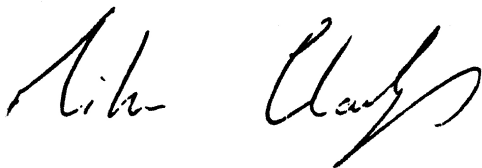


Development Control Committee

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

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 2nd August 2007 at 2.00 p.m. for consideration of the undernoted agenda.



MIKE CLARK

Chief Executive Officer

Agenda

1 DECLARATIONS OF INTEREST

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

2 MINUTES

To approve the minutes of this panel's meeting held on 12th July, 2007 as a correct record. (Herewith 'A')

Attached Documents:

[MINUTES 12th JULY 2007 \('A'\)](#)

3. APPEAL DECISIONS

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

Attached Documents:

[APPEAL DECISIONS 'B'](#)

4. PLANNING APPLICATIONS

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

Attached Documents:

[PLANNING APPLICATIONS 'C'](#)
[Adopted Plan Policies](#)

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

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 12th July, 2007 at 2.00 p.m.

Present

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

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

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors T. Pattinson.

10. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

11. MINUTES

RESOLVED: that the minutes of the following meeting be approved as a correct record, Development Control Committee – 21st June, 2007 with the inclusion of T. Westgarth as being present.

12. DCLG PLANNING PERFORMANCE FIGURES

The Head of Planning & Building Control presented the report which provided Members with details of Planning Performance figures for October – December 2006 and January – March 2007.

He advised that paragraph 3 of the report showed the Council's performance in terms of percentage of applications determined within the prescribed periods over the past year.

He went on to add that the overall the number of applications was on the increase in the area and more applications were being dealt with through delegated powers.

Councillor Watson asked that the achievements of the Development Control team in meeting the targets be noted.

RESOLVED: that the content of the report be noted.

13. PLANNING APPLICATIONS

(1) Public Speaking Applications

07/0286 MR T BURNSIDE

Change of use of land to gypsy site for one family (retrospective). Land to the South West of Peartree Terrace, Burnhope.

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

The Senior Area Planning Officer presented the report which recommended refusal of the application. He advised that the site was approximately 400 square metres, and was within part of a smallholding of about 9 hectares. He further advised that the smallholding was currently grazing land for horses and the surrounding area was open countryside.

MR. DAVID STOVELL: Speaking in Support of the Application

Mr Stovell introduced himself to the committee and advised that he was the applicant's agent. He made the following points in support of the application;

- Mr & Mrs Burnside did not previously reside with Mr Burnside's parents at 7 Ash Terrace, Homeside. He advised that this was an error in the Officers report (paragraph 3)
- In relation to other sites; Circular 1/2006 states that the Government encourages Council's to recognise that many gypsies want to find their own site to develop and manage. He advised that it goes on to say that there is a need to increase the number of approved private sites and these may release pitches in Local Authority sites for those gypsies most in need of public provision.
- He advised that many gypsies aspire to purchase and develop their own land, with the vast majority preferring relatively small private sites to public ones. Most gypsies feel that the maximum number of pitches on a site should be around 10 to 12 not 20; as many are in County Durham.
- There is no requirement in policy or law for Mr & Mrs Burnside to justify not using an existing gypsy site.
- Each application should be treated on its own merits and a precedent would not be set on these grounds.

The Senior Planning Officer in response made reference to page 20 of the report; a letter from the Gypsy Council that states that Mr & Mrs Burnside resided with Mr Burnside's parents when not travelling, which therefore contradicts Mr Stovell's statement.

He added that the site was not considered to be a sustainable location due to its isolation and would be of detriment to the character of the area.

Councillor Milburn asked who was in ownership of the land. In response the Senior Area Planning Officer advised that Mr Burnside owned the land.

Discussion then ensued relating to the use of the site if the applicant was to relocate, the Head of Planning & Building Control advised that if someone was to reside there for 10 years or more then it could be classed as lawful use and be exempt from planning consent.

Councillor Watson advised that in his opinion although he did have sympathy for the applicant the Committee must take into consideration their own policies. He also advised that Ward Councillor D. Bennett was totally opposed to the development.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0286 be refused and authorise enforcement proceedings to ensure that the residential use of the site is ceased and the land reinstated to its former agricultural use only, on the grounds that:-

- In the opinion of the Local Planning Authority, it has not effectively been demonstrated that the family have investigated the possibility of acquiring an established Gypsy plot, elsewhere within the County.
- In the opinion of the Local Planning Authority, the position of the Gypsy Site is considered to be encroachment within the countryside without benefit to the rural economy contrary to policy EN1 of the Local Plan.
- In the opinion of the Local Planning Authority, the gypsy site is considered to be an alien feature which is harmful to the character of this locality which is designated Area of High Landscape Value, and which is peripheral to nearby designations in Whiteside Burn, of Site of Nature Conservation Importance and Ancient Woodland. The development is therefore considered to be at odds with policies EN6, EN10, EN22 and H013 of the Local Plan.
- In the opinion of the Local Planning Authority, the granting of planning permission would set a significant precedent within the district for similar proposals, to the detriment of the character of the open countryside.

07/0257 MR A JONES

Change of use of land from woodland to garden and retention of domestic dog kennel (retrospective) Land to the west of 55 Lintzford Road, Hamsterley Mill.

The Chair welcomed to the meeting Mr Graham who was in attendance to speak against the application.

The Principal Planning Officer presented the report which recommended approval of the application. She advised that there were two issues to consider

when determining this application (1) Change of use of the land (2) Domestic use of kennels.

She advised that there had been a number of allegations made regarding noise disturbance from the dogs, however Environmental Health Officers had found little evidence to support the claims.

She further advised that the applicant currently had 5 dogs on the premises and a litter of 6, 10 week old puppies.

MR GRAHAM: Speaking Against the Application.

Mr Graham advised that he would like to make the following comments in support of refusal of the application:

- Visible, large and unsightly building used for commercial purposes of puppy breeding and sale from the property.
- Inappropriate structure and use in an area defined under Policy EN6 as an Area of High Landscape Value.
- Noise disturbance to residents, environmental damage from the dumping and burning of waste products in the neighbouring woodland and road traffic dangers from puppy purchasers parking on a dangerous section of the A694.
- Encroachment on woodland area which has already been damaged by the applicant.
- Applicant demolished the western fence between his property and the adjoining woodland, laid a large concrete foundation extending into the woodland and erected the kennels without planning permission.
- Recent application for enclosure of woodland based on claim of previous use, this was rejected by the Council and no appeal was made.
- Recommendation for retrospective planning permission can only encourage others to disregard the planning process.

In response the Principal Planning Officer advised members that it would be very difficult to refuse the application on appearance, if the applicant was to have built the kennels in his own garden he would not have required any planning consent under permitted development rights.

She advised that the applicant had brought the fence in line with the neighbouring property 22 Tollgate Road which had been extended into the woodland some 40 years ago.

In conclusion she advised that there was no material planning reason for refusal of the application.

Ward Councillor E. Turner advised that the structure was very visible from the main road and was of the opinion that the kennels were for industrial purposes of dog breeding.

Ward Councillor A. Shield added that he agreed with the comments of Councillor Shield and added that he did not agree with re-active applications.

Discussion then ensued regarding the ownership of the land and the reasons for regularising the boundaries.

The Principal Planning Officer advised that the applicant owned all of the woodland and in planning terms there was no harm in regularising the boundary as it did not encroach too far into the woodland. She further advised that the applicant would not require a licence for breeding dogs if there were no more than 4 litters a year.

Councillor Christer asked how this would be monitored in the future to ensure that he was not breeding more than 4 litters per year.

The Head of Planning & Building Control advised that planners would have to build up an evidence base to take action, and permission could be re-enforced with conditions.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0257 be refused on the grounds that: The dog kennels are excessive in scale and are of an inappropriate design which is not in keeping with other buildings in this Area of High Landscape Value. The change of use of the strip of land to garden use is detrimental to the character of this Area of High Landscape Value as it would encroach into the surrounding rural area contrary to Local Plan Policy EN6.

07/0416 ST MARYS RC PRIMARY SCHOOL

Erection of security fencing, St Marys RC Primary School, Pemberton Road, Blackhill.

The Chair welcomed to the meeting John Chirnside who was in attendance to speak against the application.

The Senior Area planning Officer presented the report which recommended approval of the application.

JOHN CHIRNSIDE: Speaking Against the Application.

John Chirnside introduced himself to the committee and advised that he was opposed to the erection of the fence and felt that alternative measures could be taken to alleviate problems with Anti-Social Behaviour in the area.

He made the following points in support of his view:

- Fencing around the school field but leaving the wooded area next to Pemberton Road open would push youths congregating in the woods closer to the neighbours passing the problems on to them.

- Does not disagree with security being introduced and residents would be happy to help them improve the security although the fencing does not seem fit for purpose.

Councillor Clark added that in his opinion the fence was the only solution, however he would like to see some landscaping incorporated into the scheme to help screen the fencing.

The Senior Area Planning Officer advised that this could be suggested to the school although Members should be reminded that Schools have very limited resources.

Councillor Milburn advised that in her opinion similar problems were found in schools across the District and safety must override appearance in such circumstances.

Councillor Watson added that he would also like to see screening incorporated and would ask that this be added as an additional condition.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0416 be approved subject to:-

- Approved Plans (ST01)
- Standard Time Limit (ST)
- Within 3 months of the erection of the fence hereby approved a landscaping scheme shall be submitted and approved by the Local Planning Authority and this scheme shall be implemented no later than 6 months from the date the fence is erected on site.

07/0098 MR AND MRS PARKINSON

Erection of one dwelling (Re-submission) West Grange, Cadger Bank, Lanchester.

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

The Head of Planning & Building Control presented the report which recommended approval of the application which sought permission to erect one 2 storey dwelling within the rear garden of the residential property of West Grange.

He advised that one further letter had been received regarding access to the property and this suggested that use should be made of the existing access to West Grange.

He went on to advise that one tree would have to be removed as part of the creation of the access to ensure acceptable visibility.

He referred to the comments made by Lanchester Partnership as paragraph 17 of the report and further advised that some interesting archaeology may be contained within the site therefore a full survey would have to be carried out before commencement of works.

ANDREW MOSS: Speaking in Support of the Application.

Mr Moss made the following comments in support of the application:

- Applicant happy to accept all of the 27 conditions attached to the permission which would retain control to the Local Planning Authority over the development.
- In response to the 3 issues raised by Lanchester Partnership:
 1. Design – dwelling is acceptable and would preserve the character and appearance of this part of the Conservation Area. This opinion is shared by Planning Officers and the Design and Conservation Officer
 2. Tree Impact – although one tree will have to be removed as part of the scheme a tree survey has found that the tree in question is nearing the end of its life, in addition a condition attached states that planting of a semi-mature oak tree of 4 ½ metres in height must be carried out
 3. Highway Safety – This is an issue which has been investigated over several years and after a site visit some time ago the plans now concur with the preferred and acceptable highway safety solution. This is also a view confirmed by the Highway Authority.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0098 be approved subject to:-

- Three year time limit (ST)
- Approved plans (ST01)
- Amended Plans – 25th May 2007 (9260-05 Revision H). This is to include the method statement set out on the submitted amended plan.
- The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development of the site commences. The scheme shall include provision for a semi-mature oak tree of minimum height 4.5m in accordance with Amended Plan dated 25th May 2007 (9260-05 Revision H)
- All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- The construction work and tree protection methods and recommendations must be carried out in accordance with the Batson Environment and

- Leisure Ltd letter dated 21st May 2007 and the recommendations of the Batson Environment and Leisure Ltd Trees Survey and Implication Study, West Grange Cadger Bank dated 23rd January, 2007.
- The construction work must be carried out in accordance with BS 5837:2005 'Trees in Relation To Construction'
 - Samples of materials (A05)
 - Method of stone laying (A08)
 - Stone walls and slate roof (A10)
 - Rainwater goods (A13)
 - Surface water drainage scheme (D04)
 - Ground levels (GL01)
 - Landscaping and tree protection measures (L01)
 - No removal or works to trees (L08)
 - Withdrawal of permitted development rights (PD01)
 - Details of the appearance of the access and alterations on the roadside verge shall be submitted to and agreed in writing with the Local Planning Authority before development commences.
 - Details of the appearance of the windows shall be submitted to and agreed in writing with the Local Planning Authority before development commences.
 - No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works (to include evaluation and mitigation) in accordance with a written scheme of investigation which shall be submitted to and agreed in writing by the Local Planning Authority.

Councillor D. Hume left the meeting at this point.

Councillor S. Rothwell declared an interest in the following item left the Chamber and took no part in the discussion or voting thereon.

07/0337 MRS YUN TSE CHUI

Proposed installation of extraction system to rear, 21 Quebec Street, Langley Park.

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

The Principal Planning Officer presented the report which recommended approval of the application. She advised members that the application had been deferred from the meeting of the 4th June, 2007 pending further information on noise, vibration and smells.

MR YUN TSE CHUI: Speaking in Support of the Application.

He advised that the following measures would be taken to ensure the minimum disruption to residents:

- Sound Proofing Insulation fitted throughout;
- Fireproof Plaster Board would be used to minimise risk;
- Extractor would only be in use for 2 hours of the working day (4.30 p.m. – 11 p.m.) when preparing food for opening;
- Shop was previously use as a Fish & Chip shop for 35 years, which can smell far worse than Chinese food.

Ward Councillor G. Coulson advised that Mrs Catton the proprietor of the neighbouring property unfortunately could not be in attendance but wished to make the committee aware that she was strongly opposed to having the extractor fitted with brackets to her wall. She also had great concerns over noise and vibration.

The Environmental Health Officer added that the noise created from the system was made in the motor area and the noise was made mostly at the point of extraction in the building rather than outside. Therefore little noise would be heard by residents.

In response to comments made regarding vibration and damage he advised that metal could be attached to the structure to alleviate this problem, however if disturbance was still to occur this could not be enforced until such an event had occurred.

Councillor Coulson then made comment relating to the temperature inversions in Langley Park and asked what the Environmental Health Officers opinion was on the subject.

The Environmental Health Officer advised that the Met Office had been consulted regarding this and they had advised that inversions tended to occur during cold nights and in the early morning, therefore by the time the shop was wishing to start using the extractor around lunchtime through to evening the air would be dispersed as normal.

Councillor Clark asked if re-conditioned units made more noise than new ones. In response the Environmental Health Officer advised that this was the case.

The Principal Planning Officer advised that technically a condition could be attached stating that a new extractor system must be installed.

Councillor Coulson added that he wished his vote against the application be recorded.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0337 be approved subject to:

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

- Notwithstanding the approved plans, the flue shall discharge 1m above the ridge level in line with the recommendations contained in the DEFRA Report Netcen/ED48285/Issue1 of 21st May 2004.
- Notwithstanding the approved plans, vibration isolation between fittings of the ducting and the structure of the building shall be incorporated into the proposed design with GDP1 of the Local Plan.
- The flue to be installed shall be a new model and not contain any reconditioned parts.

07/0266 PEPPERCORNS

Demolition of existing house and shop and erection of five apartments (Outline), Springfield, Skye Road, Burnopfield.

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

The Senior Area Planning Officer presented the report which recommended approval of the application which sought in outline for the demolition of an existing house and shop and erection of five apartments at 'Springfield', however although this is an outline application, the applicant had requested that all matters apart from landscaping of the site, be considered at this stage.

MR FORSYTH: Speaking in Support of the Application.

He advised the committee that he was speaking as the Applicant's Agent and would like to make the following comments in support of the application.

- Agreeable to all conditions as laid out in the Officers recommendations.
- Will make an improvement to current parking situation and there should be no issue of congestion as the site is currently a shop.
- No overlooking or overshadowing to neighbouring properties with the exception of the Church.
- Fits in with the Street scene.

Ward Councillor B. Alderson advised that in his opinion he had some concerns over parking and residents having to reverse out on to the T Junction, especially when funerals etc were taking place at the Churchyard next door.

In response the Senior Area Planning Officer advised that the Highways Officer was happy with the scheme and in addition the footpath between the development and the Churchyard would be maintained.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0266 be approved subject to:-

- Approval of the reserved matter details of landscaping of the site shall be obtained from the Local Planning Authority before the expiration of three years from the date of permission.

