of representation has been received from a local resident. This states that it is the general consensus that any kind of development will be an improvement to the area. Although strongly object to proposed hours of work due to the fact that the majority of residents on Church road are elderly or infirm and often need to rest. The proposed working hours are unacceptable and have no objection to the following hours of work: Monday-Saturday 8am-6pm with no working on Sundays. This letter has been signed by 20 residents.

Officer Assessment

54. The main issues in determining this application are the principle of the

development, the design and layout of the development, highways issues, contamination, affordable housing, protected species, trees and sewage and surface water disposal. Each of these issues are discussed below.

The Principle of the development

54. The site is previously developed land. It currently houses the now vacant Pimpnel works consisting of a steel portable framed building, a brick factory and a stone building of which are in a poor state of repair. It is considered that these buildings and former uses are inappropriate and do not conform to the predominantly residential area in which they are located. Thus their removal and re-development of the site is welcomed.
55. The site lies within the settlement of Blackhill, adjacent local shops and services 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 a sustainable location. New residential development and conversion of the existing stone building would be considered to be acceptable in principle on this site.
56. The site fronts onto Durham Road to the northern side, the main focus of the local shopping centre of Blackhill. It is therefore highly appropriate that retail and commercial properties front onto Durham Road. This would reflect and enhance the local shopping centre of Blackhill and is welcomed. Appropriate schemes within local shopping centres like Blackhill should strengthen local centres by seeking to ensure there is a range of facilities, consistent with the scale and function of the centre, to enable people to meet their day-to-day needs.
58. The use of the former police building as a 3 bedroomed dwelling is considered acceptable. The property was formally a dwelling and is located within a residential area. Two parking spaces would be provided. This element of the proposal is in accordance with policy HO17 of the Local Plan.

Design and Layout of the Development

59. Fronting Durham Road is the proposed commercial building providing 599.7m² of retail frontage in three units, being a mix of A1, A2, A3 and A5 use. Trade refuse bins, household bins and cycle storage would be provided for the shops and apartments. To the second and third stories would be 11 two bedroomed affordable flats. Above the two smaller shops would be one further storey, with two further stories above the larger shop which does drop down the hill and would therefore be lower down.
60. On submission of the original plans your officers encouraged the developer to improve the design of the building as well as make other positive changes to the layout and detailing to the scheme (most of which are highlighted within the Development Plans consultations section of the report above). The developer has taken a lot of the suggestions on board

and have amended the plans making a large number of improvements to the design of the building and the scheme generally. These include, briefly, redesigning and making the retail building and signage smaller, careful consideration of boundary treatments and bin storage and additional landscaping. Further linking footpaths have been added and amendments made based on advice from Durham Constabulary.

61. It is considered that the design of the retail building is now acceptable within its surroundings and its height and mass would sit comfortably with its neighbours due to the downwards slope of Durham Road and the mix of different buildings within the local vicinity.
62. To the central site twenty semi-detached and terraced two and three bedroomed dwellings would be provided, with front and rear gardens as well as parking spaces. The design of the dwellings on both sites is considered acceptable and appropriate to the sites location with the use of bay windows and cills and lintels to dwellings, providing attractive features. Dwellings fronting Derwent Street would be set back and forwards with the houses structured in a well-laid out courtyard style with a gateway entrance.
63. To the western side of the central site, adjacent the rear of dwellings facing Church Road a small area of public open space is to be provided which is accessed from a path from the proposed dwellings leading onto Church Road, with a dwelling fronting onto this. Trees and seating would be provided to enhance the space and soften the existing garages to the southern side of the space as well as to lead into the development. This would contribute to the amenity value and add to the character of the site.
64. No play provision has been provided on site and therefore the applicant has been advised of the requirement to make a financial payment in lieu of direct provision in accordance with policy HO22 of the Local Plan. This requirement has thus been conditioned.
65. The former office stone building to the south of the site is to be retained and converted to 15 one and two bedroomed apartments. The building is in courtyard format, however the various unsympathetic extensions added over the years are to be removed. This would free up the courtyard space for a car and cycle parking space for each apartment and refuse storage. Three visitor spaces would be provided over the other side of Templar Street. Dormer windows would be added into the roofspace and windows would incorporate heads and cills.
66. The retaining of this attractive stone building is welcomed as it provides a positive contribution to the character of the area. The building together with the Blackhill Community centre and St Marys RC Church are an attractive vista location when approaching from the south. The building has been sympathetically altered in keeping with the character and scale of the building and locality in accordance with policy HO17 of the Local Plan. This building is an important counterpoint to the Church and Community

Centre buildings, and retaining it would better integrate the scheme into the locality.

67. The applicant proposes slate effect concrete tiles to the roofs and red bricks. Officers feel red bricks would be appropriate for the dwellings and blend in with the red and brown bricked dwellings on Derwent Street and Church Road. However, the shops located on Derwent Street and Durham Road are stone and therefore the applicant agrees it would be preferable to agree to a cream or similar type of brick and render colour to blend in with the surrounding shops. Colour and type of materials can be agreed via condition.
68. In respect of comments made by the Environment Agency and the Development Plans Team, with regards to energy consumption, the applicant has confirmed that the proposals will adhere to the current building regulations.

Potential Impact on Residential Amenity

69. The conversion of the stone building would not adversely affect the amenities of neighbouring occupiers or result in a loss of privacy or overlooking due to the orientation of existing dwellings to the east of the building, having gable elevations with no windows facing onto the application site.
70. The proposed new dwellings fronting onto Church Road and Derwent Street would provide acceptable separation distance between existing properties so as not to result in a significant loss of amenity to these nearby dwellings. It is not considered that existing residents of Church Road or those who reside to the upper floors of properties on Derwent Street would suffer any further loss of amenity through the development of the shops and apartments, than that from the former use and buildings of the site. There have been no objections from Local residents in this respect.
71. Notwithstanding that the site lies within the existing mixed use shopping area, the proposal does include both a residential and commercial uses within close proximity to existing and proposed residential properties and therefore the Council's Environmental Health Department has advised of a number of conditions within their representation above, which seek to ensure the amenity of existing residents on Derwent Street and Church Road and new residents, both during construction and on completion of the proposed development. These have been strictly conditioned as recommended.
72. In respect of concern raised by local residents and Councillors regarding construction work times stated within the application, the applicant has confirmed that the hours stated are opening times for the shops and not construction hours. Construction times have been restricted in accordance with Council Environmental Health advice.

