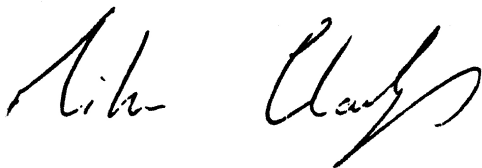


## Development Control Committee

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 24th January 2008 at 2.00 p.m. for consideration of the undernoted agenda.



MIKE CLARK

Chief Executive Officer

## Agenda

### 1 DECLARATIONS OF INTEREST

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

### 2 MINUTES

To approve the minutes of this panel's meeting held on 3rd January 2008 as a correct record. (Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

3. PLANNING PERFORMANCE FIGURES

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

Attached Documents:

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

4. PLANNING APPLICATIONS

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

Attached Documents:

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

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

6. PLANNING ENFORCEMENT ANNUAL REPORT

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

Agenda prepared by Lucy Stephenson Democratic Services (01207) 218249

email: [l.stephenson@derwentside.gov.uk](mailto:l.stephenson@derwentside.gov.uk)

date created: 14th January 2008

## DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 3<sup>rd</sup> January 2008 at 2.00 p.m.

### Present

Councillor J.I. Agnew (Chair)

Councillors R. Alderson, G. Coulson, R. Ellis, G. Glass, O. Milburn, T. Pattinson, S. Rothwell, A. Shield, E. Turner, A. Watson, T. Westgarth and J. Williams.

### Apologies

Apologies for absence were submitted on behalf of Councillors A. Atkinson, M. Campbell, H. Christer, T. Clark, P.D. Hughes, D. Hume, D. Lavin and R. Young.

## ANNOUNCEMENT

The Chair announced that former Councillor Elizabeth Coulson had passed away recently, as a mark of respect the committee observed a 1 minute silence.

### 59. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

### 60. MINUTES

RESOLVED: that the minutes of the meeting held on 22<sup>nd</sup> November 2007 were agreed as a correct record.

### 61. PLANNING APPLICATIONS

07/0893 MR R YOUNG

Extensions to equestrian building, Townhead Farm, Iveston Lane, Iveston.

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

She referred to the earlier application of Change of Use to equestrian centre in 2004, and advised that comment from the Highways Authority had been received some time after the application had been determined. She advised that the Highways Authority had indicated at this time that they would require the closure of the direct access with the A691 and that Iveston Lane accesses only be used. She therefore advised that Highways were recommending that the same be

conditioned on this application. However, Officers did not feel that such a condition was justified for such minor works as it was not felt that there would be any increase in use of the equestrian centre. The alterations would be providing a viewing area and toilets only and that to attach a condition of this nature would not be appropriate at this time. Further that due to the centre having two more suitable access points it would be unlikely that this entrance would be used for visitors to the centre.

She further went on to advise that a letter had been received by Councillor Lavin expressing his apologies for not being able to attend the meeting but asking that his comments be relayed to members. In his opinion as officers and the Highways Authority had different opinion on the matter of access to the site, a site visit would be the most suitable way forward to helping members determine the application. In response to Councillor Lavin's letter the Principal Planning Officer advised that in Officers opinion a site visit was unnecessary and it would not be advisable to delay the application.

Councillor Ellis asked if the access was not used then what purpose it had remaining open. In response the Principal Planning Officer advised that the access was open for agricultural purposes but not for access to Equestrian Centre.

Councillor Watson asked if the highways/access issue was relevant to the application.

The Principal Planning Officer advised that Highways were consulted on applications and although they were not objecting to the application they were of the opinion that the access should be restricted.

Councillor Shield added that the Highway Authority were the experts in this area, and their advice should be taken.

The Principal Planning Officer advised members that if a condition were to be attached restricting access the Applicant would have the right of appeal.

Councillor Rothwell added that in her opinion the committee should be looking at the nature of the application and taking into account that the business had been operating from this site for a number of years very successfully and added that in her opinion there would be very little change on the basis of such a small extension.

Councillor Williams asked if the field gate was locked or if it was open to general public use, he further added that in his opinion he agreed with the condition suggested by the Highways Authority.

The Principal Planning Officer advised that she was not certain if the gate

remained locked however the picture of the access showed the gate closed at that time, she advised that as earlier outlined there were two further more appropriate access points off Iveston Lane therefore it was unlikely that visitors would want to use the field access off the main road.

Councillor Milburn pointed out that the adjacent field also had a gated access point onto the main road and it would be difficult to restrict the access of one and not the other. The Principal Planning Officer advised that it was unclear from the application whether the adjacent land was under the same ownership and the point was noted.

Councillor Turner added that in his opinion the County had missed out on the previous application to add these conditions and the committee should not be used to put their mistakes right by adding conditions at a later date.

Discussion continued regarding the access and it was the general consensus of the committee that there were concerns regarding the use of the access on the A691.

The Director of Environmental Services advised the committee that as lengthy discussion had taken place they should consider the options available to them;

- Defer the application and seek commitment from the applicant that the A691 access be used for agricultural purposes only.
- Approve the application and impose condition restricting access as suggested by the Highways Authority.
- Approve application without condition and encourage applicant to use the A691 access for agricultural purposes only.

Councillor Watson added that he felt that adding the condition relating to the access being used for agricultural purposes only would be beneficial and give some comfort to members who were concerned over highway safety issues. Councillor Turner seconded that motion.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0893 be approved subject to:-

- Time Limit (ST01)
- Approved Plans (ST01)
- The materials to be used in the construction of the extensions shall be as indicated in the details as submitted with the application unless otherwise agreed in writing by the Local Planning Authority.
- The access onto the A691 road shall not be used in conjunction with the Equestrian Centre.

## 62. 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 6 of Part 1 of Schedule 12(A) of the Act (as amended).

63. ENFORCEMENT

07/Ann/00031 Stable Block, land to the rear of The Croft, Greencroft.

Following lengthy consideration of the report it was RESOLVED: that the improvements in the external appearance of the building appear acceptable and planning enforcement action would be inappropriate in such circumstances.

Conclusion of meeting

The meeting closed at 2.50 p.m.

Chair.

**DERWENTSIDE DISTRICT COUNCIL****DEVELOPMENT CONTROL COMMITTEE****24<sup>th</sup> January 2008****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

CLG Planning Performance Figures July – September 2007
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- 1) Planning Performance figures are produced every quarter by the Department for Communities and Local Government. This report gives Members the opportunity to consider the Council's performance as a Planning Authority in relation to other Durham Districts, and Best Value Performance. Since Committee considered a report on performance at the meeting on 13<sup>th</sup> December 2007, further figures have been released. The purpose of this report is to consider performance, taking into account the latest information.
  
- 2) Best Value Performance Indicator 109 looks at the speed of determining planning applications. It is concerned with the speed of dealing with the three main classes of applications; Major, Minor and Other. Separate targets have been set in relation to the three classes:
  - Major applications - 60% determined within 13 weeks
  - Minor applications - 65% determined within 8 weeks
  - Other applications - 80% determined within 8 weeks
  
- 3) Table 1 below shows the Council's performance, in terms of percentage of applications determined within the prescribed periods over the past year.

	Major (13 weeks)	Minor (8 weeks)	Other (8 weeks)
July – September 06	71 (14)	70 (60)	78 (184)
October – Dec. 06	80 (5)	80 (45)	85 (173)
January – March 07	60 (5)	79 (52)	85 (126)
April – June 07	69 (13)	68 (60)	79 (162)
July - September	83 (6)	52 (56)	82 (198)

*Figures in brackets – total number of decisions*

- 4) Figures for the reported periods show that two of the three of the BVPI performance targets were achieved. Although the figure for minor development is below the target figure the Planning Division remain on course to meet the annual target for this indicator.
- 5) In order to enable Members to compare our performance with the other Durham Districts I have attached the following table (figures for July - September 2007):

	Total major decisions	Per cent within 13 weeks	Total Minor decisions	Per cent with 8 weeks	Total Other decisions	Per cent within 8 weeks
Chester le Street	2	50	17	65	109	73
Derwentside	6	83	56	52	198	82
Durham	10	30	53	60	232	58
Easington	12	67	65	85	164	88
Sedgefield	4	75	34	82	114	89
Teesdale	4	75	35	74	108	87
Wear Valley	9	67	88	85	109	92

- 6) In terms of the numbers of applications dealt with under delegated powers, July - September saw a figure of 88% of applications being dealt with at officer level. CLG says that 90% is now the average delegation level nationally. It is important to maintain the increased the level of delegated decision taken (if possible stabilising this at 90%), focussing the work of the Committee on applications that raise significant planning issues.
- 7) Planning performance statistics are concerned with the speed of decision taking. The key outcome of the planning process is, of course, the quality of the planning decisions and efforts to achieve the best possible outcomes in terms of these statistics must not be allowed to compromise the quality of decision taking or service for users. The workload continues to pose challenges in terms of achieving the Best Value targets, particularly with the recent departure of the Head of Planning and Building Control and one of the Area Planning Officers. Although I remain reasonably optimistic about achieving the annual targets, regrettably the loss of experienced staff from the Division may well result in the performance figures deteriorating over the coming months.

### **Recommendation**

- 8) The report be noted.

Report prepared by Fiona Clarke, Principal Planning Officer



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

**24<sup>th</sup> January 2008**

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**  
**PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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07/1061	Mr A Smith	Conversion of existing gin gang to form new dwelling, conversion of four existing barns and byres to create four live/work units and construction of three holiday cottages (Resubmission) Middle Newbiggen Farm, Newbiggen Lane, Lanchester	Lanchester Ward	20
07/0982	Mr H G Whitfield	Agricultural Determination for the erection of steel framed agricultural building, Lizards Farm, Lanchester	Lanchester Ward	30
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## RECOMMENDATION FOR APPROVAL

07/0334

5.07.07

Barratt Homes

Scrap Yard, Delves Lane, Consett

Erection of 84 dwellings and  
associated landscaping works

Consett East Ward

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### The Application

1. Planning Permission is sought for residential development of approximately 1.52 hectares of semi-derelict land to the west of Delves Lane in Consett. The site, located to the west of Tesco's was formally known as 'Victory Pit' and is currently being used partly as a scrap metal yard and coal merchant's yard. The ground is flat and semi-vegetated with three buildings occupying the site frontage, a terrace of derelict cottages and a long range of former colliery offices extending southwards of which is an entrance arch to the centre. A third office building still in use is situated to the southern end of the site. Inside the yard is a derelict fourth building. The site lies between the existing terraced residential development to the north, open land to the west and south with Eddis lorry park and a car garage lying approximately 100m from the site's southern boundary.
2. The proposed development seeks to construct eighty-four dwellings. These would be a mix of two bedroomed terraced, three bedroomed terraced and detached dwellings, with the dwellings having private front and rear gardens and garages or drives.
3. Access to the site would be taken from a new access point off Delves Lane to the northern end of the site as opposed to the existing access point to the southern end which would be closed.

