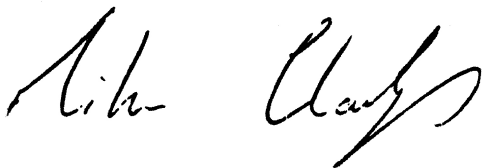


Development Control Committee

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

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 22nd November 2007 at 2.00 p.m. for consideration of the undernoted agenda.



MIKE CLARK

Chief Executive Officer

Agenda

1 DECLARATIONS OF INTEREST

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

2 MINUTES

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

Development Control Committee - 1st November 2007 (Herewith 'A')

'Special' Development Control Committee - 8th November 2007
(Herewith 'B')

Attached Documents:

[MINUTES 1st November 2007 \(A\)](#)

[MINUTES 8th November 2007 \(B\)](#)

3. APPEAL DECISIONS

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

Attached Documents:

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

4. PLANNING APPLICATIONS

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

Attached Documents:

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

[Adopted Plan Policies](#)

5. 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 3 OF PART 1 OF SCHEDULE 12(A) OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED).

6. PLANNING SERVICE COMPLAINT

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 on Thursday 1st November, 2007 at 2.00 p.m.

Present

Councillor J.I. Agnew (Chair)

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

Apologies

Apologies for absence were submitted on behalf of Councillors R. Alderson, T. Clark and R. Ellis

In Attendance

Councillors D. Barnett, A. Taylor and W. Stelling.

41. DECLARATIONS OF INTEREST

Councillor Pattinson advised that in a previous submission of application 06/0732 he had submitted a letter of objection to the application therefore he would not be taking place in discussion on this application or 07/0823 and would leave the Chamber on the basis that he had predetermined the application.

42. MINUTES

The minutes of the following meetings were approved as a correct record.

Development Control 11th October 2007

Special Meeting 27th September 2007

43. PLANNING APPLICATIONS

(1) Certificates of Lawful Use and Developments

Councillor Pattinson left the Chamber at this point and took no part in the discussion or voting thereon.

07/0823 Mrs S Henderson

Certificate of lawfulness application to establish the use of the site for plant hire depot, Tantobie Allotments, Tantobie.

The Chair welcomed to the meeting Mr Self who was in attendance to speak in support of the application.

The Principal Planning Officer presented the report which recommended a certificate of lawful development be granted.

She advised that in a previous application for one dwelling on the site it had been identified that only part of the site was authorised for the use identified in the application, therefore the case for the dwelling was based upon the operation of a business that was operating without the benefit of Planning Permission.

She advised that in light of this information the applicant was required to submit evidence that;

- The land had undergone a continuous and sustained change of use of the land for a period of time exceeding 10 years prior to the date of the application being made.
- No valid enforcement notice has been served against the unauthorised change of use within this time period resulting in the time taking enforcement action having expired, as defined by Section 171A of the 1990 Act.

Evidence had been provided that identified that vehicle operators licences had been issued for the business from 1991 up to 2006 and staff had been employed on the site for the same period of time. She further advised that no complaints had been received during the lifetime of the business.

MR IAN SELF: Speaking in Support of the Application

Mr Self advised the committee of the following points in support of the application:

- Unauthorised business use was discovered only after application for dwelling was approved in 2006;
- Evidence had been submitted to the Planning Authority which proved that business had been in operation for more than 10 years;
- No evidence to suggest otherwise.

Councillor Milburn advised that she had lived in the village for 30 years and for 20 of those she could recall the business operating from this site.

Discussion then ensued regarding the restriction of vehicles to be used on the site and the Principal Planning Officer advised that conditions could not be attached as such; however it could be stated that no more than 5 vehicles could be stored at the site at any one time; if any more were required it would be subject to a further application.

Councillor Watson added that in his opinion it had been fully demonstrated that the business had been operating from the site for longer than 10 years and he was satisfied with the evidence provided.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0823 be issued a Certificate of Lawful Development of the parking, storage and ancillary servicing of five plant hire vehicles at Tantobie Allotments, Tantobie, Stanley.

(2) Public Speaking Applications

06/0732 Mrs S Henderson

Erection of one dwelling (outline) Tantobie Allotments, Tantobie.

The Chair welcomed to the meeting Mr Self who was in attendance to speak in support of the application as the applicants agent.

The Principal Planning Officer presented the report which recommended refusal of the application.

She advised that the application which had been approved by the Committee on 2nd November 2006 was referred to GONE as it was a departure from the Local Plan, they had subsequently advised the Council that they do not wish to intervene and had referred the application back to the Council for decision.

She went through the history of the application site and advised that the previous application had also been recommended for refusal.

She advised that although the applicant indicated the dwelling was required for security purposes it was thought by Officers that alternate measures could be put in place such as CCTV. She further advised that a property linked to the business at 4 Ivy Place was in close proximity to the site and Officers felt this property being so close ruled out the requirement for a dwelling on the allotment site.

In conclusion she advised that the application was contrary to Policy and was therefore recommended for refusal.

MR IAN SELF: Speaking in Support of the Application

Mr Self advised that the application for a dwelling was required on this site as continually there were problems with vandalism.

He advised that members should also take into consideration that the Government Office for North East had informed the Council that they do not wish to intervene.

He added, as in previous applications the Highways Authority had not submitted any objections to the application and in his opinion each application should be considered on its own merits.

He further advised that guidance in PPS7 had been broadened to encompass full time workers living on business sites in rural areas. In conclusion he advised that this change in Policy enhanced the application and in his opinion the committee should be consistent in their decisions and see that the same reasons as put to committee in November 2006 are still relevant today.

Councillor Hughes added that in his opinion even though the application had been referred back by GONE this did mean that members should be minded to approve, he further added that 3 applications on this site had previously been refused and the site was clearly outside the boundaries of the settlement.

Councillor Milburn asked the Officer to put the plan of the plot on the screen for members to view; she advised that the allotment site used to be populated with a terrace of prefabricated houses. She advised that she was in support of the application as security was a huge problem for the business and only recently vandals had set fire to an area of the site.

In response the Principal Planning Officer advised that the application should be determined on how the site is now and as it could be seen from the plan the application site was some distance away from surrounding settlement.

Discussion then ensued in relation to the property at Ivy Place, in response the Principal Planning Officer advised that the property was situated approximately 200m from the entrance to the site.

Discussion then ensued regarding conditions to the application and it was thought that an occupancy condition should be attached to ensure that if the Plant Hire were to relocate the dwelling could be only be occupied by persons running a business from the site. If the business use were to cease consideration would need to be given to whether the condition should be lifted at that time.

Councillor Turner added that in his opinion the property at Ivy place had no bearing on this application and Members should remember that the same application was previously approved without having a certificate of lawful use on the site for the operation of the business.

Discussion then ensued regarding PPS7 and the enforcement of the number of persons living in the dwelling.

Councillor Watson added that in his opinion it was not unusual to grant permission on an application of this nature, and the business provided vast

investment in the area and should be protected. He further added that it should be recognised that legislation had changed in the form of PPS7.

In conclusion he added that this was only a outline planning permission and full details were still to be resolved; therefore he advised that he would approve the application with the conditions as outlined in the report.

Councillors P.D. Hughes and T. Westgarth requested their names be recorded as voting against the application.

Following a vote being taken it was

RESOLVED: that Planning Application be approved subject to:

- Outline Time Limit (OTL)
- Agreement of reserved matters (RM)
- Development to be in accordance with the plans submitted (ST01)
- Materials to be agreed (A04)
- The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the day to day operation of the plant hire business, or a widow or widower of such a person (ROC01)
- The dwelling hereby approved shall be restricted to no more than 250 metres square in floor area, and shall not exceed 2 storeys in height.
- Removal of Permitted Development Rights
- Drainage (D01)
- All details of site enclosures shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement to the development. The details as agreed shall then be implemented prior to the occupation of the dwelling hereby approved.
- Construction of the dwelling hereby approved shall not commence until a plan is submitted to and approved in writing by the Local Planning Authority depicting a 2.4m by 90m visibility splay from the vehicular access points, together with details of control of the land to the east upon which part of the splay crosses. The approved details shall be implemented on site prior to the occupation of the dwelling hereby approved.
- The dwelling hereby approved shall not be occupied until a 1.2m minimum width footway is constructed to adoptable standard on the C127 public highway verge abutting the site, for a distance of 65m westwards from the vehicular access junction, to the written satisfaction of the Local planning Authority.