- ST01 – (In accordance with approved plans)
- The materials to be used in conjunction of the building hereby approved shall be those as indicated in the submitted plans hereby approved unless otherwise agreed in writing by the Local Planning Authority.
- D01, RD01 (Drainage)
- GL01, RGL01 (Ground Levels)
- The footway between the front of the existing garden boundary wall and the shop frontage shall be formally stopped up, prior to development commencing. Similarly should the proposal result in a narrowing of the path to the north of the site, then this shall also be stopped up prior to the commencement of development of the site.

(2) RESOLVED: That the following applications be approved.

07/0399 MR & MRS DOBSON

Raised decking area to rear (retrospective), 9 Ponthead Mews, Leadgate.

Subject to:-

- ST02
- Within one month of the date of this permission, or other such time period as may be agreed in writing with the Local Planning Authority, details of screening on the common boundaries with 8 and 10 Ponthead Mews and the screening of the void space beneath the decking shall be submitted to and approved in writing by the Local Planning Authority. The fencing and means of screening shall then be undertaken and retained thereafter in accordance with the approved details.

Councillor D. Lavin left the meeting at this point.

Councillor R. Young declared an interest in the following application left the Chamber and took no part in the discussion or voting thereon.

07/0470 LANCHESTER SOCIAL CLUB

Erection of Lobby and smoking shelter to rear and provision of unisex toilets.

Lanchester Social Club, Newbiggen Lane, Lanchester.

Subject to:-

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

Conclusion of meeting

The meeting closed at 4.15 p.m.

Chair.

DERWENTSIDE DISTRICT COUNCIL**DEVELOPMENT CONTROL COMMITTEE****2 AUGUST 2007****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****APPEAL DECISION**

**Appeal Under Section 174 of the Town and Country Planning Act 1990
against enforcement notices requiring demolition of houses at plots 24 to 26
St Ives Gardens , Leadgate .**

1. On 24th of July 2006 the Council served enforcement notices requiring the demolition of three dwellings within the St Ives Gardens development in Leadgate. The reason for the service of the notice was that the houses had been built higher than the finished floor levels on the approved plans. The Council took the view that the houses had unacceptable impact on the pre-existing residential properties at Ambleside Mews as a result of the increased height.
2. The housebuilder and the owners of two of the houses appealed against the enforcement notices and the appeal was considered under the Hearing procedure. The Planning Inspector has upheld the appeals, and quashed the enforcement notices. A copy of the Inspectors decision letter is attached.
3. Members may wish to study the Inspectors decision carefully, as the enforcement notices were served contrary to the advice of planning officers.
4. In summary, the Inspector has taken the view that the separation distances between the new houses, and the neighbouring houses at 9 and 10 Ambleside Mews are sufficient to ensure adequate privacy, even within the significant change in levels between the two sites. At the hearing, the occupiers of numbers 9 and 10 Ambleside Mews put forward their views to the Inspector about overlooking and the general effect on the outlook from their properties, but the Inspector has explained in his decision why he does not agree with those opinions. Input and output at the inquiry , they will also supported by a Ward Councillor who spoke about his concerns regarding the relationship between the new and existing houses.
5. Prior to the decision to take enforcement action regarding this matter, the developer offered to undertake additional tree planting on the slope between St Ives Gardens and Ambleside Mews, but the Inspector considers the relationship

between the properties to be such that this is unnecessary.

6. The overall points that I would like to make in relation to this appeal decision are that the Council needs to be careful about enforcing conditions regarding site levels too stringently. In this case, the greatest difference between the approved level, and that constructed on site was 0.7 metres. Although this was clearly a significant and material planning consideration, it was always going to be very difficult to demonstrate that unacceptable harm was caused as a result of a height difference of this order. It is also interesting that the Planning Inspector seem considered that even with the significant height difference between the development site and the pre-existing residential properties, the back-to-back distances of 28.3 metres and 31.4m were adequate and privacy of the occupiers was not compromised and due to overlooking.

7. Recommendation

No further action to be taken regarding this matter, and the decision be noted.

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



Appeal Decisions

Hearing held on 12 June 2007

Site visit made on 12 June 2007

by **R E Watson BA(Hons)**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gov.uk

Date 9th July 2007

Appeal Refs: APP/V1315/C/06/2024265;2024281;2024282;2024302;2024303
Plots 23-25 (Nos. 25-27) St.Ives Gardens, Leadgate, Consett, DH8 7PQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Benseley Homes Limited; Mr & Mrs Wilkinson; Mr Halls and Miss Halls against enforcement notices issued by Derwentside District Council.
- The Council's reference is 1/2003/1033/DMS.
- The notices were issued on 24th July 2006.
- The breach of planning control as alleged in the notices is:-

"On 11th October 2004 planning permission was granted for the erection of thirty-six dwellings and re-routing of existing cycleway subject to conditions. Planning permission 1/2003/1033/DMPF refers. Condition 15 in the schedule of conditions requires that no development shall commence until existing and proposed spot levels of any ground raising, cutting or other excavation works and the finished floor slab level and any associated land re-shaping works for the approved dwellings in relation to a fixed datum point, have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be undertaken as approved.

It appears to the Council that the condition has not been complied with because the finished floor level exceeds that which is shown on the approved plan (Reference number 2003/371/001/Rev D, received on 26th October 2004) by 70 centimetres (plot 23 - no. 25 St. Ives Gardens); 50 centimetres (plot 24 - no. 26 St. Ives Gardens) and 38 centimetres (plot 25 - no. 27 St. Ives Gardens)."

- The requirements of the notices are:-

(i) Remove the building

(ii) Remove from the land all building materials and rubble arising from the compliance with requirement (i) above, and restore the land to its condition before the breach took place by levelling the ground.

- The period for compliance with the requirements is six months after the notices take effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals are allowed and the enforcement notices quashed.

Background

1. Following the planning permission granted in October 2004, an Engineering Layout plan (ref no. 2003/371/001rev D), which showed details of the finished floor levels, was submitted on 25th October 2004 and later approved. An amended Engineering Layout plan (ref no. 2003/371/001rev L, which included details of the finished floor levels, was submitted on 7th February 2005 and also approved. The finished floor levels for plots 24

and 25 on this plan differed from those shown on rev D. I have taken these matters into account in assessing the defined issues. The development of the three properties does not conform to the approved plans. The breaches set out in the Notices are accepted as correct by the Appellants.

2. In April 2006, details of proposed mitigation measures were submitted to the Council in respect of the three dwellings. These comprised two elements. Firstly, the replacement of the existing 300mm trellis on top of the rear boundary fence with a new 300/600mm bow-top trellis and, secondly, the proposed planting of Scots Pine trees within the steeply sloping embankment which separates the new development from the Ambleside Mews houses below. The change to the trellis was agreed and has been implemented. However, the suggested landscaping measures have not been accepted by the Council and have not been progressed.

Appeals on Ground (a)

Issue

3. The principal issue in this case is the effect of the three dwellings, as constructed, on the amenities of the occupiers of nos. 9 and 10 Ambleside Mews in terms of overlooking and visual dominance.

Planning Policy

4. The Statutory Development Plan comprises the RSS for the North-East, originally RPG 1 (2002); the adopted Durham County Structure Plan (1999) and the adopted Derwenside Local Plan (1997, with policies saved until Autumn 2007) (LP). The Notices make no reference to planning policy in the allegations. However, the reason for condition no.15 of the original planning permission refers to Local Plan Policy GDP1. Sub-section (H) of the Policy expects new development to incorporate the protection of the amenities of neighbouring occupiers in the scheme. Policy HO23, which sets out guidance on the layout of new housing and adopts a permissive approach to new housing development, requires that no harm be caused to the living conditions of the occupiers of existing dwellings from loss of privacy or overshadowing.
5. The Council's Supplementary Planning Guidance (SPG) on the Layout of New Housing (SPG7) contains a section on Privacy. This indicates that the privacy of the occupants of a dwelling should be considered both from within a dwelling and in the private garden area and that the outlook from a dwelling needs to be considered. The guidance highlights the aim of achieving a satisfactory standard of spacing around dwellings by taking into account the minimum spacing guidelines set out in the document. For two-storey developments facing each other, the guidance underlines the main problem as one of overlooking from first floor level. The minimum requirement set out for a back-to-back distance is 21 metres.

Reasons

Overlooking

6. The relationship between the new units on top of the embankment and the two dwellings on Ambleside Mews set at a much lower level at the base is important. I understand the concerns of the Ambleside Mews' residents that their privacy is being compromised by the possible direct views from a high level between the rear first floor bedroom windows of the

St. Ives Gardens houses and the habitable rooms at the rear of their own properties. I have noted their scepticism at the accuracy and realism of the Appellants' cross-section analysis of the lines of sight between the respective houses. I accept that the exercise has been professionally undertaken on an accurate basis, but I also recognise the narrow parameters of the analysis, as the Appellants conceded at the Hearing.

7. However, there is one critical factor which underpins this assessment. The height of the gardens and, therefore, the rear fences, of plots 23-25 have been constructed at the higher finished floor levels, rather than those set out in the approved Engineering Layout drawings. It is clear from the evidence of the analysis undertaken in respect of all three plots that this increase in floor level height has had the effect of actually reducing the degree of overlooking, when compared to the permitted height. With this fundamental consideration in mind, my own conclusions on this issue are based largely on what I saw when I made my own careful on-site observations of the inter-visibility between the dwellings. I found that the mature vegetation standing within and close to the boundaries of the garden attached to no. 10 Ambleside Mews, in most instances provided an effective screen in terms of direct views from the higher level windows. The degree of unimpeded overlooking varied between different windows and in some cases the new bow-trellis partially interrupted clear lines of sight.
8. Nevertheless, in my judgement, the key consideration is the separation distance between the respective dwellings. The back-to-back distance ranges between 28.3m and 31.4m, which is considerably greater than the recommended minimum set out in the SPG. I recognise that some Authorities, in approving design guidance and recommendations relating to separation distances, attempt to take account of the effect of topography. This is not the case here. Notwithstanding the significant difference in level between the houses, my conclusion on site was that the distance between the dwellings was such that intrusive views at close quarters into the rear habitable rooms of the Ambleside Mews houses and their associated gardens were not possible. I conclude that the privacy of the occupiers would not be seriously compromised through overlooking.
9. There was some discussion at the Hearing as to the possible long-term effectiveness of the planting already undertaken on the intervening embankment as a visual screen, possibly supplemented by further planting of other suitable species. I remain uncertain as to how effective the existing planting is likely to be, although my judgement is that, in the long term, some of the trees, once mature, would be interposed in the lines of sight. However, I am satisfied that for the other reasons outlined above this factor is not decisive in the balance of considerations on this issue.

Outlook

10. The Council's concern remains focused on the question of overlooking. However, the occupiers of the two Ambleside Mews properties, both in their written comments and as part of their contributions at the Hearing, argued that their outlook had been detrimentally affected by the increase in height of the three dwellings. I accept that the two houses sit at the base of a steeply sloping embankment. Clearly, the new residential development at the top of the embankment will have introduced a significant change to their outlook which they have to live with at all times. This was readily apparent to me when I visited their houses and looked towards the embankment and St. Ives Gardens from within their dwellings and gardens.

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

2nd August 2007

REPORT OF PLANNING OFFICER

APPEAL DECISION

Appeal against the refusal of consent to fell a sycamore tree at Cadleigh Hope, The Terrace, Shotley Bridge

-
1. This appeal relates to a planning application for consent to fell a sycamore tree at Cadleigh Hope, The Terrace, Shotley Bridge. The application was refused on 22nd January 2007 on the grounds that the applicant had not justified the removal of the protected tree as required by EN9 of the Local Plan. An appeal was made against the Council's decision.
 2. The Inspector stated that the tree had a low visual amenity as only the top few metres of the tree were visible from the village centre and there were no other public views from either of Snows Green Road, The Terrace, Church Bank and Benfieldside Road. Thus, the felling of the sycamore tree would be minimal. Furthermore, there are similar trees surrounding the one in question, which would mitigate the removal of it over time. The Inspector added that if permission were granted for the tree to be felled, it would be appropriate to replace it with a tree of a similar genus in a similar location, measuring between 12-16 centimetres in girth.
 3. The Inspector noted that as trees grow their roots and trunk base increase in size, which can bring the roots or buttresses into contact with a structure, which can lead to distortion or damage. The wall next to the tree in question has been damaged by the incremental growth of the trees' roots. However, the wall can be easily repaired allowing the trees and the wall to co-exist.
 4. It was noted that the sycamore in question appears to be well rooted and free from defects that could be a cause for concern in relation to its stability. The tree shows no signs of root plate movement and there is no evidence of any fruiting brackets within the immediate vicinity to indicate that the tree has been infected with any known decay fungi. Although the

tree shows signs of significant crown asymmetry due to the loss of its companion to the north, there are no arboricultural reasons to fell this tree. The Inspector dismissed the appeal.

Recommendation

5. The report be noted.

Report prepared by Mr. T Armfield, Student Planning Officer



GOVERNMENT OFFICE
FOR THE NORTH EAST



Citygate
Gallowgate
Newcastle upon Tyne
NE1 4WH

Tel: 0191 201 3300
Direct: 0191 202 3641
Fax: 0191 202 3744
www.go-ne.gov.uk
Julie.HUME@gone.gsi.gov.uk

Mr D Moody
Cadleigh Hope
The Terrace
SHOTLEY BRIDGE
County Durham
DH8 0EZ

Your Ref:
Our Ref: GONE/P/V1315/146/07/1
Date: 12 June 2007

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
THE DERWENTSIDE DISTRICT COUNCIL TREE PRESERVATION ORDER 178,
CADLEIGH HOPE, THE TERRACE, SHOTLEY BRIDGE
APPEAL AGAINST THE REFUSAL OF CONSENT TO FELL A SYCAMORE TREE AT
CADLEIGH HOPE, THE TERRACE, SHOTLEY BRIDGE**

1. I am directed by the Secretary of State for Communities and Local Government ("the Secretary of State") to refer to your appeal made under the above mentioned Tree Preservation Order ("the TPO"). You appealed against the decision of Derwentside District Council ("the Council") to refuse consent for the felling of a sycamore tree ("the appeal tree") in the TPO.

Council's Reasons for Refusal

2. The Council, in its decision notice of 22 January 2007, refused consent on the basis that you had not justified removal of the protected tree as required by Policy EN9 of the Local Plan.

Grounds of Appeal

3. You have appealed on the grounds that the appeal (sycamore) tree is top heavy and leaning dangerously over adjoining property.

Inspector's Report

4. An Inspector appointed by the Secretary of State visited the site on 19 April 2007. A copy of his report is attached at Annex A to this letter.

north east
england



INVESTOR IN PEOPLE



GOVERNMENT OFFICE
FOR THE NORTH EAST

Secretary of State's Considerations

5. The Secretary of State has taken into account the inspector's report, your representations and those of the Council and Mr M Hindmarsh. She has considered the reasons given in support of the appeal proposal, and whether it is justified in the light of the tree's contribution to the amenity of the local area. She has also paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

6. The Secretary of State agrees with the Inspector's conclusions as are more particularly set out in his report. She notes that, while the appeal tree does not have significant amenity value, it is in a stable, healthy condition and there is no justification for felling the tree on aboriginal grounds. The Secretary of State notes that while the wall has been damaged by the appeal tree's roots the damage is repairable and which would allow the tree and wall to co-exist. The tree appears well rooted and appears to be free from defects that could be a cause for concern in respect of its stability and its felling is unjustified.

Secretary of State's Decision

7. For the reasons given above, the Secretary of State hereby dismisses your appeal and this letter constitutes her decision to that effect.

Other Matters

8. The Secretary of State notes the Inspector's comment at paragraph 9 of his report that the tree has significant crown asymmetry due to the loss of its companion to the north. Should you wish to pursue remedial action in respect of the tree's shape, which would constitute alternative works to those applied for to the Council and which are therefore outside this appeal consideration and would require consent to be undertaken, you would need to pursue that separately with the Council.

9. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision can be challenged by way of an application to the High Court.

10. I am sending a copy of this letter to Derwentside District Council, Mr M Hindmarsh and Councillor Hume.

Yours faithfully

JULIE HUME

Authorised by the Secretary of State for Communities and Local Government
to sign in that behalf

Enc

north east
england



Eland House
Bressenden Place
London SW1E 5DU

Your Ref: GONE/P/V1315/146/07/1



The Secretary of State for Communities and Local Government.

Madam,

I have been asked to advise on the appeal by Mr. D. Moody made under Tree Preservation Order No.178, 2001, against the refusal of Derwentside District Council to permit the felling of a sycamore on land at Cadleigh Hope, The Terrace, Shotley Bridge, and to carry out an inspection of the site on your behalf. On the 19th April 2007, I made an accompanied site visit in the presence of Mr. Moody (Appellant) and Mr. Gibbesson (Derwentside District Council).

1. This report contains a description of the appeal tree and its surroundings and my appraisal (on the basis of my observations and the written representations of the parties) of the likely impact of the proposal. It is illustrated by various photographs, which are appended.

The Site and Surroundings

2. Shotley Bridge is a village located to the north of Consett in the Derwent Valley. The main road in the village is the A994 which travels north to south linking Consett town centre with the A1 trunk road to the south of Newcastle city centre. The River Derwent flows north to south through the village.
3. The Terrace is located to the south east of the village centre. It is located on the side of a steeply sloping bank overlooking the village centre. The Terrace is accessed via Snows Green Road which travels north eastwards from the village centre. Snows Green Road travels uphill towards open countryside. After approximately 400 metres, The Terrace can be found on the southern side. The Terrace rises up for a short distance before turning in a south westerly direction following the contours of the land. For most of its part, the road is unmade. Detached bespoke houses can be found lining the road's south eastern side. At its terminus, the church hall can be found. A short distance away is the appellant's property, Cadleigh Hope. The appeal tree is located in the garden of Cadleigh Hope which is detached from the main house.
4. The garden to Cadleigh Hope is a rectangular sloping parcel of land that slopes south to north. The garden is remote from the main property. The tree is located on the northern boundary adjacent to the boundary wall. Beyond is a public footpath with the property of The Manse just beyond. The garden is mainly grass with a few other trees including apple, ash, pine and sycamore.

Description of the Tree

5. The appeal is in respect of a sycamore identified as T1.

The tree is an early mature specimen 15 metres in height with a stem diameter at breast height of 510 millimetres. The tree has a crown spread at the cardinal points of 5 metres north, 4 metres east, 5 metres south and 3 metres west. The tree is twin stemmed at 3 – 4 metres with a well formed union. The tree is lightly branched with a canopy exhibiting good bud and twig distribution. The tree has been extensively crown lifted giving a clear canopy height of approximately 4 metres. The tree has a slight lean to the north with restricted root development due to the retaining wall to the north.

Appraisal

6. The tree, overall, has a low visual amenity. An examination from public vantage points identified the tree from within the village centre (Photograph 1), though it was surrounded by other trees and only the last few metres were clearly visible above the roof line (Photograph 2). There was no other public view of the tree either from The Terrace, Snows Green Road, Church Bank or Benfieldside Road. The effect of the proposals would be minimal. There are a number of other trees of a similar age that would mitigate the removal of the tree either immediately, or in the longer term as they mature. If permission were granted to fell the tree it would be appropriate to replace it with a tree of a similar genus in similar location. A tree with a girth of 12 – 16 centimetres would be appropriate.
7. As trees grow their roots and trunk base increase in diameter. This brings the roots or buttresses into contact with a structure, which may cause distortion and damage. The forces exerted by such diameter growth are comparatively small, but they can lift light structures such as paths, kerbs, paving slabs, boundary walls or single-storey buildings e.g. garages and porches. Structures can be vulnerable to damage either from vertical distortion as a result of roots growing beneath them, or lateral distortion from adjacent roots or a combination of the two. In either case the mechanism is the same. The total force exerted by the roots must be sufficient to overcome the resistance of the object if distortion is to occur. Damage via direct contact with tree roots occurs only over very short distances usually less than 2 metres.
8. The wall has been damaged by the incremental growth of the trees' roots. The damage to the wall is easily repairable allowing the trees and the wall to co-exist.
9. The sycamore appears well rooted and appears to be free from defects that could be a cause for concern in respect of its stability. There was no evidence of root plate movement indicated by soil cracks. There was no evidence of any fruiting brackets within the immediate vicinity to indicate that the tree has been infested by known decay fungi. In respect of the stem, there appears to be no features to indicate any defects. The tree does have significant crown asymmetry due to the loss of its companion to the north. There are no arboricultural reasons to fell the tree.

Conclusion

10. The tree has a low visual amenity due to its lack of stature and the presence of other trees in the immediate vicinity. The tree has no defects that would warrant its removal or deem it exempt from planning control. Any damage to the wall can be repaired retaining the tree. If the tree were felled it would be appropriate to replace it with a tree from a similar genera.

I Murat M.Sc., F. Arbor.A
30th April 2007

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

2nd August 2007

REPORT OF PLANNING OFFICER

APPEAL DECISION

Appeal against the refusal to grant full planning permission for the change of use of a detached garage/playroom to detached garage/self catering guestroom for up to 140 days per year at 5 Long Close Road Hamsterley Mill

1. This appeal relates to a planning application which was refused permission in October last year by the development control committee for the change of use of a detached garage/playroom to detached garage/self catering guestroom for up to 140 days per year. The Planning Inspector dismissed the appeal.
2. In determining the appeal the Inspector felt the main issue was would a self-contained studio apartment, to be let as holiday accommodation, be inappropriate in relation to the character of the area. If permission were granted, the building would become a separate dwelling, resulting in it operating as an additional residential unit. Most of the dwellings in the area are large and have garages the size of a small bungalow and had it been given permission than it could set a precedent for the surrounding dwellings to follow, which would have several damaging consequences. The inspector noted that setting such a precedent would be inappropriate to the character of the place, contrary to the requirements of policy TO5 of the statutory Local Plan.
3. The Inspector noted that there would be a loss of privacy for neighbouring houses as the proposed guestroom offers a balcony, which may instil a greater perception of intrusion when used by holidaymakers.
4. Furthermore, the Inspector stated that they thought a 'bed and breakfast', the applicants suggested 'fall-back' position, would not be as intrusive as a self-contained holiday apartment as the occupants would not need to cook and prepare meals in the apartment or shop in the local area.

Recommendation

5. The report be noted

Report prepared by Mr T Armfield, Student Planning Officer



Appeal Decision

Site visit made on 22 June 2007

by **D R Cullingford BA MPhil MRTPI**
an Inspector appointed by the Secretary of State for Communities and
Local Government

DERWENTSIDE D.C.

- 6 JUL 2007

PLANNING
DIVISION

Two Planning Inspectors
4/50 Kilo Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
Tel 0117 372 8572
e-mail: enquiries@planning-
inspectorate.gov.uk

Date: 5 July 2007

Appeal Ref: APP/V1315/A/07/2038192/NWF

Stone Gappe, 5 Long Close Road, Hamsterley Mill, Rowlands Gill, Tyne and Wear, NE39 1HQ

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr and Mrs J D S Price against the decision of the Derwentside District Council.
- The application (ref: FC/1/2006/0724/DMFP and dated 17 August 2006) was refused by notice dated 16 October 2006.
- The development is described as a 'proposed change of use of detached garage/play room to detached garage/self-catering guest room for up to 140 days a year'.

Formal Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons for the Decision

2. The appeal property has been advertised as a 'cosy Scandinavian style pine lodge'. It is set in sylvan surroundings within the pleasant and spacious garden at No.5 Long Close Road, a large sprawling bungalow on an estate of similar dwellings and substantial houses. The 'lodge' accommodates a garage on the ground floor. On the first floor there is a 'studio' apartment advertised as containing 'easy chairs, dining table, double bed and kitchen area' together with a 'shower room' and a 'balcony with chairs'. External stairs lead to the balcony, which also provides access to the apartment. This odd little building was permitted under planning permissions granted in December 2003 and June 2004 (the latter permission allowing timber rather than stone walls) subject to a condition that it should be used solely as ancillary accommodation; its use as a separate living unit or its physical separation from the main dwelling was expressly prohibited. The condition was imposed to protect the residential character and amenity of the area. The application seeks to establish a separate self-contained 'cosy' studio apartment to be let as self-catering holiday accommodation. Planning permission is thus required. And, of course, the proposed use would contravene the condition that the apartment should remain 'solely ancillary' to the main dwelling, so also necessitating planning approval.
3. The Council have refused permission because they consider that this scheme would spoil the peace and privacy enjoyed by neighbouring residents. There would be additional visitors holidaying at the 'lodge' who would be more likely than residents to sit on the balcony and survey the surrounding scene, so disturbing those nearby and overlooking the adjacent rear gardens or neighbouring dwellings. The Council are also concerned that self-catering holiday accommodation would be inappropriate on a 'prestigious estate of executive type houses' and would, thereby, contravene policy TO5 of the statutory Local Plan requiring that schemes like this one should be appropriate to the scale and character of the area. I consider that it is the test provided by the latter aspect of that policy which forms the issue on which this case turns. Would the creation of a separate self-contained studio apartment, to be let as holiday accommodation, appropriately accord with the character of this area?

4. I start with the simple observation that a separate self-contained studio apartment to be let as self-catering holiday accommodation is a separate dwelling. It may not have an enclosed curtilage (although it is no longer suggested that that particular restriction should be maintained) and it may not have all the facilities normally associated with an ordinary dwelling, but it would function as, and constitute, an additional residential unit. Hence, instead of the plot at 5 Long Close Road containing just one dwelling, permission for the proposal would result in two, albeit one of them being incongruously small. I saw for myself that most of the dwellings here are large and that they stand on spacious plots. Some possess garages the size of a small bungalow; many offer ample opportunity to accommodate something similar to the proposed 'studio' holiday apartment. If the appeal scheme is deemed to be appropriate, then it is very difficult to see how something similar could be prevented on a plethora of plots throughout the estate. I think that the repetition of such development would have several damaging consequences. It would increase the density of the estate, thereby undermining its spacious character: it could result in an odd assortment of incongruously small dwellings inserted amongst the large houses and bungalows: it might alter the residential ambience of the place through the accumulation of holiday homes. The potential for the appeal scheme to serve as a precedent leading to such harmful development demonstrates, to my mind, that the proposal would be inappropriate to the character of the place. It would, therefore, contravene the requirements of policy TO5 of the statutory Local Plan.
5. I read the very careful assessment of the proposal set out in the planning officer's report. She acknowledges that neighbouring properties would be seen from the balcony and that the use of that feature by holiday makers might instil a greater perception of intrusion (or loss of privacy) for those nearby than the continued use of the apartment as ancillary accommodation. Given the dates of the permissions and the design of this apartment, I rather doubt that it ever served the latter function. Nevertheless in relation to the former, the planning officer clearly feels that the spaciousness of the plots would mean that often quoted minimum separation standards would be significantly exceeded. In my view, those minimum standards are not applicable here. On the contrary, it seems to me that residents of such a spacious estate might reasonably expect a commensurate degree of privacy. Moreover, even if the appeal proposal might, by itself, only marginally impinge on the seclusion of those nearby (a view that neighbouring residents clearly refute), I am in no doubt that the repetition of such development would jeopardise the privacy that residents might reasonably expect to enjoy here.
6. I note too that the planning officer's ultimate recommendation to approve the appeal proposal depends crucially on her assessment (entirely reasonable in the circumstances) that a permission would enable a limit of 140 days to be imposed on the proposed holiday use, whereas a refusal might encourage a more intrusive year long occupation of the premises on a 'bed and breakfast' basis not requiring planning permission. I take a different view. First, I agree with some of the objectors that the suggested limitation could be, in planning terms, illusory; the permission sought might not necessarily prevent the building being used for a purpose that does not require planning permission when not in use for the purpose actually permitted. And, even if it did so theoretically, enforcement would be very difficult. Second, I disagree that a 'bed and breakfast' use would necessarily be more intrusive than a self-contained holiday apartment. Amongst other things, the former would not require occupants to cook and prepare meals in the apartment or shop for food and provisions. Third, for the use of the apartment as 'bed and breakfast' accommodation to be beyond normal planning controls, it is necessary that it remain ancillary to the main dwelling. That is a matter of fact and degree. Detailed operational arrangements could be crucial. And, of course, such an undertaking must, by definition, be limited. For those reasons, I consider that approval for this proposal would fail to offer sufficiently cogent benefits over the suggested 'fall-back' position to warrant the permission sought.
7. Hence, I find that the appeal scheme would serve as a dangerous precedent capable of

undermining the character of this spacious estate and contravening the requirements of policy TO5 of the statutory Local Plan. It would also jeopardise the privacy that residents might reasonably expect to enjoy and fail to secure sufficiently tangible advantages over the suggested 'fall-back' position to warrant approval. And, in spite of considering all the other matters raised, I am afraid that I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

D R Cullingford

INSPECTOR

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

2nd August 2007

REPORT OF PLANNING OFFICER

APPEAL DECISION

Appeal against the refusal to grant full planning permission for the erection of a conservatory at 95, Snows Green Road, Shotley Bridge

1. This appeal relates to a planning application, which was refused permission on 6th November 2006 for the erection of a conservatory at 95, Snows Green Road, Shotley Bridge, Consett, Co. Durham. The planning Inspector dismissed the appeal.
2. The Inspector felt the main issue was the effect the proposed development would have on the character and appearance of the Shotley Bridge Conservation Area. Policy EN13 of the Derwentside District Local Plan states that development in Conservation Areas will only be permitted if it preserves and enhances the character or appearance of the area. Policy EN15 requires new buildings and extensions in Conservation Areas be constructed in materials which are in character with the area.
3. The Inspector thought that the conservatory would appear as an 'over-large, modern addition, which would be out of scale and proportion with the existing building' and be detrimental to the character of the Shotley Bridge Conservation area. The proposed conservatory would project in excess of 3.3m from the current plain main elevation. The conservatory would measure 3.5m in width and a 3.2m in height, making it substantial in size in relation to the existing dwelling and would be square in plan, compared with the rectangular lines of the original property and the terrace as a whole. Furthermore, the Inspector was of the opinion that the polycarbonate roof and large glazed areas would also relate poorly to the existing building and would not fit in with the traditional features of the existing terrace.
4. The Inspector contested that although No. 95 was at a lower level, the upper part of the conservatory, in particular the polycarbonate roof would be seen from different locations on the adjacent footpath to Snow Green

Road. As such, the conservatory would be detrimental to the character of the area.

5. The Inspector took into consideration other conservatories in the area, which were out of character with their traditional host buildings and could be viewed as more conspicuous than the proposed conservatory in question, but stated that this does not justify allowing this appeal. Furthermore the Inspector was of the opinion that the point that No. 91 and No.93 fully supported the erection of the proposed conservatory did not outweigh their considerations that the proposed development would adversely affect the character and appearance of the property and the surrounding area.

Recommendation

6. This report be noted.

Report prepared by Mr. T Armfield, Student Planning Officer



Appeal Decision

Site visit made on 15 May 2007

by **J Chance** BSc DipTP MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PW

☎ 0117 372 8372
email:enquiries@pins.gov.uk

Date: 21 May 2007

Appeal Ref: APP/V1315/A/07/2036651

95 Snows Green Road, Shotley Bridge, Consett, Co Durham DHS OEP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Bell against the decision of Derwentside District Council.
- The application Ref G/1/2006/0756/DMFP, dated 25 August 2006, was refused by notice dated 6 November 2006.
- The development proposed is a conservatory.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. Following the Council's refusal, the appellant has produced a drawing entitled "Possible Amendment" which shows a revised design for the conservatory. However, neither the Council nor any interested party has had the opportunity to comment on the revised drawing. As the amended scheme differs significantly from the original scheme, I consider that parties or persons would be prejudiced by my accepting the revised proposal. I have therefore determined this appeal on the basis of the originally submitted drawings and plans.
2. The Council has advised that the appeal property lies within the Shotley Bridge Conservation Area. It was clarified at the site visit that the appellant's plan entitled "Conservation Area" relates only to the part of the Conservation Area covered by an Article 4 Direction removing certain permitted development rights, the Conservation Area extending beyond this. On the basis of the information provided, I have assumed that the appeal site is within the Conservation Area and have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Shotley Bridge Conservation Area.