### History

4. None relevant.

### Policy

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

General Development Principles (GDP1)  
Protection of Sites and Settings of Ancient Monuments and Archaeological Features (EN19)

Development Affected by Pollution (EN25)  
Development on or Close to Landfill and Contaminated Sites (EN27)  
Recreational Public Open Space within Housing Sites (HO22)  
Development and Highway Safety (TR2)

### Consultations

6. County Highways Development Control Officer- Awaiting formal Highways comments in respect of the submitted transport assessment, access and car parking.
7. County Archaeology Team - Initial Comments: The site was once the site of the Latterday Saint Pit and subsequently the Victory Pit. The former pit was in use before the first Ordnance Survey map was published (1856), closed in 1913 and re-opened as Crookhall Victory Pit in the 1940's/1950's.
8. There are buildings facing onto Delves Lane that appear to have historical interest and obvious local value as a visible reminder of Delves Lane's mining past. The structure appears to be constructed of yellow brick and undressed stone with a corrugated iron roof. There are no foundation / commemorative stones nor a pit name above the arch. It appears to be early 20<sup>th</sup> century, possibly relating to the re-opening of the pit in the 1920's under the name of Victory Pit.
9. It has been suggested that from an archaeological/historical perspective the developer needs to take this feature into account in their submission. It has been recommended that the LPA ask the developer to submit more information in terms of an assessment of the archaeological significance of the site and in particular the entrance and its associated buildings. The purpose of this is to ensure that the developer takes into account the existing structures and considers whether or not the feature could potentially be retained in the development. By submitting this additional information the LPA would be able to make an informed and reasonable decision with regards to the historic environment resource which may be negatively impacted on by the proposal, contrary to PPG 16 and Local Plan Policy EN19.
10. The outcome of the 'pre-determination assessment' may lead to the Archaeology Section to advise the retention of the structure, or if its retention is not justified, it may be that a condition requiring the developer to engage a professional archaeological contractor to undertake building recording could be applied as a condition of planning permission. It has been suggested that the LPA consider imposing a condition which requires the developer to place an interpretation panel at the entrance of the site giving information about the Victory / Latterday Saint Pit, using the information from the assessment and building recording reports.
11. As the applicant supplied supporting archaeological documents, the County Archaeologist has offered additional comments. It seems clear

that the pit arch is an early to mid 20th century construction which can be deemed of local significant as a feature related to the now defunct coal industry. On these grounds it is hard to argue for its total preservation. However, it has been recommended that, should planning permission be granted, a condition is imposed that requires the developer to undertake a building recording survey. This will ensure that a full record of the arch is undertaken for posterity and future research - in effect preservation by record.

12. The archaeological desk based assessment has highlighted the early date of the colliery which once operated. As a result it seems probable that there may be archaeological remains related to the colliery, in particular in relation to the early bee-hive coke-ovens which extended across the north east portion of the site.
13. Bearing this in mind, and whilst there is documentary evidence of these early type coking ovens, there is very little archaeological data and recommend that a condition is imposed. This will ensure that an evaluation, and if necessary mitigation, is undertaken in advance of development. This is required as development would take place across the whole site, thus impacting on any archaeological remains of the ovens which may have survived the site's change of use over time from the 1920's in accordance with policy EN19 and PPG16.
14. The County Archaeologist has advised that two, possibly three conditions are imposed in relation to the historic environment. These are:
  - a) No site works shall be undertaken until the implementation of an appropriate programme of building recording / analysis has been agreed in writing with the Local Planning Authority, in accordance with a written scheme of investigation.  
Reason: The Victory Pit arch building is of local architectural / historical significance and the specified works are required to record features of interest, inform works and mitigate impact.
  - b) No site works shall be undertaken until the implementation of an agreed phased programme of archaeological works has been secured, to include, evaluation, and where appropriate, mitigation and publication, in accordance with a written scheme of investigation to be submitted and agreed in writing with the Local Planning Authority.  
Reason: The development is in an area of high archaeological potential.
  - c) An Interpretation Board should be erected in a suitably accessible location near the entrance of the development to be agreed with the Local Planning Authority prior to the first dwelling being occupied.  
Reason: To serve as a reminder of the site's mining history.
15. County Council Landscape Section - Has offered no overall objection to the proposal, but recommends that, either the proposed decorative cobbles are securely fixed in concrete, or that smaller material, such as

gravel or slate chippings is used in order to prevent the possibility of its use as missiles. They would welcome the opportunity to comment on the detailed landscaping scheme when this is available.

16. Council's Engineers - The flood risk assessment documents appears to be satisfactory.
17. Council's Environmental Health Division - In relation to the application, and subsequent Noise Impact Assessment submitted on behalf of the developer by Environmental Noise Solutions Ltd, they have offered the following comments: The nearest sensitive receptors to the site are the residents of Boyd Street and any pedestrians using the footpath on Delves Lane. The main issues to consider surrounding the impact of the proposal on these nearby receptors, from an environmental health perspective, are noise, dust, lighting and litter.
18. No information has been provided as to the hours of operation or any methods of mitigation to protect nearby sensitive receptors from the actual development. Officers recommend imposing a condition recommending that no works, including deliveries, are allowed to commence before 08:00hrs finishing at 18:00hrs Mondays to Friday, 08:00hrs to 13:00hrs on Saturdays and no works on Sundays or Bank Holidays.
19. Officers also suggest that, where possible, mains electricity should be used on the site to prevent problems with noise from generators. If this is not possible then a condition should be stipulated that no generators should be used on site outside of the hours mentioned above without prior approval being obtained and agreed by the Councils' Environmental Health Division.
20. They further recommend imposing a condition stipulating that hoarding should be used between the site perimeter and nearby sensitive receptors, for example 6 foot X 4 foot plywood sheeting; this would not only help to reduce the impact from noise on receptors but also reduce the escape of dust and litter from the site.
21. In relation to the ENS Noise Impact Assessment, the authors of the report have concluded that the proposed dwellings, which will front onto Delves Lane are within PPG 24's NEC C category. This means that planning permission should normally be refused. However methods of mitigation are available and the authors have suggested that acoustic double glazing, in conjunction with acoustically treated ventilation will be suitable to achieve a 'reasonable' standard within habitable rooms. The British Standard 8233 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' (1999) defines 'good' and 'reasonable' noise level conditions and how they may be achieved. The authors of the report have suggested that the Environmental Health Division will be satisfied with a reasonable standard. That is not the case. In general, and for other nearby sites, the aim of the Division has been to go for a 'good' standard, that is internal noise levels in habitable rooms of 30dB(A) LAeq. Where this has not been

possible then the aim should be to be as close to the 'good' level as possible. The acoustic glazing suggested by the authors will only achieve, at best, an internal noise level of 37dB(A) LAeq during the day and 30dB(A) LAeq at night; the night time levels are likely to achieve the BS 8233 recommended level, when used in conjunction with acoustic ventilation. The authors have recommended a particular example of glazing in their report which has a sound reduction index of around 34dB RA, tr.

22. They have suggested a condition seeking acoustic glazing be installed with a sound reduction index of no less than 37dB RA, tr to be used in conjunction with adequate mechanical ventilation; this should give daytime internal noise levels of less than 35dB(A) in habitable rooms. Any glazing and ventilation systems used will have to comply with the relevant building regulations.
23. Council's Contaminated Land Officer - Advises this site has had a considerable history of industrial uses including coal mining with shafts, coke ovens, spoil heaps and more recently scrap yards. All of these activities could have left a considerable impact on ground conditions. Therefore it is essential that a comprehensive desk study and site investigation is carried out and a robust risk assessment is provided. This must be followed by a detailed remediation strategy and validation process.
24. Development Plans Team - The site is located off Delves Lane, in an area that has a mix of land uses include retailing, industrial and residential. The site lies within walking distance of Consett Town Centre, and is well positioned for access to services and facilities. A coal and solid fuel merchant currently occupies the site and buildings; as such the land is regarded as previously developed land, which is generally more acceptable than greenfield land for development purposes. Given the above, developing the site for residential use is considered acceptable in principle.
25. The site area measures 1.52 hectares; the proposal seeks permission for the erection of 84 dwellings, which equates to a density of around 56 dwellings per hectare. This density is quite high when compared with other new developments in the District, and it is felt that aspects of the scheme suffer as a result. The layout appears compromised by the apparent aim to squeeze the maximum number of dwellings as possible onto the site.
26. Dwellings face onto Delves Lane giving the development an active frontage, helping integrate the scheme into the surrounding area. By fronting onto the main road a less 'insular-looking' form of development is created, while 'active edges' with doors and windows that open onto the street also increases passive surveillance improving security. Also, by orientating the units to look out onto the road a more interesting street scene is created which is complimentary to the Victorian terraces in the

vicinity and immediately to the north of the site.

27. While the 'front' of the development adjacent to Delves Lane is quite acceptable, the rear portion of the scheme raises several concerns. Generally, the overall layout lacks coherency and character, while specifically there are elements and areas of the scheme that are poorly designed. The entrance to the site could be improved, as it currently features a single dwelling (plot 1) to one side of the entrance area creating an unbalanced appearance. This dwelling would appear isolated in the streetscene emphasised by the gap site between the proposed development and Boyd Street to the north. Both units forming the entrance (plots 1 and 2) are orientated so as to present blank gables to the streetscene. Good urban design practice promotes active facades in a bid to create places that are more attractive, safe and interesting.
28. Moving further into the scheme the appearance and design do not improve; instead the observer is presented with 'blank', inactive surfaces in the form of garden fences and parking areas. The rear of the terraces that form the front of the development (plots 2-22) are show as being fenced creating a fairly hard edge that should be softened by careful tree/bush planting which would also create some enclosure to an otherwise open area. Urban design principles show the height of buildings in relation to the width of spaces in between them is critical when creating attractive urban places; this is difficult to achieve if space is not satisfactorily enclosed which can be achieved with trees and landscaping.
29. The scheme is largely made up of short terraces of three and four units meaning the dwelling/s in the middle of the terrace would have limited access to the rear garden, achieved by passing through the house. To get round this the scheme features pathways looping round the back garden/s of the dwelling/s located at the end of the terrace. Additional infrastructure and fencing is required which will look 'fussy' and create a series of narrow 'rat runs' raising security concerns. Gaining access to the rear garden by passing through the dwelling need not be a problem provided bin storage is provided to the front of the dwelling.
30. The layout of the middle portion of the scheme nearest the western perimeter of the site is poor. There are two parking courts located to the front of plots 43-48 and 52-57 'sandwiching' a terrace (plots 49-51) at a right angle between them. The sandwiched terrace (plots 49-51) sits awkwardly, appearing isolated in the streetscape and presenting unattractive and inactive gables and perimeter fencing to the terraces which face onto these dwellings. It would be preferable that a proper 'U' shaped court replaces this portion of scheme.
31. There is evidence of an informal pathway entering the site in the northwest corner. This desire line should be incorporated into the scheme, providing important pedestrian links with the network of pathways to the west of the site that provide useful links to Templetown and the retail park, and to cycleways in the vicinity.