Affordable Housing

73. To the second and third storey of the retail building fronting Durham Road would be eleven two bedroomed affordable flats. This equates to just over 20% of the units. The applicant intends to sell these to a Housing Association whereby it is envisaged housing would be allocated for shared ownership. This is normally provided in partnership with a registered social landlord. Typically the normal starting levels are 40% or 50% ownership with the shared owner paying an affordable mortgage and proportionate rent payments. A condition is attached regarding the type of affordable housing to be proposed and requiring the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers.

Highway Issues

74. The County Council Highway Authority considers that the parking provisions, at 93 spaces are acceptable. The delivery yard for the shops and access to it has been specifically designed to accommodate adequate space for delivery vehicles. The necessary highway improvements are shown on the submitted plan. These are the widening of Templar Street adopted road and footway, footway links towards Church Road and Oxley Street and the slight widening of southern footway at Durham Road. Subject to the a condition requiring the highway improvements stated above to be undertaken before the occupation, the Highways Authority have no objection to the application. Therefore this has been conditioned accordingly.

Protected Species

75. A wildlife survey has been undertaken and submitted whereby the site was checked for bats and nesting birds, as well as other features where the conservation of biodiversity may be affected by the proposals. No bats or signs were found with limited opportunities for roosts. However, bats were seen in the vicinity and the stone building offers potential hibernation sites. Therefore, bat boxes are to be placed high on the rear elevation of the commercial building and on trees within the public open space. Stonework gap bat roosts allowing access to the cavity would also be placed under the eaves of the stone building to be converted in accordance with GDP 1 of the Local Plan.

Sewage and Surface Water Disposal and Contamination

76. The site is not in an area that is at risk from flooding and therefore a flood risk assessment was not required to be submitted. It is proposed to discharge surface run-off into the existing drainage system. The site is currently a disused industrial works with significant areas of hard surfaces

and large expanses of roof. The applicant considers that as the development contains gardens and public open space this will reduce the amount of surface run-off as opposed to the previous use.

The use of the main drain for surface water is considered acceptable given that using soakaways or other infiltration methods on contaminated land carries ground water pollution risks. The applicant has also advised that no buildings would be over or within 3 metres of Northumbrian Water drains in the light of their advice. Northumbrian Water have also advised that they would not object to the application subject the applicant agreeing connections to the foul water drainage system prior to the construction of the dwellings. This requirement is thus conditioned and the applicants have been advised.

77. A Geo Environmental desk study report has been submitted, however, the Council's Contaminated Land officer has advised that given the former commercial and industrial uses of the site it is recommended that further site investigation and risk assessment is carried out followed by the submission and implementation of the required remediation strategy. These requirements have therefore been conditioned accordingly in accordance with policy EN27 of the Local Plan.

Trees

78. The local Councillors have raised the issue of the potential protection of several trees proposed to be felled. There are seven trees in situ to the southern point of the site within the grassed area behind the existing stone office building. The applicant proposes to remove all these trees as they consider that retaining them may affect the stability of the foundations of the building, although no professional advice has been submitted in this respect. Four of the trees lie extremely close to the building. These are smaller less mature trees and it is accepted that these should be removed. The other trees are large and more mature and further away from the building. Their canopy does not appear to encroach onto the building. It is therefore recommended that these trees are retained via condition.
79. Furthermore, there are several immature trees to the front of the site, adjacent Durham Road, possibly planted to help to screen the existing factory building. It is proposed to remove these and replace with plants to the front of the shops. Details of these as well as trees and shrubs to be planted within the public open space and within the rest of site would be a requirement of any planning consent.

80. Recommendation

Conditional Permission

- Approved Plans (ST)
- Time Limit (ST01)
- Amended Plans-Received 30th November 2007 (GO1)

- Materials (AO3)
- Car Parking (HO3)
- Contamination Remediation (CL01, CL02, CL06)
- Surface Water drainage (DO4)
- Payment of £15,900 in lieu of play provision (LG01)
- Removal of permitted development rights (PD01)
- The affordable housing shall be provided in accordance with the approved scheme. The scheme shall also include the submission of the following information to be agreed in writing with the Local Planning Authority:
 - i. The type of the affordable housing provision to be made,
 - ii. The timing of the construction of the affordable housing provision made,
 - iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing and
 - iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to meet local housing needs having regard to the Derwentside Housing Needs Assessment (2006) and guidance within PPS 3.
- No development shall take place unless in accordance with the mitigation detailed within the protected species report 'A Wildlife Survey of the Former Pimpernell factory Blackhill, Consett, E3 Ecology Ltd.' Including adherence to timing and spatial restrictions; adherence to precautionary working methods and provision of bat mitigation.

Reason: To conserve protected species and their habitat in accordance with policy GDP1 of the Derwentside Local Plan.
- All construction work, including use of generators, 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 of the Derwentside Local Plan.
- The highway improvements shall be completed and available for use prior to occupation of the dwellings hereby approved.

Reason: In the interests of Highway safety in accordance with Policy TR2 of the Local Plan.
- Before commencement of development a plywood hoarding of 2 metres in height should be erection around the perimeter of the construction site for the duration of the construction works, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents from noise and dust during construction work having regard to policy GDP1 of the Derwentside Local Plan.
- All deliveries to the commercial units shall take place between the hours of 8:00 and 18:00; Monday - Friday and 8:00-13:00; Saturdays with no deliveries taking place on Sundays or Bank Holidays.
- No development shall take place until details of an odour suppression system for the arrestment of potential odour from the proposed takeaway, have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the height,

position, design and materials of any chimney or extraction vent. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: In order to safeguard the amenities of adjacent properties having regard to policies GDP1 and CO12 of the Derwentside Local Plan.