Councillor T. Pattinson returned to the Chamber for the remainder of the meeting.

07/0627 Punch Taverns Limited
External canopy and Alterations to Access Doors.
Peacock Inn. Tanfield, Stanley.

The Chair welcomed to the meeting Mr Chris Burton 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 since the application had been deferred from the last meeting of the committee, Environmental Health had been re consulted and they had found that the application did fully comply with smoke free legislation, he advised that the Head of Environmental Health was in attendance to answer any questions members may have.

He further advised that Mr Charlton had wished to be present at the meeting but unfortunately could not attend. His comments on the application had been sent in an email and were summarised as follows:

- Conservation area – therefore has the design of shelter been taken into consideration to match surrounding structures and be sympathetic to those;
- Question whether all possible locations have been considered;
- Application misleading as promoted as being for family use when its main use will be for smokers;
- Noise disturbance will be detrimental to the area.

MR BURTON: Speaking in Support of the Application

Mr Burton raised the following points in support of the application:

- All measures considered to minimise impact;
- Self closing mechanisms on doors;
- Windows within area will be sealed so that they can not be used;
- Air conditioning unit has been found to actually be a defunct extraction fan and will also be sealed off;
- Willing to install screening on road side to minimise visual impact full height or 2m in height whichever was felt the most appropriate

The Head of Environmental Services provided members with an overview of the legislation and advised that the application had been assessed and fully complied with this.

Councillor Campbell asked if the shelter would cover a cellar hatch. In response the Principal Planning Officer advised that she was not aware that it did cover a hatch but if this was the case it would be ensured that the surface was suitable for walking upon.

Councillor Milburn advised that members should be aware that no residents from Tudor Drive directly behind the application site had not submitted any objections to the application and there had never been any complaints of noise since the smoking ban was introduced in July, and smokers were congregating outside the front of the pub.

Following a vote being taken it was

RESOLVED: that Planning Application be approved subject to:

- Standard Time Limit (ST)
- Approved Plans (ST01)
- Amended Plans (G04)
- Materials (A05)

07/0764 Mr G Bovill

Erection of two storey side and rear extensions and a dormer window to the rear.
94 Vindamora Road, Ebchester.

The Chair welcomed to the meeting Mr Kennedy who was in attendance to speak against the application and Mr Bovill 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 in addition to the conditions listed in the report a further condition should be attached which requires the window facing the neighbouring property to be obscurely glazed or removed from the proposals.

MR VINCENT KENNEDY: Speaking Against the Application

Mr Kennedy made the following points in support of refusal of the application;

- The proposed extension (rear) would have an overbearing effect and would lead to a loss of amenity in terms of overshadowing, loss of light and outlook.
- The proposed extension scale is excessive compared with the existing property.
- Lack of provision of garage / off street parking
- Proposals are contrary to GDP1, H019 and SPG2

The Senior Area Planning Officer in response advised that the applicant had been requested to ensure there were two off road car parking spaces and he advised that these had been incorporated into the scheme at the front of the property.

MR BOVILL: Speaking in Support of the Application

Mr Bovill made the following comments in support of his application:

- Plans were altered to meet the recommendations of the Planning Officer who visited the property omitting any windows on first floor level that faced Mr & Mrs Kennedy's House.
- Following submission of the full planning application the Area Planning Officer required clarification and alteration on 2 further issues relating to parking to the front and access from the sunroom at the rear.

- Revised plans were then submitted in accordance with the Highway Officers recommendations allowing both cars to be parked off Vindamora Road.
- Objector concerned over loss of outlook and loss of light, although don't feel these are justified as the extension is more than three metres from the boundary of No96 and is within the 45 degree angle rule
- Neighbours conservatory projects more than ten metres beyond the original rear of the property whereas our extension projects similar to Mr & Mrs Kennedy's about 4 metres beyond the rear of the property

Councillor Turner added that he was pleased to see that an additional car park had been included as part of the scheme.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0764 be approved subject to:

- Three year time limit (ST)
- Approved Plans (ST01)
- Prior to the commencement of the development a plan shall be submitted for approval to the Local Planning Authority showing a double width driveway and widened dropped kerb of satisfactory dimensions at the front of the property. These spaces shall be provided on the site and these spaces shall be used only for the parking of vehicles and for no other purpose.
- External materials

(3) RESOLVED: that the following applications be approved:-

07/0775 Shepherd Homes

Erection of one additional dwelling

Former Council depot and Land to the West of Kitswell Road Lanchester.

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised that an email had been received from Lanchester Partnership which did raise some concerns regarding density of the development with the inclusion of one additional dwelling, however the development was still well within the designated guidelines set out by Government.

subject to:

- Five Year Time Limit (ST)
- Approved Plans (ST01)
- Tree Protection (L10)
- Surface Water Drainage (D05)
- Foul Water Drainage (D05)
- Materials (A05)
- Rainwater Goods (A13)

07/0760 Mr S Scott and Mrs A Tyrrell
Change of Use from Church to Manufacture of Kitchen, Bedroom and Other Household Furniture.
Craghead Methodist Church, Wagtail Lane, Craghead.

The Principal Planning presented the report which recommended approval of the application.

subject to:

- Time Limit (ST)
- Approved Plans (ST01)
- External Alterations (A01)
- No machinery shall be operated on the premises before 9:00am on weekdays and 10:00 am on Saturdays nor at any time on Sundays or Bank Holidays.
- The Change of Use hereby approved shall not operate outside the hours of 8:00 am to 5:00 pm Monday to Friday, and 9:00 am to 1:00 pm on Saturdays, and not at any time on Sundays or Bank Holidays.
- Within one month of the date of this permission or other such time period as may be agreed with the Local Planning Authority, full details of sound insulation measures to be installed into the building, shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out within three months of the date the measures are agreed.

(4) RESOLVED: that the following application be withdrawn.

Barratt Newcastle, Outline application for the erection of 39 dwellings (Resubmission), Land to the North of ST. John's Mews, Holmside Lane, Burnhope.

44. EXCLUSION OF PRESS & PUBLIC

RESOLVED on the motion of Councillor E. Turner seconded by Councillor A. Watson that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of the Act (as amended)

Councillor D. Hume left the meeting at this point.

45. PLANNING SERVICE COMPLAINT

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

The Principal Planning Officer presented the report which outlined the situation with regard to the dealing of a planning application as detailed above.

She advised Members of the current situation and their options open to the Council for discussion.

Councillor Watson added that he felt the situation should be directed to the Standards Committee for decision. In response the Principal Planning Officer advised that it would be appropriate to try and resolve the issues in the first instance before the Standards Committee were involved.

Councillor Hughes advised that he felt it would be inappropriate for him to take part in any further discussion as he was the Chair of the Standards Committee.

Discussion then ensued regarding the best possible way forward, and it was felt that Legal Advice should be sought from the Council's Monitoring Officer before a decision was made.

Councillor P. Hughes abstained from voting due to his capacity as Chair on the Standards Committee.

Following a vote being taken it was **RESOLVED:** that the decision be deferred and advice be sought from the Council's Monitoring Officer in respect of the above.

Conclusion of Meeting

The meeting closed at 3.43 p.m.

Chair.

'SPECIAL' DEVELOPMENT CONTROL COMMITTEE

Minutes of a 'Special' meeting of the Development Control Committee held on Thursday 8th November 2007 at 2.00 p.m.

Present

Councillor I. Agnew (Chair)
Councillor T. Clark (Vice-Chair)

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

Apologies

Apologies for absence were submitted on behalf of Councillors R. Ellis and R. Young.

In Attendance

Councillors W. Stelling and M. Westgarth

Councillor Westgarth asked that it be noted that he was disappointed with the meeting starting later than scheduled.

46. DECLARATIONS OF INTEREST

In accordance with the provisions of Section 94 of the Local Government Act 1972: Standing Order No. 33, Councillor A. Watson declared an interest in application 07/0298 as he is a member on the Project Genesis Board but not connected to the applicant Project Genesis Limited, when it was agreed that he be allowed to remain in the meeting.

47. PLANNING APPLICATIONS

1/2007/0298 Project Genesis Limited and Barratt Homes, Reclamation of ground via ground remediation and erection of 341 dwellings of 277 houses and 64 apartments, associated highway and landscaping. Land to the south of Fenwick Way.