32. The elevations of the units are standard and display no discernable differences in terms of design to differentiate the scheme from similar developments elsewhere. Planning Policy Statement 1 (Sustainable Development) states: 'Design which...fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.' Guidance in the Government supported 'Building for Life' standards (CABE - Home Builders Federation) promotes design of individual homes and entire neighbourhoods that is specific to context: 'A good design should make the best use of the land, provide value and create successful places with character, variety and identity'.
33. It is felt the gable motif used fails to create interest in the appearance of the terrace units. Introducing some design features, such as bay windows, to some of the units would break up the uniformity of the development and create some interest in the streetscene. Simple elevations and well-proportioned window and door openings can create a pleasant residential environment when accompanied to quality materials. Brightly coloured roof tiles and bricks should be avoided, as these are highly visible in the landscape when viewed from afar.
34. Durham County Council's Accessibility and Parking Guidelines recommends 1.5 spaces per dwelling and one cycle-specific storage facility per dwelling. From the submitted plans it appears the scheme provides around 1.4 spaces per unit, or 118 spaces for the 85 dwellings. Although this is just under recommended provision, anecdotally it is felt that it is better to go for more provision than less as this will likely reduce the need for cars to park on footpaths, helping keep these free for pedestrian use.
35. 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.
36. Policy 39 in the Proposed Changes Draft RSS states: Strategies, plans and programmes, and planning proposals should:
  - (a) ensure that the layout and design of new buildings and developments minimise energy consumption;
  - (b) require the inclusion in new developments or in the redevelopment of existing buildings, measures to achieve high energy efficiency and minimize consumption so that they achieve BREEAM and Eco-Homes "very good" or "excellent" rating;
  - (c) ensure all new developments meet the Energy Efficiency Best Practice Standard and conform to the Code for



Sustainable Homes;

- (d) encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption;
  - (e) set local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to have embedded within them a minimum of 10% of their energy supply from renewable sources, but seek to achieve more where appropriate.
37. As well as specifying higher insulation standards, it is likely solar water heating would be the most effective way to achieve the 10% renewable energy supply for a development of this scale and in this location.
38. The proposed scheme doesn't include any affordable housing provision. The 2006 Housing Needs Assessment for the District estimates a shortfall of 130 affordable units per annum over the next five years in the District. This document recommends a requirement of 50% of new homes to be affordable to address the shortfall of provision. The Council has secured affordable units on schemes coming forward in the District, based on the HNA. The Interim Affordable Housing Policy will recommend a target provision of 50% of new units as a starting point for negotiations on suitable sites of 15 dwellings or more.
39. Tree planting is indicated throughout the scheme, which will help to create an attractive residential environment. Enclosure can be improved in certain areas of the scheme through tree planting, while the species should be varied and native to the area. There is little open space in the scheme. Provision of some functional open space in the scheme is desirable, while providing a pedestrian link in the northwest corner of the site will also give access to open ground adjacent to the land.
40. Environment Agency - The Environment Agency has received, on the 1<sup>st</sup> August 2007, a Flood Risk Assessment (FRA) provided by Entec, which has been provided to support the planning application. The Environment Agency has been reliant on the accuracy and completeness of the FRA in offering their view, and indicated they can take no responsibility for incorrect data or interpretation made by the authors.
41. Having considered the submitted information, they wish to withdraw the previous objection to the proposed development but recommend that if planning permission is granted the following planning condition is imposed: Discharge of surface water from the site must be to the public sewerage system. Reason: To ensure the satisfactory provision of drainage facilities to serve the proposed development.
42. The LPA should confirm with the Sewerage Utility (or LA Technical Services as their Agents, where appropriate) that the sewerage system has sufficient capacity to accommodate this proposal.

Northumbrian Water- As the Council will be aware there is an issue about sewage treatment capacity at the Consett STW and Northumbria Water is currently investigating the impact on sewerage treatment from all planned development in the town. Until such time as this is completed, they have indicated that the following planning condition should be imposed:

43. 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.
44. There have been discussions between the Council and NWL due to the impact on regeneration of the town and NWL have offered an assurance that the investigations are being carried out as a matter of priority.
45. Durham Constabulary- Advice regarding natural surveillance to the entrance of the development, landscaping, perimeter and dwelling boundaries, street lighting, natural surveillance on footpaths, safety and security in communal car parks, security lighting, windows, drainpipes and intruder alarms.
46. Natural England - Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse affect in respect of species especially protected by law, subject to the following conditions:
47. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Delves Lane Consett- Bat Survey Barrett (Ref No. 2215/2007/rp-01 June 2007 by PENN Associates Environmental Enterprise).' Including but not restricted to adherence to timing restrictions; undertaking confirming surveys (if demolition is within the bat active period or bird breeding seasons; adherence to precautionary working methods; use of bat friendly timer products, provision of bat roost opportunities and purpose designed bat bricks within the new properties.  
Reason: To conserve protected species and their habitat.
48. The Delves Lane and Crookhall Partnership - The partnership has asked the District Council to support them in persuading the developers to help the partnership with funding. Once the houses are built the resident's concerns and aspirations will be met by the local partnership. They have advised that they are one of the most active and supportive partnerships in the District and have had extensive housing built in the area. They have not yet asked for a financial contribution from these developments to

support the community obligations. However, the increase in population leads to greater public expectation and demand. This can be left in the hands of the District Council and they hope the developers appreciate and support the request.

49. The Partnership support the retention of the arch to the Victory Pit Yard as this is possibly the only existing original pit entrance to any pit in County Durham. However, they are concerned that the number of dwellings is too high; concerned regarding the design, and that the entry and exit will cause major traffic problems.
50. The Crookhall Foundation - Wish to see the original entrance arch at the former Victory Pit saved from demolition and retain it as a historical and heritage based feature of the new housing development. They have said that the arch is probably the only existing entrance to a former pit yard in the Durham coalfield and it should be left in situ as a lasting memorial to the miners who toiled underground, those who were injured and those who died extracting the coal to make coke for the furnaces of the Consett Iron Company.
51. The pit, sunk in 1921, was a major employer by 1925. In 1921 the company built the bungalows at Crookhall and Delves Lane to house the miners of the victory pit. The village, now much larger and expanding fast is having an influx of people from other parts of the County and country who need to be shown the reason behind the birth of the village they have decided to live in as well as keeping the youngsters informed of their past. Experts at Beamish Museum, although unable to help in the possible relocation of the arch, would like to see it left in situ.
52. Neighbours have been consulted and a site notice posted. One letter of representation has been received from Eddis transport who make the following comments:
53. Eddis Transport is one of the largest employers in Derwentside and currently has over 360 full time staff. The main operating site, which has been their base for 35 years, is adjacent to the proposed development. The nature of the business is road haulage, warehousing and distribution. The company operates 24 hours per day, 7 days per week, 364 days of the year. The operations involve the use of mechanical handling equipment and large heavy goods vehicles, the use of which are inherently noisy. Health and Safety is paramount in the business and as such all of the vehicles are fitted with reversing alarms and some with flashing beacons. The business has significant activity at night and at weekends. All of these factors may have an impact on neighbouring land. These factors were considered by the Council when granting Planning Permission on the old G R Stein Refractory site, and resulted in an acoustic barrier approximately 150 foot wide between the Eddis site and that of their nearest neighbour. This did not happen on the Eddis Caravan site application. Eddis are a growing company and they are "very concerned that the close proximity of residential housing will restrict

future development on our current site. I would welcome the Council's view on this matter, as if the granting of this application would adversely effect any future expansion of my business and therefore be detrimental to the economic development of Derwentside, I would have no option but to strongly object to the application. Given the amount of residential development on previously industrial brown field land, I would kindly request that the Council clarifies in writing their policy and views on the future industrial development (as opposed to residential development), in the Delves Lane area."

#### Officer Assessment

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

#### The Principle of the development

55. The site is located within a mixed use area and is regarded as semi-derelict brownfield land which is more acceptable than greenfield land for development purposes. It has a long history of industrial use and is heavily contaminated. The scrap yard currently occupying the site is relocating to an industrial site within the local area. Therefore the business would be retained at a more suitable location and the unsightly operations removed from the approach to the town centre. The site lies within walking distance of Consett town centre, and as such is well positioned for access to services and facilities. It is accessible by bus and is located adjacent to cycle and pedestrian routes and is in a sustainable location. Therefore developing this prominent roadside site for a more neighbourly residential use would improve the visual appearance of the frontage of Delves Lane would be considered acceptable in principle.
56. Concern has been raised by Eddis Transport regarding the proximity of the proposed new housing to their commercial premises to the south of the site. It is therefore proposed that the southern boundary of the south be constructed of an acoustic fence in order to reduce the potential for noise disturbance to new residents. Together with the distance between the rear of the proposed dwellings and the lorry park, it is considered that the development of the site for housing would not prejudice or inhibit the future operations of the Eddis Transport business.

#### Design and Layout of the Development

57. Given the higher density of around 56 dwellings per hectare, initially there were some concerns regarding the design and layout of the development. The houses appeared tightly spaced on the site, which presented quite a cramped look, lacking in open area. Other specific aspects of the design that needed to be improved included the orientation and layout of

dwellings, boundary treatments and landscaping.

58. After considerable negotiation with the developer the scheme has been re-designed and the plans have been amended to address the concerns highlighted. Dwellings face onto Delves Lane giving the development an active frontage, helping integrate the scheme into the surrounding area. This is less insular looking and is complimentary to the Victorian terraces in the vicinity and immediately to the north of the site. The design and appearance has been positively improved to increase active facades. Boundary enclosures have been carefully re-designed to ensure that the openness of the estate is maintained. Open space and landscaping, to include trees, has been incorporated within the site to the entrance and centre, and the site layout now appears more open and green. This provides focal points and orientation to the internal layout. The orientation of the dwellings to entrances, roads and landscaped areas is more attractive and also focused well around the areas of open space. The use of 'corner turning' dwellings to the entrance are positive features. It would also be important that the brick and roof materials complement the colour of surrounding dwellings and this aspect should be conditioned.
59. In some places the privacy distances are slightly less than would normally be required. However these relate to the distances between new properties and would not affect any existing properties. The residents of these properties would be aware of the intervening distances when deciding whether to purchase these homes and could make a judgment on the acceptability of these reduced distances.

#### Highways Issues

60. Given that more than 80 dwellings are proposed the applicants were required to submit a transport assessment. This considers the impact of the proposed development on the local highway network. Through traffic survey information of surrounding junctions and roundabouts the existing situation is established, and from this expected future demands of trip generation are forecasted. This includes associated impacts of the development and traffic growth rates. This also takes into account potential traffic from other sites recently granted planning permission in the surrounding area but not yet built.
61. The impact of the traffic generated from the development on the local highway network concluded that with modifications to the A692 / A691 / Leadgate Road roundabout the development would not cause capacity concerns on the operation of the local traffic network.
62. Access would be taken off Delves Lane to the northern side of the site, thus the entrance to the site has been moved from the southern end on the advice of the County Highways Officer, so as to cause minimal conflict with vehicles entering and leaving Tesco's and the petrol station. The new access meets visibility requirements and includes the provision of a protected right hand turning lane to be delineated by new road markings.

63. The site would incorporate 107 car parking spaces, through parking courts, drives for residents and visitors as well as 11 private garages. The development is within walking distance of the town centre and accessibility by public transport would be good given the close proximity of bus stops to the site.
64. Formal comments of the County Council's Highways Development Control Officer are awaited, however numerous discussions have taken place with the applicant's architects and highways revisions have been made to the plans. It is understood no highways objections will be made, although conditions will be recommended and Members will be updated verbally at your meeting.

#### Archaeology

65. The Crookhall Foundation has brought officers' attention to the history of the site and its potential archaeological / historical significance, and their desire to see the entrance arch to the site remain in situ.
66. The site was once the site of the Latterday Saint Pit before 1856 and subsequently the Victory Pit until the 1960's. The early 20<sup>th</sup> Century buildings and later pit arch facing onto Delves Lane have historical interest and local value as a reminder of Delves Lane's mining history.
67. The County Archaeological Officer advised that the developer needed to take this feature into account and recommended an assessment of the archaeological significance of the site, and in particular the entrance and its associated buildings, in line with the requirements of policy EN19 of the local plan.
68. Supporting archaeological documents later submitted showed that the pit arch can be deemed of local significance. The Archaeological Officer advises that is hard to argue for its total preservation. However, she recommends that a building recording survey is undertaken to ensure that a full record of the arch is undertaken for posterity and future research.
69. The archaeological desk based assessment submitted also highlighted the early date of the colliery which once operated. As a result there may be archaeological remains related to the colliery on site. Therefore an evaluation, and any necessary mitigation, should be undertaken in advance of any development in accordance with policy EN19. Both these aspects could be conditioned accordingly.

#### Contamination

70. This site has had a considerable history of industrial uses, including coal mining with shafts, coke ovens, spoil heaps and more recently scrap yards. All these activities could have left a considerable impact on ground conditions. The site is probably contaminated and would be required to be

remediated. Therefore the Council's Contaminated Land Officer has requested that a comprehensive desk study and site investigation is carried out and a robust risk assessment provided. This must be followed by a detailed remediation strategy and validation process. These requirements can be conditioned accordingly.