- Prior to commencement of the development a suitable scheme of sound insulation between the units of accommodation hereby permitted and the commercial units shall be first submitted to and approved in writing by the Local Planning Authority. This shall be implemented prior to the first occupation of any of the units of accommodation hereby approved and retained thereafter.

Reason: In the interests of the amenities of the occupants of the proposed units of accommodation having regard to policy GDP1 of the Local Plan.

- Before building operations commence, a fully detailed scheme for protecting the proposed development from traffic noise from Durham Road, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise such works as are necessary to ensure compliance in general terms with PPG24 (Planning and Noise). Thereafter, the development shall not be carried out other than in accordance with such approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason: To protect the occupants of the new development from noise disturbance having regard to policy GDP1 of the Derwentside Local Plan

- No floodlighting or other form of external lighting (including security lighting during construction) shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of residential amenity of existing and proposed residents policy GDP1 of the Derwentside Local Plan

- Before building operations commence, notwithstanding the submitted plans, details of an adequate noise barrier/acoustic fence between the retail unit and its car park and the residential properties numbered 19 to 26 on Church Road shall be submitted and in writing by the local Planning Authority and carried out in accordance with the approved details and retained permanently thereafter.

Reason: In order to prevent disturbance from the customers using the retail unit to the existing residents in accordance with policies GDP1 and of the Derwentside Local Plan.

- The development site, including the approved area of public open

space shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development of the site commences. This shall include, a tree protection plan showing trees scheduled for retention, of which shall include the three trees furthest away from the stone building to the south of the site and the exact location of temporary protective fencing, all in accordance with B.S.5837:2005.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and retention of existing trees having regard to policy GDP1 of the Derwentside Local Plan.

- All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy GDP1 of the Derwentside Local Plan.

- 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 at present.

- Notwithstanding the submitted details, the opening times for the commercial units shall be agreed in writing with the Local Planning Authority prior to their occupation.

Reason: In the interests of the amenity of nearby residents having regard to policies GDP1 and CO12 of the Local Plan.

- Before the use of any takeaway commences details and location of litter bins shall be submitted and approved by the Local Planning Authority and thereafter retained.

Reason: In the interests of the visual and residential amenity of the area in accordance with policies GDP1 and CO12 of the Local Plan.

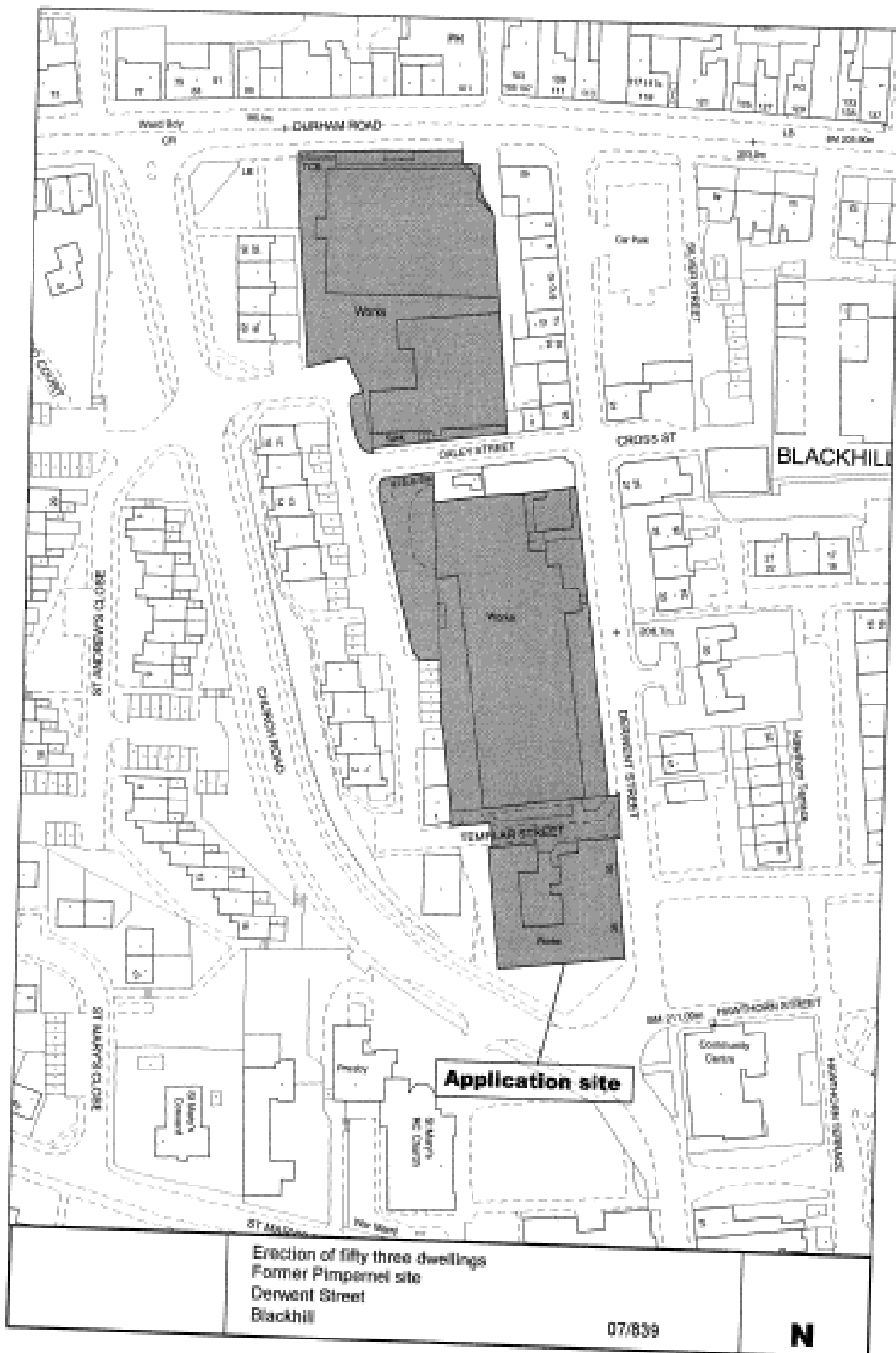
Reason for Approval

81. The decision to grant planning permission has been taken having regard to policies GDP1, EN27, TR2, HO17, CO9, CO12 and HO22 of the Derwentside District Plan 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 Ann Rawlinson, Senior Area Planning Officer