Planning Policy

4. The development plan includes the Derwentside District Local Plan (LP) (adopted 1997). Policy EN13 indicates that development in Conservation Areas will only be permitted if it preserves or enhances the character or appearance of the area. Policy EN15 requires that within Conservation Areas new buildings and extensions should be constructed in materials which are in character with the area.

4. I start with the simple observation that a separate self-contained studio apartment to be let as self-catering holiday accommodation is a separate dwelling. It may not have an enclosed curtilage (although it is no longer suggested that that particular restriction should be maintained) and it may not have all the facilities normally associated with an ordinary dwelling, but it would function as, and constitute, an additional residential unit. Hence, instead of the plot at 5 Long Close Road containing just one dwelling, permission for the proposal would result in two, albeit one of them being incongruously small. I saw for myself that most of the dwellings here are large and that they stand on spacious plots. Some possess garages the size of a small bungalow; many offer ample opportunity to accommodate something similar to the proposed 'studio' holiday apartment. If the appeal scheme is deemed to be appropriate, then it is very difficult to see how something similar could be prevented on a plethora of plots throughout the estate. I think that the repetition of such development would have several damaging consequences. It would increase the density of the estate, thereby undermining its spacious character: it could result in an odd assortment of incongruously small dwellings inserted amongst the large houses and bungalows: it might alter the residential ambience of the place through the accumulation of holiday homes. The potential for the appeal scheme to serve as a precedent leading to such harmful development demonstrates, to my mind, that the proposal would be inappropriate to the character of the place. It would, therefore, contravene the requirements of policy TO5 of the statutory Local Plan.
5. I read the very careful assessment of the proposal set out in the planning officer's report. She acknowledges that neighbouring properties would be seen from the balcony and that the use of that feature by holiday makers might instil a greater perception of intrusion (or loss of privacy) for those nearby than the continued use of the apartment as ancillary accommodation. Given the dates of the permissions and the design of this apartment, I rather doubt that it ever served the latter function. Nevertheless in relation to the former, the planning officer clearly feels that the spaciousness of the plots would mean that often quoted minimum separation standards would be significantly exceeded. In my view, those minimum standards are not applicable here. On the contrary, it seems to me that residents of such a spacious estate might reasonably expect a commensurate degree of privacy. Moreover, even if the appeal proposal might, by itself, only marginally impinge on the seclusion of those nearby (a view that neighbouring residents clearly refute), I am in no doubt that the repetition of such development would jeopardise the privacy that residents might reasonably expect to enjoy here.
6. I note too that the planning officer's ultimate recommendation to approve the appeal proposal depends crucially on her assessment (entirely reasonable in the circumstances) that a permission would enable a limit of 140 days to be imposed on the proposed holiday use, whereas a refusal might encourage a more intrusive year long occupation of the premises on a 'bed and breakfast' basis not requiring planning permission. I take a different view. First, I agree with some of the objectors that the suggested limitation could be, in planning terms, illusory; the permission sought might not necessarily prevent the building being used for a purpose that does not require planning permission when not in use for the purpose actually permitted. And, even if it did so theoretically, enforcement would be very difficult. Second, I disagree that a 'bed and breakfast' use would necessarily be more intrusive than a self-contained holiday apartment. Amongst other things, the former would not require occupants to cook and prepare meals in the apartment or shop for food and provisions. Third, for the use of the apartment as 'bed and breakfast' accommodation to be beyond normal planning controls, it is necessary that it remain ancillary to the main dwelling. That is a matter of fact and degree. Detailed operational arrangements could be crucial. And, of course, such an undertaking must, by definition, be limited. For those reasons, I consider that approval for this proposal would fail to offer sufficiently cogent benefits over the suggested 'fall-back' position to warrant the permission sought.
7. Hence, I find that the appeal scheme would serve as a dangerous precedent capable of

undermining the character of this spacious estate and contravening the requirements of policy T05 of the statutory Local Plan. It would also jeopardise the privacy that residents might reasonably expect to enjoy and fail to secure sufficiently tangible advantages over the suggested 'fall-back' position to warrant approval. And, in spite of considering all the other matters raised, I am afraid that I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

D R Cullingford

INSPECTOR

DERWENTSIDE DISTRICT COUNCIL**DEVELOPMENT CONTROL COMMITTEE****2nd August 2007****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****PLANNING APPLICATIONS AND ASSOCIATED MATTERS****CONTENTS**

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07/0570 and 07/0571	Dioceses of Durham Board of Education	Phased demolition of existing school, rebuilding of school, associated landscaping and tree felling, creation of car park, siting of temporary classrooms and erection of biomass store/boiler house and Conservation Area Consent for the demolition of the school building, Bishops Ian Ramsey School, Manor Road, Medomsley	Ebchester and Medomsley Ward	27
07/0520	Stepping Stones Co-op Nursery Ltd.	Permanent Use of Premises as Children’s Day Nursery, Stepping Stones Co-op Nursery Ltd.	Consett North Ward	37
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RECOMMENDATION FOR REFUSAL

07/0468	24.05.07
Mr P Wilks	Former Whitbank Garage, Lanchester
Demolition of existing garage and car showroom and erection of ten dwellings	Lanchester Ward

The Application

1. Planning Permission is sought for the demolition of the former Whitbank Garage and car showroom and the erection of ten dwellings on the site.
2. Vehicular access would be taken from the A691 road at the southern end of the site. Each property would have two car parking spaces.
3. A terrace of five properties and one detached house would be erected at the front of the site, these would be separated by the vehicular access. At the rear of the site four detached properties would be erected. The terraced properties would contain three bedrooms although it should be noted that the third bedroom is relatively small, while the detached houses have been designed with four bedrooms. Stone and slate would be used in the construction of the dwellings.
4. The applicant has indicated that the southern boundary of the site would be reinforced with structural planting measuring 3-4 metres in depth within the boundary of the application site.

History

5. An application for ten dwellings was submitted in October of last year. The application was withdrawn prior to determination (reference 1/2006/0865/DM).
6. An application for twelve dwellings was refused contrary to Officer recommendation on 28th April 2003 (reference 1/2002/0943/DM) on the following grounds-
 - The development would be outside of the physical framework of Lanchester extending into the surrounding countryside, contrary to Policy HO5 of the Local Plan.
 - The proposed development would be detrimental to the attractive open hillside, contrary to Policy EN6 of the Local Plan.
 - There is not an overriding need for the development as there is sufficient brownfield land within the District.

The applicant appealed against the Council's decision however the appeal was withdrawn prior to it being heard.

7. An application for the erection of six detached dwellings on the site was submitted in August of 2002 (reference 1/2002/668/DM). The application was withdrawn prior to determination.
8. Outline Planning Permission for residential development was refused at appeal in May 1989 (reference 1/1988/821/DM) for approximately 2.75 hectares of land at Crow Hall Farm, Lanchester. This larger site included the rear part of the current application site, the grassed area to the east and north. The Council refused the application on the grounds that:
 - the site was considered to be outside of the physical framework of the village and extending into the surrounding countryside;
 - highway safety concerns;
 - it was felt that residential development would be detrimental to the attractive open hillside;
 - the proposal could, without remedial measures, make worse the existing problems of flooding and; there was not felt to be an overriding need for the development as there was sufficient housing land in the District
9. The appeal was heard at a Public Inquiry and prior to the commencement of the Inquiry both parties agreed that the drainage difficulties could be overcome by imposing conditions and this ground for appeal was not considered at the Inquiry. The Inspector considered that there were two main issues in determining the appeal. Firstly, whether the proposal would consolidate the existing physical framework of the settlement and secondly whether the proposal would have any unacceptable impact on road safety.
10. The Inspector felt that the proposal would result in a significant extension of the built up area of Lanchester, causing serious encroachment into open countryside unacceptably harming the form and setting of the village. Turning to the highway safety issues the Inspector felt that the proposal would inevitably lead to a significant increase in pedestrian/vehicle conflict. He therefore dismissed the appeal.
11. Planning Permission was granted for the erection of seven detached dwellings on the adjacent site in July 2001 (reference 1/2001/354/DM). A substitution of the house type on plot one was approved in July 2002 (reference 1/2002/436/DM). Prior to this Planning Permission was granted in February 2001 for five dwellings on the adjacent site (reference 1/2000/813/DM) and Outline Planning Permission in February 1998 for four dwellings (reference 1/1997/1161/DM).
12. Various applications for alterations and signage at the garage/workshop have been submitted, however these are not relevant to this application.

Policy

13. 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)
Development within Conservation Areas (EN13)
Demolition in Conservation Areas (EN14)
Materials in Conservation Areas (EN15)
Wildlife Corridors (EN23)
Development on Small Housing Sites (HO5)
Development Limit for Lanchester and Burnhope (HO7)
Recreational Public Open Space within Housing Sites (HO22)
The Layout of New Housing (HO23)
Development and Highway Safety (TR2)

Lanchester Village Design Statement

Consultations

14. County Highways Development Control Officer- Despite the comments of my 1st November 2006 consultation response to the earlier application, the site layout is completely unchanged. Accordingly, until these issues are addressed I recommend that the application is refused.

In response to the previous application he commented that-

You will be aware of the history of this site in recent years. In responding to applications 2002/0668 and 2002/0943 (Neil Thompson's letters of 9th September 2002 and 19 December 2002 refer), the Highway Authority made clear its preference, in road safety terms, of providing vehicular access to this and the now completed adjoining site. Given the previous use of this garage site, and reasons given in my colleague's previous letters, it is accepted a refusal based on vehicular access arrangements to the site would be difficult to substantiate however.

Therefore while I have no objection to the principle of housing on this site there are some aspects of the detailed design which are currently unacceptable and require revision:

Six dwellings are shown as being serviced from the private drive. This exceeds the maximum four no. permissible in the County Council's Guide to the Layout and Construction of Estate Roads. To remedy this I recommend the adoptable road is extended westwards by 11.5m.

To discourage encroachment of the footway, the distance between the garage door and rear of footway at plot 10 needs to be increased to 5.5m

(or 5.0m if a non-projecting door is used and suitably conditioned).

The length of the stub end to the north of plot 6 is substandard in terms of adoption criteria and should be extended eastwards by 2.4m

The existing western access to the site (part of the public highway) is to be made redundant and accordingly, the plan must show this access being permanently closed by means of kerbs and instatement of grassed highway verge between the A691 carriageway and the footpath to the north.

The footpath to the south of plots 3-5 must be 1.8 minimum width.

Both the junction entrance radii with the A691 must be tangential to the A691 carriageway edge. The entrance radii, to the west, should be increased to 10m.

To prevent encroachment onto the public highway, the rear garden boundaries of plots 3,4, and 5 should be brought into line with the rear boundary of plots 1 and 2.

Until an amended plan is submitted depicting the above alterations I recommend that the application is refused.

15. Durham County Council (Design and Conservation)- views awaited with regard to the current application. However the details of the application remain unchanged for the previously withdrawn application. The comments received with regard to that application were as follows-

In Lanchester Conservation Area and a highly visible site on the main road. The site is unsightly with a disused garage and temporary security fence to the front.

The Village Design statement

P11 refers to the importance of the open fields on the A691

P21 opportunities should be found to remedy those buildings with an unsatisfactory appearance.

Principle of the development

- I have no objections to the site being developed for housing
- This is a brownfield site which if developed satisfactorily would remove the eyesore of the disused garage.
- The site is not isolated and would have a relationship with the adjacent estate.
- I do not think it would set any precedent for developing further along the A691. I agree with the sentiments in the VDS that the open fields are important.
- The potential to develop any further up the hill seems to have been resolved (refer to the Design Statement)

Layout

I have no objections to the layout which is very simple. The terrace along the front would provide a more vernacular frontage to the detached houses behind.

We need some more information about how this site relates to the site next door. Specifically whether,

- The building line will relate to the adjacent site.
- Will the boundary wall to the front be exactly the same? This detail needs to be confirmed and approved.
- Will the private road join with the site next door? I think it should. Maybe there could be a pinch point here.

Landscape

The structure planting is welcomed and would very effectively enclose this site. We must ensure that it is planted and maintained.

Design

- I like the terrace row along the front in scale and design, although I would like to see chimneys and water tabling added to give the roof interest. I suggest that these are added at either end and at the join between plots 2 and 3 (i.e. in three places).
- The detached houses are quite simple except for the porthole windows. These must be removed. It would be desirable to add chimneys but this is not as essential as at the front.
- Windows everywhere should be recessed in their openings by 100 mm minimum

Materials

- Materials are all acceptable.
- Painted timber windows- good
- Slate roofs- good, must be natural slate
- Stone walls- good but we must be careful about the appearance of the stone and the way its laid. The adjacent houses should not be copied.

Recommendation

- We need more information about how the site relates to the adjacent site. We need to secure minor amendments to the design re chimneys and portholes and then approve with conditions-
- Design to the front boundary wall to be agreed.
- Samples of materials to be agreed.
- A sample panel of stone to be agreed.
- Exact appearance of the windows including method of opening and paint colour to be agreed.
- All windows and doors to be recessed in their openings by 100 mm.
- Porch canopies to be timber with slate roofs.
- We need to ensure that the proposed tree planting does not get forgotten.

16. Environment Agency- Thank you for referring the above application, which was received on 6 June 2007. We have reviewed the application and must **OBJECT** to the proposal on the following grounds:

Flood Risk:

No technical information or flood risk assessment (FRA) has been provided with the application. As submitted, the proposed development may increase the flood risk to people and property on the site and in the surrounding area.

The proposed development site lies within Flood Zone 2, as described in Table D1, Annex D of Planning Policy Statement 25 (PPS25): 'Development and Flood Risk'. PPS25 advises that all development within the floodplain should have a FRA appropriate to the size, use and location of the development in order to fully assess flood risk.

The Agency would therefore suggest that a FRA should be submitted by the applicant. Any further information prepared by the applicant in response to the Agency's request should be formally submitted to the Planning Authority and we would then wish to be re-consulted. Further guidance on the submission of an FRA can be found at www.pipernetworking.com

If you intend approving the application contrary to our objection, paragraph 26 of PPS25 advises that you re-notify the Agency to explain why and to give us the opportunity to make further representations.

If you refuse the planning application and the applicant lodges an appeal, we would be prepared to support you and provide evidence at any public inquiry or informal hearing.

The Environment Agency is aware that there are surface water drainage issues at this location. In accordance with PPS25 'Development and Flood Risk' the Flood Risk Assessment needs to identify all sources of flooding, and the risk to the development from these as well as any appropriate mitigation measures.

Contaminated Land:

There is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. There are three strands to this objection. These are that:

1. We consider the level of risk posed by this proposal to be unacceptable.
2. The application fails to provide assurance that the risks of pollution are understood, as a desk study, conceptual model and assessment of risk have not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only

where the risk is known.

3. Under PPS23, the application **should not be determined** until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Information provided with the application indicates that the site has been subject to a potentially contaminative use. The site is considered to be in a potentially sensitive location with respect to surface waters as it lies within 50 metres of the Smallhope Burn which is classed as a main river.

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

Refer to our website at www.environment-agency.gov.uk for more information.

In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters.

Though not part of our formal objection, we would also like to raise the following:

PPS25 Requirements and the Sequential Test

The application site lies in an area of medium flood probability as defined by PPS25 known as Flood Zone 2. PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a flood risk 'Sequential Test'.

We advise that the Sequential Test be carried out at an early stage of the planning application determination process. Failure to apply the Test at an early stage in the determination process can result in a waste of time and money for all parties in the completion and assessment of Flood Risk Assessments, for development that is later refused planning permission on Sequential Test grounds.

A proforma can be found at www.pipernetworking.com/floodrisk which provides a framework for applying the Sequential Test to planning applications and we recommend that it is completed by the developer and submitted to your Authority as part of the application. On an application of this size, the Environment Agency will not have an active role in assessing

the Sequential Test. The responsibility lies with the Local Authority to confirm that the Test has been properly carried out by the developer.