#### Noise

71. The Council's Environmental Health Officer requested that a noise survey be undertaken to assess the likely impact of traffic noise on the plots that face onto Delves Lane. A noise assessment has been prepared and submitted to determine the level of noise from traffic on Delves Lane during both the daytime and night time periods. The survey demonstrated that the properties which face directly onto Delves Lane would experience some disturbance from traffic. However noise attenuation measures could be undertaken to ensure that satisfactory noise levels are achieved within the dwellings, and to ensure an adequate level of protection within habitable rooms that face onto Delves Lane. The mitigation recommended includes acoustic glazing and acoustically treated mechanical ventilation to those dwellings facing onto Delves Lane. A condition of the planning permission therefore would require the appropriate noise attenuation measures to be agreed and undertaken before occupation of the houses.

#### Sewage and Surface Water Disposal and Flood Risk

72. Members will be aware that Northumbrian Water has expressed concerns with a number of schemes for residential development in the Consett area on the grounds that the sewage works has reached their design capacity, and cannot accept the additional flows from the proposed development. Northumbrian Water is looking into this matter with a view to resolving the situation. They have indicated that a feasibility study is being undertaken with regards to the potential upgrading of the works. If Members are minded to approve the application a condition could be placed on the permission requiring details of the connections, as with other recent approvals. The condition would require details of the connections to be agreed before work commences on the construction of the dwellings. This would allow the developer to begin remediation works on site prior to these details being agreed with Northumbrian Water. Such a condition has been imposed on other developments in Consett and it is recommended that such a condition is imposed for this development.
73. A Flood Risk Assessment was required due to the size of the development. This has been submitted and is satisfactory.

#### Affordable Housing

74. Although the Council has identified a need for affordable housing, through a housing needs assessment, the development proposal does not include an element of affordable housing. This is disappointing given the number

of proposed dwellings. However the applicants have stated that the high costs of land reclamation and remediation already impact on the viability of the scheme.

75. The Council are preparing an Interim Planning Policy to secure affordable properties but at this point the Council does not have an adopted policy relating to the inclusion of affordable housing. It would be difficult to insist on an element of affordable housing being provided.

#### Other Issues

76. Given that it is proposed to demolish the existing buildings on site the applicant has submitted a bat survey. This showed that the buildings do not support a bat roost and are not suitable for use by bats. However, bats were observed within the yard and within the vicinity. Therefore a mitigation and enhancement strategy has been designed to restrict the timing of demolition, promote specific working methods and roost creation within the new dwellings.
77. No play provision has been provided on site and therefore the applicant has been advised of the requirement to make a financial payment in lieu of direct provision in accordance with policy HO22 of the Local Plan. This requirement can be conditioned.

#### Recommendation

78. Conditional Permission
- Standard time limit (ST)
  - Approved plans (ST01)
  - Amended Plans- 10<sup>th</sup> January 2008 (GO4)
  - Materials (AO3)
  - Car Parking (HO3)
  - Boundary Treatments-to incorporate acoustic fencing to the southern boundary of the site(HO14)
  - Car Parking (HO3)
  - Contamination Remediation (CL01, CL02, CL06)
  - Surface Water drainage (DO4)
  - Removal of permitted development rights (PD01)
  - Design and Phasing of Highway works (HO7)
  - Legal agreement for the off-site play provision contribution of £25200
  - Landscaping (LO1)- this shall include surfacing materials
  - No site works shall be undertaken until the implementation of an appropriate programme of building recording/analysis has been agreed in writing with the Local Planning Authority, in accordance with a written scheme of investigation.
  - Reason: The Victory Pit arch building is of local architectural/historical significance and the specified works are required to record features of interest, inform works and mitigate impact, having regard to policy EN19 of the Local Plan.



- No site works shall be undertaken until the implementation of an agreed phased programme of archaeological works has been secured, to include, evaluation, and where appropriate, mitigation and publication, in accordance with a written scheme of investigation to be submitted and agreed in writing with the Local Planning Authority.
- Reason: The development is in an area of high archaeological potential having regard to policy EN19 of the Local Plan.
- Discharge of surface water from the site must be to the public sewerage system.
- Reason: To ensure the satisfactory provision of drainage facilities to serve the proposed development having regard to policy GDP1 of the Local Plan.
- No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Delves Lane Consett-Bat Survey Barrett (Ref No. 2215/2007/rp-01 June 2007 by PENN Associates Environmental Enterprise)' including but not restricted to adherence to timing restrictions; undertaking confirming surveys (if demolition is within the bat active period or bird breeding seasons; adherence to precautionary working methods; use of bat friendly timer products, provision of bat roost opportunities and purpose designed bat bricks within the new properties.
- Reason: To conserve protected species and their habitat having regard to policy GDP1 of the Local Plan.
- Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.
- Reason: The capacity of the Sewage Treatment Works to which the development will discharge is currently under investigation and cannot accept the foul flows.
- Prior to the commencement of development plans showing the design of the corner turning units to the entrance of the site shall be submitted and agreed with the Local Planning Authority.
- Reason: In the interests of the character and appearance of the development having regard to policy GDP1 of the Local Plan.
- No more than 60 new dwellings shall be occupied within any calendar year.
- Reason- To control housing occupancy at the site.
- Acoustic glazing shall be installed in the habitable rooms to the dwellings fronting onto Delves Lane with a sound reduction index of no less than 37dB RA, tr, to be used in conjunction with adequate acoustically treated mechanical ventilation to be agreed in writing with the Local Planning Authority and to be undertaken prior to the occupation of the dwellings to which they relate and retained in situ thereafter.
- Reason- In the interests of the amenity of the residents of the proposed dwellings and in order to comply with Policy EN25 and

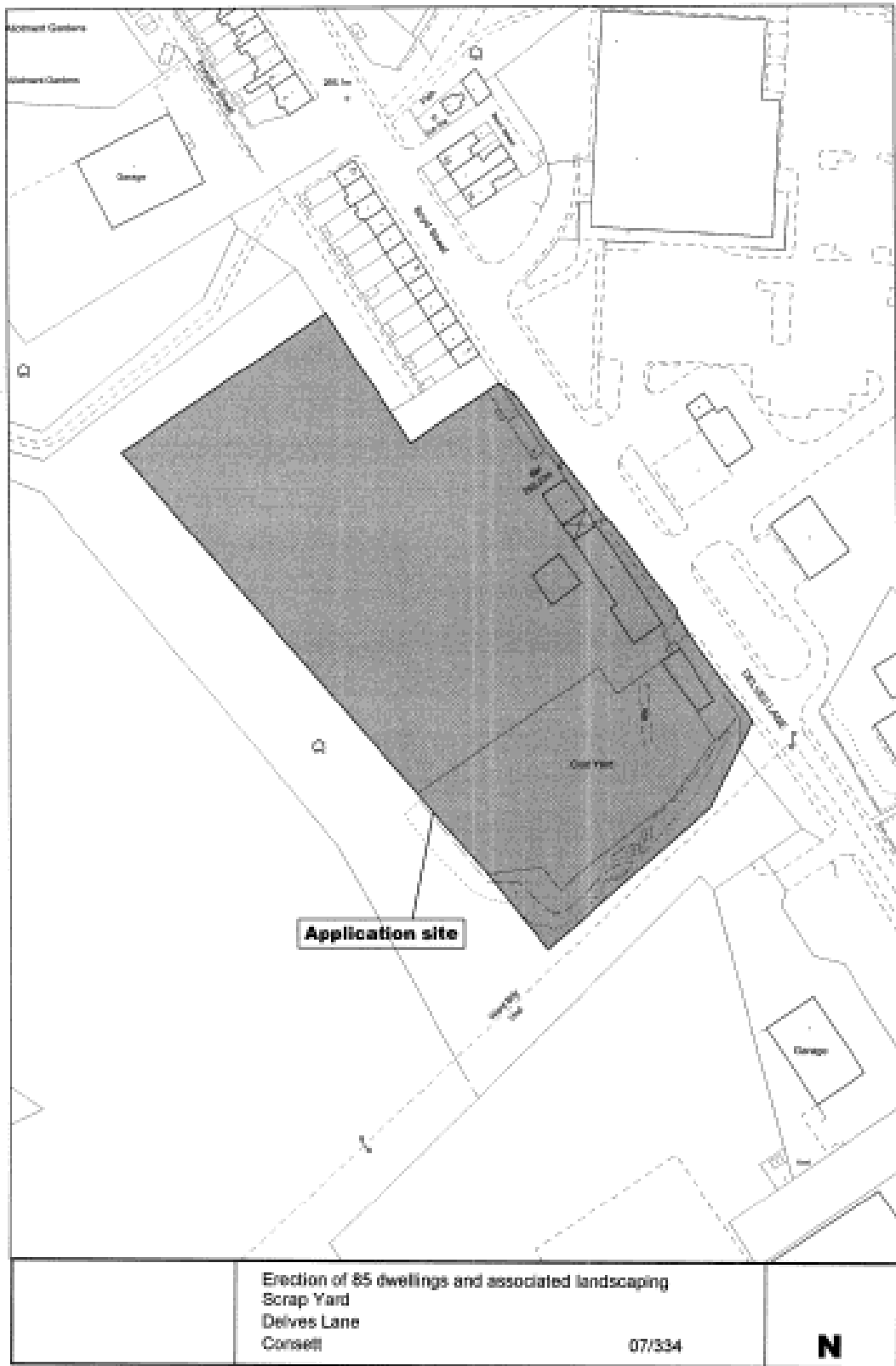
- GDP1 of the Local Plan.
- All piling work shall take place between the hours of 8:00 and 18:00; Monday - Friday and 8:00-13:00; Saturdays with no working on Sundays or Bank Holidays.
  - Reason: To safeguard the amenity of nearby residents having regard to policy GDP1 and EN25 of the Derwentside Local Plan.
  - Details of the adoptable highway link, estate roads and footways, shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.
  - Reason- In order to minimize danger, obstruction and inconvenience to users of the highway and of the development having regard to Policy TR2 of the Local Plan.
  - Before commencement of development a plywood hoarding of 2 metres in height should be erection around the perimeter of the construction site for the duration of the construction works, unless otherwise agreed in writing with the Local Planning Authority.
  - Reason: To safeguard the amenity of nearby residents from noise and dust during construction work having regard to policy GDP1 of the Derwentside Local Plan.

#### Reason for Approval

79. The proposed residential development is considered to comply with Policies GDP1, EN19, EN25, EN27, HO22 and TR2 of the District Local Plan on the layout of new housing and there are no other material considerations which outweigh the decision to approve the application.

Report prepared by Ann Rawlinson, Senior Area Planning Officer

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## RECOMMENDATION FOR APPROVAL

07/1061

19.12.07

Mr A Smith

Middle Newbiggin Farm,  
Newbiggin Lane, Lanchester

Conversion of existing gin gang to form new dwelling, conversion of four existing barns and byres to create four live/work units and construction of three holiday cottages. Diversion of access road (re-submission)

Lanchester Ward

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### The Application

1. The application seeks permission for the conversion of former agricultural buildings at Middle Newbiggin Farm, Lanchester. The former farm buildings to the eastern side of the site would be converted to create four live/work units within an 'h' shape with a courtyard to the centre. Access would be provided from the first of two existing accesses off Newbiggin Lane into a courtyard.
2. The gin gang barn building to the front of the site would be converted to one dwelling with a small dining room extension proposed to the side. Three terraced holiday cottages would be erected adjacent and the westerly access road to this part of the site, off Newbiggin Lane would be moved slightly westwards. Gardens and stone walled car parking areas would be provided to the rear. Existing dry stone walls would largely remain and new dry stone walls would provide the boundaries between properties.
3. The existing metal clad barn on land to the west of Yek House Lane would be demolished and the area used as a paddock. A block of timber stables with hay and tack store would be erected set back from the main road.

