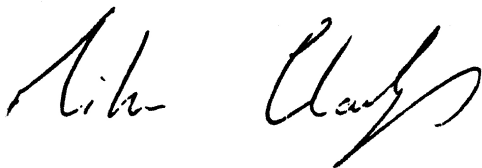


Development Control Committee

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

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 1st November, 2007 at 2.00 p.m. for consideration of the undernoted agenda.



MIKE CLARK

Chief Executive Officer

Agenda

1. DECLARATIONS OF INTEREST

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

2. MINUTES

To approve the minutes of this panel's following as a correct record:
11th October 2007 (Herewith 'A')

27th September 2007 'Special Meeting' (Herewith 'B')

Attached Documents:

[MINUTES \(A\)](#)

[MINUTES 'Special Meeting' \(B\)](#)

3. PLANNING APPLICATIONS

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

Attached Documents:

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

4. EXCLUSION

THE PRESS AND PUBLIC ARE LIKELY TO BE EXCLUDED FROM THE MEETING FOR THE FOLLOWING ITEMS OF BUSINESS ON THE GROUNDS THAT THEY INVOLVE THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 3 OF PART 1 OF SCHEDULE 12(A) OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED).

5. PLANNING SERVICE COMPLAINT

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

Agenda prepared by Lucy Stephenson, Democratic Services 01207 218249

email: l.stephenson@derwentside.gov.uk

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 11th October 2007 at 2.00 p.m.

Present

Councillor J. I. Agnew (Chair)
Councillor T. Clark (Vice – Chair)

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

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors P.D. Hughes and A. Shield.

In Attendance

Councillor G. Reid

36. DECLARATIONS OF INTEREST

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

37. MINUTES

RESOLVED: that the minutes of the following meetings be approved as a correct record:

Development Control Committee – 13th September 2007
Site Visit – 24th September 2007

38. NORTHUMBERLAND MINERALS AND WASTE DEVELOPMENT FRAMEWORK: SITE SPECIFIC ALLOCATIONS ‘ REPRESENTATION CONSULTATION’

The Head of Planning & Building Control presented the report which updated Members with regards to the progression of the DPD which allocates specific sites for future mineral extraction and waste disposal in Northumberland County.

He advised that during consultation on the Submission Draft Site Specific Allocations DPD, a new site had been proposed for mineral extraction operations at Whittonstall, near Ebchester.

He went on to refer members to paragraph 8 and 11 of the report which gave reasons for the Council to lodge complaint against such proposals.

Councillor Turner added that similar proposals had been experienced in the Derwent Valley previously and the traffic and associated problems had been detrimental to the area, therefore he supported the Council raising objection.

RESOLVED: that Members agree the comments as outlined in the report and submit a formal objection to Northumberland County Council recommending the site is not included in the final draft of the Site Specific Allocations DPD by the 29th October 2007.

39. APPEAL DECISIONS

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

- (i) Planning Application – Appeal against the refusal to grant planning permission for the retention of a rural workers mobile home and conservatory for a further temporary period and two enforcement notices – Appeals in relation to the enforcement notices dismissed although appeal against refusal of permission to extend period for temporary dwelling unit 31 August 2008 upheld.

40. PLANNING APPLICATIONS

(1) Public Speaking Applications

07/0552 Mr and Mrs P Maddison
Erection of single storey rear extension and raising of existing flat roof to create additional room. 13 West Drive, Lanchester.

The Chair welcomed to the meeting Mr J P Smith who was in attendance to speak against the application.

The Head of Planning & Building Control presented the report which recommended approval of the application. He advised that as members had now undertaken a site visit they should be in a position to determine the application.

MR J P SMITH: Speaking Against the Application

Mr Smith advised the committee that although he understood members had undertaken a site visit he was disappointed in the fact that they had not proceeded to view the application site from No.29 which faced the application site head on.

He thanked the Chair for the opportunity to raise this.

Councillor Watson advised that he had found the site visit very useful and outlined the areas that the site was viewed from, he advised that on that basis he felt Members could reach a balanced decision on the application.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0552 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST01)
- This permission relates to the application as amended by plans no. 06 received on 6th September 2007.
- External materials (DH05)

07/0813 MRS I WEBB

Erection of one dwelling (resubmission), 88 Lanchester Road, Maiden Law.

The Chair welcomed to the meeting Mr Hugh Massey 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.

MR HUGH MASSEY: Speaking in Support of the Application

Mr Massey made the following points in support of the application.

- Application to build a single house within the existing walled garden
- Match the two garages separating the properties creating rhythm, style and balance with the opposite end of the terrace
- Windows would be replaced with wood sash and a porch erected
- Same materials used as houses along the terrace and surrounding areas
- No precedent would be set, any remaining land after build would be planted to create a shelter belt at the entrance to Maiden Law and passed over to the Woodland Trust to prevent any development in the future of this area.
- Supporting infrastructure in place – significant bus route through Maiden Law
- Overall will enhance an area which is in some disarray.

Councillor Lavin referred to the Officers report and made reference to the Nursey building which is situated beyond the boundary of Maiden Law, he added that in his opinion the land was in a unkempt state and the site could be classed as landfill, he concluded that he was in support of the application.

The Senior Area Planning Officer advised that although the Applicants Agent had suggested that the woodland area would be handed over to the Woodland Trust this had not been indicated in the application.

Discussion then ensued regarding the possibility of this being added to the conditional approval, Members were advised that this could be the case or a Section 106 agreement could be served.

Councillor Williams asked if a survey had been carried out to identify if there were any mature trees that should be preserved or any roosting bats on the application site.

The Senior Area Planning Officer in response added that the application did state that some trees would have to be removed and she therefore advised that it would be appropriate for Officers to determine whether these had any cause to be preserved.

Councillor Watson asked if the local parish Council had been consulted on the application as their views were not present in the report.

The Senior Area Planning Officer advised that they had not; although the parish Councils normally pick up on applications through the weekly lists.

Councillor Watson then advised that he did take on board the comments of the Agent although in his opinion the Officers recommendation for refusal was the correct one.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0813 be refused on the grounds that: The proposed residential development would be located outside of the settlement listed under Policy H05 of the adopted plan. The proposal represents unsustainable development which would produce an unacceptable extension beyond the built up mass and framework of the established physical settlement limit, amounting to ribbon development within the countryside, contrary to Policy H05, EN1, EN2 and HO14 of the adopted Local Plan.

07/0627 PUNCH TAVERNS LIMITED

External canopy and Alterations to Access Doors, Peacock Inn, Tanfield, Stanley.

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

The Head of Planning & Building Control presented the report which recommended approval of the application. He advised that a letter of objection had been received and he proceeded to read out the reasons for objection as follows:

- A Grade 2 Listed building lies only 20m away from the application site, which will be disturbed by noise, smoke and bad language. Would suggest that the application is not intended for family use at all but for the sole purpose of a smoking shelter.
- Car park area at the rear could be utilised
- Business may increase with that traffic, in already a poor area for parking
- Reference to the parking problems on Sunday 12th August when the Council held a Service at the neighbouring Church.
- As our property is Grade 2 Listed will the Council approve double glazing for our home as a result of the increase in noise and bad language
- Feel the shelter will result in a devaluation of our home
- Problems with noise since the change in ownership of the public house.

The Head of Planning & Building Control made reference to paragraph 13 and 14 of the report and added that although the objectors comments may be understandable it would be difficult to refuse the application on the basis that it would affect a property 20 m away.

MR CHRIS BURTON: Speaking in Support of the Application

Mr Burton introduced himself to the committee and advised that he was the applicant's agent.

He advised that the applicants had made extra efforts and incurred extra costs to try and accommodate the needs of their customers who are local people; as well as caring for the other villagers.

He then went on to list the following points in support of the application:

- Application for fixed canopy/shelter in keeping with building, also this option is considerably more expensive than alternatives.
- Positioned to lessen impact on neighbours, it should be noted that there are no objections from neighbours a lot closer to the site than the 1 objector.
- Worked with Highway and Planning Authority to ensure the shelter is not too close to the Highway.
- Will divert customers away from the front of the pub to the shelter in a controlled area away from the main road.
- Auto Cut Offs could be installed so that lights and heaters are only on when someone is using the area
- Trellis screen could be erected 2m high to the end of the elevation lessening the visual impact to neighbours, this would also include a planting scheme to aid screening.

The Head of Planning & Building Control advised that if members were minded to approve the application a condition could be attached to ensure suitable screening was provided.

Councillor Milburn added that this application would stop people hanging around the front door, she also advised that when the previous owner used to have tables outside the front of the pub this caused very little noise and disturbance.

Lengthy discussion then took place regarding the smoke free legislation and the requirements that must met with shelters of this nature, in particular the use of windows, self closing doors and air conditioning units.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0627 be deferred so that further information can be obtained from the Environmental Health Department on the issues raised regarding smoke free legislation.

1/2007/0298 Project Genesis Limited and Barratt Homes

Reclamation of ground via ground remediation and erection of 341 dwellings of 277 houses and 64 apartments, associated highway and landscaping. Land to the south of Fenwick Way, Consett.

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

She advised that although this site had originally been allocated for a Business Park this allocation had been withdrawn and was now available for development.

She further advised that a development of 149 dwellings had previously been approved in principle for this site.

She advised that although the site appeared to look quite heavily populated it equated to around 43-44 dwellings per hectare which falls within the Governments requirements. She advised that there was some contamination of the land and the density of the development somewhat reflected that.

She went on to advise that as the comments of the Highways Officer were not included in the report she had circulated the comments which also included further conditions required by the Highways Authority and amendments to existing conditions proposed.

In conclusion she went on to address surface water drainage; and advised that this would be done through the current Council's drain that runs over to Fellside in Moorside. As this would mean the sharing of the drain the applicant would be

requested to contribute to the cleaning and maintenance of the drain. This could be covered by a condition.

She finally showed Members the slides of the proposed layouts and artist impressions, she pointed out that Members should be able to see that the design and layout would provide an impression of wide open space within the site and from the main road on Genesis Way.

Discussion then ensued regarding infrastructure and affordable housing, some members were of the opinion that the application was inadequate in that the application did not provide any provision for affordable housing. Derwentside already having 17.5 years supply of housing therefore the District already has sufficient sites under construction.

Councillor Rothwell added that she was concerned that as the land was heavily contaminated this could cause problems in garden areas and open spaces, she asked for clarification on the remediation works to be undertaken.

The Senior Area Planning Officer advised that the whole area would be capped preventing any possible surface contamination.

In response to some of the earlier comments made by Councillors the Head of Planning & Building Control advised that the scheme did not include affordable housing as Project Genesis Limited were to be making a contribution to the proposed Sports Village, this may not occur if the Council requested the inclusion of affordable housing or bungalows on this site.

Councillor Alderson then added that his main concern was the soak away systems and drainage.

At this point the Chair invited the Divisional Head of General Services to explain to members in more depth about the Council's drainage systems in place.

The Divisional Head of General Services circulated to members photographs of the last clean up that had been carried out the drains; these demonstrated to Members the amount of calcites that had been formed around the pipes and how the build up limits the capacity of the pipes. He advised that if the application was to be approved the pipes would have to be cleaned more frequently at a cost of £13,000. He advised that the work would also take approximately 6 months each time to complete.

Councillor Pattinson referred Members attention to page 21 of the report and the comments of the objectors he advised that in his opinion he agreed with those. He went on to make reference to paragraph 32 and 33 of the report and also paragraph 36 which outlined the need for the contribution towards the Sports Village. In conclusion he added that in his opinion the contribution should be

rejected as should the application on the grounds that drains are not adequate and there is a lack of sewage disposal facilities in the area.

Councillor Watson added that it was evident that members were not wholly satisfied with the application and some further information would be required to resolve the issues discussed, he therefore suggested that the application should be deferred on that basis.

Following a vote being taken it was

RESOLVED: that Planning Application 1/2007/0298 be deferred for further information.

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

07/0804 MR GOLDSBROUGH and MS A HARRINGTON

Erection of two storey side extension, a two storey rear extension and a first floor extension above existing garage, 22 Greenwell Park, Lanchester.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0804 be approved subject to:

- Three Year Time Limit (ST)
- Approved Plans (ST01)
- External Materials (DH05)

Conclusion of Meeting

The meeting closed at 4.05 p.m.

Chair

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on 27th September 2007 at 2:00 p.m.

Present:

Councillor J I Agnew (Chair).

Councillors R Alderson, M Campbell, T Clark (Vice-Chair), G C Glass, P D Hughes, D Hume, D Lavin, T Pattinson, E Turner, A Watson, T Westgarth, J Williams and R. Young.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillor A Atkinson, H. Christer, G Coulson, R Ellis, O. Milburn, S Rothwell and A. Shield.

In Attendance:

Councillor D.I. Barnett and W. Stelling.
D. Stuart, Highways Division, Durham County Council.

34. DECLARATIONS OF INTEREST

In accordance with the provisions of Section 94 of the Local Government Act 1972: Standing Order No. 33 Councillor A. Watson declared an interest in Planning Application 06/0838.

35. PLANNING APPLICATIONS

The Principal Planning Officer advised that the following information referred to both planning applications under consideration. The Local Plan (LP) was adopted in 1997 and the plan had been in place for 10 years. The government had now replaced the system of Local Plans with Local Development Frameworks (LDF) and the Council is currently preparing an LDF to replace the LP.

As part of this process the Council were required to agree policies with the Government Office that the Council wanted to save after the LP expired that they could still be used in the interim period before the LDF was adopted. As at midnight on 27th September 2007, the Council stop using the current District Local Plan Policies and Structure Plan Policies and start to use the saved polices only.

She further advised that due to the complexity of some of the supporting information the Council had obtained independent advice from consultants regarding the applications from a company called White, Young, Green WYG) and their advice was referred to in both of the reports.

**(1) 07/0133 Morley Fund Management
Redevelopment of retail park to provide a replacement foodstore, non-food retail units and a relocation fast food unit (Outline).
Hermiston Retail Park, Consett.**

The Principal Planning Officer advised that the application was for outline planning permission for the redevelopment of Hermiston Retail Park which was located at the western end of Front Street, Consett. Photographs of the existing buildings - Morrisons, Focus, Matalan were presented to the committee.

The proposals included:

- Demolition of existing Morrisons, Focus, Storey Carpets and KFC Units.
- Replacement Morrisons store (more than double the size of the existing store)
- Replacement Focus DIY and garden centre.
- Terrace of five non-food retail units.
- Terrace of three smaller non-food units.
- New KFC unit adjacent to the main entrance
- Existing Matalan and petrol station to remain.
- Access as existing
- Service access from Hownsgill roundabout and current service yard off Knitsley Lane.

The main guidance for determining retail applications was found in PPS6 and this sets out five things that the applicant must demonstrate. These were:-

- The need for the development
- That the development is of an appropriate scale
- That there are no other more centrally located sites for the development
- That there are no unacceptable impacts on existing centres, and
- That locations are accessible

In addition the other matters to be addressed were:

- Highways
- Design
- Renewable Energy

- The need for the development:

There had not been any recent studies regarding shopping patterns therefore it was difficult to assess the likely catchment area but WYG had advised that expenditure in the catchment area would rise from £112.2 million in 2007 to

£116.8 in 2012. The applicant's agent had said that the existing convenience goods floorspace (ie food and drink) expenditure within the area represents 73% of the total convenience goods expenditure, this would increase to 82% if the development were to go ahead. This would provide a much improved main food shopping destination capable of competing with other stores outside of the catchment. The current Morrisons store was considered dated and unable to compete with other retailers outside of the catchment and the new store would offer a broader range of products.

Both Consett and Stanley had failed to attract large national retailers due to the lack of large suitable units- this development would be attractive to such retailers. It was considered that the scheme would improve the retail offer in Consett and would reduce the need to travel to other centres outside the District.

- That the development is of an appropriate scale

Consett and Stanley are the main towns in the District to which new retail development should be focused. WYP consultants have said that the proposed development was appropriate in terms of its scale. However, they would have concerns about developing more than 20,000 square metres floorspace in an edge-of-centre or out-of-centre location in Consett.