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RECOMMENDATION FOR APPROVAL

07/901

25.10.07

Derwentside CVS and
Volunteer Bureau

Glenroyd House, Medomsley
Road, Consett

Partial Change of Use from
Class C2 to B1 (Offices),
alterations to access and
creation of additional parking
spaces

Consett North Ward

The Application

1. This application seeks Planning Permission for the partial Change of Use of Glenroyd House, Medomsley Road, Consett from Class C2 of the Use Classes Order (Residential Institution) to Class B1 (Offices). As the proposed Change of Use relates to part of the building only the premises would have a mixed use if the application were to be approved, that is for Class B1 offices and Class C2 residential institution.
2. In addition the applicant is proposing to alter the vehicular access to the site. Currently access is taken via the side road that connects Medomsley Road and Larch Street which runs along the northern boundary of the site. An agreement has been reached with Rosemount (the Nursing Home which lies to the south of the application site), which would result in the vehicular access to Rosemount from Medomsley Road used to serve both Rosemount and Glenroyd House.
3. The applicant has also indicated that additional car parking would be provided to the south and east of the application site although full details of this have not been submitted at this stage.

History

4. An application for Planning Permission for Change of Use from residential institution (Class C2) to non-residential institution (Class D1) and offices (Class B1) was refused contrary to Officer recommendation in September of this year on the following grounds-

'The proposed change of use to Non Residential Institution use and Offices would give rise to additional traffic using the access onto Medomsley Road from Larch Street, creating unacceptable risk to highway safety, contrary to Policy TR2 of the District Local Plan. Whilst it would be possible to increase the number of parking spaces within the site, this would add to vehicular movements into and out of the application site, further adding to the risk to highway safety. In reaching its decision to refuse permission,

the Local Planning Authority recognised that the application premises were formerly in use as a residential care home, however it is considered that the proposed uses would generate significantly more traffic than the former care home use.'

Policy

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

General Development Principles (GDP1)
Development and Highway Safety (TR2)

Consultations

6. County Highways Development Control Officer- I have no objections to the use of the 'Rosemount' vehicular access subject to it being widened slightly, to 5m, in order to reflect an intensification of its use, and permit a vehicle to exit Medomsley Road while another vehicle waits to join.

I also suggest conditions are attached regarding (a) details to be submitted of layout of proposed parking area, and (b) the provision of secure cycle parking on the site (given the increase in off-street car parking spaces).

7. Neighbours have been consulted and a site notice posted. No objections have been received.

Officer Assessment

8. The proposed Change of Use would allow part of the building to be used as offices. Derwentside CVS supports local voluntary and community groups and provides practical services and development support to these groups. They offer support and services such as-

- Practical support - photocopying and administration, IT access.
- Advice and information to new and existing groups on constitutions charitable status and funding.
- Development of forums and partnerships.
- Provides liaison and a local voice for community activities.
- Training - First Aid, Roles & Responsibilities of Trustees, Constitutions, Data Protection etc.

The offices would be used as a 'one-stop-shop' to provide such services. This use would fall within Class B1 of the Use Classes Order. A plan has been submitted by the applicant to show which area of the building the Change of Use would relate to and this will be displayed at your meeting.

9. As the proposed Change of Use relates to only part of the building the use of the remainder of the building would be unchanged if permission is granted. This means that the premises would have a mixed use of Class

C2 (residential institution) and B1 (offices). Only the parts of the building highlighted on the approved plans could be used for offices.

10. The application site was formerly used as a nursing home and it lies within a mixed-use area with residential properties on the opposite side of Medomsley Road, a nursing home to the south and St. Patrick's School to the east. The site is close to the town centre and this is an area where offices would be considered to be appropriate in planning terms.
11. Consideration needs to be given to the amenity of the residents of neighbouring properties in considering the acceptability of the scheme. Residential properties would not be affected by noise or disturbance as a result of the proposed use although it is likely that there would be an increase in visitors to the premises when compared to the former use of the site as a nursing home. It should be noted that no objections have been received from neighbours. Vehicular access would be taken from Medomsley Road and additional parking would be provided on site. The applicant has advised that the majority of visitors to their premises in Stanley do not arrive by car. The site is located in close proximity to the town centre and is approximately 230 metres from the bus station. The site is therefore considered to be in a location that is accessible by public transport. The County Council have asked that a condition be imposed to require secure cycle parking to be provided on site and it is recommended that such a condition is imposed if members are minded to approve the application.
12. As members will recall a previous application on the site was refused due to concerns about highway safety, the full reason for refusal is contained within paragraph 4 of the report. The previous scheme took access from the side road to the north of the building which connects Medomsley Road with Larch Street. Members were concerned that the junction of this road with Medomsley Road was inadequate due to the restricted visibility. The current proposal would result in alterations being made to the access to Rosemount (the adjacent nursing home) resulting in the creation of a shared access. The County Council's Highways Officer has no objection to this access being used to serve the two premises however he has asked for the access to be widened to allow two vehicles to pass. A condition could be imposed to require the access to be widened and available for use prior to the use of the building commencing. The Highways Officer is satisfied that the vehicular access to the site is safe and would not be detrimental to highway safety.
13. The applicant has indicated that additional car parking spaces would be provided. Although the areas for the additional parking are indicated on a site layout plan full details of the parking layout have not been submitted. A condition could require that details of these are submitted and provided within a specified timescale. The vehicular access to the site and parking arrangements are considered to be acceptable in terms of highway safety and given the proposed alterations to the access and parking arrangements refusal of the application on highway grounds could not be

justified.