### History

4. A planning application for the conversion of barns to four live/work units, the erection of four holiday cottages and the renovation of the gin gang to provide a dwelling was withdrawn in December 2007 due to officer concerns regarding the design and size of the proposed development (reference 1/2007/0611/DM).
5. Planning permission was granted in February 2005 for the conversion of

the existing barn to four live/work units, conversion of the farmhouse to two dwellings, the construction of four holiday cottages and diversion of the access road (reference 1/2004/849/DM).

6. Planning Permission was granted for the Change of Use of farm buildings to two holiday cottages on 24<sup>th</sup> April 2002 (reference 1/2001/0832/DM).
7. Planning Permission was granted for external alterations at Middle Newbiggin Farm on 11<sup>th</sup> May 1995 (reference 1/1995/0473/DM).
8. Planning Permission was granted in August 1990 for the conversion of one dwelling to two dwellings (reference 1/1989/1205/DM).
9. Permission was granted for an extension to the farmhouse in 1989 (reference 1/1989/0535/DM).
10. Outline Planning Permission was refused for the erection of a dwelling in 1988 (reference 1/1988/0381/DM).

#### Policy

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

General Development Principles (GDP1)  
Protecting the Countryside (EN1)  
Extensions to Buildings in Rural Areas (EN3)  
Conversion of Rural Buildings (EN4)  
Sub-division and Adaptation of Existing Buildings to Residential Use (HO17)  
Visitor Accommodation within the Countryside (TO6)  
Diversification of Agricultural Enterprises (AG2)  
Development and Highway Safety (TR2)

Supplementary Planning Guidance- Lanchester Village Design Statement and SPG3 Conversion of rural buildings are relevant.

#### Consultations

12. County Highways Development Control Officer - commented as follows on the previous withdrawn application 1/07/0611/DM). 'The proposal shows re-alignment of the classified road. The proposed horizontal alignment reduces centre-line radii further than exists currently, which is unacceptable. I have no objection in principle to a re-aligned highway, however this must be designed and constructed to adoptable standards. The unclassified road must be designed to be 4.8m wide and centre line radii maximized not reduced. Prior to the commencement of development a plan should be submitted showing a turning head area within the site capable of accommodating a HGV refuse vehicle. The developer must provide engineering details of the proposed new road. Subject to agreeing

details regarding realignment of the unclassified road, Durham County Council will not object to the stopping up of the existing highway, under the terms of section 247 of the Town and Country Planning Act 1990.'

13. 'It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980 in order to ensure the adoption of the proposed new highway. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act to allow the required works within the existing highway to be carried out.'
14. Durham County Council (Design and Conservation) - officers have had several pre-application discussions. After a meeting in November some substantial amendments were made. The most significant are:
  1. The removal of the garages from the paddock
  2. The removal of a substantial number of windows from the barn conversions circa. 15no.
  3. The re-design of some of the windows to provide more variety.
  4. The removal of 1 holiday let to reduce to 3 holiday lets
  5. The addition of parking places to the courtyards
15. They consider that all the changes are positive. The overall scheme has reduced the amount of accommodation providing more gaps between buildings and fewer changes to existing barns. The paddock on the opposite side of the road would be more open in character. It is felt that this scheme would retain barns that make a contribution to the countryside and create a sympathetic development that would complement the existing group of buildings at Newbiggin. Their recommendation is to grant Planning Permission, subject to:
  1. Samples of all new materials to be approved. Stone, brick and slate
  2. A sample panel of stone re-pointing to be approved
  3. A sample panel of brick to be approved.
  4. All windows to be timber and painted
  5. Scale drawings of typical windows to be agreed with the conservation officer
  6. Surface treatment of the courtyards to be agreed.
16. Durham County Council (Archaeology) - Consultation response received in respect of previous application (reference 1/2004/0849/DM). The site sits on a spur of land to the north west of the Lanchester Roman Fort, a spot which would be ideal for settlement in any earlier period for its commanding 180 degree views across the landscape. The SMR records the site of a probable deserted Medieval village (DMV) in this area. Another is recorded at Low Meadows, due north down in the valley of the Smallhope Burn. The Roman road of Dere Street which ran from York to Hadrian's Wall, passes 8901 metres due east.
17. Given the level of archaeological activity in the general area of the proposed development the County Archaeologist recommends that an

archaeological condition is placed on the development which would allow for a watching brief to be undertaken during any ground work on site.

18. Lanchester Parish Council - Comments of previous withdrawn application (reference 1/2007/0611/DM). Members were opposed to the application for the following reasons:

- The application was considered to be inappropriate development within the countryside.
- It failed to conform with the following design guidelines on page 19 of the village design statement i.e. paras 4A, 4C, and 4I. On page 23 paras 4Q and 4R and on page 25- para on aspirations.
- Members also expressed concern as to the safe access to and egress from the proposed development.

19. Northumbrian Water - No objections.

20. Natural England - Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following condition:

No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Middle Newbiggin Farm, Bat and Barn Owl Report Autumn 2007, Ruth Hadden,' including, but not restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods.

Reason: To conserve protected species and their habitat.

21. The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System. The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular. As bats are a Protected Species, Natural England would further advise that, subject to these conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations).

22. Lanchester Partnership -Comments on the present scheme are awaited.

23. Neighbours have been consulted and a site notice posted. No representations have as yet been received regarding this present proposal.

#### Officer Assessment

24. The application seeks permission for the conversion of buildings at Middle Newbiggin Farm, Lanchester to form live/work units and the erection of holiday accommodation. Middle Newbiggin Farm forms a small hamlet of



buildings within the countryside just outside of Lanchester and is currently of a poor appearance. It is important to note that this site has previously been granted planning permission to renovate the barns and stables into live/work units and to construct four holiday cottages (reference /1/2004/0849/DMFP).

#### The Principle of the Development

25. The scheme is made up of a number of different parts and the principle of each of these is addressed below.
26. It is proposed to convert the remaining farm buildings into four live/work units and one separate dwelling. The principle of live/work units has already been considered acceptable by the grant of planning permission in 2005. The proposed live/work units would use the existing buildings and the applicant has demonstrated that the majority of the buildings are structurally sound and physically capable of conversion. Although there would be some re-building and extensions, these would not result in a scale of extension that would adversely affect the appearance of the original barn buildings and would not exceed the floorspace or volume of the existing buildings by 50% in accordance with EN3 of the Local Plan.
27. Local Policy EN4 of the Local Plan states that economic or employment generating uses that benefit the rural economy should be considered prior to considering residential use. The buildings would not be used solely for residential purposes, as each of the live/work units would provide an element of workshop space as well as residential accommodation. In percentage terms the area of the proposed workshops relates to more than 30% of the floor area of each unit. The occupier of the residential units would have to operate a business from the site. The commercial element of the use would be integral to the residential use of the buildings. The business use is considered to comply with the aims of Policy EN4 and it is therefore considered that the proposed use of these buildings would comply with the aims of Policy EN4.
28. It is proposed that the use of the workshops should be restricted to uses falling within Class B1 of the Town and Country Planning Use Classes Order. This Use Class would include offices, research and development studios and light industry and is generally thought of as being uses that can be carried out within a residential area without resulting in a loss of amenity to neighbours. The future occupiers of the workshops would be prevented from changing the uses outside of this class without the prior consent of the Council. This would ensure that the use of the workshops would not result in a loss of amenity to existing or future residents.
29. The building that would be converted solely to residential uses is at the entrance to the site. It is the most attractive building of the group and unusual in character. It could readily be converted into a dwelling and this would respect the character and appearance of the building. This already gained planning permission in 2005 to be converted to a dwelling. Officers

were concerned that the character of this building could be adversely affected if it were to be converted to an alternative use other than residential. Paragraph 17 of PPS7 (Sustainable Development in Rural Areas) states that 're-use for economic development purposes will usually be preferable but residential conversions may be more appropriate in some locations and for some types of building'. It is therefore felt that as part of the larger scheme the conversion of this building to residential is acceptable in principle. It is considered that the single storey side extension now proposed is of an appropriate scale and has been designed sympathetically, respecting the character of the building.

30. It is considered that the proposed timber stable block, to be located to the western side of the access road is an acceptable use and style of building for the countryside. It is acceptable in the proposed location within the countryside, as it would not adversely affect the open character of the landscape in accordance with design guideline 4Q of the Lanchester Village Design Statement.

#### Holiday Accommodation

31. It is proposed to erect three terraced holiday cottages as part of this development (reduced from the four already approved in 2005 in the same position). These have been sited to the front of the site adjacent the existing gin gang along the main road frontage, within the existing group of buildings.
32. The positioning of the holiday accommodation would be well related to the grouping of the existing buildings and would provide a good form of development. It is considered that this part of the scheme would comply with Policy TO6 of the Local Plan and it is suggested that a condition is imposed restricting the occupation of these units to a maximum of eight weeks in any calendar year by any person or group of persons. This is the normal holiday accommodation condition that the Council have imposed elsewhere in the District and would prevent these properties from being used other than for short term lets, thus preventing general residential occupation.
33. It is considered that this tourist development would not detract from the rural character of the countryside by excessive noise, traffic or lighting given that it only entails three, two and three bedroomed cottages, in accordance with the Lanchester Village Design Statement.

#### Design

34. Following considerable negotiations with the applicant and the Design and Conservation Officer resulting in the previous scheme being withdrawn in December 2007, the scheme has been positively changed. It is considered that it would now provide an attractively designed development which would enhance the appearance of the area and comply with Local Plan Policy. The scheme has been designed to incorporate existing and new

dry stone walls, landscaped areas, courtyards and parking in the way of stone walls which have been sympathetically integrated into the layout to ensure that it would not be unduly prominent. The details of the conversions and extensions and the design of the new holiday accommodation are acceptable and sympathetic in scale, character and style to the original buildings in accordance with policies EN3 and EN4 of the Local Plan. Comments within paragraphs 14 and 15 reflect these positive amendments to the design of the scheme. The proposal is also considered to comply with design guidelines 4A 4C and 4I of the village design statement. A range of conditions are suggested which would ensure that the detailing of the development are acceptable.

### Highways

35. As part of this development Yek House Lane (the 2<sup>nd</sup> existing access) would be realigned in order to provide a safer junction with Newbiggin Lane. County Highways have indicated that some alterations to the access road are required to ensure that it is designed and constructed to adoptable standards. They have been re-consulted on the revisions and views are awaited. It is recommended that a condition is imposed requiring full engineering details of the new access road to be approved by the Council prior to the commencement of the development. The Case Officer has been advised that the refuse vehicle presently uses the lane and continues down into Hollinside, therefore there is no requirement for a turning circle within the site to turn back onto Newbiggin Lane as this is not its existing route.

### Other Issues

36. A bat survey has been submitted with the application which confirmed that no bats or barn owls use the buildings. However there is bat habitat nearby within trees but no roosting opportunities are provided within the buildings at present. Therefore a bat loft would be provided in one of the existing buildings during the proposed conversion.
37. The applicants propose to provide a septic tank for the new dwellings. The details of this are currently being considered by the Environment Agency and Members will be updated verbally on the acceptability of this. The scheme would not adversely affect the amenity of the occupiers of neighbouring properties in terms of loss of outlook, privacy, light or overlooking.
38. This is a fairly large scale development which, following negotiations with the applicant's Architect, is well designed and would significantly improve the appearance of the farm and surrounding area. It is considered that this would be a positive development for the area and the scheme would comply with Local Plan policy.