Both of the applications on the agenda added together would lead to a gross floor area of 20,061 square metres, that is 61 square metres over the limit suggested by the Council's consultants. This was a marginal amount over the limit and as such is not likely to be significantly harmful.

Sequential Approach

PPS6 requires developers to undertake a sequential test when proposing retail sites that are not in the town centre to demonstrate that consideration has been given to locating the development in the town centre. The site is directly adjacent to the town centre boundary, and was considered to be easy walking distance to town centre linked trips.

The applicant had looked at other sites- the units in town centre are small and would not meet needs of modern retailers or improve the retail offer and bring back the money that is being lost outside of the catchment area. Sites in Stanley had also been looked at however, the only units available were edge of centre with no sequential advantage over the application site.

Consultants had advised that specific need to improve the retail offer in Consett which would not be addressed by siting the development in Stanley. This does not mean that there was not a need to improve retailing in Stanley but demonstrates that retailing in both Consett and Stanley needed to be improved. It was therefore concluded that there were not any sequentially preferable sites to the application site.

Impact on Existing Centres

WYG have said that the development would have a 6% impact on convenience goods (food and drink) turnover of Consett. The greatest impact was considered to be on Tesco's at Delves Lane (8%) but this is not given any protection in retail policy as its an out-of-centre site. The impact on convenience goods in Stanley TC was considered to be 4%. This level of trade draw would be unlikely to have an adverse impact on town centres. The combined impact on both comparison and convenience goods would be 7% on Consett and 5% on Stanley.

If both this scheme and the development at Genesis Way were to go ahead the impact on Consett town centre would increase to 9% and Stanley to 6%. WPG consultants have advised that any impact of more than 9% could affect the vitality and viability of the town centre.

To prevent an adverse impact on the town centre it was suggested that a condition was imposed to prevent units from being sub-divided as smaller units could compete with the town centre. The scheme was unlikely to have a significant impact on the vitality and viability of the town centre.

Accessibility

Government policy requires new development to be genuinely accessible by a choice of means of transport. The site was accessible by a variety of means of transport, including public transport, on foot and by car in addition a new footpath link was proposed to Knitsley Lane. Cycle parking needed to be improved- this could be achieved by a planning condition.

Highway Safety

The Highways Officer (Durham County Council) advised that the scheme was generally satisfactory. Alterations would be needed to be made to the roundabout at Front Street/Genesis Way and some modifications were required to the internal road layout, however, these matters could be covered by planning conditions. The applicant had queried the wording of one of the conditions relating to the details of the alterations to the internal road layout. This related merely to the wording of the condition and does not materially affect the meaning of the condition.

Durham County Council had requested that it be highlighted that in relation to paragraph 22.2 of the report that discussions were on-going with the applicant regarding the extent of the dedicated highway to the rear of Morrisons service yard. The applicant had been asked to provide details of the ownership of this land as it appears to be land that was acquired by the County Council when the by-pass was built. A revised layout would need to be submitted with regard to this aspect of the scheme and this can be required by a planning condition. Parking levels were considered sufficient to accommodate the development.

The County Council had also requested that a planning condition be imposed requiring a revised traffic assessment to be submitted. This could be added to the list of planning conditions.

Design

This was an outline planning application, therefore the design was indicative. Discussions had taken place with applicant regarding locating the Morrisons store closer to the town centre directly adjacent to Front Street. They had advised that for commercial reasons this would not be possible. Negotiations had taken place with the applicant regarding integrating the site into Front Street these had included;

- linkages to Front Street,
- frontages onto Front Street,
- footpath across site,
- boundary treatment.

Renewable Energy

The applicant had requested that it be highlighted that their client did not want to avoid their environmental responsibilities. Their approach was to target investment where it can be of the most benefit rather than of the highest profile. They have said that for example, if they had a choice of either putting in higher standard building insulation or spending the same sum on solar panels they would chose the option with the greatest environmental benefit. They have said they would be happy to accept a planning condition that details of renewable energy be agreed.

Shopping Centre Direction

Since the dispatch of the report Officers had looked at the legislation further in relation to a Government Circular called The Shopping Centre Direction. This direction requires applications for more than 20,000 square metres of gross retail space to be referred to the Government Office. In calculating this figure other retail planning consents within a 10 mile radius must be taken into account. The proposed development when added to the proposed development at Genesis Way would result in 20,061 Square metres of retail floorspace being created. This is only marginally over the 20,000 figure. However, if both applications were approved they will need to be referred under the Shopping Centre Direction.

In conclusion she advised of the following:

- that the applicant had demonstrated that in retail terms there was a need for the development to improve the market share in retail turnover.
- Consumer choice would be improved by the scheme and the attractiveness of Consett as a shopping destination would be improved.

- This was considered a natural extension to Consett town centre, linked trips would occur benefiting businesses in the town centre.
- The proposal was considered unlikely to have a significant impact on Consett or Stanley TC.
- Very positive development- considerable investment in the area and overall the scheme was welcomed.

The Principal Planning Officer advised that approval of the application was recommended subject to the conditions in the report and the application being referred to Government Office.

Councillor Campbell referred to paragraph 25 of the report and commented that he had strong concerns regarding the provisions for renewable energy. He suggested that the applicant should be asked to consider greater provision to include renewable energy within the scheme. In response the Principal Planning Officer advised that in line with Government objectives to generate 10% of electricity from renewable energy sources by 2010, the applicant should also provide details regarding the provision of renewable energy measures within the scheme.

Councillor Lavin referred to the proposed road layout and raised concerns that all public traffic was to use one roundabout for site access and exit. In his opinion the current level of two accesses via two roundabouts was preferable. He also commented on the access to the Petrol Filling Station and possible traffic congestion in that area. In response D. Stewart – Highways Division, Durham County Council commented that the Highways Division had raised these concerns and the County Council had requested an amended internal site layout which had yet to be agreed. As it was the applicant who had chosen to change the access to one roundabout the onus was on the developer to prove that the proposed system was satisfactory. Alterations to the geometry of the roundabout were required and the Highways Officer was in negotiations with the consultants to incorporate changes into the application. It was suggested that these matter could be covered by a planning condition.

Lengthy debate ensued on the access to the site and the affect of traffic on Front Street, Consett. Councillor Alderson commented on the pedestrian accessibility of the site from the Front Street area and suggested that the applicant be asked to consider providing a ‘shuttle service’ to and from the site.

Councillor Clark also raised concerns regarding the loss of an access via a roundabout and pointed out that having only one access to the development may cause traffic to ‘back-up’ causing congestion. He also commented that the proposal may discourage trade from visiting Front Street.

Councillor Watson commented that it was fantastic to have a multi-million pound development in Consett, and it was an opportunity to bring in investment and additional jobs to the area. The legitimate concerns raised by Members would be

considered and resolved where possible. In addition the application would be referred to Government Office for consideration.

Following a vote being taken it was

RESOLVED: That application 07/0133 be granted outline planning permission subject to the following conditions:

1. Outline Time Limit (OTL)
2. Reserved Matters (RM)
3. Reserved Matters Time Limit (RMTL)
4. Amended Plans (GO4- Option B)
5. The plans submitted to discharge conditions two and three shall include details of how the scheme would incorporate energy efficiency measures and renewable energy sources.
6. Landscaping (LO1)
7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
8. Development shall not commence until a detailed scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The use of the units hereby approved shall not commence until the scheme to deal with the foul flows has been completed in accordance with the approved details.
9. Prior to the commencement of the development a revised Transport Assessment must be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the recommendations made in the assessment and these shall be completed prior to the occupation of any of the units hereby approved or any other time period as may be agreed in writing with the Local Planning Authority.
10. Prior to the commencement of the development a revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show amendments to the internal road layout to prevent incoming traffic queuing back to the A692 roundabout. The site shall be constructed in accordance with the approved details.
11. Prior to the commencement of development a dust management scheme shall be submitted to and agreed in writing by the local planning authority. The scheme shall identify the best practicable means for minimising dust generated by the demolition and construction operations hereby permitted. The development shall take place in accordance with the approved dust management scheme.
12. Prior to the commencement of the development a revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show a revised supermarket service yard extent capable of accommodating delivery vehicles while not restricting

- forward sight visibility for A692 southbound traffic. The site shall be constructed in accordance with the approved details.
13. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details of refuse storage for Units 3a, 3b and 3c shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved details prior to the use of these units commencing and shall not be removed without the prior written permission of the Local Planning Authority.
 14. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details the position and type of all lighting to be installed (security, access or display) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved details.
 15. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of the boundary treatment of the site with Knitsley Lane and the A692 shall be submitted to and approved in writing by the Local Planning Authority. The boundary enclosures shall be provided in accordance with the approved details prior to the use of any of the units hereby approved commencing, or any other such time period as may be agreed in writing with the Local Planning Authority.
 16. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details before the use of any of the units hereby approved commences, or any other such time period as may be agreed in writing by the Local Planning Authority.
 17. No demolition and construction shall take place outside of the hours 07.30 hrs-18.00 hrs Monday to Friday, 08.00 hrs – 13.00 hrs Saturdays and no works should be carried out on Sundays or Bank Holidays.
 18. Maximum surface water discharge rate arising from the new development to be no higher than the existing surface water discharge rates from the site.
 19. Prior to the use of the supermarket hereby approved commencing, or other such time period as may be agreed in writing with the Local Planning Authority, the footpath link to Knitsley Lane shall be provided in accordance with the approved details and shall be available for use.
 20. Prior to the use of the supermarket hereby approved commencing, the highways improvements shall be carried out in accordance with the approved details.
 21. The minimum gross floor space of any of the units hereby approved shall be 441 square metres, no unit shall be sub-divided without the prior written consent of the Local Planning Authority.

22. Notwithstanding the provisions of class A1 of the Town and Country Planning (Use Classes Order 2005) the convenience goods retailing hereby approved shall not exceed 7250 square metres gross floor area.

In accordance with the provisions of Section 94 of the Local Government Act 1972: Standing Order No. 33 Councillor A. Watson declared an interest in Planning Application 06/0838 as he is a member on the Project Genesis Board but not connected to the applicants Project Genesis Ltd. It was agreed that he be allowed to remain in the meeting.

(2) 06/0838

Project Genesis Ltd
Retail Park (Outline)

Land to the south west of Ponds Court Business Park,
Genesis Way, Consett.

The Principal Planning Officer advised that the application was for outline planning permission for a retail park on a 5.45 hectare site to the south west of Ponds Court Business Park, Genesis Way, Consett. The site was part of the former steel works site and was currently vacant. Details of means of access had been provided with the outline application. Vehicular and pedestrian access would be taken directly from Genesis Way. Indicative layout submitted showing eight retail units arranged around a central car parking area. The proposal was for comparison goods - no food retail was sought.

The area was classed as a Brownfield site on the former steelworks site and allocated in the Local Plan as a proposed business park.

The Principal Planning Officer advised of an update - the objection to the application (from Morrisons had now been withdrawn).

She further advised that the same tests had to be considered as with the Hermiston site, together with some additional issues such as the loss of employment land and departure from LP policy.

Need

The applicants have forecasted a growth in comparison goods expenditure of 49% between the period 2005 to 2015. They had looked at how much expenditure was lost from the catchment area and argue that shoppers that currently go out of the District to Newcastle, Metrocentre etc would stay in the catchment area. Money that is spent outside of the catchment area was known as 'leakage'. At present only 30% of expenditure retained in the catchment area- applicants argue that this would increase to 35% if the development were to go ahead.

WYG have advised that if both schemes go ahead market share would need to increase to 55% to support both schemes. It is difficult to assess what the market share would be because we don't know which retailers would occupy the

units but they think that there is scope to retain 58% of expenditure generated in the catchment.

The Council consultants are satisfied that there is sufficient quantitative need to support both the comparison goods retailing that is proposed by both this scheme and the Hermiston scheme.

The high level of leakage indicates that there was a qualitative need for the development- because many residents are going outside of the catchment area to shop this identifies a deficiency.

Consett and Stanley had failed to attract national multiple retailers due to the small size of the units and this scheme would be attractive to larger retailers which would improve the retail offer of Consett. This would reduce the need for people to travel outside of the District.

Scale

In terms of Policy, Consett and Stanley are the main towns in which retail development should be located. The scale of the development was considered to be appropriate to the role of Consett in the retail hierarchy.

As stated regarding the previous report the Council's consultants have said that they would have concerns if more than 20,000 square metres of additional retail floorspace were to be provided in an edge-of-centre or out-of-centre location in Consett. The two schemes added together would exceed this amount by 20,000 square metres. This was considered a very marginal amount and would not significantly affect the vitality or viability of the town centre.

Sequential Approach

Commercial centre lies to east of application site some 400 metres from the edge of the application site. The applicants feel that the commercial centre of Consett has changed since the LP was written and that Aldi should now be classed as being within the town centre. On this basis they argue that the site is edge-of-centre.

PPS3 requires account to be taken of local circumstances, for example topography can affect people's perceptions about easy walking distance to the town centre. So would other barriers, such as crossings of main roads and car parks, attractiveness and safety of the route.

The site was separated from the town centre by Genesis Way and more than 300 metres from the commercial centre boundary- site is out-of-centre.

Applicant has undertaken a sequential test and no large sites in Consett town centre to accommodate the development. Hermiston retail park and the site near the college which has retail planning permission were both sequentially preferable.

The applicant had looked at Stanley and had not found any sites sufficiently large. Have looked at the former bus station site but they feel that this represents an opportunity to provide regeneration to meet the needs of Stanley town centre and this would not substantially serve the same catchment.

The Council's consultants have acknowledged that sequentially there are other preferable sites but they feel that there is sufficient capacity to support the development at Genesis Way together with all other sequentially preferable sites.

Impact on Existing Centres

To assess the impact on the vitality and viability of Consett town centre the applicants have carried out a health check appraisal which rates the town centre as just above average. Stanley was also found to be just above average but slightly lower than Consett.

Applicant's assessment indicates a 5.5% diversion of trade from the town centre but they feel that this would not significantly affect the vitality and viability of the businesses. They feel that Consett town centre was sufficiently healthy to withstand the small amount of trade diversion without harming trading performance. Trade diversion from Stanley town centre was anticipated to be 3.4%- again impact on vitality and viability would not be significant.

As stated on the previous application WYG have looked at the impact if both schemes were to go ahead. The estimates were Consett town centre 9%, the impact on Stanley town centre would be 6%. WYG say that any greater impact could adversely affect the TC and would not be acceptable.

The Genesis site is not well located in terms of the town centre and would be unlikely to have the benefits of linked trips with the town centre.

WYG have suggested that if Members are minded to grant permission for the development a condition should be imposed stating that only bulky goods could be sold from the site. This would include things like carpets, furniture, white goods and DIY goods and it was considered this would make sense in terms of the retail hierarchy of the town as the town centre had unrestricted retailing. The Hermiston site was close to town centre and considered near to have linked shopping trips to the town centre. The Genesis Site was further away from the town centre where linked trips would not occur. The impact on the town centre would be lessened if restricted to bulky goods.

The Principal Planning Officer advised that a condition had been drafted which was at the bottom of page 61 of the report. Following further consideration Officers are of the opinion that this needed to be amended as some of the goods listed would not be classed as bulky goods. The goods that need to be deleted are sports goods and baby and maternity goods. In addition we suggest that the wording of the first sentence is amended so that the conditions states 'unless the prior written consent' rather than 'written agreement'. This means that an

application would need to be made should the applicant want to sell any other goods not listed by the condition.

In addition Officers also suggested a condition that would prevent the sub-division of the units as smaller units could compete with the town centre.

Accessibility

Planning Policy requires sites to be genuinely accessible by a choice of means of transport. The applicant's traffic assessment indicates that the site is accessible by a variety of means of transport. The site was adjacent to a bus stop on Genesis Way that has regular public transport provision and was well located in terms of cycle routes.