14. Approval of the application is recommended subject to the conditions outlined below which would require the alterations to be made to the access and the car parking to be agreed and provided prior to the use of the building commencing.

Recommendation

15. Conditional Permission

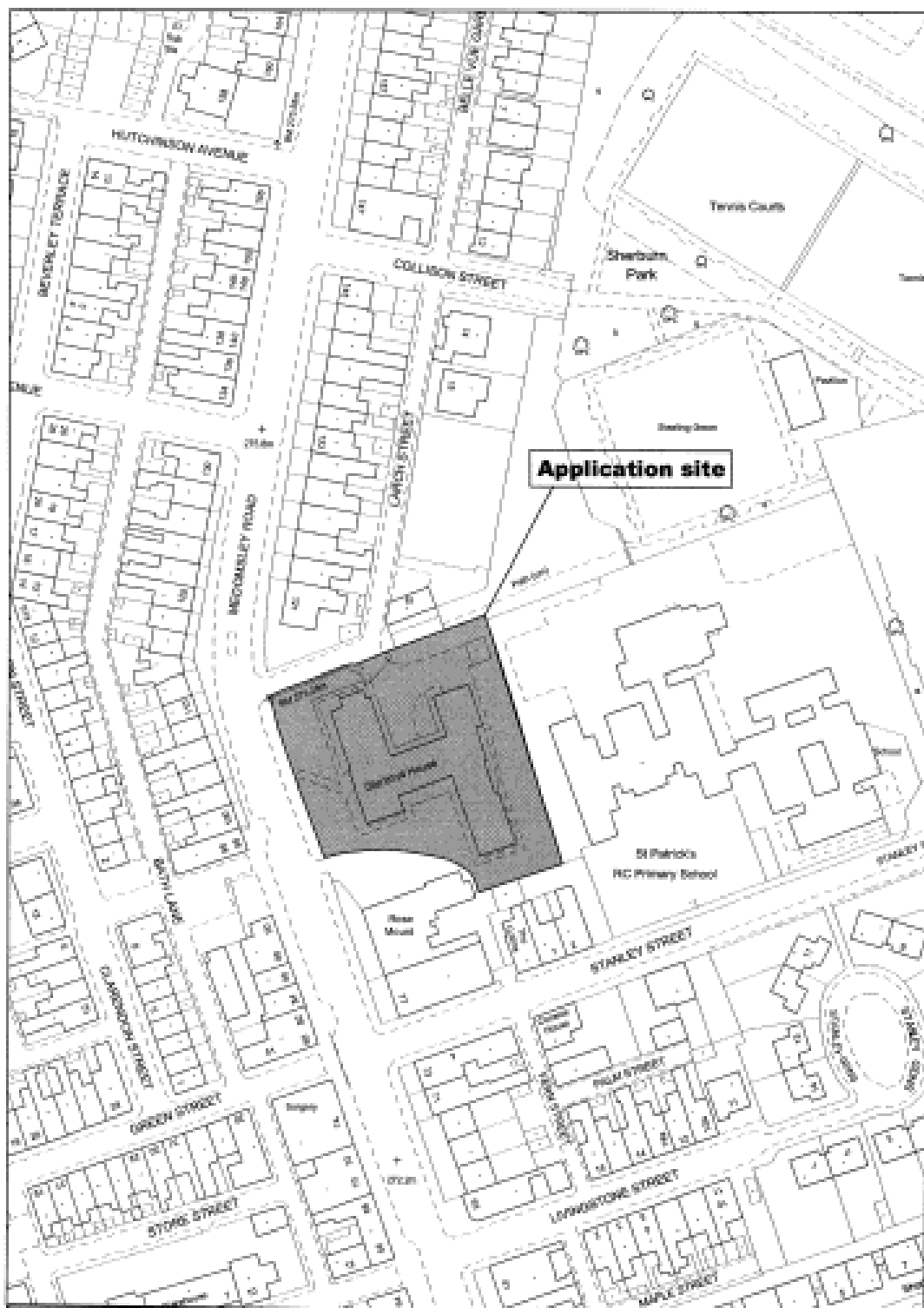
- Standard Time Limit (ST)
- Approved Plans (ST01)
- Within one month of the use commencing or other such time period which may be agreed in writing with the Local Planning Authority the proposed shared vehicular access between Glenroyd House and Rosemount shall be widened to a minimum of 5 metres in width.
- Reason- to allow two vehicles to pass in the interests of highway safety in accordance with Policy GDP1 of the Local Plan.
- Within one month of the use of the building commencing details of cycle racks shall be submitted to and approved in writing by the Local Planning Authority. The cycle racks shall be provided in accordance with the approved scheme within two months of the use of the building commencing.
- Reason- to make provision for cycle parking in accordance with Policy TR3 of the Local Plan.
- Within one month of the use commencing a detailed scheme showing the layout of the proposed car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The car parking areas shall be provided in accordance with the approved scheme within two months of the use of the building commencing or any other such period as may be agreed in writing by the Local Planning Authority.
- Reason- In the interests of highway safety and to comply with Policy TR2 of the Local Plan.

Reason for Approval

16. The decision to grant Planning Permission has been taken having regard to Policies GDP1 and TR2 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 planning considerations outweigh the decision to grant permission.