## Recommendation

### 39. Conditional Permission

- Five Year Time Limit (ST)
- Approved Plans (ST01)
- Prior to the commencement of the development full engineering details of the proposed alterations to the Yek House Lane shall be submitted to and approved in writing by the Local Planning Authority. The details shall include levels and sections. The alterations to the road shall be carried out in accordance with the approved plan prior to the occupation of the first dwelling or holiday cottage, or within any other such period as may be agreed in writing with the Local Planning Authority.
- Reason- In the interests of highway safety and in order to comply with Policy TR2 of the Local Plan.
- Surface Water Drainage (DO4)
- Foul Water Drainage (DO5)
- Removal of permitted development rights (PD01)
- No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works (watching brief) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- Reason- The site has high archaeological potential.
- Landscaping (LO1)
- Means of enclosure (C14)
- Samples of external finishing materials (A03)
- Renovation materials to be stone and slate (A16)
- Test panels of materials (A06)
- Windows inset (A12)
- Rainwater goods (A13)
- All windows to be timber and painted
- Scale drawings of typical windows shall be submitted and agreed in writing by the Local Planning Authority. These shall be timber and painted.
- Reason: To protect the special character of the buildings, in order to conform with Policy GDP1 of the District Local Plan.
- Car parking spaces to be available prior to occupation of dwelling to which they relate (HO3)
- Notwithstanding the submitted plans no demolition shall take place other than that identified by the Structural Survey received on 19<sup>th</sup> December 2007, without the prior written consent of the Local Planning Authority.
- Reason- In order to comply with Policy EN4 of the Local Plan.
- Prior to the occupation of the first live/work unit or holiday cottage (or other time period that may be agreed in writing with the Local Planning Authority) the area of land to the west of Yek House Lane shall be landscaped
- Reason- In the interests of the appearance of the development and in order to comply with policy EN4 of the Local Plan.

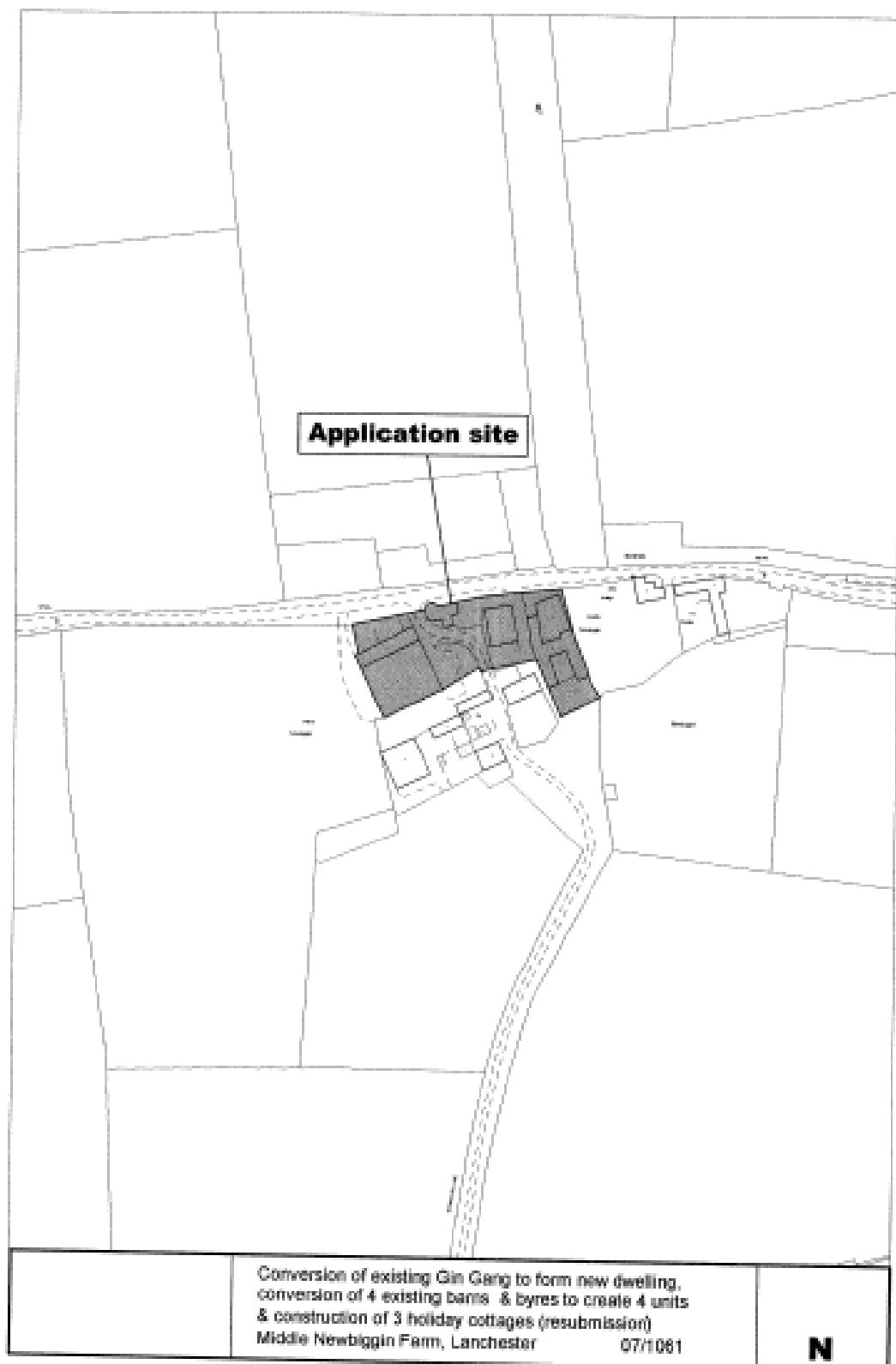
- Holiday Accommodation- maximum occupation 8 weeks in calendar year by any person or group of persons (OC05)
- Restriction of workshop use to B1 only (C11)
- The workshop areas shown on the approved plans shall be used for the purposes contained within class B1 of the Town and Country Planning Use classes Order 1987 only (or any order revoking and re-enacting that order). The workshops shall not be converted to any other use, including residential without the prior written consent of the Local Planning Authority.
- The workshops shown on the approved plans shall not be separated from the units to which they relate without the prior consent of the Local Planning Authority.
- Reason- To ensure that the workshops remain part of the live/work units in accordance with Policy EN4 of the Local Plan.
- In order to ensure that the workshops remain available for B1 uses and in order to comply with Policy EN4 of the Local Plan.
- No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Middle Newbiggin Farm, Bat and Barn Owl Report Autumn 2007, Ruth Hadden,' including, but not restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods.
- Reason: To conserve protected species and their habitat in accordance with GDP 1 of the Local Plan.

Reason for Approval

40. The decision to grant planning permission has been taken having regard to policies GDP1, EN1, EN3, EN4, HO17, TO6, AG2, and TR2 of the Derwentside District Plan, and relevant supplementary planning guidance and material considerations, as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report prepared by Ann Rawlinson, Senior Area Planning Officer

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## RECOMMENDATION FOR APPROVAL

07/0982

22.11.07

Mr H G Whitfield

Land to the south east of  
Lizards Cottage, Lanchester

Prior approval of the siting,  
design and external  
appearance of an  
agricultural building

Lanchester Ward

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### The Application

1. This application seeks prior approval of details of the siting, design, external appearance of an agricultural building on land to the south east of Lizards Cottage, Lanchester. As the application site is part of a larger agricultural unit of more than 5 hectares the applicant has Permitted Development Rights to erect the agricultural unit. Therefore the principle of the development cannot be considered. The objective is to consider the effect of the development upon the landscape in terms of visual amenity.
2. The applicant has previously stated that he wishes to erect an agricultural building on this site to house farm machinery and animal feed, and to accommodate sheep in inclement weather. The land has been farmed by the applicant since 1990 without any buildings and at present the fields is being used to store machinery and storage containers, hence the need for this application.
3. The building would be an apex steel framed building with green profile box plastic coated cladding which would which would measure 20m by 12.2m and would have a pitched roof 6m high (4.6m to eaves). The access to the building would be taken from the top of Kitswell Road and along an existing field track and existing access which intersects the Lanchester Valley walk.

### History

4. In January 2007 this Council approved the siting, design, materials and external appearance of a proposed agricultural building on land to the west of this proposal. The building has not been erected as it has come to the applicant's attention that there are mine shafts from the former Lanchester Colliery beneath the site which could cause problems of subsidence. In November 2007 the applicant gave the Council 28 days notice of his intention to relocate the building in this more visible hillside location away from the mine shaft but has proposed in mitigation to reduce the size of the building and incorporate a landscaping scheme with a 5m tree belt to assist in screening the building. Within this period the Council decided that

further details of the design, materials and external appearance were required before prior approval could be given.

### Policy

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

General development Principles (GDP1)  
Protecting the Countryside (EN1)  
Agricultural Development (AG3)

The following Supplementary Planning Guidance is relevant in determining this application.

The Lanchester Village Design Statement.

### Consultations

6. Lanchester Parish Council - have not commented (consulted 26<sup>th</sup> November 2007).
7. Lanchester Partnership - have objected to the proposal on the following grounds:
- The proposed location for the re-siting of this building is even more exposed than that originally proposed to the west of the gateway. There is no hedge along the field boundary adjacent to the presently proposed site as indicated on the schematic drawing of the site. There is a limited hedge along the field boundary west of the gate, where the building was first proposed to be sited but the siting of a building in this vicinity would result in it being most obtrusive halfway up the open hillside from very many viewpoints. We are for that reason very strongly opposed to an agricultural building in this position, especially as there can be no certainty that it may not become, in time, a farmstead with residential accommodation.
  - The documentation does not give any evidence to support the applicant's contention that the site already approved is unsuitable because of mining subsidence. It is a very long time since mining activity took place in this vicinity and subsidence is likely to have ceased many years ago. If the problem is the vicinity of a mine shaft its location should be determined and the building slightly re-sited if necessary. We remain strongly opposed to an agricultural building in this exposed location on the open hillside.
8. Derwentside District Council (Engineers) - have not commented to date (consulted 10<sup>th</sup> January 2008).
9. The Coal Authority - have not commented to date (consulted 10<sup>th</sup> January 2008).



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

#### Officer Assessment

11. This application is a formal submission of details of the siting, design, external appearance of an agricultural building on land to the south east of Lizards Cottage, Lanchester. The development remains Permitted Development under the General Permitted Development Order as it is on an agricultural holding of more than 5 hectares therefore the scope of control for the Local Authority is limited. The principle of the development and other planning issues cannot be considered. The main issues to consider for this application, in accordance with PPS7; Derwentside Local Plan Policy AG3 and The Lanchester Village Design Statement, are whether the siting, appearance and design of the building are appropriate so as not to form an intrusive feature within the landscape.
12. Local Plan Policy AG3 and The Lanchester Village Design Statement seek to ensure that agricultural development is sited and designed to be in scale with, and not form an intrusive element within, the landscape. The new building would be visible in the immediate vicinity from the Lanchester Walkway, Lizards Farm, Lizards Cottage and from distant wider views. The applicant has submitted a landscaping scheme to screen the building; although this will take time to take effect there is some vegetation in existence to help screen the building in the meantime. The landscaping proposed is considered to be appropriate. Where possible native trees should be used for new planted areas rather than fast growing conifer hedges. The length of the proposed building has been reduced by 5m and the width has been reduced by 3.8m, whilst this would still be a large agricultural building it would be of a size more comparable to other agricultural buildings in the local area. The design of the building is acceptable with appropriate use of materials and colours to ensure the building would blend in with the surrounding hillside. With the existing and proposed vegetation, reduced size and appropriate use of materials and colouring it is considered that there would not be a significant visual impact on the landscape from close and wider views.
13. The comments of Lanchester Partnership in relation to the lack of evidence regarding the presence of a mine shaft are noted. However, the applicant has submitted to the Council historical map records which indicate a mine shaft in close proximity to the previously permitted location. Upon close site inspection it is evident that some areas of the previously proposed site are pitfallen. With regards to the Lanchester Partnership comments concerning the possible future development of this site as a farmstead with residential accommodation, whilst the comments are noted both future development and the applicant's motives for development are not material planning considerations. Any future application would be considered on its own merits.
14. In conclusion, it is therefore considered that the siting, design and external

appearance of this building are acceptable in terms of visual amenity and in accordance with District Local Plan Policy AG3 and The Lanchester Village Design Statement.