Sustainable Energy Use / Renewable Energy Generation

We consider that a planning application of this scale should incorporate Sustainable Energy Use / Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the emerging Regional Spatial Strategy for the North East, we consider the proposed development should incorporate Policies 39 (Sustainable Energy Use) and 40 (Renewable Energy Generation).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the EcoHome 'very good' or 'excellent' rating or an equivalent Code for Sustainable Homes rating. In addition, we consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.

17. Northumbrian Water- no objections.
18. English Heritage- do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
19. Natural England- Thank you for consulting Natural England on the above proposal. Your letter was received by this office on 6th June 2007 with the supporting documentation entitled Durham Bat Group, Survey Of Russel Close Garage To North Of A691 At Lanchester, On 19th November 2003.

Based on the information provided, Natural England has outstanding concerns regarding the proposal at this stage as it considers that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. Our concerns relate to bats and our key issues are detailed later in this letter. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 to PPS9 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System. As the competent authority, the local planning authority may process this application such that it is refused / deferred / withdrawn / suspended until the applicant submits sufficient information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated.

Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably qualified and experienced persons holding any licences that may be required. Further information about survey methods and mitigation measures may be found on the following web site www.english-nature.org.uk

The local planning authority should normally expect to receive a protected species report with a full description of the proposal, thorough survey for protected species, clear impact assessment, appropriate and detailed mitigation strategy and associated delivery mechanisms. With regard to this application Natural England has the concerns regarding potential adverse impacts upon protected species and advises that further information or key amendments are made to the supporting information to address these concerns as follows:

- The submitted bat survey is from November 2003 and it was undertaken during the winter hibernation period. The information provided is consequently outdated and current use of the site by bats has not been fully determined with the survey being undertaken at a suboptimal time of year;
- Evidence provided shows the site to be a known bat roost and as such a Natural England License will be necessary before works can commence;
- The bat survey submitted recommends a series of mitigation measures. However, this does not appear to have been taken forward under this planning application since a clear impact assessment; an appropriate and detailed mitigation strategy and associated delivery mechanism (e.g. detailed method statement; annotated architects drawings etc) have not been provided;
- Advance mitigation (bat boxes); precautionary working methods and incorporation of bat access points within the new development should also be included in the mitigation strategy;
- Further surveys during the current active period could also be used to inform the mitigation strategy on this site.

It is the responsibility of the developer to provide this information to the local planning authority to enable it to fully assess the proposal. Please note that, although Natural England is technically not a statutory consultee where protected species are involved, ODPM Circular 06/2005 advises that it 'should' (not 'must') be consulted when a planning authority is considering development proposals likely to harm species or their habitats as listed in Annex A of the Circular.

Please note that wildlife legislation operates independently of the planning system and any works at this site must comply 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.

Natural England will provide further advice on receipt of full information which deals with our concerns as listed above.

20. Durham Bat Group- The bat survey submitted with this application was carried out in November 2003. This means that-

- It is out of date
- It was written before the Bat Mitigation Guidelines were published in 2004
- It was written before the recommendations of PPS9 were made.
- The assessment was made when bats would have been hibernating.

The garage is a KNOWN ROOST which is used casually by non-breeding bats.

In view of this, the LPA should contact Natural England for advice.

Because of the interest in the site and the high number of batworkers round Lanchester, this site has monitored by Durham Bat Group on an *ad hoc* basis ever since then and the initial assessment as a small-scale casual roost still stands.

Durham Bat Group believe that we have sufficient data to move forward without the need of further survey work BUT mitigation needs to be included to ensure that the existing conservation status is maintained.

Because the use is casual, there is no benefit to be gained from a work programme at a particular time of the year. However, there should be a method statement which prescribes methodologies for the demolition which will ensure that any bats present are discovered rather than destroyed.

The new build should include provision for bats to replace that lost in the demolition.

Interim provision in the form of bat boxes should be created to ensure continuity of roost site during the work.

The Method Statement, design of the mitigation and design and placement of the bat boxes all need to be supervised by a suitably qualified and licenced bat worker. Please note that the entrance gap quoted in the 2003 report is no longer recommended and that a gap of 18mm (range 15-20) is now regarded as optimal.

As usual, Durham Bat Group will be pleased to advise the LPA on the quality and suitability of any further bat information they receive in conjunction with this case.

21. Police Architectural Liaison Officer- dwellings should be positioned to maximise natural surveillance over neighbouring land and as far as possible without conflicting with the residents need for privacy. Avoid the creation of windowless elevations and blank gable ends that overlook the access road.

22. Lanchester Parish Council- Members were once again, and in the absence of any amendment to Policy HO7 of the adopted Derwentside District Local Plan with particular reference to the proposed development limit therein, very strongly opposed to the application.

They instructed me to remind you of their previous written objections to the initial application which are equally pertinent to the present proposal.

The reasons given for the refusal of application 2002/943 were based upon the conflict with Local Plan Policies HO5 and EN6 and that there was no overriding need for the development as sufficient 'brownfield' land was available elsewhere in the District. Those policies remain in place and there remains sufficient availability of land to meet housing needs. There is therefore, no justification in taking a different view particularly in the light of local opinion. Following the withdrawal of application 1/2006/0865 and in anticipation of an early resubmission the parish Council and Lanchester Parish Council held a further public meeting on 11th January to canvas local opinion, the overwhelming opinion was that any new application should be rejected.

23. The Lanchester Partnership- the application is fundamentally similar to the application for 12 dwellings refused permission by the Council on 28th April 2003 (reference 1/2002/0943/DM) and the application for ten dwellings (reference 1/2006/0865/DM) submitted in October last year and withdrawn.

You will I am sure recall that considerable public opinion against the development of this site had been aroused by an earlier application (reference 1/2002/0668/DM) for six dwellings, which was the subject of two public meetings on 3rd September and 3rd October 2002, called at the request of the Lanchester Parish Council. That application was withdrawn on 2nd December and the application for 12 dwellings was submitted in its place. A further public meeting was held when it became apparent that many residents considered the new scheme even more inappropriate than the first and some 70 of them attended the Development Control Committee Meeting on 24th April when it was resolved to refuse the development.

The Partnership and Lanchester Parish Council were both represented at the committee and spoke against the proposal on behalf of the local community.

When the revised application was submitted in October 2006 for ten dwellings there was not time to call a further public meeting before expressing view but both the Parish Council and the Lanchester Partnership raised objections to the proposals on similar grounds to those previously expressed. The Partnership's views were set out in a letter of 25th October. The application was quickly withdrawn.

It seems to us that the objection are equally pertinent to the present proposal. The reasons given for refusal of application 1/2002/0943 were

based on the conflict with Local Plan Policies HO5 and EN6 and that there was no overriding need for the development as sufficient 'brownfield' land was available elsewhere in the District. These policies remain in place and there remains a sufficient availability of land to meet housing need. There is therefore no justification in taking a different view particularly in the light of public opinion. Following the withdrawal of application 1/2006/0865/DM and in anticipation of an early resubmission the Parish Council and Partnership held a further public meeting on 11th January to canvas local opinion. The overwhelming opinion was that the new application should be rejected.

The Design and Access Statement, accompanying the application, does not address either of the housing policy issues. It seeks to play down the obtrusiveness of the development claiming that the two storey buildings will be more in keeping with the village character and their surroundings than was the case with earlier proposals and that extensive tree planting would mitigate the impact of the development.

We do not accept either of these arguments. Two storey dwellings would be significantly more obtrusive than the garage, as is already evidenced by the development at Bishop's Meadow. The intensity of the development would be more urban than rural in character though, more importantly, further such development would only reinforce the intrusion of built development within the Area of High Landscape Value contrary to Policy EN6 and detrimental to the attractive open hillside.

A further important consideration, not mentioned in the earlier reasons for refusal, is the obligation arising from section 72 of the Planning (Listed Buildings and Conservation Areas) Act that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is our strongly held view that the development in this open part of the Lanchester Conservation Area would seriously damage its character and appearance. The suggestion that terraced housing along the frontage is typical of ribbon development in Lanchester is an anathema in this open rural location, which would only be exacerbated by the high wall across the frontage of the site.

Although the Council subsequently gave permission for redevelopment of the site as a petrol filling station subsequent to the refusal of permission for housing development, that simply reflected the existing use of the site, a use which we consider appropriate to the main road frontage.

The Planning Policy background has not changed, nor has there been any change in the surroundings to the site and it seems to us that there is therefore no justification for taking a different decision from that made in 2003. The most fundamental issues are that the site is very poorly related to the pattern of development in the village being separated from it by an effective bypass and that it stands within an area of open hillside which provides a distinctive setting to the village and most attractive outlook from it. That is why the land was excluded from the village limits (Policy HO7)

and is part of an area designated as High Landscape Value (Policy EN6). The proposed development would intrude very significantly more than the road frontage garage.

We therefore ask the Council to refuse planning permission for the proposed development.

We have not so far commented on the applicant's Flood Risk Assessment mainly because we consider the planning objections sufficient to justify refusal of the development without taking into account flood risk. However, we have serious doubts as to the validity of the assessment particularly as it does not deal adequately with the run off from the fields to the east. It is known that the former occupants of the garage had to pump water out of his pits on a daily basis. It is furthermore our understanding that the Environment Agency's concern related to the loss of flood capacity if the site were filled to a level to avoid flooding of development on the site. This would seem to be entirely contrary to the applicant's suggestion that 'it is possible that the Environment Agency would support the filling of the site to 117.00m AOD'.

24. Neighbours have been consulted and a site notice posted. Thirty one letters of objection have been received. One letter is appended to the report. The grounds of objection are as follows-

Principle of development

- Site is outside of the Lanchester Development Limit. The Development Limit was created to protect this site and the adjacent hillside from damaging development.
- The site extends the village into the countryside.
- Contrary to Policy HO5 as the site extends beyond the existing built up area: exceeds 0.4 hectares when taken together with the adjacent Bishop's Meadow site: is not appropriate the existing pattern and form of development as it is disconnected from the village by the Lanchester bypass.
- Approval of the application might well lead to other applications relating to the whole hillside surrounding the application site.
- The development would extend beyond the existing physical framework of the village.
- The development exceeds the brownfield area of the site.
- The development is on former commercial land and it should be kept for such purposes.
- Only part of the site is brownfield. The rear part of the site blends into the landscape and can be considered as part of its natural surroundings. It is within the curtilage of the garage building but there is no presumption that the whole curtilage should be developed.
- We do not need any more houses in Lanchester.
- No obvious grounds for change of use (the state of repair of the current building does not constitute a reason).
- Site is on the northern side of the bypass built to remove traffic from the

residential area. It would be a retrograde step to allow development alongside it.

- The development is not in accordance with Local Plan policy and should be rejected.
- The consultation document entitled 'Planning for the Future of Derwentside- Core Strategy Issues and Options' dated February 2007 estimated that Derwentside had between 14 and 18 years housing supply land at the end of August 2006 – therefore there is no need for further housing sites to meet our housing requirements.
- The site does not include any affordable housing as defined in the Council's Interim Affordable Housing Policy.
- The site has already been deemed to be out of bounds for housing development and if this decision is overturned the precedent will have been set. As the hillside is owned by a developer applications will eventually come in.
- Nothing has changed since the previous refusal and the application should be rejected again.
- The preferred option would be for the site to be returned to Greenfield.
- Contravenes Local Plan Policy and no material Planning considerations are of sufficient weight to go against policy therefore the application should be refused.

Design and Appearance

- The height and frontage would be obtrusive spoiling the views entering the village.
- Any new building should stay on the same footprint as the present structure and not exceed the height.
- External design is poor and would not enhance the village.
- Development is too dense and would not provide any areas for children to play.

Area of High Landscape Value (AHLV)

- Site impinges on the AHLV – residents place a very high value on this area of land especially the hillside which frames the village from many view points
- Contrary to Policy EN6 (Areas of High Landscape Value).

Access and Highways

- The design of the access road does not cater for a turning area and any large vehicles would have to reverse in or out of the development onto the main A691 road causing a hazard to other road users.
- It is our view that there has been a significant increase in traffic in the locality since the Whitbank Garage closed.
- When the garage was in use, in practice there was very little traffic that actually crossed the main traffic flow of the A691. Vehicles approaching from the east used the garage while westbound vehicles travelled further on to the garage 400 metres up the road. A housing development will result in more vehicles crossing the traffic particularly at peak times. This is already the case with the Bishop's Meadow

development.

- Danger will be added to already congested junctions.
- There are 13 exits onto the Durham bound carriageway of the A691 within a 400 metre stretch at this location, including the school.
- Although removal of the garage would theoretically reduce the overall number of junctions with the A691 it has the potential to more than double the volume of traffic leaving and joining the A691 between the junction with the A6076.
- If ten more houses are built there would be approximately 20 more vehicles adding to congestion and increasing the risk of accidents. There would be an increase of 133% over current levels of traffic accessing Bishop's Meadow which is clearly unacceptable.
- Levels of traffic at the A691 and A6076 junction are already high especially at peak times making it hazardous to enter and exit Bishop's Meadow.
- The close proximity from the exits from the eastbound lane of the A691 make it impossible for drivers to indicate and make their intentions clear and safely to other road users.
- Proximity of the schools adds to the risks.

Bats and Wildlife

- Bat survey out of date. The building and site has been vacant for 3 ½ years since the survey was carried out and it may now be used by bats.
- Survey carried out at the wrong time of the year.
- An up to date survey is required.
- Site is within a wildlife corridor and account must be taken of this.

Flood Risk and Drainage

- The Flood Risk Assessment (FRA) makes no mention of the flooding of June 2003 which was more severe than that of 2000.
- The FRA states that the properties would be built at the same level as the adjacent houses on Bishop's Meadow however the drawings show the lintel levels being lower which would indicate that the floor levels would also be lower.
- Plans do not show existing ground levels although it is clear that they are lower than those of Bishop's Meadow.
- Existing and proposed ground levels need to be clearly shown and finished floor levels need to be ascertained before consideration can be given to the proposal.
- Confirmation is required that there is no possibility that the ground level of the application site or a significant part of it could be raised to that adjacent in Bishop's Meadow.
- The plans indicate that drainage would be soakaways. There has already been flooding in the area and the properties would have to be raised for soakaways to work.
- The FRA addresses the flooding of the Smallhope Burn. This has never been an issue. The problem is the run off from the fields that surround the site.

Other Issues

- The land may be contaminated and disturbing the land could cause contamination to the river and adjacent fields.
- There is a need for affordable housing for first time buyers.
- Can something be done to force the owner to tidy up the site?
- Existing services (Doctors, dentists, water, sewerage, roads and parking) are already stretched and more houses would make the situation worse.
- The permission for the redevelopment of the site for a garage expires in approximately two years. At that time we would welcome it if the Local Authority require the demolition of the garage and allow the site to revert naturally to its former status.

One letter of support has been received stating that-

- Common sense should prevail and permission should be given for developing this derelict and potentially hazardous site. The land is contaminated and unless the local authority, or the owner himself, are prepared to spend money on removing the eyesore surely building a few houses on the site is the pragmatic solution.
- I know the anti lobby can come up with many legal and emotionally arguments why the development should be opposed, but surely removing this unsightly and dangerous property should have priority.
- As a condition of approval the developer should be asked to make a considerable contribution to improve the environment of the village.
- In modern language he could make the development carbon neutral, that way everybody should be happy.

Officer Assessment

25. This application raises a number of significant issues which need to be addressed in determining the application. These relate to the principle of residential development, appearance of the development and the impact on the Lanchester Conservation Area, impact of the development on the Area of High Landscape Value and Wildlife Corridor, Highways Issues, Flood Risk, Contamination, and Bats. Each of these issues is considered below.

The Principle of Residential Development

26. The site to which this application relates lies outside of the Lanchester Development Limit that is identified by Policy HO7 of the Local Plan. An interim Development Limit for Lanchester was adopted in July 1990 due to the pressure for new development in the village. In preparing the Local Plan the Council was notified of a potential development site that included most of the scrap yard and the adjoining petrol filling station and garage as well as the Greenfield land to the north and east. The site was assessed using the scoring system which is detailed in the Local Plan. The scrap yard and garage site, the developed part of the site, scored sufficient

points to be included in the Local Plan however the greenfield part did not. Falling within the Development Limit for Lanchester at that time, the garage and scrap yard sites were listed under Policy HO8 of the Consultation Draft of the Local Plan as suitable for residential development.