The site was not easily accessible from the town centre on foot due to the barrier formed by Genesis Way and lack of good connections with the town centre. The application had been amended to include a 3.5 metre wide pedestrian and cycle path from the site to Genesis Way- would improve accessibility.

Durham County Council Highways Officer had requested a condition that a pedestrian/cycle route is provided from the A692- convenient access for people approaching from west. This was considered important that these are provided to encourage sustainability.

Highway safety

Durham County Council Highways have raised no objections to the scheme but have indicated that there needs to be some minor adjustments to the kerbline on the A692 Consett bypass/Delves Lane roundabout- this could be achieved by a planning condition.

Loss of Employment Land and Departure Issue

This part of the report considered whether approval of the application would result in a harmful loss of employment land as the land is currently allocated as a business park. A letter had been received from One North East, stating that on receipt of additional information regarding the scheme they do not object to the development of the site for retail. The site represents only a small proportion of land allocated for employment uses within the District. It has been allocated for such purposes for many years without any employment generating uses coming forward. The applicant pointed out that the development of the site would bring significant regeneration benefits and would improve the perception of the area. Loss of employment land is not a significant factor in determining the application.

Shopping Centre Direction

As stated on the last application, as the development of this site and the Hermiston site would together exceed 20,000 square metres by a marginal

amount, the application would need to be referred to Government Office if members were minded to approve the application.

In conclusion the Principal Planning Officer advised that this application would contribute to the further redevelopment of the former steelworks site by providing a modern retail park which would increase the attractiveness of Consett as a shopping destination. The site was considered to be an out-of-centre location but would not significantly impact on the vitality and viability of Consett or Stanley town centres. Together with the proposed sports centre the development would contribute to the continued redevelopment of the Genesis site and could act as a catalyst for further development.

The Principal Planning Officer recommended approval subject to the conditions in the report and the revised bulky goods condition mentioned earlier. In addition there was a typing error in one of the conditions relating to the maximum retail space allowed- this should read 9,289 not 9,500.

Councillors raised questions on the type of goods which would be allowed for sale on the site and the affect on Consett town centre. In response the Principal Planning Officer advised that included in the planning conditions was authorization for retail sale of 'bulky goods' such as furniture, floor coverings, white goods, ancillary goods etc, this had been included to protect the vitality of Consett Town Centre. In response to questions regarding cafés etc, Members were advised that these could be classed as ancillary goods and for the purposes of this condition ancillary was considered to mean no more than 15% of the floor area of any unit. Questions were raised regarding the sub-division of units and concerns expressed that if the conditions were too restrictive this may deter some retailers from taking units on the site. The Principal Planning Officer advised that as this was an outline application, there was nothing to prevent an applicant asking to vary the planning conditions in future.

Councillor Watson commented that this was an opportunity for huge investment and hoped that the development would prove to be could be a huge success for the area.

Following a vote it was

RESOLVED: That application 06/0838 be granted outline planning permission subject to the following conditions:

1. Conditional Permission
2. Outline Time Limit (OTL)
3. Reserved Matters (RM)
4. Reserved Matters Time Limit (RMTL)
5. Amended Plans (GO4 C520-101 revision B)
6. The plans submitted in relation to conditions nine and ten shall include full details of the pedestrian/cycle link between the southern end of the application site and Genesis Way and between the application site and the

- A692. The plans shall provide details of any walls or fences to be erected adjacent to the link and include surfacing, lighting. The link shall be constructed in accordance with the approved details prior to the use of any of the units hereby approved commencing.
7. The plans submitted to discharge conditions two and three shall include details of how the scheme would incorporate energy efficiency measures and renewable energy sources.
 8. Prior to the commencement of the development a revised Transport Assessment must be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed recommendations made in the assessment and these shall be completed prior to the occupation of any of the units hereby approved or any other time period as may be agreed in writing with the Local Planning Authority.
 9. Prior to the commencement of the development details of a shared footway (minimum 3.0 metre width) adjacent to the A692 between the junction with Taylor's Terrace and the A692 Front Street roundabout shall be submitted to and approved in writing. The shared footway shall be available for use prior to the occupation of any of the units hereby approved.
 10. Prior to the commencement of the development details of a shared footway (minimum 3.5 metre width) between Genesis Way and the application site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway shall be available for use prior to the occupation of any of the units hereby approved.
 11. Landscaping (LO1)
 12. Contamination (CO1)
 13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
 14. Development shall not commence until a detailed scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The use of the units hereby approved shall not commence until the scheme to deal with the foul flows has been completed in accordance with the approved details.
 15. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details the position and type of all lighting to be installed (security, access or display) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved details.
 16. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details before the use of any of the units

- hereby approved commences, or any other such time period as may be agreed in writing by the Local Planning Authority.
17. The highways improvements hereby approved shall be undertaken in accordance with the approved details prior to the occupation of any of the units hereby approved.
 18. The minimum gross floor space of any of the units hereby approved shall be 800 square metres, no unit shall be sub-divided without the prior written consent of the Local Planning Authority.
 19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
 20. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking or re-enacting that Order), no part of the development authorised by this permission shall be used for the retail sale of food and drink within Class A1 without the consent of the Local Planning Authority.
 21. The permission hereby approved allows a maximum of 9289 square metres of gross floor area.
 22. Unless the prior consent of the Local Planning Authority has been received, notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking or re-enacting that Order), no part of the development authorised by this permission shall be used other than for the retail sale of the following goods, Furniture, floor coverings, households goods, domestic electrical and gas goods, hardware, white goods, DIY goods for the home and garden, cycles and parts for motor vehicles and cycles, large recreational and leisure goods such as camping, caravanning and boating equipment, office equipment and supplies, pets and pet products, sports goods, and baby and maternity related goods and the sale of ancillary goods. (For the purpose of this condition ancillary is considered to mean no more than 15% of the floor area of any unit.)

CONCLUSION OF MEETING

The meeting closed at 3.56 p.m.

DERWENTSIDE DISTRICT COUNCIL**DEVELOPMENT CONTROL COMMITTEE****1st November 2007****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****PLANNING APPLICATIONS AND ASSOCIATED MATTERS****CONTENTS**

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CERTIFICATE OF LAWFULNESS

07/0823

12.09.07

Mrs S Henderson

Tantobie Allotments,
Tantobie, Stanley

Certificate of Lawfulness for
use of site as a Plant Hire
Depot

Tanfield Ward

The Application

1. This application seeks a Certificate of Lawful Existing Use for land at Tantobie Allotments, Tantobie, Stanley as a Plant Hire Depot.
2. In order to obtain the certificate of lawful use the applicant is required to submit evidence to this Authority that satisfies, on the balance of probability, that:
 - The land has undergone a continuous and sustained change of use of the land for a period of time exceeding 10 years prior to the date of the application being made.
 - No valid enforcement notice has been served against the unauthorised change of use within this time period resulting in the time for taking enforcement action having expired, as defined by Section 171A of the 1990 Act.
3. Section 191 of the Town and Country Planning Act 1990 (as amended) together with Government Circular 10/97 requires that determination of this application be limited to the lawfulness of the use within the parameters given in the Act. Issues of planning merit and compliance with policy are not relevant to the determination of the application.

History

4. The site has a varied and complicated planning history and for Members' information a summary of the applications has been provided below.
5. Stables and store, approved 1987 (reference 1/1987/0124/DM).
6. Planning permission was granted in 1991 for the erection of a block of ten stables (reference 1/1991/0743/DM).

7. An application to regularise the parking of three lorries on the allotments was granted a temporary planning permission in October 1991 (reference 1/1991/0744/DM). A condition stated that a maximum of three vehicles could be stored on the site.
8. This was renewed in 1992 (reference 1/1992/1201/DM). Conditions stated that there should be a maximum of three vehicles stored on the site and that no servicing or maintenance of vehicles shall take place on the site. This permission was varied in 1996 (reference 1/1996/0531/DM) to allow five vehicles to be stored on the site. A condition stated that all of the conditions of the previous consent still apply, therefore the restriction on maintenance and servicing remains.
9. Planning permission was granted in November 1995 for the erection of a garage (reference 1/1995/1129/DM). Two subsequent extensions to the garage have also been granted planning permission in 1997 and 1998 (references 1/1996/1395/DM and 1/1998/0241/DM). Restrictions prevented more than five vehicles from being stored and again prevented maintenance and servicing.
10. An outline application for the erection of a dwelling (reference 1/1996/1413/DM) was refused on 20/02/97, on the grounds that the site was considered to be in the open countryside and no agricultural or forestry justification had been put forward. In addition it was felt that that proposal would result in ribbon development and would be detrimental to highway safety.
11. An Outline application for the erection of one dwelling (reference 1/1997/0259/DM) was refused 15/05/97, on the grounds that the dwelling would be in the open countryside and no agricultural or forestry justification has been put forward. An appeal was made with respect to this application and was dismissed by the Planning Inspectorate.
12. An Outline application for the erection of Horticultural Polytunnels and Associated Dwelling (reference 1/2001/0158/DM) was refused 30/04/01 for the following reason, again on the grounds that the dwelling would be located within the countryside without a clear agricultural justification.
13. A resubmission of the above application was made in 2001 (reference 1/2001/0347/DM). This was also refused on the grounds that there was no clear justification in terms of an established agricultural or forestry enterprise.
14. In 2002 Planning Permission was granted for a hay shed (reference 1/2002/0233/DM).
15. Planning Permission was sought in 2006 for the erection of one dwelling on the site (reference 1/2006/0732/DM). The applicant attempted to demonstrate that the dwelling was required to support a rural enterprise as 24 hour security was required in respect of a Plant Hire Business operating from the allotments. The application was recommended for refusal at your meeting on 2nd November 2006 however Members were minded to grant permission for the dwelling.
16. As the development did not comply with Local Plan Policy the application had to be referred to Government Office before a decision could be made. This was done and Government Office confirmed that they did not wish to call the

application in.

17. The application for the dwelling has not yet been determined by the Council as following the committee meeting it came to light that the applicant had based the justification for the dwelling on the operation of the business that was taking place from the site. A further check of the Planning records revealed that only part of the site was authorised for the use identified in the Planning application and this was subject to restrictive conditions. Therefore the case for the dwelling was based on the operation of a business that was operating without the benefit of Planning Permission.
18. The applicant was advised that due to the length of time that some of the uses had been taking place it was possible that they may be immune from further action and that the matter could be addressed by submitting an application for a Certificate of Lawful Development to demonstrate that the site had operated as a Plant Hire Business for more than ten years. Such discussion have resulted in the submission of this application. The application for the dwelling is also contained within this agenda.

Consultations

19. Neighbours have been consulted and a site notice posted- no representations have been received.
20. Councillor T Pattinson has written and asked that the application be considered by the Development Control Committee. His letter states the following reason for asking that the application is considered by committee:

‘As the area is designated as allotments and there are suitable alternative sites on established industrial estates in relatively close proximity to the application site, I consider this application should not be dealt with under “Delegated Powers”.’

Officer Assessment

21. Paragraphs 15 to 18 above explain the reasons why this application has been made.
22. In order for a certificate to be granted the applicant must demonstrate that on the balance of probability, the use has been taking place from the site for in excess of ten years. The applicant has stated that the site has been used for a period in excess of ten years for a Plant Hire Depot for the parking and storage and some ancillary servicing of five plant hire vehicles.
23. The applicant acknowledges that the Planning Permission granted was for a garage and subsequently for extensions to the garage on allotments 5 and 6. However these were built outside of the red line of the application site and were therefore in breach of the Planning Permissions. Therefore the use of the site has been taking place outside of the area for which Planning Permission was obtained.
24. In order to demonstrate the lawful use of the site the applicant has provided

copies of Vehicle Operators Licences from 1991 to 2006. In addition the applicant has signed a statutory declaration to indicate that the site has been used for the parking, storage and ancillary servicing of five plant hire vehicles.

25. In addition the applicant's daughters have both signed statutory declarations which state that the site has been used for the storage of plant hire vehicles since 1992. One of the daughters states that her partner commenced employment at the garage in 1994 and the other states that she can recall the garage being built between 1994 and 1996.
26. The applicant's son-in-laws have also signed statutory declarations indicating that the use has been taking place since 1992. Declarations have also been received from a member of staff and by two customers of the plant hire business.
27. During the last ten years the Council have not received any complaints regarding the operation of the business. Officers dealing with the various applications on the site seem to have been aware that the plant hire business was operating but did not take the opportunity to fully investigate the Planning history and it is only recently that it has come to light that the business has been operating without Planning Permission.
28. The statutory declarations submitted by the applicant together with the copies of the Vehicle Operators Licences demonstrate that, on the balance of probabilities, the site has been used as a depot for the parking, storage and ancillary servicing of five plant hire vehicles for a period in excess of ten years.

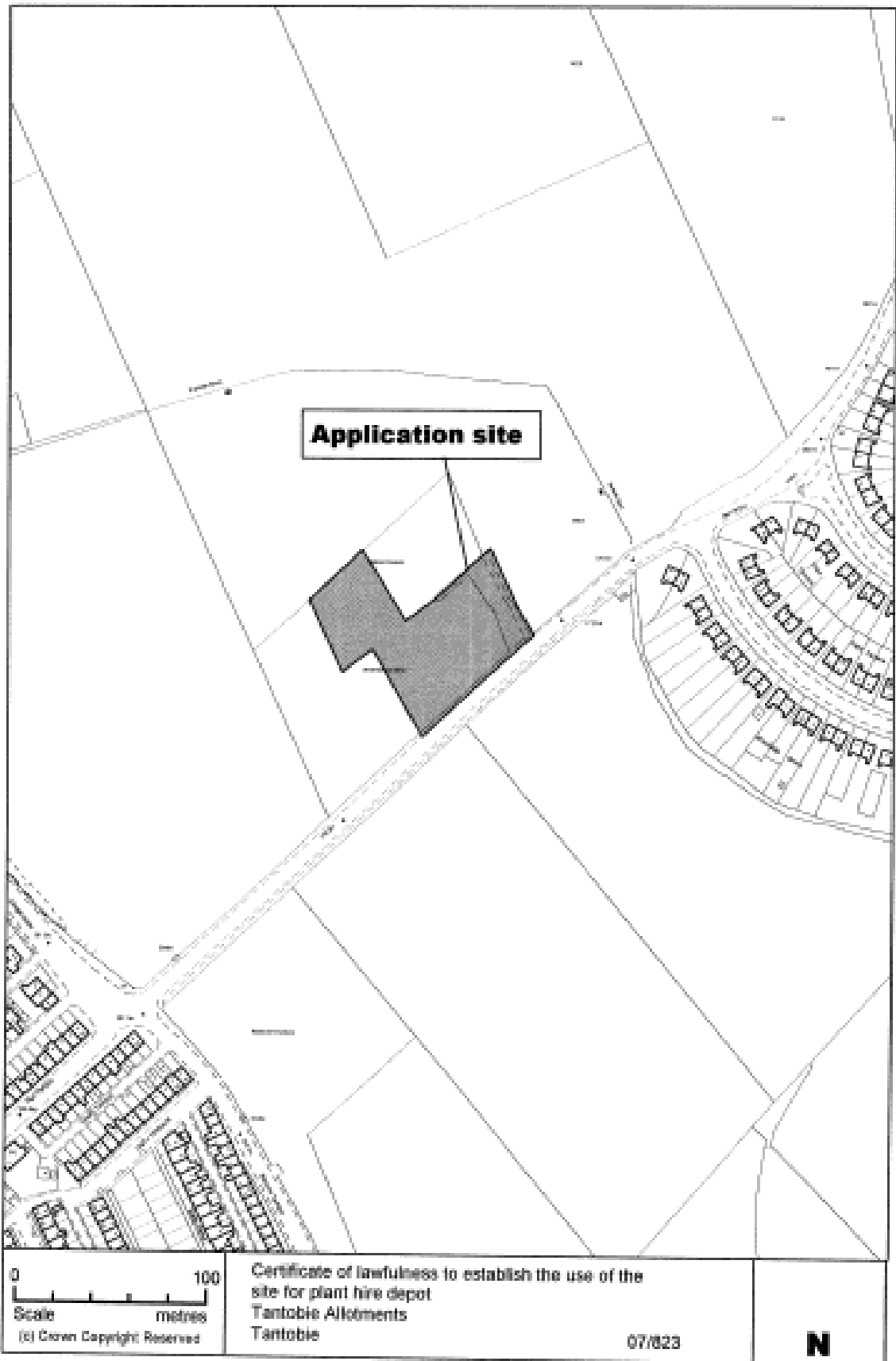
Recommendation

29. Issue Certificate of Lawful Development of the parking, storage and ancillary servicing of five plant hire vehicles at Tantobie Allotments, Tantobie, Stanley.