The Chair welcomed to the meeting Karen Reed (Planning Consultant for Project Genesis Limited), Terry Palmer (NW Architects) and Bill Coxall (Engineer) who were in attendance to provide Members with a presentation on the proposals for the above mentioned development.

Terry Palmer provided the first part of the presentation which outlined the principles of the design; he advised that the development had been designed to give the impression of an outward looking street scene creating the impression of open space throughout the development.

He advised that the elevations of dwellings on Genesis Way had been altered to disguise parking bays and garages at the rear of the properties providing more green space the front of the site.

Karen Reed then outlined some of the landscaping proposals and advised that a full scheme for landscaping had been submitted including a green belt of land separating the proposed development and the existing Barratt's development; she advised that remediation works were extensively required and existing mounds in this area would be remodelled to create a more attractive landscape. She advised that project Genesis Limited would maintain this area of land which would cost around £400,000 to create, extending the Urban Park Areas.

She went on to address affordable housing and advised that due to the major remediation works required on the site, costing approx £7-9 million therefore they had to consider the commercial viability of this. In conclusion she added that 65 flats of 1 and 2 bedrooms would be provided and 18, 2 bedroom homes would also be provided. The starting price for the 1 bed flats was expected to be around £78,000.

As part of the development Project Genesis were proposing to contribute £2 million towards the development of the Sports Village.

Bill Coxall then went on to address Highway networks and drainage. He advised that unadopted roads would be formally adopted and transport links would be provided through the inclusion of 2 bus lay-bys and links through the site for a bus service.

He then went on to talk about foul and surface water drainage advising of the methods that would be used to attenuate the waste until it could be dispersed into the drains and treatment works.

The Chair asked members for any questions on the presentation.

Councillor Christer advised that she was highly disappointed that there was to be no provision made for affordable housing and added that a 1 bedroom flat could not be classed as a home for a first time buyer.

In response Karen Reed advised that as explained unfortunately due the cost of the remediation it was not viable to include affordable housing although she did understand that 1 bedroom flats were not in full definition of affordable housing although it did go some way in helping the shortage of affordable homes for first time buyers.

Councillor Shield further made reference to the previously approved application which included a number of homes for the elderly, he added that he was disappointed to see that this had been omitted from this application and it was thought that there was a shortfall of around 130 dwellings per year in Derwentside for the elderly.

Discussion then ensued regarding how the water would be dispersed through the site and Councillor Lavin added that he did have some concerns regarding drainage similar to those outlined by the Environment Agency in the Officers report.

In response Bill Coxall advised that the water would be picked up from positive drainage such as off guttering or car parks, collected and slowly allowed to trickle out into drains at a much lower rate. He also advised that systems had been altered to take on a higher capacity of water due to climate change and the more unpredictable weather systems of recent times.

Discussion then ensued regarding sewage disposal and the problems that were being encountered by Northumbrian Water in that capacity had been reached. Bill Coxall in response advised that Northumbrian Water had imposed conditions which meant that no sewage could be pumped to the treatment works until problems are resolved and are able to take on a higher capacity of waste.

Councillor Campbell asked the consultants present what the development had to offer Derwentside; as no affordable housing or renewable energy sources were included in the proposals. He concluded that in his opinion he failed to see that the development was a positive move for the area.

In response Karen Reed advised that that was a question that should be put to Barratt Homes as the developer as unfortunately could not be answered on behalf of them.

Lengthy discussion then took place regarding infrastructure, Councillor T. Westgarth advised that he felt the development would have an increased strain on the supporting infrastructure; there were currently lengthy waiting lists to see doctors and dentists; there was not adequate parking in the Consett area and the development would only put more pressure on services that are already struggling to cope with demand.

In response Karen Reed advised that they were not aware of any pressures currently on infrastructure in the area, she further advised that the development would be phased putting less immediate strain on doctors, dentists etc.

Councillor Atkinson added that he would like to remind members that the land was heavily contaminated and the reclamation of which was highly important to the area.

Councillor Rothwell turned Members attention to page 21 of the report under the heading Other Issues which highlighted that the increase in new residents would not necessarily mean that there would be a increase in school age children requiring a school place. It further advised that schools in the area were not currently at full capacity.

Councillor Shield asked for clarification over figures for school availability in his calculations he added that there could be a possible further 115 school children requiring school places in any one year.

Councillor Rothwell in response added that the birth rates for Derwentside were not available and therefore the committee should deal with the facts not speculation.

Councillor Lavin then asked about the shaded areas on the plans distributed to members and further what the white areas represented.

Terry Palmer advised that the white areas indicated garages and drives although other parking was shaded in light grey, these being communal parking areas.

Councillor Clark added that in his past experience sites that had been provided with bus routes had never been used as the residents don't want buses running by their houses for safety reasons.

In response Bill Coxall advised that the roads in these areas would be widened in the event that bus services do want to run through the estate.

Councillor Watson asked what the likely timescale would be for the completion of the first 60 houses. In response Karen Reed advised that it would likely be 2009.

Councillor Willams asked if the remediation would take place all at once. In response Bill Coxall advised that it would be carried out in two phases although it would be an ongoing exercise. Councillor Willams then asked if the same principles would apply for the sewage infrastructure. Bill Coxall advised that this would be provided from day 1.

The Head of Planning & Building Control advised that he would like to clarify a few points for members. He advised that statements made in paragraphs 36 on page 18 of the report was made by the applicants themselves and not by Planning Officers he further advised that the financial contribution to the Sports Village was not crucial to that proposal proceeding and was not a material planning consideration. He further advised that the statements made on page 21

of the report relating to affordable housing had also been made by the applicant. He advised that at present Derwentside do not have an adopted policy on affordable housing and could not insist to the applicants that this be a requirement.

Councillor Watson asked for clarification that the contribution to the Sports Village was not a material planning consideration, the Head of Planning and Building Control advised that this was the case.

The Senior Area Planning Officer advised that a revised layout had been submitted by the applicant addressing the concerns of the Highways Officer and it had been confirmed that they were now fully satisfied with the scheme, therefore the application was recommended for approval with conditions as outlined in the report.

Councillor Pattinson raised the following points of concern over the application:

- Sewage treatment works at full capacity therefore great consideration should be given to this – conditions proposed by Planning Officers do nothing to change the problem and it could be several years before the treatment works are in a position to start accepting waste form this site. Critical situation and should not be adding to the problem
- Costs associated with maintaining water drainage system which Derwentside Council is responsible for, the drainage system in the area was designed for business and leisure use rather than housing and this will only further exacerbate the situation. Therefore the system needs to be updated to deal with such flows.
- Condition seeking contributions towards maintenance costs - although no doubt when Northumbrian Water are approached they will be of the opinion that the developer should be solely responsible for the upkeep. Due to the severity of the existing problems with surface water drainage he does not see the conditioning suggested to be adequate.
- The maintenance of the drain is a long term problem - will not go away if development approved.
- Suggest that clear suggestions to the problems should be made by the applicants and reported back to Planning Officers before application is determined.

Councillor Watson advised that Members should note that Northumbria Water have not objected to the application.

The Senior Area Planning Officer in response to comments made advise that there was nothing wrong with the current drainage system in place and it would merely be required to be cleaned more frequently. She advised that the applicant had been asked to make a contribution to the future cleaning of the pipes, however had declined

The Head of Planning and Building Control advised that the Committee had been advised at the last meeting of the issue regarding the maintenance of the Council maintained drain across the site. This was a separate issue to the capacity of the Consett Sewage Treatment works. It was for Members to decide whether they wished to require the financial contribution towards future maintenance that had been suggested by the General Services Manager.

Councillor Alderson advised that although there was no policy currently in place the Council should be putting the onus on builders to provide dwellings for first time buyers in their developments.

The Director of Environmental Services advised that as the Council do not currently have an adopted policy on affordable housing it would be difficult to refuse the application on the basis of affordable housing not being present in the proposals. He further advised that the Council were working toward have a policy put in place to address these issues in the future.

Discussion then ensued regarding renewable energy and Councillor Campbell suggested that the costs of remediation were taking over the requirement for things such as renewable and energy efficiency.

The Director of Environmental Services added that the question could be put to the builders although he did advise that throughout the period of the development higher building specifications would be introduced and these would have to be adhered to by the developer. He concluded that Members would have to question whether they would feel comfortable refusing the application on those grounds.