27. In response to the Consultation Draft of the Local Plan, representations were submitted by a prospective developer with an objective of securing an extension to the allocated site. Following consultation with local residents it was agreed to realign the Development Limit to exclude the site. The Development Limit was further revised to exclude both the scrap yard and garage/petrol filling station.
28. A report prepared for the Public Inquiry states that 'the Council's reasons for excluding the scrap yard and garage sites are not solely in response to public opinion. The garage/petrol filling station was removed when it became known that the original proposal...was not to be pursued.' The consultants acting for the prospective developers stated that to develop the scrap yard as an individual site would not be viable. The entire site was therefore excluded from the Development Limit.
29. The application site is not allocated within the Local Plan as being suitable for residential development under Policies HO3 or HO4 of the Local Plan. These policies attempt to identify all suitable residential development sites over 0.4 hectares in size. However, the policies acknowledge that sites may become available within the plan period and will be put forward for development. Such sites are called windfall sites and should be assessed against the same criteria as those which are included within the Local Plan under Policies HO3 and HO4.
30. Although the current site is less than 0.4 hectares, when taken together with the adjacent site that has now been developed (Bishop's Meadow), it would exceed 0.4 hectares. Under the assessment criteria in the Local Plan the garage and scrap yard sites would have been considered acceptable and would have scored particularly highly on certain locational aspects. If the garage and scrap yard site been put forward, by a housebuilder, as part of the Local Plan process, excluding the greenfield land to the rear that was proposed by the developer, there would have been no legitimate reason to withhold the site from being allocated. This would have resulted in the Bishop's Meadow development and the site proposed being allocated for residential development and the Development Limit being drawn around them. Given the Planning Inspector's comments at the Inquiry into the Local Plan that 'taking all considerations together I conclude that the plan's site selection criteria methodology is a reasonable one and also that no houses were deleted as a result of objections this site would have been within the adopted Local Plan.
31. The above demonstrates how the Development Limit came to be drawn in its current position. The supporting text to Policy HO7 acknowledges that the Development Limit may need to be reconsidered in the future and it

should be recognised that sometimes cases occur where it is necessary to revise the Development Limit. Had there been developer interest in the garage at the time that the plan was prepared the buildings on the site would have been included within the Development Limit.

32. It is important to take into account the characteristics of the site when considering this proposal. The application site is prominently located adjacent to one of the major roads through the district. It is within a Conservation Area and lies adjacent to an existing residential development. It consists of a commercial building, which has unfortunately fallen into a state of disrepair in recent years and is therefore now detrimental to the appearance of the Conservation Area. Whilst this in itself is not a reason for granting Planning Permission it is a factor in making the decision. The proposal would not represent a harmful infringement of the Development Limit. There is a clear material consideration in the removal of the garage, which Officers consider justifies a minor breach of the Development Limit in this instance.
33. The encroachment outside of the Development Limit would not set a precedent for further development outside of the Development Limit as suggested by objectors. This is because further development in this part of the village, including the fields to the south and east of the application site would be classed as being greenfield development which would not be acceptable in terms of Local Plan Policy or Government Guidance. Any attempt to encroach into the surrounding fields, under the current policy framework, would be strenuously resisted by your Officers.
34. A former petrol filling station and car repair garage currently occupy the application site. The part of the site on which the buildings are siting clearly forms previously developed land. Towards the rear of the site there is an area that was formerly hardstanding associated with the garage, although over recent years this area has partially regenerated. In terms of the guidance contained within PPS3 land which has fully regenerated and has the appearance of being Greenfield land may in some cases be classified as being Greenfield. However, it is necessary to look at the whole Planning Unit. In this case the majority of the site would be brownfield and therefore the whole site would be classed as being brownfield. However, this does not necessarily mean that built development can take place right up to the site boundaries.
35. While the site would contravene the Lanchester Development Limit this is a minor infringement of the limit allowing the redevelopment of a brownfield site prominently located adjacent to the A691 road and within the Lanchester Conservation Area.

Appearance of the Development and the Impact on the Lanchester Conservation Area

36. The scheme consists of ten houses, five terraced properties and five detached houses. The five terraced houses and one of the detached

houses would be erected along the site frontage with the A691 road. The applicant has advised that the houses have been designed to relate closely to the vernacular style of Lanchester. The materials used in the construction of the buildings would be stone and slate with stone heads and cills with the use of traditionally styled doors and windows.

37. As stated previously the site is situated adjacent to the main A691 in a very prominent location within the Lanchester Conservation Area. It is therefore essential that the scheme is well designed in order to fully comply with Planning guidance and Local Plan Policy. Members will have noted the concerns of the Design and Conservation Officer with regard to the previous scheme. While she was broadly happy with the proposed development she did request a number of amendments in order to improve the overall quality of the scheme.
38. Officers feel that the design of the scheme as submitted is bland and it is very disappointing that the applicant has not made the suggested amendments to the design. Such amendments would have added character and visual interest to the proposed development. The scheme as submitted would not preserve or enhance the character or appearance of the Conservation Area and is therefore contrary to Local Plan Policy EN13. The scheme is therefore considered to be unacceptable in design terms and it is recommended that the application be refused on this basis.

Impact of the Development on the Area of High Landscape Value and Wildlife Corridor

39. The application site is within an area that is designated in the Local Plan as being an Area of High Landscape Value (AHLV). Policy EN6 of the Local Plan requires new development to pay particular attention to the landscape qualities of the area. This does not necessarily prevent development of the site, however particular care must be taken to ensure that the proposed development would blend in well with its surroundings. Consideration needs to be given to whether the scheme would have a greater impact on the AHLV than the existing garage. Officers feel that it would be difficult to argue that the scheme would have a significant impact upon the landscape designation. Structure planting is proposed along the eastern boundary of the site and a landscaping scheme could be sought for the proposed development. This would enhance the landscape qualities of the area.
40. The application site is adjacent to a Wildlife Corridor as identified by Policy EN23 of the Local Plan. The site is adjacent to but not a part of the wider open countryside that surrounds the application site and is not currently conducive to wildlife movement. It would be difficult to argue that the proposed use of the site would have affect wildlife when compared to the uses to which the site could lawfully be put.

Highways Issues

41. Residents have expressed concerns about highway safety issues and in

particular the proximity of the junction to the site with the junction of the road to Maiden Law. While it is acknowledged that the site entrance is close to this junction and there could potentially be conflicting vehicular movements, it must be noted that the authorised use of the premises is a petrol station and car repair garage and the erection of ten dwellings on the site would generate considerably less traffic movements than could potentially occur if the garage were to reopen.

42. The County Council's Highways Development Control Officer has raised a number of concerns with regard to the scheme. He has suggested ways that the scheme could be amended to meet his requirements however in the absence of an amended plan he has recommended that the application should be refused. As an amended plan has not been submitted the application is recommended for refusal on highway safety grounds.

Flood Risk

43. The Environment Agency has expressed concerns about the development in relation to Flood Risk. The applicant has provided insufficient technical information regarding this issue and it has not been demonstrated satisfactorily whether the development would increase the risk of flooding on the site and elsewhere. The site lies in a location where flooding has been an issue in the past and where problems have been experienced in terms of surface water run off. In accordance with the Environment Agency's advice it is recommended that the application be refused on Flood Risk grounds.

Contamination

44. The site was until fairly recently used as a petrol filling station and a car repair garage. It is possible that such uses may have resulted in contamination of the site. The applicant has not submitted any details with regard to this matter in terms of a reasoned risk assessment or details of how any contamination found on site could be dealt with. It is recommended that a reason for refusal be based on this issue.

Bats

45. The applicant has submitted a bat survey with this application which was undertaken in 2003. Natural England and Durham Bat Group have expressed concerns about the reliability of this survey given the amount of time that has elapsed since the survey was carried out. The current use of the site by bats has not been assessed and the survey was not undertaken at the best time of year. There is evidence that the site has been used as a bat roost and a licence from Natural England would be needed before work could commence.
46. Natural England feel that insufficient information is available to allow the Local Planning Authority to be satisfied that protected species would not be affected, or would be satisfactorily mitigated. In the absence of such

information or a fully detailed worse case scenario mitigation strategy the Council cannot assess whether the development would have an adverse impact upon a protected species and therefore the application should be refused on this basis.

Conclusions

47. In principle residential development of the site is considered to be acceptable however there are a number of aspects of the scheme which make it unacceptable. These relate to the design of the dwellings, highways issues, flood risk, contamination and impact of the proposed development on protected species. It is therefore recommended that the application be refused.

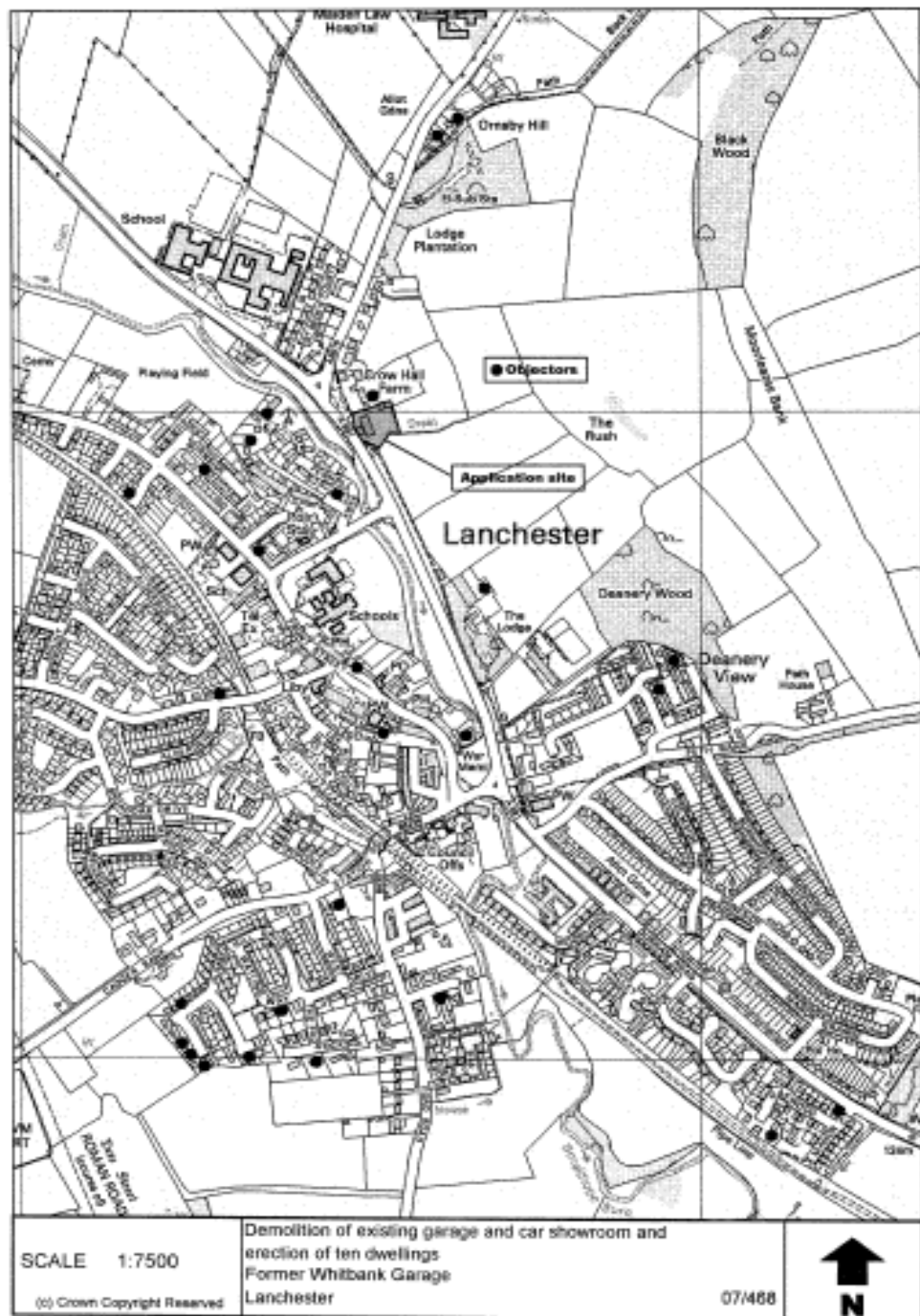
Recommendation

48. Refuse

- The development would occupy a prominent location within the Conservation Area and the lack of visual interest and traditional design features would result in a development, by virtue of its design, would not preserve or enhance the character or appearance of the Lanchester Conservation Area contrary to Policy EN13 of the Local Plan.
- The proposed junction radii, footpath widths and internal road layout are unacceptable and would be detrimental to highway safety contrary to Policy TR2 of the Local Plan.
- The applicant has failed to demonstrate, in accordance with PPS 25 Development and Flood Risk, that the development would not result in an increased possibility of flooding on the site and in the surrounding area.
- The applicant has not demonstrated in accordance with PPS23, that the issue of potential contamination of the site has been addressed.
- The applicant has failed to demonstrate that the development would not adversely affect protected species in accordance with PPS9 Biodiversity and Geological Conservation.

Report Prepared by Fiona Clarke, Principal Planning Officer

W:\Development Control Committee\020807\07.0468.doc



Your ref: FC/1/2007/0468/DMFP

DERWENTSIDE D.C.

26 JUN 2007

PLANNING
DIVISION

4, Colepike Road,
Lanchester,
DURHAM
DH7 0BJ
25 June 2007

Dear Mr Wheeler,

**Demolition of existing garage and car showroom and erection of
10 dwellings (Resubmission) at former Witbank Garage, Lanchester**

This letter gives reasons for rejection of these proposals.

A. They contravene the relevant Policies of the Derwentside District Local Plan, as explained in Part A of my letter of 30 October 2006 (a copy of which is enclosed) relating to the previous submission of these proposals, application no. 2006/0865.

It follows, since there are no material considerations of sufficient weight to indicate otherwise, that permission should be refused pursuant to Sec. 38(6) of the Planning and Compulsory Purchase Act 2004.

B. Other material considerations against the proposals.

1. This site is not required for housing.

Using the net annual allocation of 190 dwellings from 2004-21 in the draft Regional Special Strategy (incorporating the Secretary of State's proposed changes of May 2007), Derwentside already had many years' supply as at 31 August 2006. Therefore there is no need for new or windfall housing sites such as this to meet our housing requirement. The average net annual additions to the housing stock to be provided by the Local Development Framework and planning proposals in Derwentside for the years 2004-11 has been reduced from 280 in the Submission Draft RSS of June 2005 to only 125 now, with the small amount of new housing allowed to be focused on the towns. In these circumstances, there is no excuse for using this application site for housing, even if that were not a serious departure from Local Plan Policy.

2. According to recent studies, there is a need for affordable housing in Derwentside, but these proposals do not include any affordable housing as defined in the Council's Interim Affordable Housing Policy.

3. Only part of the application site is "brownfield" land, namely the part on which the existing building and structures stand. The open area behind the buildings was for a time used for exposing vehicles for sale, but lack of use over many years has led to its regeneration, so that it is now covered in vegetation. Referring to the definition of previously-developed land in Annex B to PPS3, this area was never occupied by a permanent structure. It blends into the landscape on three sides around it to such an extent that it can reasonably be considered as part of the natural surroundings. It is within the curtilage of the former garage buildings, but there is no presumption that the whole of the curtilage should be developed. Neither is there a presumption that land that is previously-developed is necessarily suitable for housing (PPS3, Annex B). The site's location alongside a main road makes it suitable for a petrol-filling station with ancillary services, and the Council has granted the applicant permission to redevelop the site for that use, having previously refused permission for housing. Other available economic use would be for a vehicle repair workshop, as was the case until the applicant gave that useful local business

notice to quit, or for a small retail outlet. Suitable commercial development could help support the vitality of the village.