Reason for Issuing the Certificate

30. The applicant has demonstrated that on the balance of probabilities, the site has been used as a depot for the parking, storage and ancillary servicing of five plant hire vehicles for a period of more than ten years and the use of the site for such purposes is therefore lawful.

Report Prepared by Fiona Clarke, Principal Planning Officer
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RECOMMENDATION FOR REFUSAL

06/0732

13/09/06

Mrs S Henderson

Tantobie Allotments,
Tantobie

Erection of one dwelling
(outline)

Tanfield Ward

The Application

1. At the meeting of the Development Control Committee 2nd November 2006, Members resolved that they were minded to approve an outline application for the erection of one dwelling on land at Tantobie allotments, Tantobie, Stanley. The application had to be advertised as a Departure from the adopted Local Plan, and be referred to the Government Office of the North East. The application has been referred and the Government Office have informed the Council that they do not wish to intervene.
2. The applicant had based the argument for the erection of a dwelling on the site for security in respect of a Plant Hire Business operating from the allotments. After the application had been referred to Government Office it came to light that the business to which the dwelling related was unauthorised. This has resulted in the applicant applying for a Certificate of Lawful Use for the business which is also the subject of a report on this agenda.

History

3. The site has a varied and complicated planning history and for Members' information a summary of the more relevant applications has been provided below. It will be noted that three applications for a dwelling on this site have previously been refused, one of which was considered at appeal.
4. An application to regularise the parking of three lorries on the allotments was granted a temporary planning permission in October 1991 (reference 1/1991/0744/DM).
5. This was renewed in 1992 (reference 1/1992/1201/DM). Conditions stated that there should be a maximum of three vehicles stored on the site and that no servicing or maintenance of vehicles shall take place on the site. This permission was varied in 1996 (reference 1/1996/0531/DM) to allow five vehicles to be stored on the site. A condition stated that all of the conditions of the previous consent still apply, therefore the restriction on maintenance and servicing remains.
6. Planning permission was granted in November 1995 for the erection of a garage (reference 1/1995/1129/DM). Two subsequent extensions to the garage have also been granted planning permission in 1997 and 1998 (references 1/1996/1395/DM and 1/1998/0241/DM). Restrictions prevented more than five

vehicles from being stored and again prevented maintenance and servicing.

7. An outline application for the erection of a dwelling (reference 1/1996/1413/DM) was refused 20/02/97, for the following reasons:

'The dwelling proposed is located within the countryside and no agricultural or forestry justification has been put forward. The proposal is therefore contrary to policy HO15 of the Derwentside District Local Plan and National Planning Guidance, which seek to control sporadic residential development in the countryside.'

8. 'The introduction of a residential use in this location would lead to ribbon development which would create a highway safety hazard to both vehicular and pedestrian traffic.'

An Outline application for the erection of one dwelling (reference 1/1997/0259/DM) was refused 15/05/97, for the following reason:

'The proposed dwelling is located within the countryside and no agricultural or forestry justification has been put forward. The proposal is therefore contrary to Policy HO15 of the Local Plan, which seeks to control sporadic residential development in the countryside.'

9. An appeal was made with respect to this application and was dismissed by the Planning Inspectorate.

An Outline application for the erection of Horticultural Polytunnels and Associated Dwelling (reference 1/2001/0158/DM) was refused on the 30/04/01 for the following reason:

10. 'The proposed dwelling is located within the countryside and without a clear agricultural justification the proposal is contrary to policy HO15 of the Local Plan which restricts dwellings in the countryside to those essential for an established agricultural or forestry enterprise.'

A resubmission of the above application was made in 2001 (reference 1/2001/0347/DM). This was also refused on the grounds that there was no clear justification in terms of an established agricultural or forestry enterprise.

Policy

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

General Development Principles (GDP1)
Preventing Urban Sprawl (EN2)
Development on Small Sites (H05)
Development and Highway Safety (TR2)

Consultations

12. When the Development Control Committee considered the application last year, one letter of objection had been received from (now ex) Councillor Kevin Howe, and three letters of support had been received.
13. In accordance with the Departure Regulations a further site notice has been placed on the site and an advert placed in the local press. Five additional letters of objection have been received, including a further letter of objection from Councillor Kevin Howe (as he was at the time). The total number of objections since the application was received therefore stands at six letters opposing the application and three letters in support.
14. The objector's comments are as follows:
 - Similar proposals for this site have been previously refused on three occasions.
 - The proposals do not comply with the Local Plan.
 - The proposal would blight the landscape.
 - If approved the development would set a precedent.
15. Councillor Howe's concerns were in summary are:
 - Area is 'greenfield', site in area of much woodland and farmland.
 - Similar applications have been refused in the past along this corridor, this would set a precedent.
 - Previous applications for the same proposal by the applicant have been refused.
 - Other proposals granted have been restricted to agricultural use.
 - Council have acknowledged that the proposal is a Departure from the plan by advertising as such.
 - Breaking planning guidelines if approved, will set a precedent for future planning meetings and appeals and could harm the integrity of the Council.
16. Summary of contents of three letters in support:
 - There is confidence that the appearance and security of the locality will be greatly enhanced.
 - Building stock in area is ageing, little opportunity for development.
 - Planning should be viewed in light of the circumstances, and common sense should be applied.
 - One Issue highlighted by Environmental Consultants used by the Six Villages Group was possibility of further development within the area.
 - A development of this nature would enhance the area, reduce vandalism/crime by virtue of residency, improve the allotments.
 - The applicant has already contributed to the area with local employment through his haulage business, and this would be added to during construction of a new building.

Officer Assessment

17. The application has been advertised as a Departure from the Local Plan, and has been referred to the Government Office of the North East. In accordance with the

Departure Regulations the Government Office were sent a full copy of the application, together with the letters of objection and support received as a result of the advertisement, the officer's report and a statement outlining why Members considered the development to be acceptable.

18. The response of the Government Office has now been received and they have decided not to 'call in' the application for their consideration. Paragraph 5 of the letter from the Government Office sums up the decision:

"....The Secretary of State has concluded, on balance, that her intervention would not be justified as there is not sufficient conflict with national planning policies on the above matters or any other sufficient reason to warrant calling-in the application for her own determination. She has therefore concluded that the application should remain with Derwentside District Council for decision."
19. The applicant has applied for a Certificate of Lawful Use (considered elsewhere on this agenda) to demonstrate that the use of the site as a Plant Hire depot for five vehicles is lawful. That application was made to address Officer's concerns that the dwelling had been justified on the grounds of its connections with the business use which was unauthorised under the Planning legislation.
20. In light of the referral of the application back to the Local Planning Authority for determination and Lawful Use application, Members must now consider whether they still wish to grant Planning Permission for this development. Planning Officers remain firmly of the view that the application should be refused in accordance with the previous recommendation.
21. The application site is clearly located outside the existing settlement boundaries of Tantobie and Tanfield, and residential development on this site would be contrary to policies EN2 and H05 of the Local Plan. These policies seek to ensure that development takes place within the physical limits of settlements. Being located to the north of the C127 road where there is an absence of other residential dwellings, the proposal would constitute a dwelling in the open countryside. Such dwellings are normally only be permitted if a case can be presented to justify the erection of a dwelling for an agricultural or forestry worker where it has been demonstrated that in functional and financial terms it is necessary for a worker to live on the site.
22. The applicant has submitted three previous applications in order to try to obtain permission for a dwelling on the Tantobie allotments. Attempts were made to try to justify applications in 1996 and 1997 on security grounds (references 1/1996/1413/DM and 1/1997/0259/DM). An appeal was submitted against the later application. In determining the appeal the Inspector noted that the proposed dwelling would be well outside the settlement of Tantobie and that it would be built a substantial distance beyond the built up area in conflict with Policy HO5. In addition he felt that the dwelling would encroach into the open countryside contrary to Policy EN1. On the issue of security the Inspector stated that:

'I accept that there have been attacks by vandals and thefts and that the proposed house could well add to the security at your client's vehicle and plant hire business within the allotments and your client would agree to a suitable occupancy condition. This factor does not, however, override the cogent reasons

against the proposal which have been referred to above.'

23. The applicant tried to justify the third application for a dwelling on the allotments on the grounds of a horticultural business that he was proposing to establish. The application was refused on the basis that a need to live on the site had not been demonstrated.
24. It is clear from the history of the site that it has been a longstanding wish of the applicant to obtain planning permission for a dwelling on the allotments. Applications have been submitted for the erection of a dwelling on several occasions, using different grounds, and this application represents a further attempt to gain permission on insubstantial grounds.
25. The applicant's agent has argued that there has been a slight change in national guidance with regard to special circumstances for the erection of dwellings within the countryside and has attempted to justify the application on this basis. The new PPS7 (which replaces PPG7) widens the scope from the previous position of dwellings being allowed which met the tests for agriculture and forestry only, to allow the erection of dwellings for other rural based enterprises, however certain functionality and financial tests must be met.
26. The demonstration of real functional need for a dwelling on the site remains of particular importance in the determination of an application for a house to provide accommodation for a rural worker. The applicant's agent attempts to justify the functional need with regard to this application due to a requirement for 24 hour security presence on site resulting from a number of experiences of vandalism and theft, however the applicant has not submitted details of such incidents. The case is based on the security of the applicant's Plant Hire business.
27. Officers feel that the security argument alone does not demonstrate that there is a functional need for a worker to live on the site. Security on the site could be better served through other means, such as through the use of CCTV cameras or the employment of security guards, and there is Case Law to back up that approach. As stated above the issue of security at this site has already been addressed at appeal and it was not found to be an overriding factor. In addition, in the time since the appeal was considered, technology has improved and effective security systems are available. Security cameras could give 24 hour surveillance, without the need for a dwelling to be erected. Whilst it is noted that a residential presence on the site may improve surveillance, this is unlikely to be on 24 hour basis, for example when occupants are asleep or away from the premises for whatever purpose.
28. At the time of the 1997 appeal the applicant actually lived at Ivy Place approximately 200 metres from the entrance to the allotments. The statutory declarations submitted with the Lawful Use application indicate that the applicant's daughter and son-in-law now live at Ivy Place and the son-in-law is employed by the business. This dwelling would offer security to the business as it could be linked to alarms and security cameras at the application site which would have increased security without the need for a dwelling on the site. In addition officers have found that the registered office of the Plant Hire business remains at 4 Ivy Place and therefore it seems that this property is still associated with the business and could be used to provide security for the site.

29. PPS7 (Annex A paragraph 15) states that the same stringent levels of assessment to applications for 'other' occupational dwellings relating to rural enterprise should apply as they do for agricultural and forestry workers dwellings. As indicated earlier, the case put in the supporting statement for functional need, which is a requirement, does not appear to be a strong one.
30. The objection from the Highways Development Control Officer has been removed, subject to a request for conditions. Nevertheless, Planning Officers remain of the opinion that the adjustment in national policy, in the form of PPS7, would not be a significant or material factor in the weight applied to the proposal, as the functionality test has not been clearly met, and as the argument for surveillance on the site could be met through alternative means.
31. Planning Officers are also concerned that should this application be approved, it could set a precedent, or provide some further and undue weight in favour of similar developments on other sites within the District with similar characteristics or attributes. Members will recall that over the years the issue of new dwellings in the countryside has been very controversial and you will be aware of other similar cases where permission has been refused, and successfully defended on appeal.
32. Whilst every case should be judged on its own merits, there is no doubt that future applicants will argue that this decision shows a markedly different approach to that offered by Derwentside in the past, and sets a precedent for approval of other cases.
33. The proposal, for reasons given above, is therefore considered to be at odds with PPS 7 and Local Plan Policies GDP1, EN1, and H05. The Officers' recommendation therefore remains for refusal of the application.
34. In the event that Members should decide to go against your officers advice and approve the application, then a list of conditions as indicated below in paragraph 36 are recommended. Members will note it is recommended that, if approved, the size of the dwelling should be limited to no more than 250 metres square in floor area. This figure is used as a general guide when considering agricultural dwellings and this size of dwelling is seen as more than adequate to meet the functional requirement (i.e. argument given for security purposes) of the dwelling. The figure of 250 square metres also reflects recent recommendations of the Planning Inspectorate in the District. In addition a condition is recommended to tie the use of the building in to the rural enterprise. It should be noted that in the event that the business activities being carried out from the site were to cease the dwelling would remain and no doubt the Council would be under pressure to remove the condition.

Recommendation

35. Refuse
 - In the opinion of the Local Planning Authority the proposal is lacking in provision of significant evidence for functional need for a permanent dwelling on the site, given that 24 hour surveillance could be provided through alternative means. No special justification for the erection of the dwelling has

therefore been given, contrary to the guidance within PPS 7.

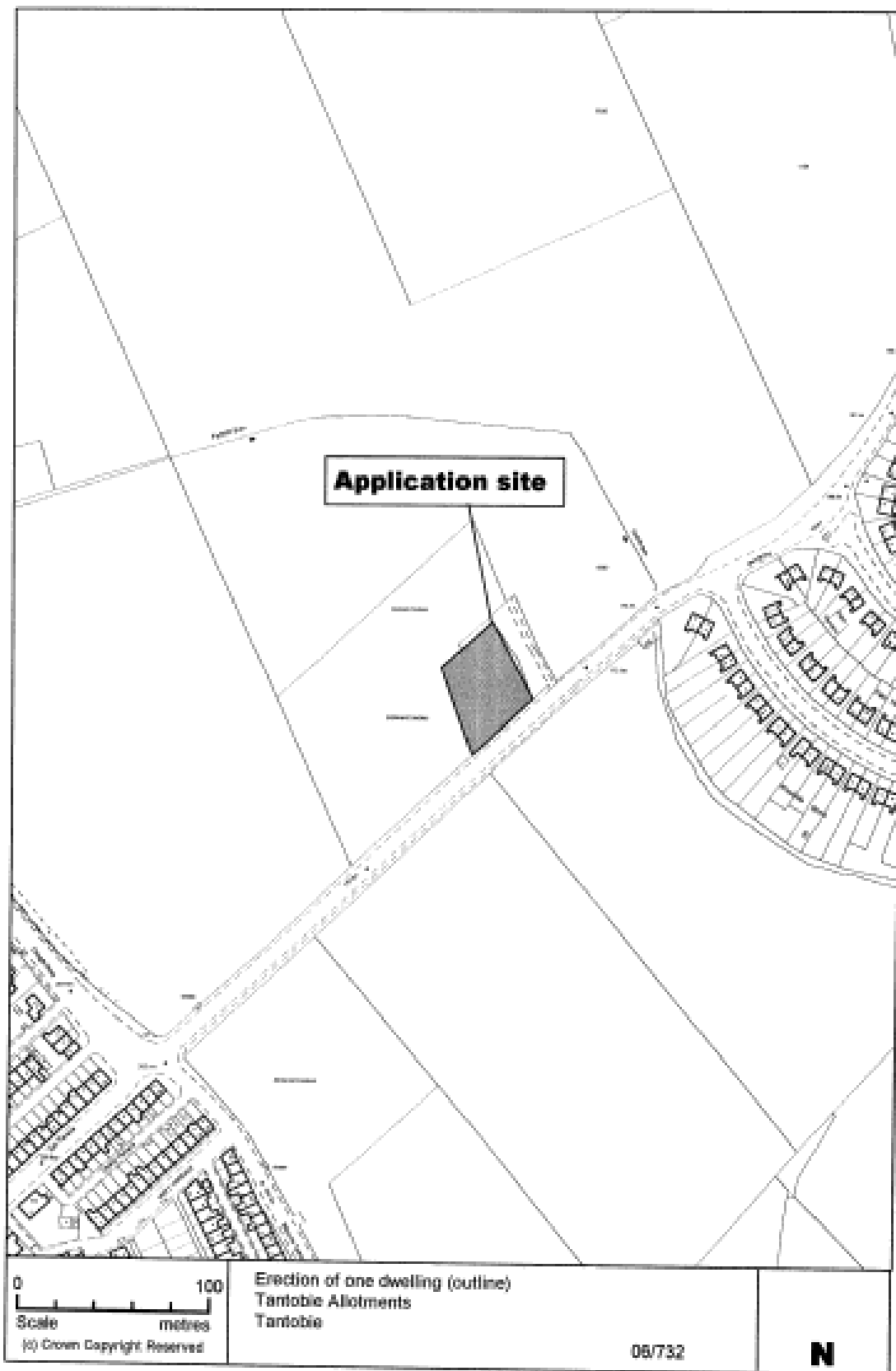
- The development would constitute encroachment within the countryside, extending beyond the established limits of the settlements of either Tantobie or Tanfield and is therefore considered to be contrary to policies EN2 and HO5 of the Derwentside District Local Plan.