### Recommendation

#### 15. Conditional Permission

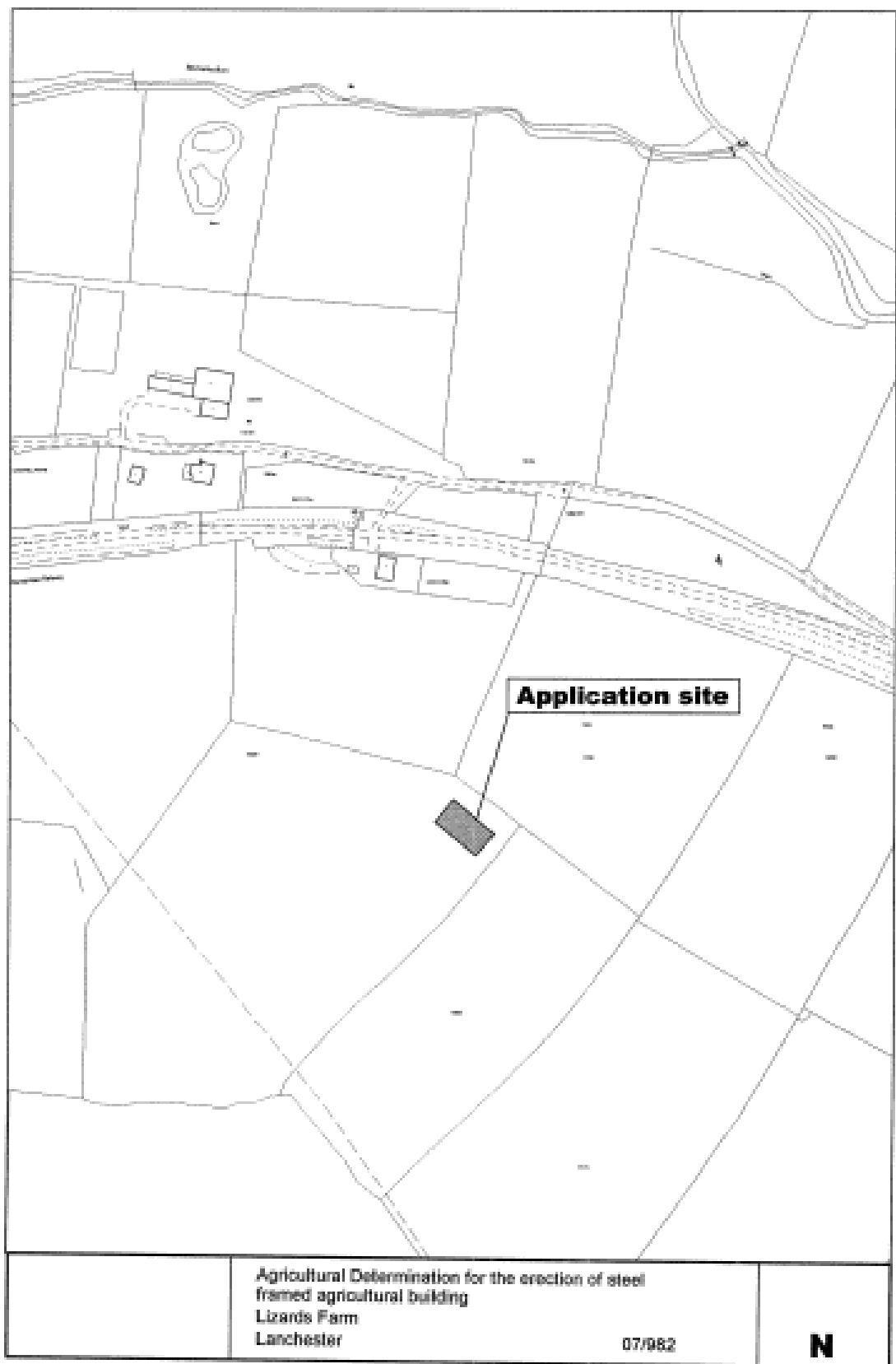
- Five Year Time Limit (ST)
- Approved Plans and Specifications (ST01)
- This permission relates to the letter from Mr H.G Whitfield received on 14<sup>th</sup> December 2007.
- Reason: In order to define the consent.
- The approved landscaping scheme shall be carried out in accordance with the approved plan not later than the 31<sup>st</sup> December following the completion of the development, unless otherwise agreed in writing by the Local Planning Authority. The trees and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather and replacement of any failed plants and damaged stakes and ties for a period of 5 years from the date of planting.
- Reason: In the interests of the character and appearance of the development in accordance with Policy GDP1 of the Local Plan.
- There shall be no external storage on the site without the prior written approval of the Local Planning Authority.
- Reason: In the interests of public amenity in accordance with Policies GDP1 of the Local Plan.

### Reason for Approval

16. The siting, design and external appearance of this building are acceptable and in accordance with District Local Plan Policy AG3 and The Lanchester Village Design Statement.

Report prepared by Louisa Ollivere, Area Planning Officer

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## DISTRICT COUNCIL DEVELOPMENTS

07/0798

12.11.07

Derwentside District Council

Land to the south of Moorside  
Community College, Dunelm  
Road, Moorside

Change of Use of land to  
create cemetery with  
associated car park and  
public shelter

Consett South Ward

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### The Application

1. The application seeks planning permission for the Change of Use of a pasture field into a new cemetery to serve the areas of Moorside, Castleside and Consett due to Blackhill cemetery reaching capacity in three years time. The site is 1.8 hectares in size and is located to the south of Moorside Community School and west of Jubilee Court on Dunelm Road in Moorside.
2. The entrance to the site would be to the northeastern corner of the site at the existing gateway from Dunelm Road. Two car parks would be provided, to the northern and southern side of the entrance with a capacity for 60 cars.
3. To the northern side of the site would be a storage and shelter building for maintenance equipment, a rest room and toilets. This would be 52 square metres in size and have a height of 5 metres. It would be constructed of brick with pitched roofs. This would be set against the existing tree belt to the north of the site and be surrounded by additional tree planting. A septic tank would be provided for sewerage and drainage.
4. The site would be divided up into six sections, allowing for 1,900 plots, with a path dividing each section and circling the whole site. The site would be maintained as grass with hedging or trees provided to each side of the site to assist with screening. A woodland area for burials is to be planted within the centre of the site. The site would be enclosed by a post and rail fence as it is at present.

### History

5. None relevant.

### Policy

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

General Development Principles (GDP1)  
Development within Areas of High Landscape Value (EN6)  
Protecting the countryside (EN1)  
Preventing urban sprawl (EN2)  
Development and Highway Safety (TR2)

### Consultations

7. County Highways Development Control Officer – Has said “On seeing that the access arrangements are unchanged from that at the pre-application stage (i.e., without a footpath link shown or referred to, etc), I contacted Mr Smith this morning for clarification. He advised that, despite the planning drawing not reflecting this, both points (footpath and radii) were indeed to be incorporated (being mentioned in the relevant contract documents). As such I have no objections to the application subject to the 2 numbered conditions (below) being attached. Visibility from the site access is satisfactory, speed humps are present on Dunelm Road; lowering traffic speeds to less than would otherwise be the case. Proposed car parking levels within the site should ensure associated parking demand is accommodated within the grounds.”
8. County highways recommend a further two conditions:
  - 1). A 1.8m minimum width adoptable standard footway, connecting eastwards from the site access to the existing footway on the northern side of Dunelm Road, shall be constructed and available for use prior to the hereby approved development being brought into use.  
Reason: In the interests of highway safety and pedestrian amenity.
  - 2). Unless otherwise agreed, the newly formed junction radii with Dunelm Road shall be between 6m and 8m.  
Reason: To provide a uniform junction access radii consistent with likely future traffic needs.
9. 2). Unless otherwise agreed, the newly formed junction radii with Dunelm Road shall be between 6m and 8m.  
Reason: To provide a uniform junction access radii consistent with likely future traffic needs.
10. County Rights of Way Officer - Confirms that, although there are no recorded public rights of way across the site, public byway no. 50 Consett is adjacent to the area in question, lying along the outside of the southern boundary. Public byway is a special category of public highway recorded on the definitive map of public rights of way. A byway is a carriageway and thus a right of way for vehicular traffic as well as walkers, cyclists and horse riders.
11. Environmental Health Division - views awaited.
12. Environment Agency - The Environment Agency objects to the application for the following reasons:  
‘The application has been submitted with insufficient information to enable adequate consideration of the proposed means of foul drainage to be made. DETR Circular 03/99 puts the onus on applicants to demonstrate that non-mains sewage disposal systems will not cause adverse impacts to the environment, amenity and public health. Until a satisfactory assessment of the likely impact of the foul drainage proposal on the environment has been

submitted to and commented on by the Environment Agency, we recommend that planning consent should not be granted.'

13. 'We consider that, as a minimum, the planning application should contain the information requested on the non-mains drainage information form, a copy of which has been sent to the applicant/agent. This form should be completed and returned to the Local Planning Authority. It should be noted that this form only requests sufficient information to enable us to formulate an opinion on our particular area of concern, being pollution prevention. As the Local Planning Authority you may wish to request additional information to address amenity and public health issues, as set out in DETR Circular 3/99.'
14. 'A separate consent is required from us under the terms of the Water Resources Act 1991 for any proposed sewage or trade effluent discharge to a watercourse or other controlled waters, and may be required for discharge to a soakaway. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries, and coastal waters).'
15. 'If the matter of non-mains drainage can be resolved and you are minded to grant consent, then we recommend that if planning permission is granted the following planning condition be imposed:  
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 an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.  
Reason: To prevent pollution of the water environment.'
16. Neighbours have been consulted and a site notice posted. No objections have been received.

#### Officer Assessment

17. It is considered that the principal issues in determining the application is the impact of the proposal upon the open green space on the periphery of Moorside and Area of High Landscape Value. Other issues include the possibility of pollution of the natural environment and potential impact on residential amenity, the requirement for a safe and usable access to the site and car parking.
18. The Council requires new cemetery space as the existing Blackhill cemetery is approaching capacity and burial rates are increasing. There is therefore an identified need for a new cemetery. A specialist cemetery firm has carried out studies on behalf of the Council into a number of potential sites to establish their suitability. It was considered that this particular site provided greater protection to groundwater and surface water issues in line with the requirements of the Environment Agency, whilst providing ease of access and development suitability in terms of grave and tree planting, spacing requirements, densities and space for undug ground, memorials and footpaths.