4. Flood Risk. The applicant has now supplied a Flood Risk Assessment from jba which confirms that there is an unacceptable risk of flooding from Smallhope Burn, the site being only just outside Flood Zone 3 and the bulk of it being in Flood Zone 2 with low ground levels at 116m AOD or thereabouts; and that there are further risks from surface water affecting the site from the open farmland to the east.

The application contains no mitigation proposal to raise the finished floor levels of the buildings to at least 117.00m AOD as recommended by jba and as stipulated by the Environment Agency for the adjoining development, Bishop's Meadow.

5. Adverse Effects of the proposed development.

(a) The proposed development would redouble the detrimental impact of the adjacent Bishop's Meadow housing estate on the environment of the Conservation Area, the Area of High Landscape Value, the strategic Wildlife Corridor, the attractive rural setting of the historic village.

(b) It would also set a precedent and encourage the owners of other land on the hillside, which should be conserved as a pleasant open rural landscape of fields, hedges and trees, to believe that proposals by them to develop their land likewise would be successful.

Note: The layout and 'cordon sanitaire' proposed by the applicant would not prevent access to any further development up the hill, because there are a number of available access points from the public highway, in particular the road through Bishop's Meadow, which was deliberately routed and engineered for that purpose.

6. The community, represented by the Parish Council, The Lanchester Partnership, and nearly all those numerous local residents who attended a public meeting specifically to discuss them, **opposes the applicant's proposals.**

C. History.

(a) Outline planning permission for residential development was refused on Appeal in May 1989 (ref: 1/1988/821/DM) for approx. 2.75 hectares of land at Crow Ball Farm, Lanchester. This included the rear part of the current application site, the open area to the east. The Inspector considered that the proposal would result in a significant extension of the built-up area of Lanchester, causing serious encroachment into open countryside, unacceptably harming the form and setting of the village. Turning to the highway safety issues, the Inspector considered that the proposal would inevitably lead to a significant increase in pedestrian/vehicle conflict. He therefore dismissed the appeal.

The same circumstances apply now, only more acutely because of the Bishop's Meadow development and increased traffic levels.

(b) When planning permission was granted for the adjacent Bishop's Meadow housing development on the former scrapyard site (ref: 1/01/0354/DM), whose encroachment outside the development limit is not greater than that of the existing garage, it was clearly stated that that development would not set a precedent for other proposals to breach the development limit, or for development of the present application site in particular, since such development would be contrary to local plan policy and outside the development limit. The Officer took the view that the Council would have sufficiently strong justification for refusing further residential development in this part of Lanchester.

(c) The Council refused planning permission for residential development of the site in

April 2003 (ref: 1/2002/0943/DM) on the grounds that:

The proposed development would be outside the physical framework of Lanchester, extending into the surrounding countryside, contrary to Policy H05 of the Local Plan;

The proposed development would be detrimental to the attractive open hillside, contrary to Policy EN6 of the Local Plan;

There is not an overriding need for the development as there is sufficient brownfield land within the District.

An Appeal was lodged, but withdrawn.

The present proposals are very like those made in 2002, and the same environmental considerations apply now; the difference is that now there is not only no need for the development, but also the new Regional Spatial Strategy severely restricts the amount of new housing to be erected in Derwentside, making it even more inappropriate to use this site for that purpose.

D. Conclusion.

The public view of this site from the main road has been a prominent eyesore for years. It needs to be made good without further delay by suitable redevelopment of the front part on which the existing derelict and ruinous structures stand (including all appropriate measures to protect Bats, to mitigate flood risks, and to make a safe means of access to the site from the public highway) and improvement of the open area to the rear to enhance its appearance and contribution to the Lanchester Conservation Area, the Area of High Landscape Value, the strategic Wildlife Corridor and the village.

However, the applicant's proposals for a housing estate on this site are unacceptable both in principle and in detail. They are contrary to Local Plan Policy; other material considerations are against them; and the layout and design are out of character with the locality.

Such a thoroughly inappropriate scheme cannot be made satisfactory by "amendment". These proposals have already been withdrawn and resubmitted without the necessary action having been taken to alter the layout as required by the Highway Development Control Officer, to include measures to protect Bats, and to follow the recommendation of the Flood Risk Assessment to mitigate flood risks.

In these circumstances, the efficient and effective way to deal with the application is to inform the applicant why his proposals cannot be recommended for approval and are not likely to receive planning consent from the Council, and invite him to withdraw his application immediately and permanently;

if he does not do so, to report the application to the next available Development Control Committee Meeting with a recommendation for refusal.

If the application is reported to the Development Control Committee, will you please put forward all the objections to the proposals contained in Part A of my letter of 30 October 2006 (copy enclosed) and in this letter fully and fairly to the Members.

Yours sincerely,


Christine A. Lever

Head of Planning Services,
Derwentside District Council,
Civic Centre,
Medonsley Road,
CONSETT
DHB 5JA

RECOMMENDATION FOR APPROVAL

07/0570 and 07/0571

20.06.07

Dioceses of Durham Board of Education

Bishop Ian Ramsey School,
Manor Road, Medomsley

Phased demolition of existing school, rebuilding of school, associated landscaping and tree felling, creation of car park, siting of temporary classrooms and erection of biomass store/boiler house and Conservation Area Consent for the demolition of the school building

Ebchester and Medomsley Ward

The Application

1. Planning Permission is sought for the demolition of the Bishop Ian Ramsey School, Medomsley and the erection of a new school building. The school would continue to operate from the site during the construction of the new school and therefore it is proposed to demolish part of the school and provide four temporary classroom on the existing play area at the front of the site. The unoccupied part of the school would be demolished to allow the new school to be erected. The applicant has advised that it is essential that portable classrooms are on site and the demolition takes place before the start of the new school term in September in order that there is no disruption to the functioning of the school. On completion of the new school the temporary classrooms would be removed and the land would be landscaped. It is intended that the new school would open by September 2008.
2. The existing school is located fairly close to the front of the site however the new school would be set back slightly within the site. At present the school is sited about 25 metres from the front boundary of the site, however the new school would be about 50 metres from the front. A car parking area and a games area would be provided at the front of the site. Directly to the rear of the site there would be a play area behind which there would be playing fields.
3. The proposed building would be two storeys in height although the front elevation has the appearance of a single storey building. The building has been designed to take into account the slope of the site with the two storey element being to the rear of the site. It is proposed that the front elevation of the building would be stone and rendered and the entire building has been designed with a slate roof. The side and rear elevations of the building would be rendered with small areas being clad with timber.

4. A tree survey has been submitted and the applicant has provided details of works that would be carried out to the trees as part of this scheme. Thirteen trees would be removed that have been classed as being in poor condition or have a short life expectancy. A further forty five trees would be removed to enable the development to take place. In addition pruning work would take place to eleven trees. Replacement planting is proposed to compensate for the loss of trees.
5. A biomass boiler is proposed which would be housed in a separate building measuring approximately 4.4 metres by 6.8 metres, with an overall height of 5.8 metres.

History

6. Planning Permission was granted for a classroom extension on 2nd August 2001 (reference- 1/2001/0492/DM).

Policy

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

General Development Principles (GDP1)
 Trees and Development (EN11)
 Development in Conservation Areas (EN13)
 Demolition in Conservation Areas (EN14)
 Materials in Conservation Areas (EN15)
 Development and Highway Safety (TR2)

Consultations

8. County Highways Development Control Officer- views awaited.
9. Durham County Council (Landscape)- The Planting Strategy of the Design and Access Statement states that:

“The aim is to retain as many trees as possible to maintain the woodland character.”

The Tree survey and associated plans are comprehensive. Simon Chivers has confirmed that the survey is graphically accurate, and that he concurs with the evaluation of, and scheduled recommendations for existing trees in their existing context. Given the density of trees and the power of the human eye, 1:200 scale arborists’ plans would have been more helpful.

There is a discrepancy between trees marked on the *Arboricultural Implication Assessment (Dwg: BA2304AIA)* as trees to be removed ‘to enable development’, and the Architects’ *Proposed Site Plan (Dwg: 214 Rev: P1)*. Examples include Tree nos 369,370,373,374 and 472 (that also does not appear on the *Tree Protection Plan (Dwg: BA230PRO)*). I would hate any

misunderstanding to arise in the eventuality of permission being granted.

The loss of trees in good condition within the proposed Nursery/Reception enclosure is regrettable – particularly as, of the four scheduled to remain, only one is classified as ‘good’.

While I remain unconvinced about the long-term effectiveness of above ground construction methods, the principal must be better than excavating into rooting zones. However, the architects should be required to produce a detailed existing and proposed level survey and details of the arborists’ proposed above ground construction profiles and specification.

This construction system is proposed for five parking bays located below the spreading Beech No 386 (‘excellent’ condition). Such is the significance of this tree that I recommend the removal of these bays from the design. They represent an unacceptable threat to the longterm well-being of this significant tree that - more than any other - symbolises the wooded nature of the location and contributes to the special character of the school.

Trees west of the proposed new school, and above what appears to be a retaining wall, would face an uncertain future in such close proximity to both building and wall. The critical rooting zones are penetrated to an unacceptable degree. Some trees are within 2m of a retaining wall that will require an additional 1m building space. A 1:200 scale Proposed Site Plan and cross sections would clarify the extent of the danger to the trees – initially from root damage/ desiccation, and laterally of complaints relating to lack of light, blocked gutters, high wind concerns.

The true picture of tree losses - after any poor site control, critical root damage and user pressure to endorse further removals – will far exceed the optimistic impression provided by the Proposed Site Plan at 1:500.

10. Durham County Council (Design and Conservation)- views awaited.
11. Sport England- It is understood that the site forms part of, or constitutes a playing field as defined in the Statutory Instrument No. 1817, in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.4 ha or more.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sport within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that-

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in

the judgement of Sport England, one of the specific circumstances applies.’

Reason- Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The proposed phasing plan shows that the erection of a hoarding between the main area of playing pitches and the peripheral area of the playing fields to the south.

Given the above, Sport England are satisfied that the proposal meets one of the exceptions of the above policy in that-

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

This being the case, Sport England does not wish to raise an objection to this application.

The Derwentside Playing Pitch Strategy identified two particular issues which are of relevance to the application.

Firstly, there is a shortage of junior football pitches across the district, with some junior teams having to use senior pitches, and some unable to find pitches within the area.

Secondly, the strategy identifies a growing demand for mini-soccer pitches.

The playing pitches identified for the playing field on the proposed site layout would address both of these shortfalls, and in combination with the proposed MUGA would make it beneficial to open these outdoor facilities up for community use. As such we would request the imposition of the following condition-

Prior to the commencement of the use a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the use of the development.

In the absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England’s support for any related application to the National Lottery Sports Fund.

12. English Heritage- views awaited.
13. Environment Agency- views awaited.
14. Natural England- views awaited.
15. Durham Bat Group- There are several know bat roosts known from the Medomsley area and Common Pipistrelles are known to feed in the trees at the school. Any work on the trees or the school has the potential to put bats at risk. The duty of care towards protected species enshrined within PPS9 has clearly escaped both the architects and arboriculturalists in this case as there is no mention of the possibility of disturbance or damage to bats (or any other protected species) anywhere in the documents. In order to minimise the risk of an offence Durham Bat Group would strongly advise the Local Planning Authority to seek statutory advice from Natural England. Durham Bat Group would advise the Local Authority that because of the level of risk, they would be unwise to consider this planning application until they have seen a full protected species report for the site.
16. Neighbours have been consulted and a site notice posted. Two letters of objection have been received on the following grounds-
 - I wish to raise objections to the applications, with regards to the development of the access to the site using the existing lane which runs alongside the site. By increasing the number of car parking spaces and developing the junction at Manor Road this will increase the traffic flow down a very narrow lane. It will also further restrict my current access to my property which is directly onto the lane.
 - The lane is a well used public footpath and increased traffic will cause a danger to the public.
 - I object to the school being twice the size it is now and then the whole structure being moved to the bottom of the site, as this will be directly behind my and my neighbours back gardens.
 - I object to a two storey building being built in this area as my house and garden will be overlooked and especially in the winter when the leaves have fallen from the trees, and I don't see why we should have to look at a two storey building from our back gardens.
 - I object to 69 trees being felled in order to carry out these works as everywhere you read or hear about is trying to save the environment and its wildlife.
 - Without the trees my whole outlook is totally spoilt and the noise levels from the school will be twice the amount. This is already an issue and a complaint was raised with the headmaster in a meeting last year when they decided to decimate the wooded area behind my property. I now have screaming children and teenagers drinking and swearing just behind my hedge at the bottom of my garden. I am seriously considering getting in touch with the noise abatement society if this gets any worse, and in bringing the play areas nearer to our gardens I can only imagine the problems this will cause.

- By felling the trees you are again disturbing the wildlife in this area, we have only started seeing owls, bats, hedgehogs etc again in the last couple of months after the wooded area was disturbed and now you are going to take away more of their habitat.
- If you are building a school twice the size does this mean there will be twice as many children, again this means twice as much noise, and twice as much traffic. After all this is a village and not a town with only village roads which is a nightmare now to get through with all the traffic that is parked around the school area.

Officer Assessment

17. Members will note from the consultation section above that some of the consultation responses were awaited at the time of writing the report. It is anticipated that these will be available for your meeting and will be reported verbally. Officers have been advised that the school are working to a tight timetable for the works because portable buildings need to be sited on the front part of the site and part of the rear of the existing school building needs to be demolished before the new school year begins in September in order to ensure that the operation of the school is not disrupted. The main issues to consider with regard to this application are the impact of the development on the Conservation Area, affect of the development on trees, highways, wildlife, and the comments of the objectors, each of these matters is addressed below.

Impact on the Medomsley Conservation Area

18. The current school building is a two storey flat roofed two storey structure which is clad with timber. It is set back approximately 25 metres from the front of the site. It is proposed to demolish this building and replace it with a new building which would be set further back within the site (approximately 50 metres). To the front of the school there would be a multi use games area and a car park. The front elevation of the building does not have the appearance of being two storey and the main two storey part of the building would be at the rear. This takes into account the slope of the application site. The siting of the building would mean that it would be less prominent when viewed from Manor Road than the existing building.
19. The proposed building would be well designed and is of a simple design with pitched roofs. It would blend in well with its surroundings. Officers consider that the siting and design of the building is acceptable and would comply with Policy EN13 of the Local Plan.
20. The front elevation of the building facing towards Manor Road would be erected of stone. The other elevations of the building would be mainly render with some timber panels and the roof would be slate. The applicant has advised that due to the predominance of stone and slate in the village these materials have been chosen for the front elevation. It has been acknowledged that mature trees surround the site and in order to reflect the setting vertical timber boarding is proposed in some locations. The use of materials has been carefully considered to blend in with the area and these are considered to be

acceptable in accordance with Policy EN15 of the Local Plan.

21. As well as seeking planning permission for the erection of the building an application for Conservation Area Consent is under consideration for the demolition of the building. The existing school building is clad with timber, is of a modern design and has a flat roof. The school does not have any merit and does not make a positive contribution to the Conservation Area therefore no objections are raised to its demolition.

Affect of the Development on Trees

22. The application site contains a very large number of attractive mature trees. In accordance with Policy EN11 of the Local Plan the applicant has submitted a tree survey which grades the trees according to their condition. Thirteen trees would be removed which are categorised as being dead, dying or dangerous or have a life expectancy of less than five years. The Council's permission is not required to remove trees that are dead, dying or dangerous and therefore no objections could be raised to the removal of these trees.
23. A further 45 trees would be removed to facilitate the development. While some of these trees would be to the front of the application site some of the majority of the trees to be removed are situated on the western boundary of the site. The applicant has indicated that the school is proud of its woodland setting and considers itself to be a 'forest school'. Attempts have been made to retain as many trees as possible. Some of the trees to be removed would be used to facilitate the provision of benches, posts and a pathway. While the loss of this number of trees is regrettable, it should be recognised that there is a large number of trees on the site. In addition the applicant has advised that replacement planting would take place to compensate for some of the trees to be removed.
24. The trees officer at Durham County Council has asked for some cross sections to be prepared in order that further consideration can be given to the impact of the development on the trees of be retained. This will be submitted shortly. It has also been suggested that some of the parking bays should be deleted in order that the root zones of some of the trees would not be adversely affected by the development. A condition would be imposed to require the trees on the site to be protected during development.
25. One of the objectors has raised concerns about the removal of the trees and they are worried that the siting of the building and the removal of the trees would result in their property being overlooked. The boundary of the application site is more than 60 metres from the rear of the nearest residential property and no trees would be removed along this boundary. Therefore tree removal would not affect the privacy of the neighbouring properties. The school would not be situated directly to the rear of neighbouring properties and the site is separated from the dwellings by Manor Wood. Given the separation distance and the positioning of the building there would be no significant issues of overlooking with regard to this proposal.