36. However, if Members are still minded to approve the application, here are a list of conditions that should be imposed.

- Outline time limit (OTL)
- Agreement of reserved matters (RM)
- Development to be in accordance with the plans submitted (ST01)
- Materials to be agreed (AO4)
- The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the day to day operation of the plant hire business, or a widow or widower of such a person (ROC01)
- The dwelling hereby approved shall be restricted to no more than 250 metres square in floor area, and shall not exceed 2 storeys in height. (Reason: In order that the dwelling is not excessive in terms of scale and is of a size commensurate with its functional purpose in accordance with HO15 of the Local Plan)
- Removal of Permitted Development Rights (PD01)
- Drainage (DO1)
- All details of site enclosures shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The details as agreed shall then be implemented prior to the occupation of the dwelling hereby approved. (Reason: In order that the Local Planning Authority retain control over these details)
- Construction of the dwelling hereby approved shall not commence until a plan is submitted to and agreed in writing by the Local Planning Authority depicting a 2.4m by 90m visibility splay from the vehicular access point, together with details of control of the land to the east upon which part of the splay crosses. The approved details shall be implemented on site prior to the occupation of the dwelling hereby approved. (Reason: In the interest of Highway Safety and in accordance with policy TR2 of the Local Plan)
- The dwelling hereby approved shall not be occupied until a 1.2m minimum width footway is constructed to adoptable standard on the C127 public highway verge abutting the site, for a distance of 65m westwards from the vehicular access junction, to the written satisfaction of the Local Planning Authority. (Reason: In the interest of Highway Safety and in accordance with policy TR2 of the Local Plan)

Report Prepared by Fiona Clarke, Principal Planning Officer

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RECOMMENDATION FOR REFUSAL

07/0727

22.08.07

Barratt Newcastle

Land to the North of
St.John's Mews, Holmside
Lane, Burnhope

Outline application for the
erection of 39 dwellings
(Resubmission)

Burnhope Ward

The Application

1. Outline planning permission is sought for the erection of 39 dwellings on land to the north of St.John's Mews, Holmside Lane, Burnhope. This is a resubmitted scheme following an earlier application for the same number of houses which was refused under delegated powers in April of this year.
2. This application differs from the initially refused proposal in that the applicant is now offering a donation of £225,000 towards refurbishment of Burnhope Community Centre, and £25,000 each to Burnhope Village Cricket Club, the Chapel of Burnhope and Burnhope Church.

History

3. An Outline Planning application (reference 1/2007/0120/DM) for 39 dwellings at the same site was refused under delegated powers 12/04/07. The reasons for refusal were:
 - The site is located outside the development limit for Burnhope and in open countryside. The proposal is therefore contrary to policies EN1, EN2 and BI1 of the Derwentside District Local Plan. The proposal would constitute encroachment into the wider countryside without special justification, and given that the site is a greenfield, the proposal is considered to be at odds with PPS3 which aims to prioritise development of previously used sites.
 - The existing site visibility to the east from the St.John's Mews junction with Holmside Lane is sub standard, and any intensification of the use of this junction is likely to be prejudicial to Highway Safety, contrary to policy TR2 of the Derwentside District Local Plan.

Policy

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

General Development Principles (GDP1)
Protecting the Countryside (EN1)
Preventing Urban Sprawl (EN2)
Development Limit for Burnhope (BI1)
Development and Highway Safety (TR2)

Consultations

5. County Highways Development Control Officer- As the applicant has not clearly demonstrated control of a wall at the property 'Yon-side' which would affect the access of the proposed development, then sight visibility is likely to be inadequate and the application should be refused.
6. County Rights Of Way Officer- No PROWS affected by proposal therefore no objections.
7. Development Plans Section (DDC)- As previously stated (19/03/07), the site is located outside the development limit for Burnhope and in open countryside. It would therefore be contrary to national policy and policies EN2 and BI1 of the Derwentside District Local Plan (1997).

Burnhope has seen a large amount of housing built in the area that supports regeneration objectives and considering the District's housing supply compared to the allocation in the Regional Spatial Strategy (RSS) (and the subsequent allocation recommended in the Panel Report), there is no requirement for additional housing land in this area.

8. Environmental Health- Request that a condition be attached to any approval requiring that works of construction are NOT carried out outside of the hours of 8.00 and 18.00 on weekdays and 8.00 and 13.00 on Saturdays, to protect the amenities of the existing neighbouring residents.
9. Northumbrian Water- No objections.
10. Environment Agency- The Environment Agency has received a Flood Risk Assessment, (FRA), provided by M Design which we understand has been submitted to support the planning application. We have been reliant on the accuracy and completeness of the FRA in undertaking our view, and can take no responsibility for incorrect data or interpretation made by the authors. This being the case, we have no objections, in principle, to the proposed development but recommend that if planning permission is granted the following planning CONDITION be imposed:

CONDITION: The surface water drainage must be attenuated to no more than 10 l/s.

REASON: To ensure flood risk is not increased downstream of the site.

Any new outfall will require the prior written consent of the Environment Agency under section 23 of the Land Drainage Act 1991.

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.

An acceptable method of foul drainage disposal would be connection to the foul sewer.

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

11. Burnhope Parish Council- Unanimously voted to object to the proposal on the following grounds:-

- The application site is clearly outside of the development limit for Burnhope Village.
- The application site is Greenfield.
- The application will give rise to issues of highway safety particularly for vehicles both entering and exiting at Holmside Lane from ST John's Mews.
- The application site is in direct conflict with many policies contained within the DDLP.
- The Parish Council fully support the comments contained within the objection documentation which has been prepared by local residents opposed to the application.

The Parish Council are fully aware of correspondence which has been circulated in relation to this application particularly in relation to promises/offerings of "planning gain".

The Parish Council make assurances that the application was considered only on planning grounds and were not impressed at the comments of the applicant that there is no other suitable space for new development within the village and that this application should be allowed. If this was to be the case, Members questioned where this would leave the whole planning system.

12. Neighbours have been consulted and a site notice posted. A single bound document has been received from the 'Burnhope Local Residents Group' with 29 signatures attached of neighbours opposing the development. The main points raised by the objectors in the document are appended to the report (Please note

that this is the overview letter to the front of the document only. The full objection document as submitted is much more substantial). Concerns of the objectors in summary are-

- Grounds for refusal on previous application were sound, this is merely a cynical redraft, claiming to be for the “good of the village”.
- Parish Council elected to represent the villagers unanimously reject the proposals, supports the fact that the applicants have no clear idea as to what the villagers want.
- The land to be developed is countryside and should be protected.
- Construction of 39 houses would not maintain or enhance the landscape character, contrary to policy EN1 of the Local Plan.
- Habitat of wild animals would be lost.
- Path adjacent to site- enjoyment of use would be spoilt.
- Applicant has failed to provide any substantive detail as to what their Affordable Housing proposal are- the mention of “affordable housing” is nothing more than a throw away statement.
- Major housing developments already underway in Burnhope.
- If approved the application would set a significant precedent for building outside of the village.
- A circulated letter from the applicants agent (Signet Planning) to solicit support is misleading and incomplete. To make mention of any parties in planning gain without prior consultation is reprehensible and shows a lack of respect.
- Planning gain issue has generated suspicion about the applicants aims of the development in general. In a letter from Barratt’s MD to the objectors, Barratts confirm that the approach is not one which they would condone, and offers of substantial sums to a number of the parties concerned has been made without consultation.
- Particular concern over the £225,000 offer made to the Community Centre refurbishment- why is this offer made dependent on the Community Centre staying where it is, which is totally inappropriate.
- Highway Safety- The support statement claims that the wall obscuring access sight lines is within the ownership of the applicant- this is not true.

One letter in support of the application has been received from the occupier of 28 Pavillion Terrace. They believe a donation to the Community Centre would help toward amenities in the village which are lack since the old Community Centre closed. There would be an influx of professional people to the village which would be a good thing and as the Council have not provided much in the way of regeneration, these donations would be welcome.

Officer Assessment

13. Outline Planning permission is sought for the erection of 39 dwellings on land to the north of St.John’s Mews, Holmside Lane, Burnhope. The main issue to consider with regard to this proposal is whether the principle of the development is acceptable.
14. Although this is an outline application, the applicant has submitted a layout plan and elevations for indicative purposes. The overall layout does not differ from that previously refused.

15. The site is located outside of the development limit for Burnhope, and is green land in open countryside. The proposal is therefore clearly contrary to policies EN1, EN2 and BI1 of the Derwentside District Plan. The proposal would constitute encroachment into the wider countryside without special justification, and given that the site is Greenfield, the proposal is considered to be at odds with PPS3 which aims to prioritise new building where required on previously developed sites.
16. The Development Plans Section indicate that Burnhope has seen a large amount of housing built in the area that supports regeneration objectives and considering the District's housing supply compared to the allocation in the Regional Spatial Strategy (RSS) (and the subsequent allocation recommended in the Panel Report), there is no requirement for additional housing land in this area.
17. The principle of the development is therefore not considered to be acceptable, and is contrary to both local and national planning policy and guidance.
18. The site layout as submitted indicates adequate distances between properties and the general layout appears to meet normal minimum distance standards, however it remains that the principle of the development is unacceptable.
19. The only significant change to the previous scheme which was refused, is the fact that the applicant has indicated that they are willing to pay monetary contributions to local amenities such as the Community Centre. The scheme is clearly unacceptable in planning policy terms however, and such contributions, should carry no material weight in the determination of the application. The payments would not make the proposal acceptable in planning terms, conflicting with Circular 05/2005 (Planning Obligations) which states that such obligations should be 'necessary to make the development acceptable in planning terms'.
20. The Highways Development Control Officer is concerned that an adequate visibility splay cannot be achieved at the access point for the development at the entry to St.John's Mews. The issue relates to a wall at the property 'Yon-Side' which would obstruct an acceptable visibility splay. The wall is apparently on land which was in ownership of a recently deceased Miss Shotton, and this has been verbally confirmed by the executor of Miss. Shotton's will. The agent for the applicant was invited to demonstrate that this was not the case, however has not yet done so. The Highways Development Control Officer has indicated that as the applicant has not clearly demonstrated control of a wall at the property 'Yon-side' which would affect the access of the proposed development, then sight visibility is likely to be inadequate and the application should be refused.
21. There is clear local opposition against the proposal as indicated in the document received from the Burnhope Local Residents Group and also from the Parish Council. This application is contrary to local and national planning policy and has no significant planning merit in its favour. If approved the application would set a significant precedent for new development outside of existing settlements without special justification, not just within Burnhope, but throughout the district.

Recommendation

22. Refuse

Reasons for Refusal

- 23.
- The site is located outside the development limit for Burnhope and in open countryside. The proposal is therefore contrary to policies EN1, EN2 and BI1 of the Derwentside District Local Plan. The proposal would constitute encroachment into the wider countryside without special justification, and given that the site is a greenfield, the proposal is considered to be at odds with PPS3 which aims to prioritise development of previously used sites.
 - The existing site visibility to the east from the St.John's Mews junction with Holmside Lane is sub standard, and any intensification of the use of this junction is likely to be prejudicial to Highway Safety, contrary to policy TR2 of the Derwentside District Local Plan.

Report Prepared by Shaun Wells, Senior Area Planning Officer

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Mr & Mrs D Reid
The Meadow
St Johns Mews
Burnhope
County Durham
DH7 0EQ

Shaun Wells
Senior Area Planning Officer
Derwentside District Council
Environmental Services Directorate
Civic Centre
Consett
County Durham
DH8 5JA

Date: 17th September 2007

Dear Mr Wells

**RE: REPRESENTATIONS OF LOCAL RESIDENTS OBJECTING TO THE
PLANNING APPLICATION - SW/1/2007/0727/DMOP: PROPOSED
ERECTION OF THIRTY NINE DWELLINGS (Outline) AT LAND TO THE
NORTH OF ST JOHNS MEWS, HOLMSIDE LANE, BURNHOPE, COUNTY
DURHAM**

Firstly I would like to start by thanking you for your help and assistance, which once again has been invaluable.

As you know we represent and have the mandate of a group of 29 Burnhope residents. Our group was formed in January 2007; such was the strength of feeling to oppose the development of the land north of St Johns Mews. As part of our membership it is relevant to note we have all those parties who reside or own land immediately adjacent to the proposed development.

Our group was surprised to learn of the new application for this site after the initial application was refused at delegated level in just March this year. The grounds for refusal were, in our opinion very clear and sound. However from correspondence we have received from the applicants, we understand this new application is in part to give them a chance to state their case to the planning committee, which is their democratic right as is ours to oppose once again, which we fully intend to do. We would welcome an opportunity to put our case before the planning committee and will make ourselves available to do so when the meeting is scheduled. Since inception, our group size has continued to increase as more and more residents become aware of our group's aims and objectives, lending even greater credence to our group's points and views.

It is our opinion that the new application is a cynical redraft of the original rejected plan, which attempts to overcome the original very strong grounds for refusal with badly advised, inaccurate, deliberately misleading and weak support statements driven by the applicants desire to drive through this unpopular development on an inappropriate site, simply for personal gain but disguising this all too obvious fact with claims the development is for the "good of the village".

Before we go on to list specific objections we would ask the council to note this general point.

We, the local residents have not been consulted by the applicants at anytime prior to the submission of this revised application. Offers of planning gain have been made involving various village groups again without prior consultation based solely on the applicants "own intimate knowledge" as a "local resident". We are quoting from a letter sent to us by the applicants a copy of which is attached with our support documentation for you to review. It is obvious that the applicant has no consideration or care as to the impact that such a major development will have both now and in the future on the residents, community and environment. Having been so resolutely defeated with their initial application the applicants appear to have learned nothing and have simply forged ahead with their own preconceived ideas formed without consultation, which has dragged in other innocent bodies to their plan without consent to disguise this application as being "beneficial to the community". This once again highlights the applicant's attitude and shows the development to be no more than a moneymaking venture that disregards totally, the real interests of the community despite what the applicants may state. It is a clear situation of their actions betraying their real agenda.

Our group in the preparation of this objection statement have consulted with all of the groups singled out by the applicants in their support statement. We have further consulted with the full Parish Council and Local Councillor (our villages democratically elected representatives) and taken their views. It is a fact that not one of those contacted has voiced support for this scheme so we would respectfully suggest that the applicants had shown the same degree of courtesy rather than rely on as they state their "own intimate knowledge" as a "local resident". This would have provided them with a more accurate support statement based on fact rather than their own assumptions. If they had of done this they might have realised what the populous of the village want and it is not this development. This could have saved them, the council, planning department, our group, and numerous other villagers and village bodies a lot of wasted time. We would ask that you keep this extremely pertinent fact in mind when reviewing ours and the applicant's respective cases.