Councillor Watson added that members must take into consideration that the land is at present a piece of contaminated scrubland that should be used to encourage regeneration and growth of the area. He advised that in relation to infrastructure the facts are as they are and it was noted that more surgeries are being built across the district to deal with the increasing demand. He advised that schools in the area are operating desperately below required numbers and spaces were available some being taken by the Polish community in the area. He concluded that Northumbria Water were not objecting along with the Highways Authority.

Councillor Watson proposed a **MOTION** to accept the recommendation with conditions.

Councillor Turner seconded the **MOTION**.

Councillor Westgarth requested a named vote. This was seconded by Councillor E. Turner

The Chairman put the **MOTION** to the vote:

RECORDED VOTE

FOR	AGAINST	ABSTAINED
I. Agnew	R. Alderson	
A. Atkinson	M. Campbell	
H. Christer	D. Hume	
T. Clark	T. Pattinson	
G. Coulson	A. Shield	
G.C. Glass	T. Westgarth	
P.D. Hughes	J. Williams	
D. Lavin		
O. Milburn		
S. Rothwell		
E. Turner		
A. Watson		

Following a vote being taken it was

RESOLVED: that Planning Application 1/2007/0298 be approved subject to:-

- Standard Time Limit (ST)
- Approved Plans (ST01)
- Amended Plans – 13th September 2007 (G04)
- Materials (A03)
- Car Parking (H03)
- Contamination Remediation (CL01, CL02, CL06)
- Surface Water Drainage (D04)
- Removal of permitted development rights (PD01)
- Design and Phasing of Highway works (H07)
- Landscaping (L01) – this shall include the depth of the topsoil in the structure planting areas to comply with BS 4428:1989 for tree planting, (600mm minimum depth) and a mown strip of 1 metre, shall be maintained at the edge of all paths.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
- Prior to the commencement of the development full details of connections to the sewage treatment works shall be submitted to and approved in writing by the Local Planning Authority.
- Surface water from the development must be discharged to public sewer.
- Within two months of the commencement of the development, or other such time period as may be agreed in writing by the Local Planning Authority, full details of the equipped play area shall be submitted to and approved in writing by the Local planning Authority. The play area shall be

- provided in accordance with the approved scheme prior to the occupation of the 100th house on the development, or other such time period as may be agreed in writing with the Local Planning Authority.
- No dwelling shall be occupied unless a footpath of adoptable standard has been provided along the entire highway frontage of the site.
 - 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.
 - No more than 60 new dwellings shall be occupied within any calendar year.
 - Within one month of the commencement of the development or other such time period as may be agreed in writing by the Local Planning Authority, details of noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed noise measures shall be undertaken in accordance with the approved details prior to the occupation of the dwellings they relate.
 - All construction work shall take place between the hours of 8:00 and 18:00; Monday – Friday and 8:00 – 13:00; Saturdays with no working on Sundays or Bank Holidays.
 - Before any of the units of residential accommodation hereby permitted are occupied the open space/landscaping area to the north of the site shown on the approved plans shall be provided and made available for use as such by the residents of the accommodation created by the development and thereafter so retained.
 - Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details of the equipment, seating, landscaping and surfacing in the areas of land to be provided for public amenity and play use shall be submitted to and approved by the local planning authority. Each area shall be finished according to the approved plans as the houses nearest it are completed, and at that time made available for the use of the occupiers of the houses.
 - No development shall take place until details of facilities to be provided for in writing by the Local Planning Authority. The facilities, which shall include the provision of wheeled refuse bins, shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Conclusion of meeting

The meeting closed at 3.20 p.m.

Chair

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

22nd November 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

**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**

1. Members will recall that whilst Planning Permission was granted for a second application at this site with a landscaped area to the west, that initially they refused planning permission for a scheme which included housing on this area of the site. The applicant made an appeal to the Planning Inspectorate on the refusal of the first application.

2. The Development Control Committee refused to grant planning permission for the above development in April 2007, contrary to the Officer recommendation for approval. The reason for refusal was –

In the opinion of the Local Planning Authority, the site is green field, and the proposal is therefore considered to be encroachment into the countryside surrounding the settlement without specific provision made in the Local Plan, contrary to policies EN1 and EN2 of the Local Plan. The development would conflict with the aims of PPS 3 (housing) which states that development should take place on previously developed land prior to green field sites.

3. The appeal was considered under the written representations procedure, and a copy of the Inspectors decision letter is attached. The Planning Inspector allowed the appeal.

4. The Inspector considered that the main issue was to be the effect that the appeal proposal, differs from the now granted permission (SW1/2007/0005DMFP), on the character and appearance of the countryside. The Inspector notes that the appeal site extends a further 17 metres from the existing rear boundary of the approved site. This area of land beyond the boundary would, under the terms of the permission now granted, accommodate two artificially created mounds with woodland planting. The inspector considers that this rather, suburban landscaped belt would make very little contribution visually or functionally to the natural open countryside beyond.

5. The Inspector indicates that it is not clear whether the land constitutes “previously developed land”, but notes that it is not in agricultural use, and no part of its has been an integral part of the countryside beyond for a significant length of time. The inspector concludes that built development on the entire site would be equally valid in creating a distinct and logical urban edge, well-related to the existing form of the settlement, as that represented by the now approved scheme. It would, therefore, maintain existing landscape character, would be sensitive to the existing settlement pattern and would involve no real encroachment into the countryside. The Inspector considers that the appeal proposal, insofar as it differs from the now granted permission, would not have any adverse effect on the character or appearance of the countryside.
6. The Inspector notes that government policy encourages the use of brownfield land for development, but this does not rule out the use of suitably located Greenfield sites. It is then acknowledged that local facilities are a significant walking distance, however the site is located on a bus route with bus stop adjacent and therefore represents a reasonably sustainable location. Reference is also made to the large housing supply already in place, and the council’s stance that there is no requirement to grant permission on greenfield sites in order to satisfy the housing allocation set out in the Draft Regional Spatial Strategy. However the inspector has allowed the appeal taking into consideration the permission which has now been granted for the remainder of the site and the arguments put forward by the appellant regarding the potential contribution of the proposal to wider regeneration objectives in the area.
7. The conditions which the inspector felt necessary to impose are in the attached copy of the inspectors decision letter.
8. Recommendation

Members note the decision of the Planning Inspectorate.

Report Prepared by Charlie Colling, Area Planning Officer



Appeal Decision

Site visit made on 15 October 2007

by **Graham E Snowden BA PhD Dip**
Hgmt 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@pin.gov.uk

Decision date:
22 October 2007

Appeal Ref: APP/V1315/A/07/2044183

**Land to the west of Fairview Terrace, Greencroft, Stanley, County Durham
DH9 8NR**

- 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 Broseley Homes Limited against the decision of Derwentside District Council.
- The application Ref SW/1/2007/0005/DMFP, dated 8 January 2007, was refused by notice dated 3 April 2007.
- The development proposed is 29 no. dwellings with associated works.

Decision

1. I allow the appeal, and grant planning permission for 29 no. dwellings with associated works at land to the west of Fairview Terrace, Greencroft, Stanley, County Durham DH9 8NR in accordance with the terms of the application, Ref SW/1/2007/0005/DMFP, dated 8 January 2007, and the plans submitted therewith, as amended by drawing Ref: BH12:L:02A, subject to the following conditions:
 - (i) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - (ii) Notwithstanding the plans hereby permitted, within three months of the date of this decision, an amended plan shall be submitted to the local planning authority for approval showing revised parking bay arrangements for Plots 34-36 and 50-53 inclusive and the provision of two visitor parking bays fronting Fairview Terrace (as agreed in correspondence between the applicant and the highway authority, dated 16 March 2007). The development shall thereafter be carried out in accordance with the approved amended plan.
 - (iii) The landscaping scheme shown on approved drawing ref: BH12:L:02A shall be implemented before the end of the year in which the development commences, or in accordance with a programme, which has first been submitted to, and approved in writing by, the local planning authority.
 - (iv) A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to and approved by the local planning

- authority, prior to the occupation of any phase of the development. The management plan shall be carried out as approved.
- (v) The development hereby permitted shall be carried out in accordance with the mitigation measures indicated in the submitted bat survey and approved drawing ref: BH12:L:02A
- (vi) No development shall begin until (a) a scheme for the provision of open space and play provision to meet the needs of residents within the development (in accordance with Derwentside District Local Plan Policy HD22) and (b) a scheme for the provision of affordable housing as part of the development, have been submitted to and approved in writing by the local planning authority. The scheme under (b) shall include the numbers, type and location on the site of the affordable housing provision to be made, the timing of the construction of the affordable housing, the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing and 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. The development shall be carried out in accordance with the approved schemes.