19. It is considered that the proposed use would be a suitable use in this location. The proposal would maintain the landscape character and be well related to the existing settlement. A well thought out landscaping scheme has been submitted to include evergreen and deciduous trees, hedges and shrubs to assist in blending the site into the surrounding countryside, provide wildlife corridors as well as providing tranquil environment for visitors. It would maintain and even enhance the landscape character of the surrounding area.
20. The proposed building would be situated to the north of the site, and is considered to be well sited. It would appear fairly inconspicuous set against the existing tree belt to the north and surrounded by new planting, in accordance with policy EN6 of the Local Plan.
21. The proposal would not have a significant impact on residential amenity, with the proposed cemetery set away from the nearest residents at Jubilee Court on the opposite side of the road. No objections have been received from local residents.
22. In terms of access into the site there is good visibility to Dunelm Road; vehicle speed is restricted to 30mph and there are existing traffic calming measures in place. Sufficient car parking would be provided within the site to accommodate traffic when funerals are taking place. When funerals are not taking place then vehicles accessing the Cemetery would be restricted to maintenance vehicles. The car park beside the gates would be used for visitors to the Cemetery, as well as act as an overspill car park. Subject to a footpath being provided and a larger entrance to the site, the County Highways Officer has no objections to the proposal.
23. A specialist Cemetery firm have been employed to undertake a detailed environmental assessment. This has been approved by the Environment Agency, subject to conditions in relation to groundwater and field drains protection measures. There are therefore no objections in respect of potential contamination.
24. The Environment Agency has offered an objection on the basis that they did not receive the required information with regards to the proposed septic tank. This is under consideration with them at present and Members will be updated verbally at your meeting.
25. It is therefore considered that, subject to the conditions listed below and the Environment Agency removing their objection with respect of the septic tank details, the proposal is considered acceptable and in accordance policies GDP1, EN6, EN1, EN2 and TR2 of the Local Plan.

## Recommendation

### 26. Conditional Permission

- Standard time limit (ST)
- Approved Plans (ST01)
- 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 an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
- Reason: To prevent pollution of the water environment having regard to Policy GDP1 of the Local Plan.
- Any grave shall not be marked with a head stone, memorial or other raised structure above 0.5metres in height from ground level.
- Reason- In the interests of the visual amenity and character of the area having regard to policy GDP1 EN6 EN1 EN2 of the Derwentside Local Plan.
- A 1.8m minimum width adoptable standard footway, connecting eastwards from the site access to the existing footway on the northern side of Dunelm Road, shall be constructed and available for use prior to the hereby approved development being brought into use.
- Reason: In the interests of highway safety and pedestrian amenity having regard to policy TR2 of the Derwentside Local Plan.
- Unless otherwise agreed in writing with the Local Planning Authority, the newly formed junction radii with Dunelm Road shall be between 6m and 8m.
- Reason: To provide a uniform junction access radii consistent with likely future traffic needs.
- 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 an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
- Reason: To prevent pollution of the water environment having regard to policy GDP1 of the Local Plan.
- No portable building, trailer or container shall be stationed on the site, or any other building placed or erected, without the prior consent of the Local Planning Authority.
- Reason- In the interests of the visual amenity and character of the area having regard to policy GDP1 EN6 EN1 EN2 of the Derwentside Local Plan.
- No storage of goods, materials, finished or unfinished products, parts, plant, equipment, packing materials or waste shall be kept on the approved application site.
- In order to safeguard the amenities of the area having regard to policy GDP1 CI14 EN1 EN2 of the Derwentside Local Plan.

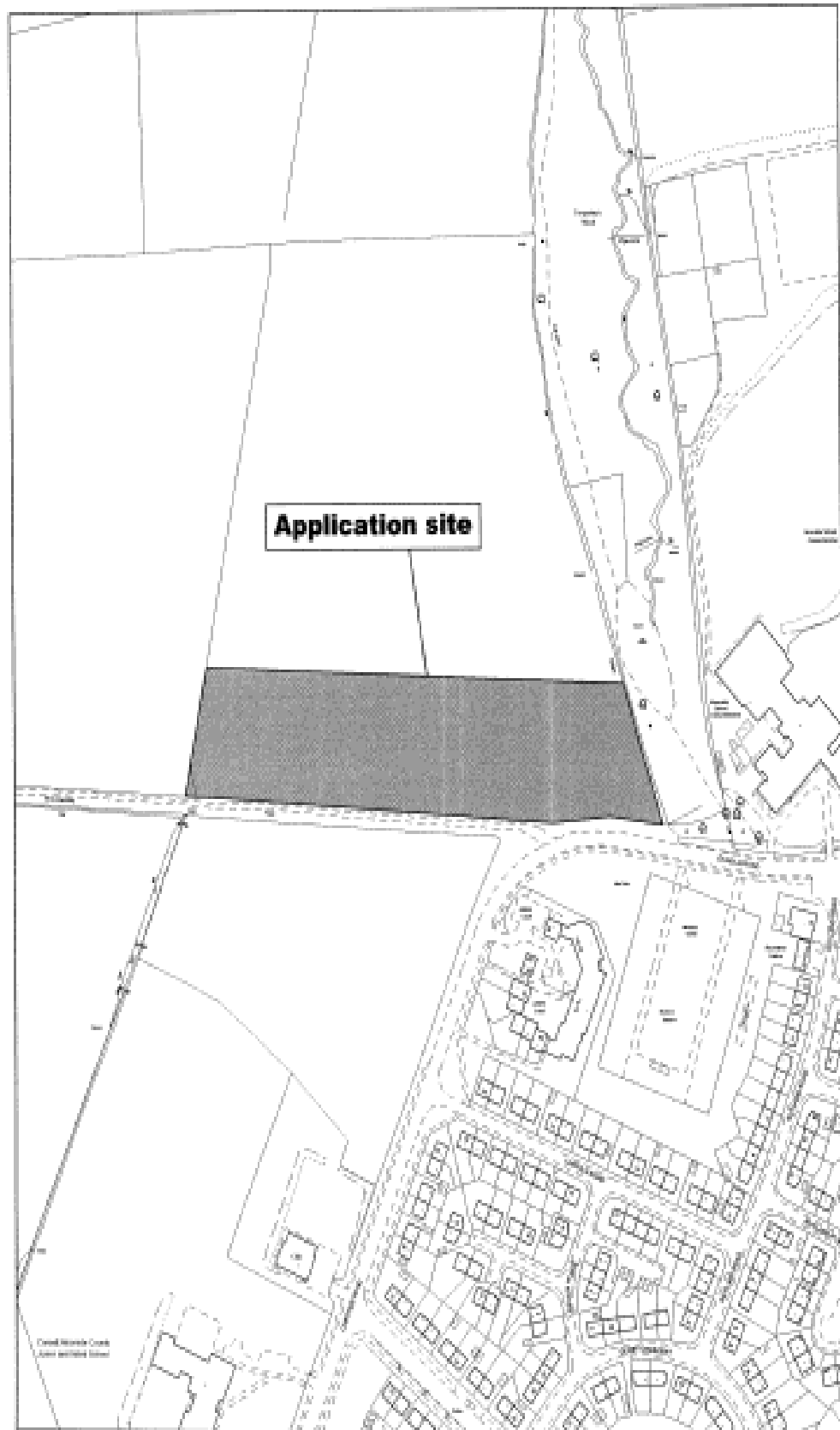


### Reason for Approval

27. The decision to grant planning permission has been taken having regard to policies GDP1, EN1 EN2 EN6 and TR2 of the Derwentside District Plan and material considerations, as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report prepared by Ann Rawlinson, Senior Area Planning Officer

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**Application site**

Canal Moorside Creek  
Water Pollution Control

Change of Use to create cemetery with associated  
car park and public shelter  
Land to the west of Moorside Community College  
Dunelm Road, Moorside

07/208

**N**

## **DEVELOPMENT CONTROL COMMITTEE**

**24<sup>th</sup> January 2008**

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

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

#### **Policy GDP1**

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

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

### **Policy EN1**

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

### **Policy EN2**

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

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

### **Policy EN3**

**Extensions to single buildings and those contained within small groups of buildings in the countryside, will only be permitted if:**

- (a) the proposal reflects the character and style of the original building; and**
- (b) the scale of the extension does not adversely affect the appearance of the original building; and**
- (c) the proposal does not result in the loss of a feature which contributes to the character of the original building or locality.**

### **Policy EN4**

**The change of use or conversion of existing buildings in the countryside will be permitted for the following:**

- economic or employment generating uses, including diversification of agricultural enterprises (see Policy AG2)**
- recreation or tourist facilities**
- visitor accommodation (see Policy T06)**

**If the buildings are not to be developed solely for any of the uses identified above, consideration will be given to the conversion of the buildings to residential use or a mix of uses.**

**The change of use or conversion of existing buildings in the countryside will only be permitted if:**

- (a) the buildings are structurally sound and physically capable of conversion without significant rebuilding or extensions.**

- Evidence of this may be required and therefore applications should be supported by a written assessment undertaken by an appropriately qualified professional; and
- (b) the form, bulk and general design of buildings are in keeping with their surroundings. This should include the retention of existing door and window openings and minimising the number of new openings (including rooflights). Other visual, architectural or historic features should be retained and design details and materials to be used should be traditional and/or sympathetic; and
  - (c) there would be no adverse effect on the setting of the buildings, including any attractive adjoining or neighbouring buildings and/or the character or appearance of the surrounding countryside; and
  - (d) there would be no loss of amenity to neighbouring occupiers through noise, smell, pollution or general disturbance as a direct result of the new use; and
  - (e) vehicular access and other services exist or can be provided without adversely affecting the appearance of the surrounding area.

Where re-use of farm buildings is involved, planning permission may be subject to a condition withdrawing agricultural permitted development rights, in order to control the construction of new farm buildings on that particular unit.

Where conversion to residential use is involved, planning permission may be subject to a condition withdrawing the normal permitted development rights to alter or extend a dwelling.

Proposals should also meet the requirements of Policy GDP1 with regards to species protected by the Wildlife and Countryside Act 1981.

### **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 EN19**

**Where nationally important archaeological remains, whether scheduled ancient monuments or not, and their settings would be affected by a proposed development, there will be a presumption in favour of their physical preservation in situ.**

**Other known archaeological remains of more local importance will be protected from damage to their features of archaeological interest.**

**Where a proposed development is likely to affect a site of archaeological interest or its setting, the Council may request an archaeological assessment, prior to determining an application.**

**Where development is to be approved that could affect known archaeological remains, the Council will require the developer to ensure that adequate provision has been made for the excavation and recording of the remains before development commences. This will normally be a condition of planning permission.**

**Policy EN25**

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

**Policy EN27**

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

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

### **Policy HO17**

**Planning permission for the adaptation of large buildings or the sub-division of an existing dwelling to provide smaller residential units will only be granted if:**

- (a) the proposal is sympathetic to the character of the existing building and the locality as a whole; and**
- (b) the proposal would not adversely affect the amenities of future occupants and/or neighbouring occupiers, or result in a loss of privacy or overlooking; and**
- (c) an adequate, accessible and usable amount of amenity space is provided; and**
- (d) a concentration of such uses does not affect the character of the area or will not cause serious annoyance to existing residents.**

### **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 TO6**

**Within the countryside, planning permission will only be granted for new visitor accommodation within conversions of existing buildings acceptable under the terms of Policy EN4, or where new buildings can be added to an existing farmstead or similar traditional group of buildings, provided that:**

- (a) the proposal does not detract from the character of the area; and**
- (b) the scale, design and materials of the proposal are appropriate to the existing group of buildings.**

**Where planning permission is granted for new visitor accommodation in the countryside, such approval may be subject to a planning condition or the applicant agreeing to enter into a planning obligation limiting occupation by any one or more persons to not more than eight weeks in any one calendar year.**

### **Policy AG2**

**Planning permission for the diversification of agricultural enterprises will be granted provided that the proposal:**

- (a) would not result in an adverse impact on the character and amenities of the area; and**
- (b) is of a scale appropriate to its surroundings; and**
- (c) does not result in a loss of amenity to neighbouring occupiers or land users.**

**Where the re-use of farm buildings is involved, planning permission may be subject to a condition withdrawing permitted development rights, in order to control the construction of new farm buildings on that particular unit.**

### **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.**