Report Prepared by Fiona Clarke, Principal Planning Officer

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Partial Change of Use from Class C2 to B1 (offices) and alterations to access and creation of additional parking
 Glenroyd House, Medomsley Road
 Conselt

07/901



RECOMMENDATION FOR APPROVAL

07/0898

16.10.07

Sylvia Sharp

Former Hairdressers, South of Derwent House, Low Westwood

Proposed change of use of former hairdressers to general dealers and sandwich shop serving hot and cold food.

Ebchester and Medomsley Ward

The Application

1. The applicant seeks planning permission for the change of use of a former hairdressers shop to the South of Derwent House, Front Street, Low Westwood to a general dealers and sandwich shop serving hot and cold breakfast and lunchtime food. No extensions are proposed as part of this application.
2. The applicant is proposing that the general dealers and sandwich shop would be open between the hours of 8.00 am to 3.00 pm Monday to Saturday and 9.00 am to 2.00 pm Sunday. The applicant has been operating a general dealers and sandwich shop serving both hot and cold food from a premises directly across the road for the last two years and is looking to relocate as the lease on the existing property is due to expire.
3. According to the applicant approximately fifty percent of the current business is from passing trade and fifty percent is attributed to local residents and the delivery of hot meals to elderly residents and the adjacent Care Home staff.

History

4. A planning application for the erection of a second storey extension above the existing property to create a flat, a two storey extension to the side and rear and the change of use to a fish bar and restaurant was refused in 2005 (reference 1/2005/0755).

This Council refused a further planning application for the change of use of this property to a fish bar and for the erection of a single storey extension to the rear in 2005 (reference 1/2005/0896).

Policy

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

this application

General Development Principles (GDP1)
Hot Food Takeaways and Cafes (CO12)
Development and Highway Safety (TR2)

Consultations

6. County Highways Development Control Officer- No highway objection is raised.
7. Environmental Health – have no objection to the above application on the provision of satisfactory toilet accommodation and installation of an adequate ventilation system.
8. Neighbours have been consulted and a site notice posted and five letters of objection have been received from a neighbouring occupiers, previous potential property purchasers and anonymous responders whose concerns are summarised as follows:
 - We have great difficulty now merging onto the main road because of parked cars obstructing our view. The situation will not alter by putting the shop on the opposite side of road.
 - I am very concerned from a hygiene point of view. I do not understand how a shop of that size can accommodate a bathroom and separate kitchen facility under current planning regulations. The applicant currently runs a sandwich shop opposite and my neighbour who lives at Derwent Crescent has had the same issues there.
 - I have major concerns regarding the location of the shop and the amount of traffic that it would generate if this were to go ahead. The shop is on a corner of a very busy cross roads leading onto a busy main road, the main route from Consett to Newcastle. To make matters worse it is a blind spot for traffic joining the main road and there is a busy haulage business at the bottom of the crossroads constantly turning trucks etc at the junction.
 - There is a sandwich shop at the opposite side of the proposed new shop which has generated a lot of traffic already, cars, wagons etc park there through the day with no care or attention they even use the double yellow lines which makes the road even more dangerous. I do know that a lot of my neighbours and friends feel the same about this as a little girl was killed at that very spot.
 - The owner of the existing sandwich shop premises has informed me that she will either sell the premises as going concern or seek a new tenant. If this is the case we will end up with two shops directly opposite each other and on double yellow lines and on the corners of a very busy crossroads which is used by lorries on a regular basis.
 - The owner of the current premises has offered the applicant a five year lease at current rent that she has refused to sign, therefore I do not think it is fair that the Council should grant planning permission under economic grounds.

Officer Assessment

9. The premises was formerly used as a hairdressers which means that the use of the unit falls within Class A1 of the Use Classes Order. The applicant wishes to use the premises for a general dealers and sandwich shop selling hot food. Due to the amount of hot food that would be sold from the premises the use of the unit would be mixed, that is a general dealers (Class A1) and a Hot Food Take Away (A5).
10. Consideration must be given as to whether this is an acceptable location for the proposed A5 hot food use element of the scheme. The main issues to consider are whether there would be a detrimental impact upon local amenity from the proposed use and whether the use could lead to traffic and parking problems in the area to the detriment of highway safety.
11. Local Plan Policies GDP1 and CO12 seek to ensure that hot food takeaways and cafes which by their very nature can cause nuisance from odour and noise and disturbance are located away from dwellings and within areas with other non-residential uses such as town centres, mixed use areas or local centres. The application site relates to a small single storey building situated on the corner of a large area of open space opposite Derwent House, Front Street which is where this business is currently located. The building was formerly in use as a hairdressing shop. Although the existing general dealers and sandwich shop is opposite this premises the site is not considered a mixed use area or local shopping centre and although it is not directly adjacent to a concentration of residential properties the area is generally residential in nature. The residential nature of the area has been further re-enforced by the recent development of a residential care home opposite the site at Derwent Valley Residential Home. As the area surrounding the site cannot be described as being a mixed use area or a local shopping centre the proposal is contrary to Policy CO12 in principle.
12. Whilst a location such as this would normally be considered to be unacceptable exceptions can be made where there would not be a detrimental impact upon neighbouring amenity and the proposed use would not lead to problems with highway safety. Under such circumstances a minor departure to Local Plan Policy can be justified.
13. Local Plan Policies GDP1 and CO12 seek to ensure that neighbouring amenity is protected when considering development proposals. Whilst the site does not adjoin any existing dwelling the site is within 12 metres of dwellings at Derwent House and Valley View and 14m of Derwent Valley Residential Home to the north side of Front Street opposite the site. On the south side of Front Street the nearest dwellings are found at 31 Ennerdale Terrace (25 metres from the site) and 2 Derwent Crescent (40 metres). While four letters of objection have been received it is known that only one is from a resident within this close proximity.