Main Issues

2. Since the submission of the current appeal, the Council has granted planning permission, under reference SW/1/2007/0412/DMFP, for the erection of 23 dwellings on the appeal site, therefore accepting, in principle, residential development on the site. Work on implementation of this permission, which, I am advised would not prejudice implementation of the current proposal, if the appeal is allowed, has commenced. This clearly has to be given significant weight as a very real fallback position for the appellants. I, therefore, consider the main issue to be the effect of the appeal proposal, insofar as it differs from that now granted permission, on the character and appearance of the countryside

Reasons

3. The appeal site, which fronts the west side of Fairview Terrace is sandwiched between a community centre (with rear car park contained within brick boundary walls) to the north and a similar housing development recently completed by the appellant company to the south. To the rear of the site is open countryside gently rising to the west. The boundary of the appeal site follows the line southwards of the existing rear boundary of the community centre, thereby extending beyond the rear boundary of the development to the south by some 17 metres. This area of land projecting beyond the rear of the adjacent development would, under the terms of the permission now granted, accommodate two artificially created mounds with woodland planting.
4. In my view, this, rather suburban landscaped belt would appear somewhat contrived and make very little contribution, visually or functionally to the natural open countryside beyond. Although it is unclear, from the information

before me, whether the site constitutes "previously-developed land", it is clear that it was not in agricultural use, and no part of it has been an integral part of the countryside beyond for a significant length of time. Built development on the entire site would be equally valid in creating a distinct and logical urban edge, well-related to the existing form of the settlement, as that represented by the now approved scheme. It would, therefore, maintain existing landscape character, would be sensitive to the existing settlement pattern and would involve no real encroachment into the surrounding countryside, thereby complying with saved Policies EN1 and EN2 in the Derwentside District Local Plan (Local Plan).

5. On the main issue, therefore, I conclude that the appeal proposal, insofar as it differs from that now granted permission, would not have any adverse effect on the character or appearance of the countryside.
6. Whilst government policy encourages the use of brownfield land for development, it does not rule out the use of suitably located greenfield sites. Although local facilities in Annfield Plain and Catchgate are a significant walking distance away, the site is located on a bus route with bus stop adjacent and represents, in my view, a reasonably sustainable location. I note that Derwentside District currently has a large housing supply (allocated sites and sites with permission) already in place and the Council argues that there is no requirement to grant permission for greenfield sites in order to satisfy the housing allocation set out in the Draft Regional Spatial Strategy. However, permission has now been granted for the remainder of the site and I have also taken into account the arguments put forward on behalf of the appellant regarding the potential contribution of the proposal to wider regeneration objectives in the area.
7. I have had regard to the various objections from some local residents, in particular relating to outlook and parking problems. However, these objections have largely been overtaken by the subsequent grant of permission and I do not consider that the changes represented by the current proposal would contribute significantly to any perceived problems.
8. Overall, none of these considerations, nor any other matters raised, alter my conclusion that the appeal proposal is sound and should be allowed.
9. In the event of the appeal being allowed, the Council has suggested the imposition of several conditions and I have considered these. I consider that conditions 3, 4 and 6 are unnecessary as their requirements are either implicit under the terms of any permission granted or can be controlled in other ways. Condition 2 relates to minor modifications to the parking provision and layout, which have been agreed in principle between the appellant and the highway authority. Having regard to advice in paragraph 84 of Circular 11/95 *The Use of Conditions in Planning Permissions*, I consider that such a condition is reasonable and necessary and, subject to some re-wording, to make it more precise, I shall impose such a condition. I shall also impose conditions relating to landscape maintenance (having regard to the suggested Model wording in Circular 11/95) and the implementation of mitigation measures in the light of the bat survey submitted.

10. I note that the original officer report, which recommended approval, refers (in paragraph 21) to the payment of a commuted sum in lieu of on-site play provision, to meet the requirements of Local Plan Policy HO22. Although the appeal documentation submitted on behalf of the appellant, indicates agreement to make such a payment via a unilateral agreement, no such agreement is before me. There is also some documentation relating to the provision of affordable housing within the scheme, but again, no agreement or undertaking is before me to cover this, nor indeed has any policy context for requiring this been presented to me. Nevertheless, having regard to what information is before me, including the terms of Policy HO22 and the terms of permission ref: SW/1/2007/0412/DMFP, I consider that these matters need to be addressed. I cannot impose conditions requiring the appellant company to enter into a legal agreement on these matters. However, I consider that a negatively worded condition would be justified in this instance and I shall impose one accordingly.

G E Snowden

INSPECTOR

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

22nd November 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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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. This application seeks Outline planning permission for the residential development of Oxhill Farm, including the site of Stanley Taxis, in the Oxhill area of Stanley. The application seeks to agree means of access to the proposed development, however all other matters are reserved. A plan has been submitted for illustrative purposes only, which indicates that the development would consist in the region of 130 dwellings at a density of around 40 dwellings per hectare.
2. 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.
3. 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.
4. 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

5. 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.
6. 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.

7. 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.
8. 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
9. 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

10. 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

11. 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.

12. 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.

13. 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.

14. 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.

15. Status of the land

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.

16. Layout & Design

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.

17. Transport & Parking

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

18. Energy efficiency & Biodiversity

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.

19. Affordability

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.

20. Environmental Health (DDC)-

No adverse comments to make regarding this development.

21. 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.

22. 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

23. 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".

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

23 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 there 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

25. 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.

26. 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.

27. 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'.

28. 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.
29. 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.

30. 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.
31. 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.
32. 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.
33. 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.
34. Access Issues

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.

35. 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.

36. 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.
37. 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.
38. 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.

39. 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.'*

40. 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.

41. Drainage Issues

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.

42. 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.

43. 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.

44. 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.

45. Landscape and Trees

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.

46. 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.

47. 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.

48. Full landscaping details would either be considered at the reserved matters stage or through planning condition.

49. Wildlife

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.

50. Other Issues

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.

51. 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.

52. 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.

53. 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.

54. Conclusions

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.

55. 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.

56. Recommendation

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, at discounted market values as indicated in the letter from Signet Planning dated 10 September 2007, or some other such arrangement 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

57. 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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SIGNET PLANNING
VISION | STRATEGY | ACTION

ST/DS/NE0541

thompsons@signetnewcastle.com
10 September 2007

Tim Wheeler
Derwentside District Council
Civic Centre
Consett
Co Durham
DH8 5JA



Dear Tim

OXHILL FARM, SOUTH MOOR, STANLEY

I refer to our meeting on the 21st August 2007 where we discussed progressing the application on the above mentioned site. As discussed I have set out below further information in respect of the provision of affordable housing within the site, Barratt Homes commitment to career development and training within the locality of sites and clarification in terms of construction phasing and access arrangements once the development commences.

Affordable Housing Provision

As outlined to you in the meeting and on other occasions the site has a very tight financial viability due to a number of constraints and issues which we have discussed at length and include:

- Costs associated with relocation of Stanley Taxis;
- Ransom situation in respect of three land owners;
- Site development costs being excessively high in respect of the topography of the site resulting in the need for cut and fill methods being adopted;
- Overhead power line diversion;
- Inclusion of electricity substation within the scheme;
- Remediation of the site due to previous uses;
- The inclusion of sustainable urban drainage proposals as requested by the Authority;
- Highways works;
- Covenants on the land.

As a result of the number of financial commitments required to bring the development forward there remains only a very limited sum of money available which can be directed towards affordable provision. As you are aware our position is maintained that affordable housing provision is not necessarily required in this locality and a provision of more market housing to diversify the housing stock as set out in our planning support statement is a necessity. Notwithstanding that position we are mindful of the Authorities political desire to seek affordable provision. On that basis and with the limited sum of money available we are proposing to provide 25 units of the site with discounts on market value which would be delivered as below:

- 10 x Washington mid, 2 bed property with £10,000 discount of open market value;
- 6 x Washington end, 2 bed property with £11,000 discount of open market value;

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- 9 x Palmerston mid, 3 bed property with £14,000 discount of open market value.