We deem the following points relevant and these form the basis of our objections:

DDLDP POLICY CONTRAVENTIONS.

A. Policy BI 1 of the DDLP states:

NO NEW HOUSING DEVELOPMENT WILL BE APPROVED OUTSIDE THE DEVELOPMENT LIMIT.

The development falls fully outside the development limit and is therefore in breach of DDLP policy BI 1.

B. Policy EN 1 of the DDLP states:

**PROTECTING THE COUNTRYSIDE:
LAND OUTSIDE THE DEVELOPMENT BOUNDARY WILL BE TREATED AS COUNTRYSIDE. AS A PRINCIPLE NEW DEVELOPMENTS WILL BE DIRECTED TO SITES WITHIN BUILT UP AREAS, OR TO SITES ALLOCATED FOR DEVELOPMENT, WHILST THE COUNTRYSIDE SHOULD BE PROTECTED FROM INAPPROPRIATE DEVELOPMENT.**

The land to be developed in this application is "countryside" as defined by the DDLP and not allocated for development. As such, it should be protected. The site currently comprises unspoilt fields used solely as grazing land. Any development on this land would not benefit in any way the local community and spoil irrevocably, a piece of natural unspoilt environment and countryside. The construction of thirty nine houses on this site could not in any way help to maintain or enhance landscape character, in fact quite the reverse breaching another fundamental principle of policy EN 1. The land is the habitat to many wild animals that would be decimated by construction of any type. A popular country path runs along the full westerly boundary of the proposed development. The path has been used and enjoyed for many years by the community as a popular country walk. We cannot imagine one person in the village who at onetime has not used or appreciated the path. This development would ruin the pleasure this "countryside" walk currently affords the local community.

C. Policy EN 2 of the DDLP states:

**PREVENTING URBAN SPRAWL
DEVELOPMENT OUTSIDE EXISTING BUILT UP AREAS WILL NOT BE
PERMITTED IF IT RESULTS IN**

- i) The merging or coalescence of neighbouring settlements.
- ii) Ribbon Development
- iii) An encroachment into the surrounding countryside.

This proposed development results in all of the above factors and as such directly breaches DDLP EN 2.

HIGHWAYS SAFETY ISSUES.

The junction of St John's Mews and Holmside Lane is sub standard and has insufficient visibility splay rendering it dangerous. Any intensification to the use of this junction will exacerbate an already critical situation.

COMMENTS ON SUPPORT STATEMENT.

All of the above points were the grounds the initial application was declined by delegated powers in March 2007. We feel these points remain as pertinent now as they did then. The revised application fails to address these points but attempts to brush them to one side using the following general topics as reasons why. To simplify your review process we have made our case in bullet point form but would ask you to note we hold far more comprehensive rebuttal data if required to support further any of our points.

AFFORDABLE HOUSING

Much is made in the applicants Support Document of this developments "Affordable Housing Opportunity" and cited from the RSS and DDLP are various grounds and precedents why this "Affordable Housing Opportunity" should be allowed. To this general topic we would make the following comments:

1. The applicant has failed to provide any substantive detail as to what their Affordable Housing Proposals are with this development.
2. Draft "Derwentside Interim Affordable Housing Policy" May 2007 clearly states what constitutes Affordable Housing and the five main Tenure Options. The Support Statement makes no reference to this giving no indication that they even accept what constitutes Affordable Housing.
3. The same draft policy states 50% of the total number of dwellings should be Affordable, again no reference to this is made in the Support Statement to any percentage use showing a lack of commitment and application.
4. Point 13.2 of the Affordable Housing Draft states "In the case of outline applications, the delivery of affordable housing must be agreed in principle. The council require details of the numbers and type of homes to be provided". The applicants have failed to provide this data or even make specific reference to any of these points.
5. Point 19.1 of the same draft states "The Council encourages pre-application discussions" to enable "an assessment be made on the implications of Affordable Housing policy on their site before application". The applicants have failed to provide for this assessment.

Point Summary

It is our view that the mention of "affordable housing" throughout the planning support document are nothing more than "throw away" statements designed to distract from the real basis of the site and provide in heading only tentative grounds for approval. That no thought, prior consultation or substance has gone into the application with this regard. That Council draft policy has been totally disregarded and as such so should this particular point in reference to this application.

NEED FOR INCREASED HOUSING SUPPLY

6. Much is made in the applicants Support Document as to the need to provide additional housing stock. In particular figures are quoted from "North East Regional Spatial Strategy" May 2007 Revised Additional Housing Provision. We wish to centre on this document and the applicant's corrupt use of information contained within this report. The applicants quite rightly state that at present approvals already exist for 3545 new houses to be built in Derwentside. With sites already identified and approval granted. This number far exceeds the currently adopted figure which stands at 3225 units. The figure of 3545 represents sufficient build numbers to meet new house build targets to the year 2016. They then go on to state that in the revised provisions a target of 4590 is required by 2021, this again is true. They state that this is grounds to allow their development to proceed on this Greenfield site and outside development boundaries. What they fail to mention are points 12 and 17 of the same report which quite clearly state that in the recent urban capacity study sufficient land has been identified to accommodate this new increased level of development on previously developed land without the need for any new major Greenfield site allocations. This is a corrupt use of report data. A copy of the quoted report is attached in our Appendix with the relevant sections 12 and 17 highlighted.
7. The applicants make no mention to the major developments underway or provisionally approved in Burnhope. The sites in question being Whitehouse Farm Development (Oakridge) 97 units and the Greenwood Ave regeneration site. These are major developments in Burnhope providing huge numbers of new houses. Both these sites are on previously developed land and fall within the development boundary. They have been welcomed by the community and council and will provide fully the required new build numbers, affordable housing and regeneration opportunities required by Burnhope as identified presently and in all draft projections. Why therefore do we need the development proposed by the applicants?

POINT SUMMARY

The current DDLP still applies and as a result the applicant's development fails on many levels. New planning doctrine, DDLP and RSS are in formation and consultation yet the applicant wants to push for approval now of this development citing misleading statistics clipped and abridged to suit their own needs. They have failed to accept the huge developments already underway in the village or the fact that they are finding the development boundary as they state "tight" because of the massive amount of development that has already taken place in the village. That is why the boundaries were set in the first place a fundamental principle held in contempt as evidenced by the fact this application has been made to build out of boundary in the first place.

REGENERATION OPPORTUNITIES

8. Again much is made in the Support Statement as to what the applicant development can add to the Regeneration needs of the village. To that we would repeat the points made in 6 and 7 above in countenance to these claims.

9. The applicants state that "Development of site allows logical extension with clearly defined boundaries in particular the mature hedgerow on Eastern Boundary" – If this application were to be approved it would set a very dangerous precedent. It would herald multiple applications to build out of boundary with a hedgerow, we would suggest presenting little obstacle to further extensions by developers. In addition to this there is no actual hedgerow to the eastern boundary.

PLANNING GAIN

10. The methods adopted by the applicants in this regard have been very clumsy and generated nothing but suspicion and contention about the applicants and the aims of the development in general. As commented by Barratts Managing Director Bernard Rooney's letter to me dated 11/09/2007 in relation to this and I quote "This is certainly not an approach Barratts would undertake let alone condone" and "the application process was taken without our prior knowledge" and "offers of substantial sums to a number of the parties concerned has been made without consultation". Bearing in mind Barratts are the applicants development partners this does not instil confidence in the "co-ordinated" approach required in any planning application particularly considering this is one of the easier and clearer areas of development (giving money away!) and not a one that should cause the major problems it has.

11. As mentioned at the start of the letter our group has taken a different approach and actually consulted with the parties concerned and with the village in general. The results of our consultations have lead us to the conclusion that the offers made are without any value or gain to the village in anyway. We are particularly concerned with the £225,000 offer made to the Community Centre refurbishment which as a registered charity the trust could not accept any donation if the donation was for gain which this would quite clearly be. We are also attempting to clarify why that offer was made dependant on the centre remaining in its current location which is totally in appropriate and we feel the real reasons for this offer with this stipulation need to be investigated further. Our group has the full backing of the Community Centre Trust in rejecting this plan and we have been given their mandate on this subject. We also have their backing to investigate the real reasons for the offer and in the short time we have had to compile this report and wish to reserve further comment until our investigations are complete. Suffice to say investigation to date merit further development. We would ask that this point be noted so we can add further findings to our objections when they become available.
12. The Parish Council democratically elected by villagers to represent their views has voted unanimously to reject the applicant's proposals. This further supports the fact the applicants have no clear idea as to what the villagers of Burnhope want and we would point out that neither of the applicants are in fact "local residents" as they claim.
13. Circulated letter from Signet to solicit support is misleading and incomplete. As stated previously, to make mention of any parties in planning gain without any prior consultation and then use them in communications for support is totally reprehensible and shows total lack of respect and the lengths the applicants will go to get this application passed. Obtaining public support on a false mandate and platform. A complaint has been lodged with the Advertising Standards Authority regarding this mailer on the grounds it was misleading and gave false statements and we await at this time their comments.

HIGHWAY SAFETY

14. Access issues now resolved. Section 5.23 of support statement says and we quote "this wall was erected without authorisation by the land owner who happens to be the applicant of this planning application", this statement is not true. The wall in question is not on land owned by either of this the applicants.

15. Resolution of Highway Safety Issue – misleading. This issue has been under dispute for six years. The applicants have not been able to resolve it in that time and nothing has changed recently that would lead us to believe that it can be resolved now. It is strange how when the initial planning application was refused on road safety issues this problem is now suddenly not an issue. We would ask that this point be proven fully before mandatory acceptance of this fact is taken.

IN SUMMARY

Although we are aware of the applicant's lack of respect and care for our community and their financial motivation for the proposed development, demonstrated on two occasions now, we believe that this planning application should be rejected outright because of its failure to comply with basic planning policy and highways safety issues that we have outlined in this letter. This site is totally unsuitable for the proposed development. That the support statement fails to address the factors the original application was refused on.

Our group is not against Housing Development, Provision of Affordable Housing or Regeneration. In fact we are fully in favour of it when applied correctly and legitimately. This application is neither correct nor legitimate hence our objection to it.

Burnhope has no need for this further major new development. Developments at Whitehouse Farm (97 units) and Greenwood Avenue (in planning consultation) are both major sites. These sites are within boundary and already approved and fully take care of Regeneration, Affordable Housing and Housing Shortfall requirements in Burnhope. Cited housing need figures can already be catered for without the need to move to Greenfield sites as stated in points 15 and 17 of the North East Assembly's 16th Jul 2007 statement on the RSS additional housing provision. The "highway safety resolution" is highly dubious. Affordable housing statements in support statement have not been developed or structured and have shown no sign of any forethought. Their inclusion in the support statement is simply to misdirect from the real aim of the development. The planning gains offered should be disregarded complete as they have been by the parties concerned and no merit offered for them. They are by their own admission the invention of the applicants and their inclusion and the clauses stipulated need further investigation as to their true motivation and aims.

If we are not careful, Burnhope will cease to be the rural village it is, set in unspoilt countryside and become one giant new housing conurbation, sprawling into the countryside unchecked in every direction. This we have no doubt being the dream of the developer. Equally we have no doubt, the nightmare of the village's residents.

The planning application reveals itself as a money- making scheme that disregards the community and the environment. The support statement is misleading, without substance and poorly thought out. It is made without the support or input of the developer.

The environment and country landscape would be irreparably damaged in the many ways described in this objection. This site is defined as countryside and as such we all have a responsibility to protect it, not just now but in the future. No developer or land owner should be allowed to damage and scar the local environment in such a selfish manner to the detriment of the wider community.

This project has caused residents a large amount of effort in preparing once again to defend itself against a proposal to destroy the character and nature of the neighbourhood. We ask the planning department and indeed the planning committee to exercise its democratic responsibility and question why such an application was allowed in the first place causing unnecessary stress to members of the local community and a waste of public funds and resources.

We appeal to the council to put an end to this proposal and protect the countryside both now and in the future by making it clear that development of this greenfield site is not acceptable and will not gain approval, now or in the future.

See attached for list of supporting signatures.

We thank you for your time and patience and trust your diligent appraisal of our objections.

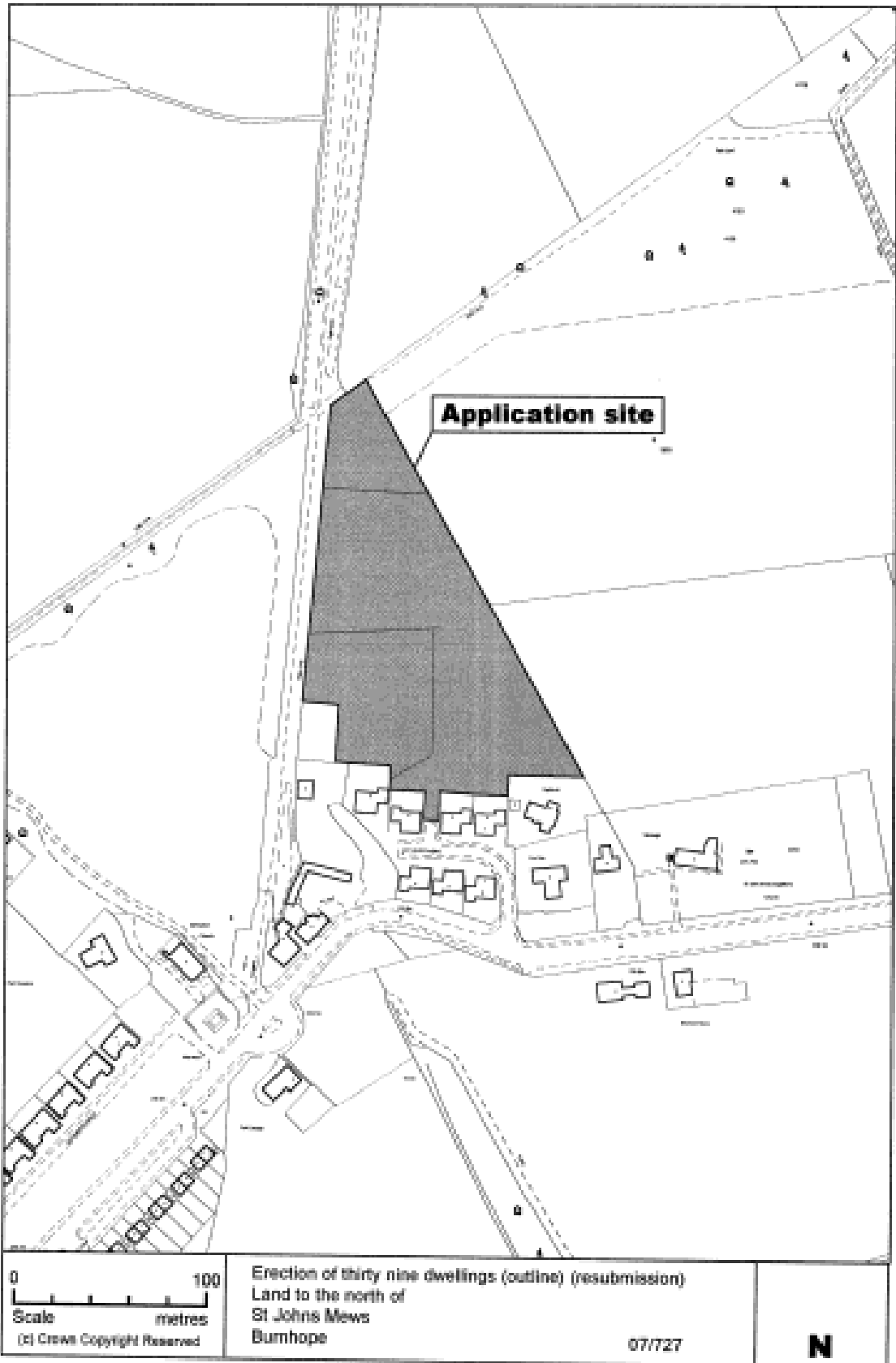
Yours sincerely



David Reid



Tracy Reid



RECOMMENDATION FOR APPROVAL

07/0775

28.08.07

Shepherd Homes

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

Erection of one additional
dwelling

Lanchester Ward

The Application

1. Planning permission is sought for an additional dwelling within the new Ashdown Grove estate in Lanchester which is located on the former Council depot to the west of Kitswell Road. The site has now been developed for 24 dwelling by Shepherd Homes.
2. The piece of land in question is located at the back of the estate, in the far northwest corner and was previously required to accommodate a residential sewerage pumping station. This is not now required and therefore Shepherd Homes wish to construct an additional two storey 3 bedroomed dwelling in this location. Access would be taken via the existing estate road off Kitswell Road.