26. The applicants have stressed in their application the importance of the trees and the adjacent woodland to school. The trees and the woodland, together with the wildlife that they attract are seen as a valuable resource for the education of the children.

Highways

27. The views of the County Council's Highways Officer are awaited with regard to the scheme.
28. The objectors have raised concerns about the potential increase in traffic resulting from the development and the associated problems of highway safety. The school would not be increasing the number of pupils and therefore the amount of traffic associated with the school would remain the same as at present. There would of course be traffic associated with the construction process however this would be no different from the traffic associated with any other development.

Wildlife

29. Durham Bat Group have pointed out that bats have been seen to be present in the area. One of the objectors has also expressed concerns about the impact of the development on wildlife. A wildlife survey has been carried out and this has been forwarded to Natural England for their comments, these are awaited and will be reported to members at your meeting.

Views of Sport England

30. Sport England have raised no objections to the development, however they have requested that a condition be imposed upon the permission to ensure that a scheme for the community use of the sports fields is developed in order to allow members of the public to use the facilities out of school hours. It is suggested that this is made a condition of the permission and the views of the applicant have been sought with regard to this matter.

Comments of the Objectors

31. One of the objectors has expressed concerns about the size of the expansion of the school stating that the school will be doubled in size. Although the new buildings would be larger than those to be removed this is because additional facilities would be provided. The number of classrooms remains as currently and Officers have been advised that there would be no increase in the number of pupils.
32. Concerns have been expressed regarding additional noise from children playing and stating that nuisance is already caused by this. Due to the fact that there would not be an increase in the number of children attending the school this is not a material consideration. In addition the school has existed on the site for many years and occupiers of adjacent properties would be aware of the noise associated with such premises. The development would

not adversely affect the amenity of residents.

Conclusions

33. This is a well designed building which would be appropriately sited within the Medomsley Conservation Area. Materials have been carefully chosen to blend in with the locality. While it is regrettable that a number of trees would be removed to facilitate the development there are a large number of trees on site and the applicant has advised that they would be prepared to undertake compensatory planting. The development would result in a modern school building which would enhance the existing school facilities. The scheme would not result in a significant loss of amenity to neighbouring properties. Approval of the application is recommended.

Recommendation

34. Conditional Planning Permission and Conservation Area Consent
- Time Limit (ST)
 - Approved Plans (ST01)
 - Tree Protection (L12)
 - Replacement Planting (L14)
 - Prior to the commencement of the use a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the use of the development.
 - Samples of materials to be agreed (AO3)
 - Levels (GL01)

Reason for Approval

35. The decision to grant planning permission has been taken having regard to policies GDP1, EN11, EN13, EN14, EN15 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 Fiona Clarke, Principal Planning Officer

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RECOMMENDED FOR APPROVAL

07/0520

08.06.07

Stepping Stones Co-op
Nursery Ltd.

Unit 26, No.1 Industrial Estate,
Consett

Permanent Use of
Premises as Children's Day
Nursery

Consett North Ward

The Application

1. The application full planning permission for the permanent use of Unit 26, Number One Industrial Estate as a Children's Day Nursery. The use is currently operating under a temporary permission expiring on 20th February 2009.
2. The application has been advertised as a Departure to the Local Plan although the proposal is not a significant enough Departure to be referred to the Government Office.

Policy

3. The following policies of the adopted local plan are relevant.

Policy GDP1 (General Development Principles)
Policy IN3 (Development within Prestige Industrial Parks)
Policy CF1 (Location of Health and Community Facilities)
Policy CF2 (Layout and Design of Community Facilities)
Policy TR2 (Development and Highway Safety)

Consultations

4. Durham County Council Highways Officer- views awaited.
5. Neighbouring properties have been consulted and a site notice posted- no objections have been received.

Officer Assessment

6. A temporary Planning Permission was granted for the use of the premises as a Day Nursery in 2006 for a period of three years and this application seeks permission for permanent use. Originally it was intended that the nursery would relocate after the three year period, possibly to the Shotley Bridge Hospital Site where land has been reserved for the erection of a building for this use. However, the applicant has advised that the

temporary use of the building is unsettling for staff and parents and they would like to establish a permanent base for the nursery.

7. The use of this unit as a Day Nursery does not fall within any of the uses outlined under Policy IN3 of the Local Plan, which relates specifically to development within Prestigious Industrial Parks, including Number One. However, it is considered that the loss of an industrial unit in itself is not reason enough to justify the refusal of this application. There are currently several vacant industrial units on the Number One Industrial Estate and prior to being occupied by the Nursery the unit had been vacant for a period of approximately two years. Therefore the proposal would be unlikely to deny other industrial based businesses looking to locate to Number One. The application should therefore be considered on its individual merits.
8. The Number One Industrial Estate is well serviced by public transport and has good links to Consett town centre. The site has a car park containing fourteen parking spaces. It considered that there is an adequate number parking spaces to prevent parking on the adjacent highway.
9. The site is close to a high number of workplace locations creating the opportunity for shared trips with parents going to/from work. In addition there are also a relatively high number of dwellings within a reasonable walking distance of the site and there are two bus stops approximately 450m away on Medomsley Road.
10. The Day Nursery has operated successfully for some time now and provides a useful service for parents working on the Industrial Estate and elsewhere. Two letters of support have been submitted with the application from the occupiers of neighbouring units and a letter has been received from Whittle Jones the owners of the estate stating that they support the application.
11. Whilst it may be generally preferable in policy terms to retain units for industrial purposes, the Number One Industrial Estate has adequate capacity to provide for a variety of industrial uses. It is therefore considered that the use of this unit as a day nursery would be unlikely to significantly prejudice the industrial character of the Number One Industrial Estate. Whilst the proposal is not an industrial use and is therefore contrary to the requirements of Policy IN3 of the local plan, the material considerations in this case weigh in favour of the proposal.

Recommendation

12. Conditional Permission.
 - Approved Plans (ST02).

Reasons for Approval

13. The decision to Planning Permission has been taken having regard to policies GDP1,IN3,CF1,CF2, and TR2 of the Derwentside District Plan, and relevant 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 Fiona Clarke, Principal Planning Officer

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RECOMMENDATION FOR APPROVAL

07/553

19.06.07

Derwentside CVS

Glenroyd House, Medomsley
Road, Consett

Change of Use from residential
institution (Class C2) to non-
residential institution (Class
D1) and Offices (Class B1)

Consett North Ward

The Application

1. This application seeks Planning Permission for the Change of Use of Glenroyd House, Medomsley Road, Consett from a residential institution (formerly a nursing home) to allow it to be used as a non residential institution (Class D1) and as Offices (Class B1).
2. The premises would be used Community and Voluntary Sector to provide a wide variety of services to the community. The CVS have 28 core functions as follows- volunteering, support for local community involvement, legal advice, employing staff, project development, networking, organisational support and advice, administrative and information systems, research and evaluation, community appraisals, funding advice, office services, support for forming and developing groups, social enterprise, managing complex funding packages, policy work, representation, insurance, managing premises, strategic planning, marketing, support for special areas of interest, newsletters etc, library and information sources , financial management, payroll , IT support and training. This includes the Citizens Advice Bureau and organisations providing support and advice to the local community groups and charitable organisations. Meeting rooms would be available which could be used by various organisations.
3. The applicant has indicated that there would on average be between 20 and 30 visitors to the site each day (based on figures from their existing site at The Tommy Armstrong Centre in Stanley). Most of these visitors are non car users who wish to obtain computer and internet access.
4. There would be no external changes to the building other than the installation of roller shutters to the entrances. The applicant has indicated that some changes to parking are proposed however no details of these have been provided.

History

5. No history.

Policy

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

General Development Principles (GDP1)
Location of Health and Community Facilities (CF1)
Layout and Design of New Facilities (CF2)
Development and Highway Safety (TR2)

Consultations

7. County Highways Development Control Officer- views awaited.
8. Neighbours have been consulted and a site notice posted. No objection received.

Officer Assessment

9. For many years Glenroyd House was a County Council care home for the elderly however it has now been vacant for several years. The applicant wishes to change the use of the premises to allow it to be used by the Derwentside Community and Voluntary Sector. Paragraph two of the report outlines the functions of the organisation. It is understood that the premises would be used for offices for the organisation together with offices for community groups and other organisations. Part of the building would be converted to meeting rooms which would be used by a wide variety of organisations and groups. The applicant have indicated that the premises would be open between 8.00 am and 9.00 pm Monday to Friday.
10. Local Plan Policy CF1 requires new community facilities to be located within or on the edge of town, local or village centres. The application site lies directly adjacent to the boundary of the commercial centre of Consett. The site would therefore be regarded as being at the edge of the town centre and in terms of Local Plan policy would in principle be suitable for the proposed use. In addition the Policy requires facilities to be located close to public transport. Being at the edge of the town centre the site is easily accessible from the centre and is in close proximity to the bus station which is a level walk along Medomsley Road.
11. Local Plan Policy also seeks to ensure that the proposed development would not adversely affect the amenity of neighbours. Residential properties are situated directly opposite and to the north of the site on Medomsley Road. The proposed use of the site would attract more visitors to the site than the previous use of the premises as a care home for the elderly. The applicant has indicated that on average there would be 20 to 30 visitors to the site each day and these are mostly non car users. As the

premises would only be used between 8.00 am and 9.00 pm Monday to Friday it is unlikely that the proposal would result in a significant loss of amenity to residents in terms of noise and disturbance, however the proposal may increase traffic in the vicinity and consideration needs to be given to this issue in terms of the potential impact upon neighbours and highway safety.

12. The site is accessed from a side road from Medomsley Road in a location where there is a bend in the road and where visibility at the entrance to the site is restricted. A limited number of car parking spaces are available on site and the applicant has indicated that they are considering improving access to the highway and parking provision and this would form the subject of a future planning application. The views of the County Council's Highways Development Control Officer were not available at the time of writing the report however it is anticipated that these will be available prior to your meeting and these will be reported verbally. It is possible that the County Council may require improvements to the highways and parking situation prior to the use commencing. In such circumstances a condition could be imposed requiring details of these to be submitted and approved in writing before the development begins and the work being carried out in accordance with these details before the use of the building starts.
13. While the change of use of the building is generally acceptable there may be issues with regards to highways matters and parking. The views of the highways officer are awaited and will be reported at your meeting. The application is recommended for approval subject to the views of the County Council's Highways Officer.

Recommendation

14. Conditional Permission subject to the views of Durham County Council's Highways Development Control Officer
 - Time Limit (ST)
 - Approved Plans (ST01)
 - External Alterations to be agreed (AO1)
 - The premises shall only be open between the hours of 8.00 am to 9.00 pm Monday to Friday.
 - Reason- In the interests of the amenity of the area and to comply with Policy GDP1 of the Local Plan.

Reason for Approval

15. The decision to grant planning permission has been taken having regard to policies GDP1, CF1, CF2 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 Fiona Clarke, Principal Planning Officer

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DEVELOPMENT CONTROL COMMITTEE

2nd August 2007-07

APPENDIX – DISTRICT LOCAL PLAN POLICIES

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

Policy GDP1

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

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

Policy EN11

Development will only be permitted which will not cause harm to, or result in the loss of:

- (a) trees protected by preservation orders; or**
- (b) trees which contribute to the character and appearance of conservation areas.**

Throughout the District existing trees should be retained and incorporated in new developments where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, either on the site itself or on adjacent sites, which do, or which when mature will, contribute significantly to any of the following:

- (a) the landscape diversity**
- (b) the setting of nearby existing or proposed buildings**
- (c) a wildlife habitat**
- (d) visual amenity**

This will be achieved by requiring the developer to provide a full tree survey to enable the trees to be graded according to their condition and amenity value.

Where the loss of an important tree or trees is considered acceptable, approval will be subject to a requirement that suitable replacement planting be carried out either within the application site or on related land within the applicant's control.

Policy EN13

Development in Conservation Areas will only be permitted if it preserves or enhances the character or appearance of the area.

Applications for development will be assessed against all the following criteria:

- (a) whether the proposal, including the location and massing of any building, preserves or enhances the character or appearance of the area;**
- (b) whether the architectural details and materials to be used reflect the character of the area;**
- (c) whether there is an adverse effect on trees and hedgerows and other landscape features which contribute to the area's character and appearance.**

Outline applications for planning permission will only be considered if sufficient details are submitted to enable proper assessment of the proposal. Temporary buildings and structures will not usually be permitted.

Policy EN14

Demolition of buildings, structures or features in conservation areas will only be permitted where:

- (a) demolition of the existing building would preserve or enhance the character or appearance of the area; or**
- (b) demolition would enable a use or redevelopment which would enhance the character or appearance of the area and an acceptable replacement development has been granted planning permission.**

Policy EN15

In conservation areas new buildings and extensions will be required to be constructed in materials which are in character with the area.

Policy EN23

When considering development proposals, regard will be had to the need to maintain the nature conservation value and integrity of the following wildlife corridors of strategic importance:

**The Derwent Valley
The Browney Valley
Derwent/Browney Link
Beamish/Greencroft Link**

Wherever possible, development proposals which would impinge on a wildlife corridor should include compensatory measures to enhance or restore the nature conservation interest of the area.

Policy HO5

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

- (a) is appropriate to the existing pattern and form of development in the settlement; and**

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

Annfield Plain (Including Catchgate And West Kyo)

Blackhill

Burnhope

Burnopfield

Castleside

Consett

Cornsay Colliery

Craghead

Crookgate

Delves Lane (Including Crookhall)

Dipton (Including Flinthill)

Ebchester

Esh

Esh Winning

Greencroft

Hamsterley (Including Low Westwood)

Hamsterley Mill

Harelaw

Hobson (Including Pickering Nook)

Iveston

Lanchester

Langley Park

Leadgate

Maiden Law

Medomsley

Moorside

New Kyo

No Place

Oxhill

Quaking Houses

Quebec

Satley

Shotley Bridge

Stanley (Including Shield Row)

Tanfield

Tanfield Lea (Including Broomhill)

Tantobie

The Dene

The Grove

The Middles

South Moor (Including Oxhill)

White-Le-Head

Policy HO7

No new housing development in Lanchester will be approved outside the development limit.

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 HO23

Planning permission for new housing developments will be approved provided that:

- (a) the proposals respect the density and character of the locality; and**
- (b) no harm would be caused to the living conditions of the occupiers of proposed or existing dwellings from loss of privacy or daylight or from overshadowing; and**
- (c) the design and layout of the development minimises opportunities for crime.**

Policy CF1

Health centres, doctors, dentists, other surgeries and community facilities should be located within or on the edge of town, local or village centres. Where possible, they should:

- (a) have level access; and**

- (b) be located close to public transport; and
- (c) not adversely affect the amenities of neighbouring residents or land users.

Policy CF2

New sites, buildings or extension for community uses (Class D1) will only be granted planning permission if the noise and disturbance likely to be caused by the activities undertaken would not have a detrimental effect on the amenities of occupiers of nearby properties.

Policy IN3

Development on the following Prestige Industrial Parks will only be approved for business (Class B1), general industrial (Class B2) or storage and distribution (Class B8) uses:

**Greencroft, Annfield Plain
Hownsgill, Consett
Number One, Consett**

Planning permission will only be granted if:

- (a) units are of good specification and appearance; and
- (b) prime plots are designed to a high standard; and
- (c) a clean attractive environment is created; and
- (d) high quality of landscaping and aesthetic features are incorporated; and
- (e) external storage is to the rear of buildings and is well screened.

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.