These units would be delivered to tie in with the phasing of the site which will be in 3 phases as below:

- Phase 1 – 8 units;
- Phase 2 – 8 units;
- Phase 3 – 9 units.

As you are aware PPS3 sets out the definition of affordable housing and discounted market housing is considered to fall within the definition. As such the proposal would accord with national policy requirements in terms of affordable provision. We appreciate that there will be a need to agree the terms of the proposal with a mechanism in place where staircasing would be an option for purchasers, again in accordance with the definition of PPS3, and various other elements in terms of the marketing timescale of such units. These details would be established and agreed through a Section 106 Agreement or appropriate condition on the permission.

Given the significant costs associated with developing this site it is considered that the offer of 25 units with these discounts should be welcomed by the Authority and I look forward to you confirming that such a proposal is acceptable in principle.

Career Development/Training

Barratt Newcastle is committed to employee training and development at all levels of the organisation and endeavours to contribute to the industry's future skills base by an extensive recruitment and training programme for apprentices and graduate trainees.

The Barratt Group currently employs 536 apprentices and 59 graduate trainees recruited from communities close to its areas of operation and its policy is to ensure that the majority of divisions and housebuilding sites employ both graduates and apprentices.

The Group works closely with the Construction Industry Training Board (CITB) and the NHBC in training provision and a training plan is prepared annually linked to identified business priorities and objectives. Having regard to the nature of their business, particular focus is given in the training programme to construction management, trade skills, health and safety and customer care.

They are committed to the development of a local employment and training programme to ensure local people benefit from the substantial investment in the area not only in terms of quality new housing but also as regards jobs and training. Their approach is based on a set of tried and tested principles as follows:

- Work closely with existing agencies to compliment not replicate existing programmes;
- Commit to recruit locally first and build such a requirement into our supply chain;
- Establish an employment and work readiness programme;
- Support the work of local schools and colleges to target courses for jobs and identify future recruitment needs;
- Encourage and support social enterprise to possibly include the creation of a Residents Services Organisation.



Barratt can confirm that they will work in conjunction with CITB and ConstructionSkills who is committed to work with the industry to reduce skill gaps and shortages. By working together local apprentices can complete the construction apprenticeship framework to achieve a fully qualified and professional career in the industry.

Local persons aged from 16 to 21 yrs are eligible to apply for the modern apprenticeship where a structured training programme will be made available. This combines further education with on-the-job training.

I trust this relates Barratt's commitment to utilising local employment which will benefit the economy of the local area.

Allotment Boundary Treatment

As you are aware Signet Planning has been approached by the Chairman of the South Moor Allotment Association. The Allotment Association are looking to renew all their boundary fencing, at their own cost, in the near future. As part of the boundary bounds an element of the development site we can confirm that Barratt Homes will renew the stretch of fencing abutting the allotments at Barratt's expense. Whilst details of all boundary treatment is to be dealt with by condition the fencing will be a 1.8m timber fence which would be erected at the outset of works starting on site.

Community Interaction

In addition to Barratt Homes commitment to recruiting in the locality where practicable the company are committed to interacting with communities in the areas that they are developing. This interaction can take a number of forms which includes taking part in visits to local schools to outline both health and safety issues arising from development sites in the locality to a wider remit of how developments are brought forward and delivered enabling people to get a first hand experience of the important role that the construction industry plays.

Barratt would look to undertake such positive input within the surrounding locality to the Oxhill Farm site. I trust you would agree this is an aspect of community interaction not committed to by all developers yet will result in educational benefits in the locality.

Construction Period

It is understood that in considering proposals members frequently ask about the construction phase and how access to sites will be achieved. As discussed with you at the meeting it is confirmed that the proposal would be to provide a temporary access through the southern access point of the site for construction traffic whilst the new access and highway works were undertaken. Given the nature and location of that temporary access it would be Barratt Homes intention to provide the new access as soon as practicable with all construction traffic then being directed through that. I trust that you would agree that this would be a pragmatic solution which would limit disturbance to residents in the locality.

In respect of phasing of development we would anticipate that the scheme would be built out in 3 phases with each phase likely to take approximately 15 months. You will of course be able to impose a condition on the grant of planning permission in terms of construction hours on the site which would safeguard amenity of the locality.



Highways Issues

As you are aware White Young Green are acting as Transport Consultants on the proposal and have been liaising directly with Durham County Council. These discussions have involved clarification of certain aspects of the information provided. We anticipate that we will have confirmation from the County Council imminently that they are satisfied with the proposals. We will write to you under separate cover with all the additional information that has been provided to the County Council.

I trust that the information set out above demonstrates Barratt's commitment to delivering a scheme in a manner that will bring benefits to the locality aiding the regeneration of Oxhill Farm. In addition we would like to take this opportunity to emphasise that a major benefit from the proposals is the ability for Stanley Taxis who are a major employer in the locality to relocate to premises within the area which are more suitable for the operation of the company and will allow future expansion. This will ensure the economic input from the company which significantly benefits the community remains in the area.

I trust that this information is all of benefit and look forward to receiving confirmation from you that the principles outlined in this letter are acceptable and progressing more detailed discussions in terms of Section 106 requirements. I trust that you are now in a position to take the application to Planning Committee with the meeting on the 27th September being targeted with a recommendation for approval.

I look forward to hearing from you as soon as possible.

Kind Regards

Yours sincerely
for Signet Planning

A handwritten signature in cursive script that reads "Sally Netherwood".

 **SANDRA THOMPSON**
Regional Director

cc: Neil Milburn / David Gilling, Barratt Homes



RECOMMENDATION OF APPROVAL

1/2007/0735

15.08.07

Mr. R. Thurlow

Former W. Hepple and Sons Ltd, Main
Street, Crookhall

Erection of 9 dwellings

Delves Lane Ward

The Application

1. Planning permission is sought to erect nine dormer bungalows on the site of the Former W. Hepple and Sons builders yard at Main Street in Crookhall. The site is 1308sq.m and was previously occupied by a large pitched roofed workshop to the centre and 2 builders' yards to either side. The former industrial building previously on site has now been demolished and the site is vacant.
2. This is largely a residential area with commercial premises adjoining the site to the south and further along Main Street both to the north and south. To the rear of the site is an area of grassed open space containing a large number of trees. This leads steeply over the bank to the west. It is enclosed by part steel galvanized fencing and dilapidated timber fencing. This is set slightly into the site leaving a small grassed verge and a narrow footpath around three sides. Adjoining the site to the south-west is an auto refinishing premises which specialises in painting and respraying of cars. There are no trees on the application site and at present the site is in a dilapidated state.

The proposed dwellings would be in two blocks, one of four and one of five and be in line with the existing bungalows on Main Street. The dwellings will front Main Street and have a sloped garden and drives to the front. 7 dwellings would have a car parking space to the front with all dwellings also having one to the rear. The dwellings will be 6.9m in at ridge with a gable end. To the front the eaves will be 3.6m with a 2 window box dormer sat above in the roof slope. This will be 4m in width and 1.5m in height and protrude from the front roofslope by 1.1m. The roof then slopes up towards the rear thus the dwellings will be two storey in height at the rear, being 4m at the eaves and 7m at ridge. The roof would be steeper at the front and more shallow to the rear due to the slope up in the land. Each block of two dwellings would be stepped down in height to provide stepped ridge heights.
3. The dwellings would be constructed in brick with render with tiled roofs. The drives to the front will be accessed from Main Street. A path will be formed through the centre of the site from front to rear. There would be low fencing to the front of the site and between gardens. A path will also be constructed to the northern side of the site for access to the rear of the properties.
- 4.

History

5. 06/0563. Erection of 5 dwellings (outline). Approved August 2006.

06/0966. Reserved Matters Application for the erection of five dwellings. Approved December 2006.

Policy

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

General Development Principles (GDP1)
Development on Small Sites (HO5)
Parking Access and Servicing (TR2)
Development Affected by Pollution (EN25)

Consultations

7. County Highways Development Control Officer- Initial Comments: This proposal includes relocation of the bus stop and shelter away from its existing position to the front of the site. However, the position of the bus stop/shelter must remain as it is now. This means a lesser no. of parking spaces are possible to the front elevation, though this does not give me undue concern.