History

3. An application for the erection of 43 dwellings was submitted in 2002 (reference 1/2002/0781/DM). A decision was not issued as the Developer did not enter into a Section 106 agreement regarding the payment of a commuted sum.

In 2005 an application for the erection of 24 dwellings was approved (reference: 1/2005/0627/DM).

A resubmission application for the erection of 24 dwellings was approved in 2005 (1/2005/1064/DM).

An application to remove condition 5 of planning permission 1/2005/1064/DM regarding a traffic calming scheme was approved in 2006 (reference 1/2006/0375/DM).

In 2006 an application to remove condition 9 to withdraw the erection of gates on driveway to the rear of plot 2 was approved (reference 1/2006/0714/DM).

An application to alter the site layout relating to plot 21 including the removal of a footpath link was refused in 2006 (reference 1/2006/0735/DM).

An application for a footpath link to be moved from current approved position at

side of plot 21 to side of plot 12 was approved February 2007 (reference 1/2007/0006/DM).

Policy

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

General Development Principles (GDP1)
Development Limit for Lanchester (HO7)
Development and Highway Safety (TR2)

Policies HO3 and HO4 of the Local Plan identify larger sites for housing (over 0.4 hectares) on the Proposals Map. Whilst it is anticipated that the majority of sites suitable for housing have been identified by these policies, it is recognised that new sites may come forward and any applications will be assessed against similar criteria to those sites which are included within the Local Plan.

The Lanchester Village Design Statement

Consultations

5. County Highways Development Control Officer- no objection.
6. Lanchester Parish Council- Members expressed concern at the resultant increase in traffic in the area, also removal of the remaining open space and therefore are opposed to the application.
7. Neighbours have been consulted and a site notice posted. A letter of representation has been submitted which has been signed by 9 residents of Ashdown Grove. The points raised are summarised below-
- Shepherd Homes have made a wonderful job and the standard of workmanship is excellent, however a number of people have become concerned regarding the number of parking spaces available, especially when the estate fills up.
 - People who live in three bed roomed family homes rarely own just one car.
 - Now the water pumping station is unnecessary this presents a good opportunity to provide a further 6-8 parking spaces to ease congestion.
 - At present there are 2 visitor parking bays for 24 dwellings and a number of houses have just one parking bay. The original site illustration showed three visitor parking bays.
 - A covenant exists preventing people parking on the pavements in front of their bays forcing people to park in bays belonging to houses still for sale and the estate is only half full.
 - When the estate is full people will be forced to park on Kitswell Road which is a narrow road preventing access to houses at the end and farm vehicles.
 - If more spaces were to be provided then Shepherd Homes may be able to sell the remaining homes more rapidly.

8. A letter of objection has also been received from a local resident who is concerned regarding further traffic flow through the estate and potential to create conflict in parking as several properties do not have garages. This would be compounded when the properties are full. The green aspect of the estate will be significantly impacted as the land complements the estate by providing open space.

Officer Assessment

9. The application site relates to the former Highway Depot adjacent to Kitswell Road, Lanchester. The site is located between Lanchester Cricket Club and the Cemetery. Kitswell Road provides access to the site, which subsequently links to Front Street. Shepherd homes have substantially finished construction of 24 dwellings on the site containing a mixture of detached, semi-detached and terraced properties of three, four and five bedrooms.
10. To the far northwestern corner of the site is a small area of land (198 sq. m.) adjacent the existing turning head which provides two visitor parking spaces which have already been constructed. A further visitor parking space is also to be constructed to the south west of the proposed property. This land was previously left aside for the construction of a sewerage pumping station to serve the development. However alternative methods of providing foul drainage for the development via discharge into the adopted sewers have been made and therefore the land is no longer required for its original purpose.
11. It is now proposed to erect a detached 2 storey house on the plot of land (18.5m by 10.5m). It would sit back from the existing footpath by 5.5m to provide a driveway to the front of the property. It is proposed to construct the dwelling of brick with concrete roof tiles to match the surrounding properties. The new dwelling would be positioned to the western side of the site in order to provide as large a distance as possible from the canopy and root zone of two mature trees located outside the development site to the north and west of the site boundary. These trees would be retained and trimmed back slightly. It is suggested that a condition is placed on the permission if Members are minded to approve the scheme to ensure that the trees are protected during the construction of the dwelling. A 1.9m high timber fence would also surround the rear garden of the site.
12. The whole site, including this parcel of land is included within the Development Limit for Lanchester as identified by Policy HO7. The whole site is considered to be within the physical confines of the built up area of Lanchester and would not extend the boundaries of the settlement into the surrounding countryside. The site has well defined boundaries and would not set a precedent for any encroachment elsewhere in the village, especially as the site is within the Development Limit.
13. The existing development is relatively low density achieved by the inclusion of some fairly large detached 5 bedroom properties as well as smaller terraced three bedroom homes. There are ten detached houses and fourteen terraced as built. A further detached property would now be provided. This would still provide an acceptable density and range and mix of properties as required by PPG3.

14. Concern has been raised regarding the loss of open space by development of this piece of land. The area of land is currently soil and used to house a site cabin. If the previous pumping station had been required this would have been fenced in with a tarmac hardstanding with manholes and covers and a sewerage pumping station cabinet on top. The area would not have been grassed open space available for use as it would have incorporated a fenced hardstanding area with equipment cabinet on.
15. The additional dwelling would fit well onto the piece of vacant land and would be in keeping with the character of the area and the pattern and form of development within the estate. It is considered that the addition of a dwelling on this piece of land would both round and finish the housing development off. It would compliment the existing streetscene and complete the layout of the estate. The design of the dwelling proposed is acceptable, however a condition should be attached to any planning permission requiring details of all materials to ensure the dwelling blends into the existing development.
16. The site would be served by a single access point from Kitswell Road through the existing estate. The concerns raised by residents regarding car parking provision on the estate in general is noted, however, the County Council Highways Development Control Officer has no objections to the access arrangements nor to the number of car parking spaces provided which meets that required, within government guidance. An in-curtilage space is to be provided for the dwelling and the third visitor parking space for the estate would still be provided to the southwest of the proposed dwelling.
17. The larger 4 and 5 bed roomed dwellings have a double garage, and some with longer driveways to accommodate two further cars, with the smaller units having one car parking space. The new dwelling would have three bedrooms and the Highways Authority consider one parking space to be acceptable for this dwelling. Over the whole development the amount of parking equates to approximately 1.69 spaces per dwelling. The site is also within walking distance of a good range of local amenities and services including shops, schools, the library, and doctors surgery. In addition the site is close to the bus stops on Front Street and the Lanchester Valley Cycleway.

Recommendation

18. Conditional Permission
- Five Year Time Limit (ST)
 - Approved Plans (ST01)
 - Tree Protection (L10)
 - Surface Water drainage (DO4)
 - Foul Water drainage (DO5)
 - Materials (A05)
 - Rainwater Goods (A13)

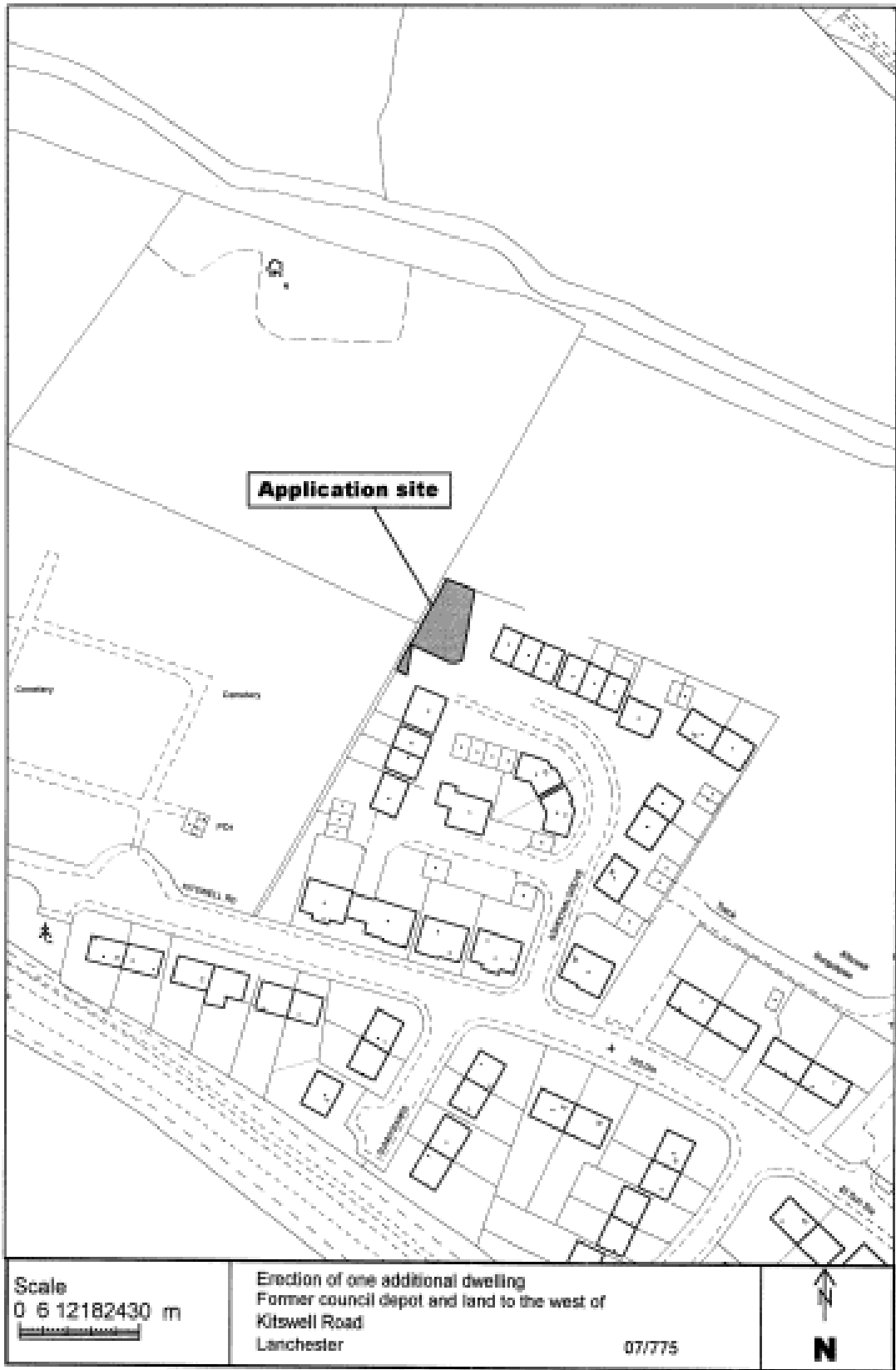
Reason for Approval

19. The proposed residential development is considered to comply with Policies GDP1 HO7 and TR2 of the District Local Plan and there are no other material

considerations which outweigh the decision to approve the application.

Report Prepared by, Ann Rawlinson, Senior Area Planning Officer

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RECOMMENDATION FOR APPROVAL

07/0760

3.9.07

Mr S Scott and Mrs A
Tyrrell

Craghead Methodist Church,
Wagtail Lane, Craghead

Change of Use of From
Church to Manufacture of
Kitchen, Bedroom and
Other Household Furniture

Craghead and South Stanley

The Application

1. This application seeks the Change of Use of Craghead Methodist Church to the west of Fawcett Hill Terrace, Craghead, to allow the manufacture of kitchen, bedroom and other household furniture.

History

2. There is no history relevant to the church itself, however the adjacent Church Hall was granted permission in 2002 for the storage, sales and assembly of kitchen and bedroom units. This business is also run by the applicants (reference 1/2002/0413DMFP).

Policy

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

General Development Principles (GDP1)
Development and highway safety (TR2)

Consultations

4. Director of Environment and Technical Services (Highways) – There are many uses within the current Use Class (D1) that could generate significantly more traffic. For this reason I recommend that no highway objection be raised.
5. Environmental Health - I have no adverse comments, although with regard to activities being carried out on Saturdays I would suggest that hours of operation be restricted to between 08:00hrs to 13:00hrs.
6. Neighbours have been consulted and a site notice posted. One letter of objection has been received from the occupier of 22 Wylam Street. The following issues were raised:

- Road safety is an issue as there is already a kitchen manufacturer in the old chapel hall and the activity in front of there i.e. delivery vans and lorries parking on the footpath makes it difficult for cars to exit and enter Wylam Street and Wagtail Terrace.
- If the site is granted a change of use this will inevitably lead to more cars, more delivery and more customers and there are no parking facilities.
- The houses in the close vicinity are residential and we have an industrial estate on the old colliery site which attracts a lot of traffic.
- Must we industrialise the front of Craghead especially as we are soon to get some regeneration of the streets.
- Concern regarding noise pollution, as the manufacture of kitchen, bedroom and other furniture will not be a quiet affair.
- Can it be guaranteed that there will be no undue noise hammering, banging, screeching of saws etc. This after all is a residential area we are all hoping to improve in the future and not have turned into another industrial estate.

Officer Assessment

7. The proposal for the manufacture of kitchen, bedroom and other household furniture would fall within Use Class B1 (light industry). The application site lies within a predominantly residential area of Craghead and the main issue to be addressed is considered to be the potential for the use to have an adverse impact upon the amenity of neighbouring properties.
8. Permission was granted in 2002 for the adjacent Church Hall to be used for the storage, sales and assembly of kitchen and bedroom units. Since then there have been no complaints made in respect of this use. The applicant's proposals would be of a similar nature although two items of machinery would be installed for the business. These would be a panel saw and a boring machine. Inevitably these will produce some noise, however the applicant has indicated that the hours of working would be 8am – 5pm Monday to Friday and on an ad hoc basis on a Saturday. The Environmental Health Officer has raised no objection but has recommended that the hours of opening on a Saturday be restricted from 8am to 1pm, which would seem a sensible approach and can be controlled by way of condition. The hours of opening would be those of normal working hours and this would seek to safeguard the amenity of neighbouring occupiers.
9. The adjacent Church Hall has a restriction placed upon it whereby machinery may not be operated before 9am weekdays and 10am Saturdays, nor after 5.30pm. Members may therefore be minded to attach a similar condition, in order to further reduce the potential for affect upon neighbouring amenity.
10. There is no parking within the site and it is appreciated that parking provision in the area is somewhat limited, however the proposal is unlikely to result in significantly more vehicular traffic than the current permitted D1 use. It is for this reason that the Highway Authority have not objected and the proposal is therefore considered to be acceptable in highway terms and would accord with principles of Policy TR2 of the Local Plan.
11. It is considered on balance that although there is likely to be some potential for noise disturbance, it is not anticipated that this would be significantly more than

that which is currently being produced from the adjacent hall, and as the proposed use could be restricted to normal working hours this would seek to safeguard the amenity of neighbouring occupiers. The proposals are therefore considered to be in general accordance with Policy GDP1 of the Local Plan.

12. Recommendation

Conditional Permission.