14. The applicant has been operating a general dealers and sandwich shop directly across the road from this property for a couple of years and has expanded into selling some hot food. The sale of hot food is now the main profit of this business which means the business now falls within a new use class and therefore the existing business requires a further planning permission. The applicant has instead decided to apply for permission at a new property, as the current lease is due to expire shortly. The current business has been selling hot food from a property which actually adjoins residential property and members should be aware that there have been no complaints investigated that have required further action to be taken by the Council's Environmental Health Department .
15. As the proposed business would be close to residential property it is necessary to look at whether the property occupiers would suffer from impacts in terms of odour, noise and general disturbance and litter. Two applications to convert this premises to a fish and chip shop have been refused by this Council in recent years on the grounds that such a use would result in an unacceptable loss of amenity to the local residents due to cooking smells, noise, litter and general disturbance.
16. Whilst falling within the same use class as a fish and chip shop this business is quite different in nature from a fish and chip shop. The odours from this property would not be dissimilar to odours associated with domestic cooking as the applicant produces mostly hot food sandwiches and traditional English dinners and breakfasts using domestic equipment such as a cooker and Bain Marie. Odours from such foods are not pungent or unpleasant unlike typical takeaway food uses. Environmental Health Officers have not objected to the application subject to appropriate toilet facilities and adequate ventilation being in place. A condition can be placed on the planning permission if members are minded to grant consent to restrict the cooking equipment to domestic cooking equipment, a Bain Marie and a microwave only. This would prevent other cooking equipment such as fryers from being installed.
17. One of the major concerns associated with takeaway uses is that of noise from customers and their vehicles late at night. Again the applicant is keen to differentiate her business from a regular takeaway business as she only intends to open the shop between the hours of 8 am to 3 pm Monday to Saturday and 9 am to 2 pm Sunday which would ensure that any noise from customers would be restricted to reasonable hours when it is likely that many local residents will not be at home. Given on-street parking could not take place at the kerbside immediately to the front of the site, by virtue of parking restrictions, it is likely that customers would have to park on the side road which serves houses in Ennerdale Terrace and Langdale Terrace to the west of the site or within Derwent Crescent. Both of these parking locations would be close to concentrations of residential properties. The car-related noise generated by customers would be limited to day time therefore the residents of this area can still expect the locality to be free of late night noise and disturbance. A Planning condition can

control these opening times.

18. Whilst it is normally the case that where an A5 use is granted any kind of hot food takeaway could move into the premises in the future without further consent, this would not be the case in this instance. As stated above the premises would benefit from a mixed use (A1 retail and A5 take away). In addition any future occupiers would have to adhere to the approved opening times, which would not be suitable for a conventional take away which do most of their business in an evening. An application to vary the opening hours to allow the premises to open during the evening would be unlikely to be successful given the likely detrimental impact on residential amenity. Also given that the cooking equipment would be restricted it would not be possible for many types of take away to operate.
19. Litter problems are often associated with hot food takeaways. Whilst the nature of the food is such that there is the potential for litter, members should note that this would be no different to the present situation that exists at the current premises where there does not appear to be a litter problem. To prevent any litter problems should members be minded to approve this application a condition can be attached to any planning permission ensuring a litter bin is supplied outside of the premises.
20. Local Plan Policy CO12 aims to ensure that hot food takeaways are not located adjacent to parking restrictions as they lead to illegal on-street parking, dangerous impromptu stops and parking on nearby residential streets. Policy TR2 only allows planning permission to be granted for development where there are safe vehicle accesses and exits and adequate parking space. The property is located on the busy A694 from Consett to Newcastle. There are parking restrictions to the front and side of the property therefore any vehicles visiting the shop would have to park on the side road which serves houses in Ennerdale Terrace and Langdale Terrace to the west of the site or within Derwent Crescent. Regarding the issues of parking and highway safety it will be noted from the report that the County Council's Highway Engineer has raised no objections to the proposal however there is still a possibility that customer vehicles attending the site to buy food will park on the A694 outside of the premises.
21. Notwithstanding these concerns, there are parking restrictions outside of the premises which are enforceable by the relevant authorities. Vehicles would park in the side street leading to Ennerdale Terrace and whilst this may be to the annoyance and concern of neighbouring residents, such parking would be unlikely to be sufficiently prejudicial to highway safety. Given that there are no objections from the County Council's Highway Engineer it is considered that it would be difficult to refuse the application on highway grounds or that the proposals were in conflict with Policy TR2.
22. In conclusion, whilst this location is contrary to Local Plan Policy CO12 a minor departure to this policy can be justified as the proposed day time use would not cause odour, noise and litter nuisances normally associated with

such a use nor would the on-street parking be detrimental to highway safety in accordance with Local Plan Policies GDP1 and TR2.