The parallel parking bays at Main Street need only be 2.0m min. width but must have 45 degree tapers at either end. Each bay length in a parallel parking area is a notional 6.0m to reflect the extra length required for access (not the 4.8m shown). I calculate that 5 no. bays (30m length) can be accommodated to the Main Street elevation, before tapering back in to accommodate the bus stop and shelter. This will give an average of just over 1.5 parking spaces per dwelling, which is acceptable provision. For information, I would have no objection to in-curtilage parking at right angles to Main Street.

The junction radii at the NW corner of the northern dwelling unit should be improved to 2.5m, which will maintain a 1.8m footway width around the corner. The junction radii with Main Street should be increased to 6m.

The bus shelter has been removed by DDC (although they intend to replace it). My colleague in our Integrated Transport Unit has confirmed that the location quite definitely remains a bus stop, i.e., the removal of the shelter does not constitute the removal of the stopping point. Indeed, with additional dwellings it can be argued that there is more justification in its retention. In the meantime a bus stop pole is to be erected to reaffirm its presence to the public, etc, now the shelter has gone, install raised kerbs to aid bus

accessibility, and a bus bay marking on the highway. These works mean that parking bays to Main Street will not be possible at the proposed two northern plots and should be deleted. I suggest that compensatory widening of these respective dwellings' drives is undertaken at the western elevation, i.e. double width.

Comments on Amended Plans: The proposed drive widths opposite Main Street are very tight, at 2m, and should be increased to 2.4m. I would ask that in any approval you attach condition no.7 as per approval for application 06/0966, together with a condition requiring the completion of the footway/junction improvement works prior to occupation of the dwellings. In practice it will likely be necessary for the developer to renew the Main Street public footway abutting the site.

It will be necessary for the applicant to enter into a joint agreement under sections 38 and 278 of the Highways Act 1980 in order to ensure the adoption of the highway improvements and permit the required highway works. I would be grateful if you would inform the applicant of these requirements.

8. Councillor McElhone wishes to object to the application for the following reasons:

Size and height of dwellings

The proposed buildings in blocks of 4 and 5 are inconsistent with the character of Crookhall and appear to be 2 storey terraced houses.

Considering their location at the upper part of Crookhall the height will give an increased view into peoples bungalows and affect privacy which would not be affected by single story bungalows.

No one is against any form of housing development as long as it fits in with the design and layout of Crookhall.

Most people delighted to see previous premises removed but are alarmed that the character and nature of the village will be dramatically eroded by the presence of buildings completely out of character with Crookhall.

The frontage looks worse stepped.

2 storey building with added dormer. The roof is not in line with the existing roofs in Crookhall.

Attempt to increase the profit by builders.

The size of building is 2 storey with a proper roofline.

Neighbours have been consulted and a site notice posted.

9. A local resident has submitted 6 letters objecting to the application and raising queries. These concerns have been summarised below:
Crookhall consists of bungalows and not two storey houses.
Overbearing and take away the feel of village and will stick out within the area.
It should be bungalows that blend in with the surrounding village and are affordable.
The building of 9 terraced houses is not in keeping with the area and will dominate the area.

The builders have crammed as many houses into a small plot as they can to make money.

Will the parking be available for everyone?

The buildings have been demolished before they were checked for bat roosts.

Has planning permission been granted for the demolition of the bus shelter and sign as it has vanished.

Nine is too many for the size of the plot and height should be no higher than the bungalows-even the houses with dormers are no higher than original roofline.

I am sure that there are older/disabled people who would need to downsize into a bungalow.

This is being pushed ahead without a thought for residents.

It will open floodgates for further development in the village which will ruin the area.

A further letter of objection has been received. Concern is raised that the houses will look out of character within the village and should blend in with other surrounding properties.

Officer Assessment

10. It is considered that the demolition of the existing dilapidated building and use from this predominantly residential area and its replacement with an appropriately designed residential development more in keeping with the nature of its immediate surroundings would bring significant benefits. It would enhance visual amenity, and be of significant benefit not only to the amenities of the area but also to those currently enjoyed by local residents. It would also represent welcome investment in the area, bringing back into use, an underused, derelict area.
11. In overall terms there are no objections in principle to the application site being redeveloped for residential purposes as this has already been established by the Council in recent years through granting planning permission for developments of this kind on a number of similar sites across the district. Furthermore, both outline and reserved matters planning permission was granted last year for the erection of five dwellings at this site. Therefore the principle of residential dwellings has been previously considered acceptable. The site is previously developed and situated within the existing built up area and as such is considered a windfall site in light of the advice contained within both PPS3 and policy H05 of the Local Plan. The site has adequate public transport accessibility being located near to Consett town centre. There is also a bus stop to the front of the site.
12. The Council's Environmental Health Officer has previously raised concern that future residents of the proposed dwellings are likely to be disturbed by odour from these operations. Concern is also raised regarding noise from the vehicle repair activities. The Environmental Health Officer previously suggested that before new development takes place the developer should show how they propose to protect the future residents from noise. This can

- be conditioned accordingly.
13. Although the concern is noted, due to the low throughput of solvent this operator is not required to be regulated by the Environmental Health Department. The adjacent car spraying spaying premises (main working area) is located approximately 8m from the nearest residential property on Main Street. Other properties lie to the east of this site at approximately 12m away. The main working area to the south of the site is nearer existing residential properties than to the application site. The main entrance is to the south of this site with a secondary entrance from the rear lane leading into the yard area to the north adjoining the application site. No MOT or servicing/car repairs currently takes place at the premises.
 14. It is considered on balance that due to the positioning of the housing towards the rear of the site in line with existing dwellings and subject to adequate fence screening that the benefits of bringing back this site into an appropriate use outweigh potential disturbance to future occupiers to the extent whereby refusal of the application, which would be subject to conditions, would not be clearly justifiable.
 15. In terms of the layout and scale of the area, the existing properties in the area are single storey terraced dwellings with dormer windows and velux rooflight additions to many properties. The existing dwellings fronting Main Street are set back from the road with large front gardens and smaller back yards.

Policy HO5 seeks to require that new housing is appropriate to the existing pattern and form of the area. Policy GDP 1 also seeks to ensure a high standard of design which is in keeping with the character and appearance of the area and the form mass layout density and materials should be appropriate to the site's location.
 16. The proposed dwellings have been amended slightly to appear as single storey dwellings with a box dormer within the roof to the front, with a stepped roofline to replicate the other dwellings within crookhall. The dwellings will be two storey from the rear. The proposed dwellings respect the existing building line on Main Street. The proposed dwellings are not identical to the existing houses in Crookhall in terms of height and pitch of roof, however this does not make them unacceptable, just because they do not exactly replicate the existing development.
 17. It is considered that they do respect the general form and character of the other dwellings within Crookhall and are appropriate in mass and appearance to the area. They proposed dwellings are not two storey to the front as they have a low eaves line of 3.6m with a box dormer sitting in the roof, like many other dwelling in the locality. To the rear the eaves line is a full 2 stories in height at 4.8m. This will not be seen from the main road as the site backs onto open space. Specific materials are to be agreed by way of condition, although brick and render as shown on the submitted plans would be appropriate to the area.
 - 18.

19. There would be limited impact on local amenity in terms of loss of privacy, overlooking, loss of light and outlook, due to the positioning of dwellings set back from the main road, in line with the existing building line. It is also proposed to provide screening to the southern boundary of the site, adjacent the spray painting workshop in order to attempt to protect the amenity of future residents.
20. There are no highways objections. The plans have been amended taking on board Highway comments and the general car parking arrangements and level of provision are now considered to be acceptable. The District Council has removed the dilapidated bus shelter to the front of the site and the County Council are to install a bus stop until a shelter is put back in, in the future. The amended plans do not now interfere with the siting of the bus stop.
21. A separate service margin and footway are to be constructed to adoptable standard and adopted as public highway to the northern side of the site. There is a requirement to reinstate to full footway the Main Street vehicular access crossings into the site that will become redundant thereafter. Such works can be being conditioned. It will also be necessary for the applicant to enter into a joint agreement under sections 38 and 278 of the Highways Act 1980 in order to ensure the adoption of the proposed new service margin/footway/lighting column and permit footway reinstatement works.
22. Whilst the concerns of objectors regarding the scale and massing of this development have been taken into account, it is considered that the form of development is a reasonable approach in terms of integrating with the existing building traditional bungalow style in the area. A refusal of permission on design grounds is not considered appropriate and would be difficult to defend through the appeal process.