Recommendation

23. Conditional Permission

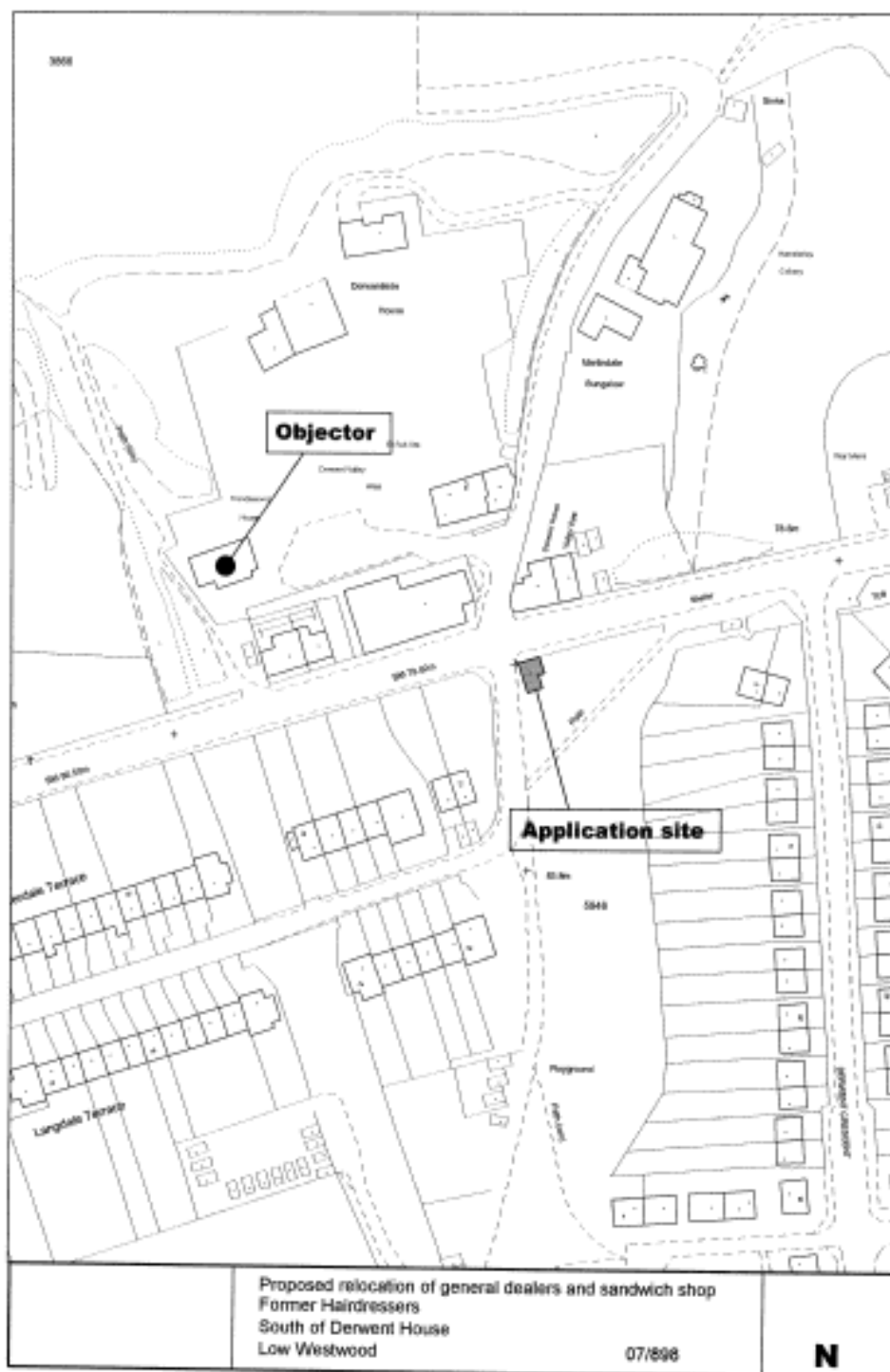
- Standard year time limit (ST)
- Approved Plans (ST01)
- The takeaway and shop shall not be open outside of the following times (8.00 am to 3.00 pm Monday to Saturday and 9.00 am to 2.00 pm Sunday) nor at any time on Bank or Public Holidays.
Reason: In the interests of residential amenity in accordance with Policy GDP1 of the Local Plan.
- All external doors to the premises shall be self closing and shall be kept closed at all times when not in use.
Reason: In the interests of residential amenity in accordance with Policy GDP1 of the Local Plan.
- Before the development is brought into use, a detailed scheme indicating a suitable means of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The odour control unit incorporated therein shall be operated at all times when cooking is being carried out on the premises.
Reason: In the interests of public amenity in accordance with Policy GDP1 of the Local Plan.
- No cooking appliances shall be used other than a microwave, domestic oven and Bain Marie without the prior written approval of the Local Planning Authority.
Reason: In the interests of public amenity in accordance with Policies GDP1 of the Local Plan.
- The use shall not commence until a litter bin has been provided in position to be agreed in writing with the Local Planning Authority outside of the premises.
Reason: In the interests of public amenity in accordance with Policy GDP1 of the Local Plan.
- The use shall not commence until plans have been submitted to and agreed with the local Planning Authority showing satisfactory toilet accommodation and the plans have been implemented in full.
Reason: In the interests of amenity in accordance with Local Plan Policy GDP1 of the Local Plan.

Reason for Approval

24. The decision to grant planning permission has been taken having regard to policies GDP1, CO12 and TR2 of the Derwentside Local Plan and it is considered that whilst the location is contrary to Local Plan Policy CO12 a minor departure to this policy can be justified as there would not be a detrimental impact upon local amenity or Highway Safety in accordance with Local Plan Policies GDP1 and TR2.

Report Prepared by Louisa Ollivere, Area Planning Officer

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DEVELOPMENT CONTROL COMMITTEE

13th December 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 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 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 HO8

On the following allocated sites, developers will be expected to provide an element of affordable housing:

Gloucester Road, Delves
Knitsley Lane, Consett
Low Stanley Farm, Stanley
Oxhill Farm, South Moor
Stanley Hall, Stanley

Any dwellings provided in accordance with this policy shall be subject to a legal agreement or other alternative mechanism to ensure that the initial and subsequent occupancy of the dwellings is restricted to households who are in need of low cost housing.

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 CO9

Planning permission for new shop fronts will only be granted provided:

- (a) the design is in proportion with and sympathetic to the character of the building and its surroundings; and
- (b) any existing architectural features are retained or designed into the new shop front.

Policy CO12

Planning permission will only be granted for hot food uses in the following locations:

Within town centres if:

- (a) premises are not located close to concentrations of residential property; and
- (b) premises are not located adjacent to parking restrictions.

Within mixed use areas or local shopping centres if:

- a) there would be no harmful effect on the living conditions of nearby residents from noise and disturbance or smells and odours: and
- (b) premises are not located adjacent to parking restrictions.

Such uses will only be considered appropriate if:

- (a) satisfactory opening hours are proposed; and
- (b) satisfactory details of the fume extraction equipment including its siting have been submitted and agreed; and
- (c) an approved scheme for the collection and disposal of litter can be effectively implemented and retained; and
- (d) satisfactory trade refuse facilities are available.

Hot food uses are considered to be unacceptable in premises which are both located amidst dwellings and are isolated from other non-residential uses.

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.