Recommendation

23. Conditional Permission

Standard time limit (ST)

Approved plans (ST01)

Amended Plans-15th October 2007 (GO4)

Materials (AO3)

Car Parking (HO3)

Boundary Treatments (HO14)

Contamination Remediation (CL01, CL02, CL06)

Surface Water drainage (DO3)

Sewerage water disposal (DO4)

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.

Reason: In the interests of pedestrian amenity and highway safety having

regard to Policy TR2 of the Derwentside Local Plan.

Notwithstanding the submitted plans the proposed drive widths opposite Main Street shall be increased to 2.4m in width.

Reason: In the interests highway safety having regard to Policy TR2 of the Derwentside Local Plan.

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.

Reason: To secure a satisfactory standard of appearance and in the interests of the occupiers and adjoining residents having regard to Policy GDP1 of the Derwentside Local Plan

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.

Reason: To enable vehicles to draw off, park, and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy GDP1 and TR2 of the Local Plan

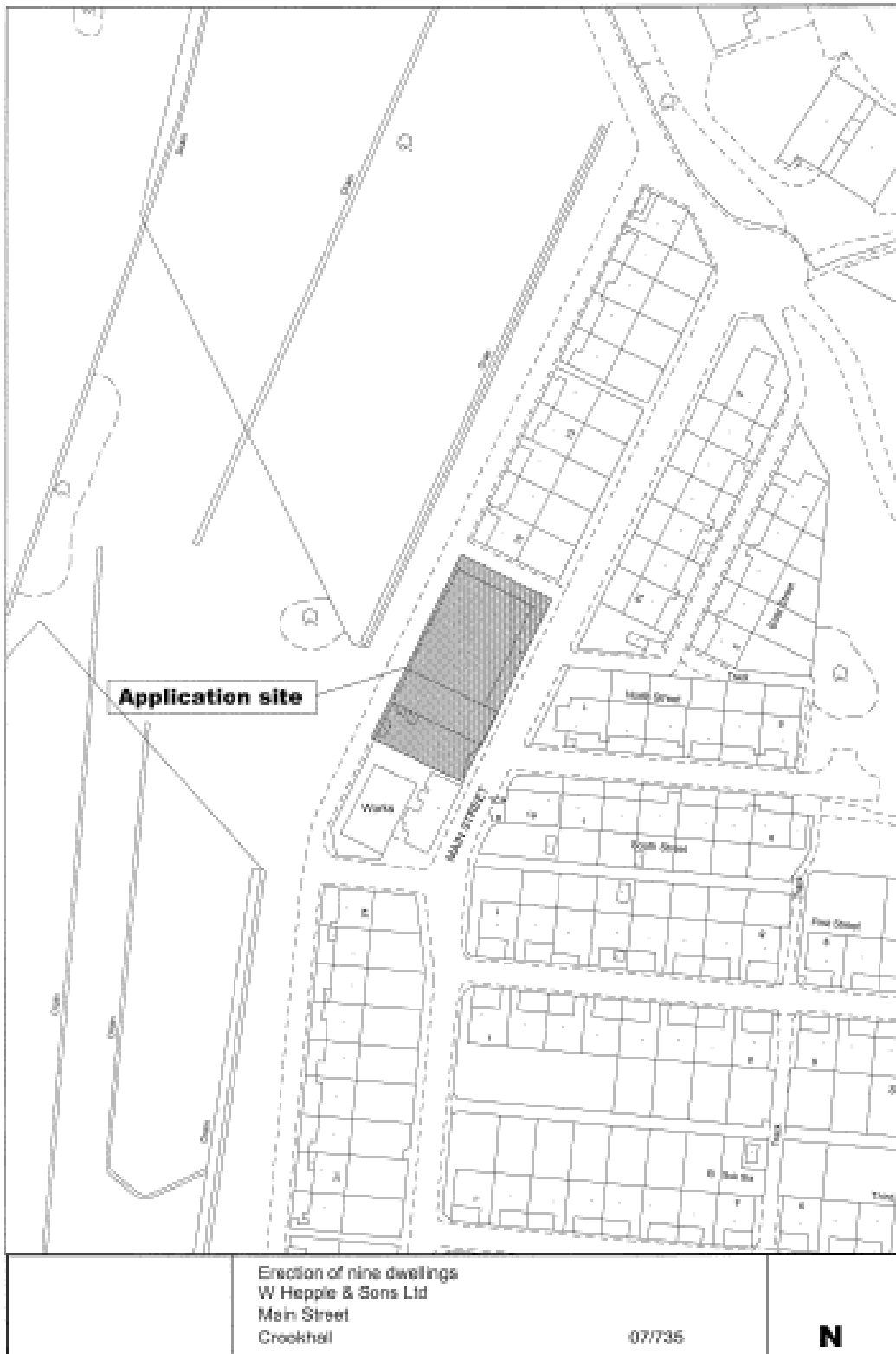
The development shall not be occupied until a 2.0m high close boarded fence has been erected along the southern boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, the approved fence shall thereafter be retained at the height and position as approved.

Reason: In the interest of the amenities and privacy of the occupiers of the properties the subject of this permission and to secure suitable screening to the development in accordance with policy GDP1 and EN25 of the Derwentside Local Plan.

Reason for Approval

The proposed residential development is considered to comply with Policies GDP1, HO5, EN25 and TR2 of the District Local Plan on the layout of new housing and there are no other material considerations which outweigh the decision to approve the application.

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

07/0921

25.10.07

Carol Ann Graham

11 Dixon Avenue

Proposed erection of detached garage.

Ebchester and Medomsley Ward

The Application

1. Planning permission is sought by a District Council Employee for the erection of a detached garage at 11 Dixon Avenue, Ebchester. The property lies within an Area of High Landscape Value. The garage would measure 5.79m by 3.65m and would have a pitched roof to a height of 2.29m. The materials to be used in construction would be red brick for the walls and slate for the roof. The garage would be located near the rear garden boundary and would be visible from neighbouring properties and a public footpath.

Policy

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

General Development Principles (GDP1)

Extensions and alterations to existing dwellings (HO19)

Development within Areas of High Landscape Value (EN6)

Development and Highway Safety (TR2)

House Extensions (SPG2)

Consultations

3. County Council (Highways) – have not commented to date.
4. Neighbours have been consulted and no letters of objection have been received to date.

Officer Assessment

5. The main issues to consider for this proposal are whether the location of the garage would be satisfactory and whether the design is acceptable.
6. Local Plan Policies GDP1 and HO19 seek to ensure that development does not result in an unacceptable loss of amenity to neighbouring occupiers. Garages should be unobtrusively sited in relation to existing houses and not restrict access to neighbouring properties, drives or garages. The garage would be located as far away as possible from the neighbouring properties in a

similar location to neighbouring garages and it is therefore considered that there would not be a detrimental impact upon neighbouring amenity.

7. In terms of design Local Plan Policies GDP1, HO19 and EN6 and SPG2 only allow development which respects and reflects the character of the original dwelling and incorporate good design features such as pitched roofs. The garage is of an appropriate size and scale and would be constructed of suitable materials and would incorporate a pitched roof.
8. As the proposed garage would not be detrimental to neighbouring amenity and is of a suitable design it is considered to be acceptable and in accordance with Local Plan Policy.

Recommendation

9. Conditional Permission

Three year time limit (ST)
Approved Plans (ST01)

Reason for Approval

10. The decision to grant planning permission has been taken having regard to policies GDP1, HO19, EN6 and SPG2 as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report Prepared by Louisa Ollivere, Area Planning Officer

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DEVELOPMENT CONTROL COMMITTEE

22nd November 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 EN6

In the following areas of high landscape value development will be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals:

**Beamish and Causey
Browney and Smallhope Burn Valleys
Hownsgill
Lower Derwent and Pont Valleys
Middle Derwent Valley
Ushaw College
Beggarside and Knitsley Burn Valleys
Hedleyhope Fell and Hedleyhope Burn
Newhouse Burn
North Langley
Pan Burn
Whiteside Burn**

Policy EN25

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

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 HO19

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

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

Policy HO22

Planning permission for new housing developments will be granted if:

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

Policy TR2

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

- (a) a clearly defined and safe vehicle access and exit; and
- (b) adequate provision for service vehicles; and
- (c) adequate vehicle manoeuvring, turning and parking space; and

- (d) effective access at all times for emergency vehicles; and**
- (e) satisfactory access to the public transport network; and**
- (f) a satisfactory access onto the adopted road network.**

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