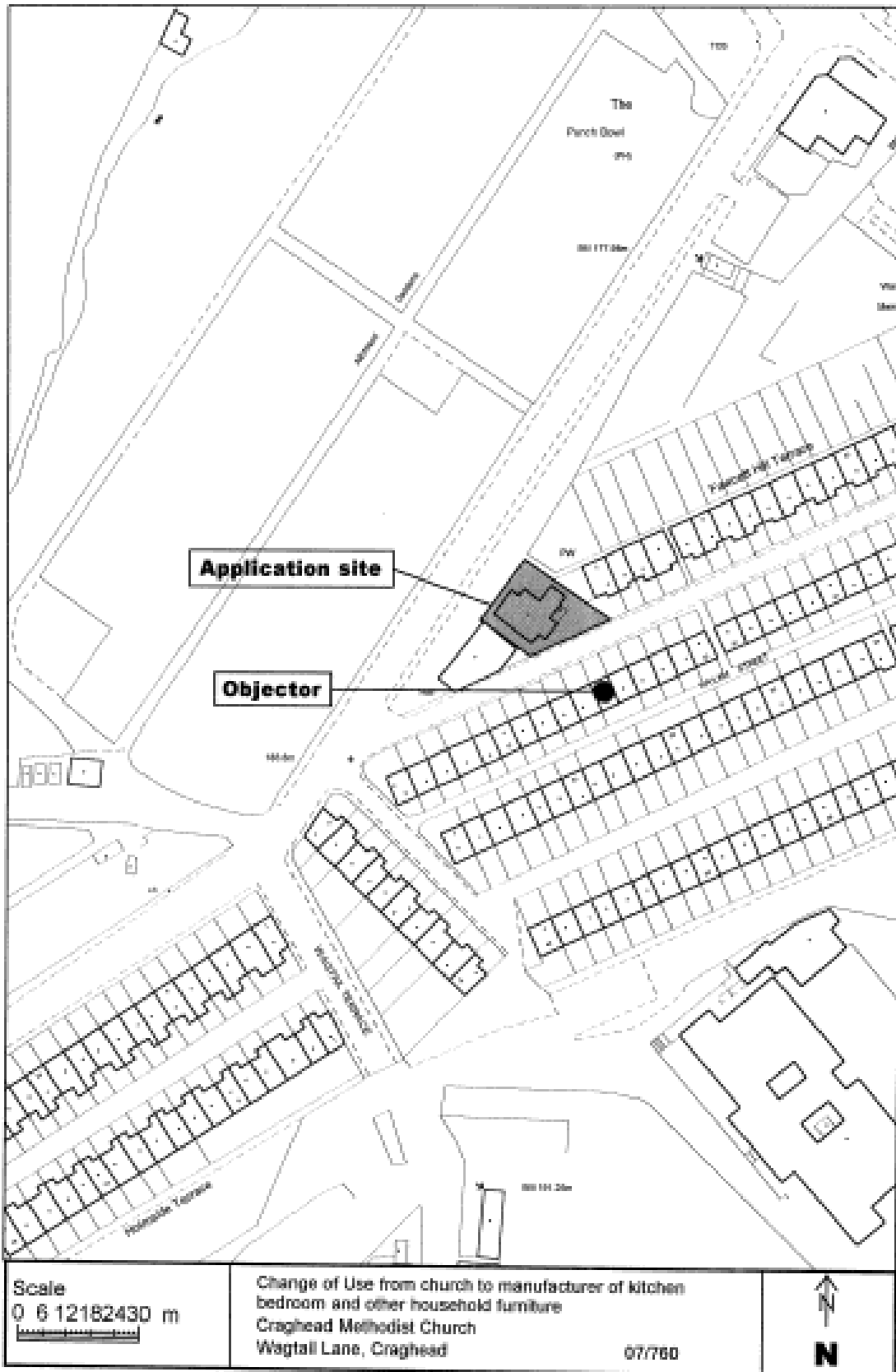
Conditions

- 13.
- Time Limit (ST)
 - Approved Plans (ST01)
 - External Alterations (A01)
 - No machinery shall be operated on the premises before 9:00 am on weekdays and 10:00 am on Saturdays, nor after 5:00 pm on weekdays and 1.00pm on Saturdays nor at any time on Sundays or Bank Holidays.
Reason: To protect the amenity of nearby residents.
 - The Change of Use hereby approved shall not operate outside the hours of 8:00 am to 5:00 pm Monday to Friday, and 9:00 am to 1.00 pm on Saturdays, and not at any time on Sundays or Bank Holidays.
Reason: To protect the amenity of nearby residents
 - Within one month of the date of this permission or other such time period as may be agreed with the Local Planning Authority, full details of sound insulation measures to be installed into the building, shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out within three months of the date the measures are agreed.
Reason: To protect the amenity of nearby residents

Reason for Approval

14. The decision to grant planning permission has been taken having regard to Policies GDP1 and TR2 of the Derwentside District Plan. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report Prepared by Charlie Colling, Area Planning Officer
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RECOMMENDATION FOR APPROVAL

07/0627

18.7.07

Punch Taverns Limited

Peacock Inn, Tanfield, Stanley

External Canopy and
Alterations to Access
Doors

Tanfield Ward

The Application

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

Officer Assessment

2. Members will recall that this application was deferred at your last meeting to arrange for an Environmental Health Officer to be present in order to clarify some concerns from members.
3. A member of the Environmental Health Team has agreed to attend the meeting and the committee should now be in a position to determine whether or not planning permission should be granted.
4. The recommendation remains as previously for approval.

5. Recommendation

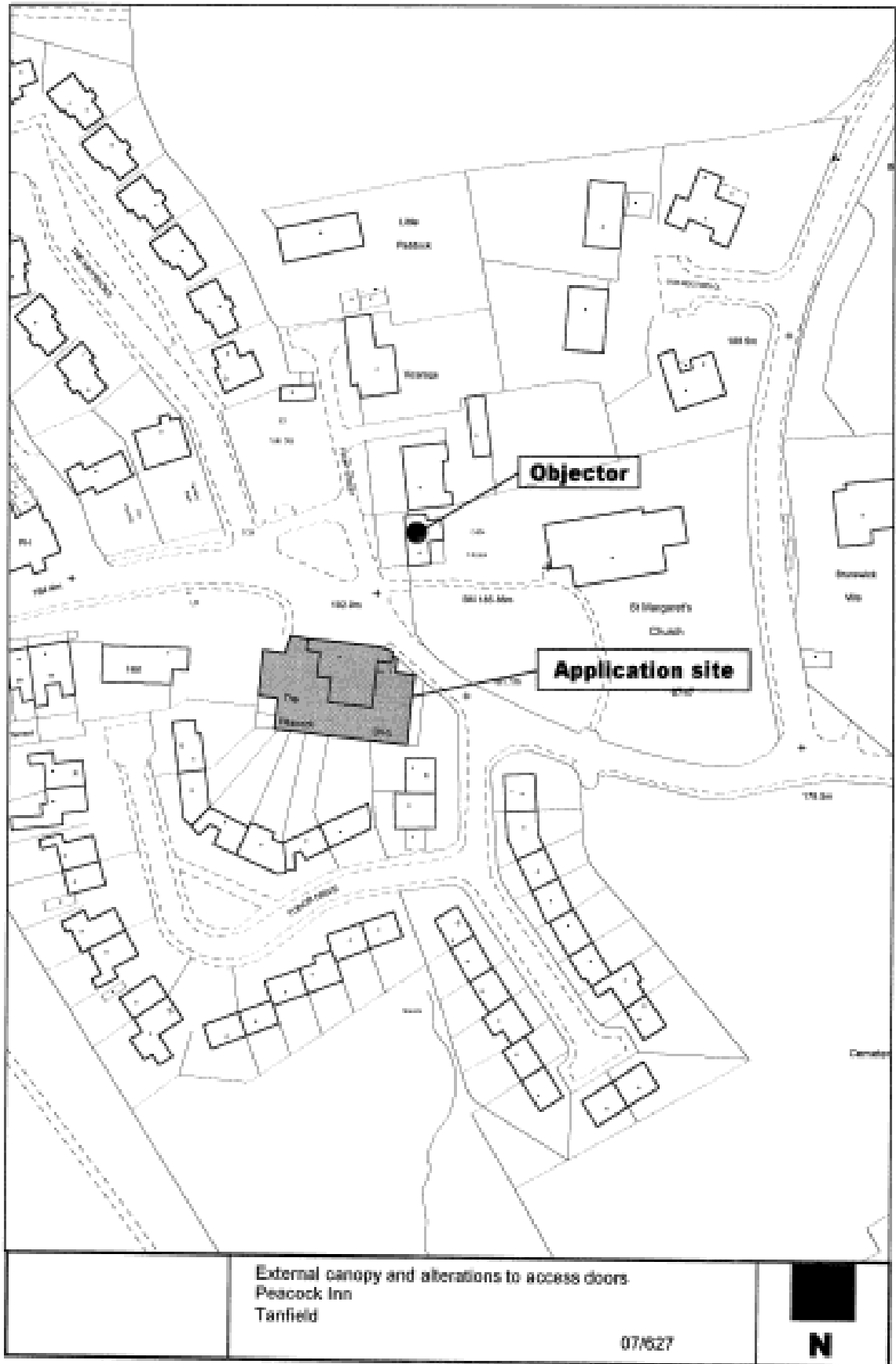
Conditional Permission

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

Reason for Approval

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

Report Prepared by, Charlie Colling, Area Planning Officer



RECOMMENDATION FOR APPROVAL

07/0764

22.08.07

Mr G Bovill

94 Vindomora Road,
Ebchester

Erection of two storey side and rear extensions and a dormer window to the rear.

Ebchester and Medomsley Ward

The Application

1. This application seeks planning permission for the erection of a two storey side and rear extension and for the installation of a dormer window to the rear of 94 Vindomora Road, Ebchester which is a semi-detached property on the outskirts of Ebchester.

History

2. Non relevant.

Policy

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

General Development Principles (GDP1)
Extensions and alterations to existing buildings (HO19)
Development within areas of high landscape value (EN6)
Wildlife corridors (EN23)

SPG2 (House Extensions)

Consultations

4. County Highways Development Control Officer- I would have a problem with the fact a 4 bed dwelling would have a single parking space only. He (The applicant) has since verbally agreed to provide a double width drive. Subject to this being of adequate dimensions, and a widened dropped kerb shown, I confirm I would have no objection.
5. Northumbrian Water- has not commented to date (consulted 30th August 2007).
6. Neighbours have been consulted and a site notice posted and two e-mails of objection have been received from the occupier of the adjacent property (96 Vindomora Road) on the following grounds:

- There would be an adverse affect on my property through loss of light, loss of outlook, loss of amenity, overshadowing and over-dominance.
- The proposed extension is contrary to SPG2 in that there is no provision for a garage or adequate off-street parking.

Officer Assessment

7. This application seek planning permission for the erection of a two storey side and rear extension and for the installation of a dormer window to the rear of 94 Vindomora Road, Ebchester which is a semi-detached property on the outskirts of Ebchester within an Area of High Landscape Value and Wildlife corridor.
8. The proposed side extension would project 2m from the side of the property and along the entire depth of the property (7.6m) whereupon it would join up with the 2 storey rear extension. The extension would have a hipped roof that would match the height of the existing roof. Windows would be incorporated in the front and side and there would be rooflights in the front and side of the roof.
9. The proposed two storey rear extension would project 4m from the rear of the property and would be 4.5m wide. The extension would have a pitched roof to a height of 7.2m which would adjoin the two storey side extension roof. The extension would incorporate windows in the side , two rooflights in the roof and a set of French doors from first floor level at the rear.
10. Both extensions would be constructed in red facing brickwork and would incorporate black slate roofs.
11. A 3.5m wide box dormer window is proposed to be installed at the rear. The dormer retains 1m of existing roof to either side and 1.4m to the lower edge. The dormer would incorporate lead cheeks and flashings and would have an opaque central panel.
12. The application also includes the erection of a decking area at a height of 3m projecting from the rear of the sun room to provide access to the high level garden at the rear.
13. For extensions such as this Local Plan Policy seeks to ensure that the main issues that are considered are impacts upon neighbouring amenity, the appropriateness of the design in the locality and whether there would be a detrimental impact upon the highway.
14. Local Plan Policy HO19 and SPG2 highlight the importance of the protection of neighbouring amenity when assessing householder planning applications. For side extensions the main impact could be from a loss of privacy, and the privacy of neighbouring occupiers must be protected by ensuring that neighbouring properties and gardens are not overlooked from side extensions. The side extension would incorporate windows however these are not from principal rooms nor would they face onto any neighbouring windows of 92 Vindomora Road therefore significantly overlooking of the neighbouring garden of number 92 Vindomora Road would not occur.

15. Members will note that the neighbours at number 96 Vindomora Road have objected in particular to the proposed 2 storey rear extension on grounds that they would suffer from a loss of light, loss of outlook, loss of amenity, overshadowing and over-dominance. In terms of rear extensions the Council must consider whether the 2 storey rear extension accords with the 45 degree rule to assess whether the extension would result in an unacceptable loss of light and outlook for the neighbouring property. The two storey extension would accord with the 45 degree rule and therefore the loss of light or outlook is not considered unacceptable. It is conceded that there would be a loss of light to the rear yard area of the property from the proposed extension however it is only a small area of the very large garden area that would become overshadowed for part of the day. This length of extension is not considered excessive nor over dominant and members should note it is very similar in projection to the two storey rear extension in existence at the objector's property (no. 96). The rear extension does incorporate a window in the ground floor side elevation facing 96 Vindomora Road however the applicant is proposing to erect a 2m fence to screen any views into that property and the two windows facing 92 Vindomora Road would not impact upon the privacy of that property.
16. Generally raised decking areas are not to be encouraged as they can impede neighbouring privacy. However in this instance the decking area would be at a similar level to the high raised garden level at the rear and would begin after the neighbouring lower yard area ends and their high garden begins therefore impacts upon privacy of the rear neighbouring property and garden at number 96 would not be significantly increased from the present situation. Existing vegetation would prevent views into the garden of 92 Vindomora Road from this rear decking area.
17. In terms of design Local Plan Policy HO19, EN6 , EN23 and SPG2 seek to ensure that extensions reflect and respect the character, scale, materials and features of the original dwelling and its surroundings within this Area of High Landscape Value. Whilst cumulatively the extensions would result in a much larger property the impacts upon the streetscape are reduced given that only the side extension would be visible from the property frontage and that the properties are already very varied in size and scale along this street. A number of other properties along this street have already been extended and the Council has recently granted permission for a similar sized extension at 88 Vindomora Road. It is therefore not considered that the side and rear extensions are out of keeping with the character of the area. Although box dormers as proposed here are generally not to be encouraged the impacts in this instance are reduced as it would be located at the rear of the property and would not be visible from any streetscape. The dormer retains an acceptable amount of roof to either side and below in accordance with the guidance of SPG2. Both the features and materials proposed for the extensions and dormer windows will be in keeping with the existing property.
18. All extension and particularly side extensions have the potential to increase the amount of bedrooms at a property whilst reducing the amount of parking space thereby creating a nuisance of on-street parking particularly problematic on busy main roads such as this. SPG2 states that in case of larger dwellings of four or more bedrooms it is preferable to provide more than two off-street spaces/garages. These extensions would change this property from a 2 bedroom

property to a 4 bedroom property and would lead to the loss of a garage and driveway space. However, in response to the advice of the County Highways Officer the applicant has agreed to the creation of an additional parking space to the front to provide parking for two cars which is considered to be acceptable.

19. Whilst this proposal is within a Wildlife corridor it is considered unlikely that the extensions and alterations would impact upon any wildlife in the area.
20. The proposed extensions and alterations are not considered to be detrimental to neighbouring amenity and are considered to be of an acceptable design with sufficient off-street parking provision and are therefore considered to be acceptable and in accordance with Local Plan Policy HO19, EN6, EN23 of The Derwentside Local Plan and SPG2.

Recommendation

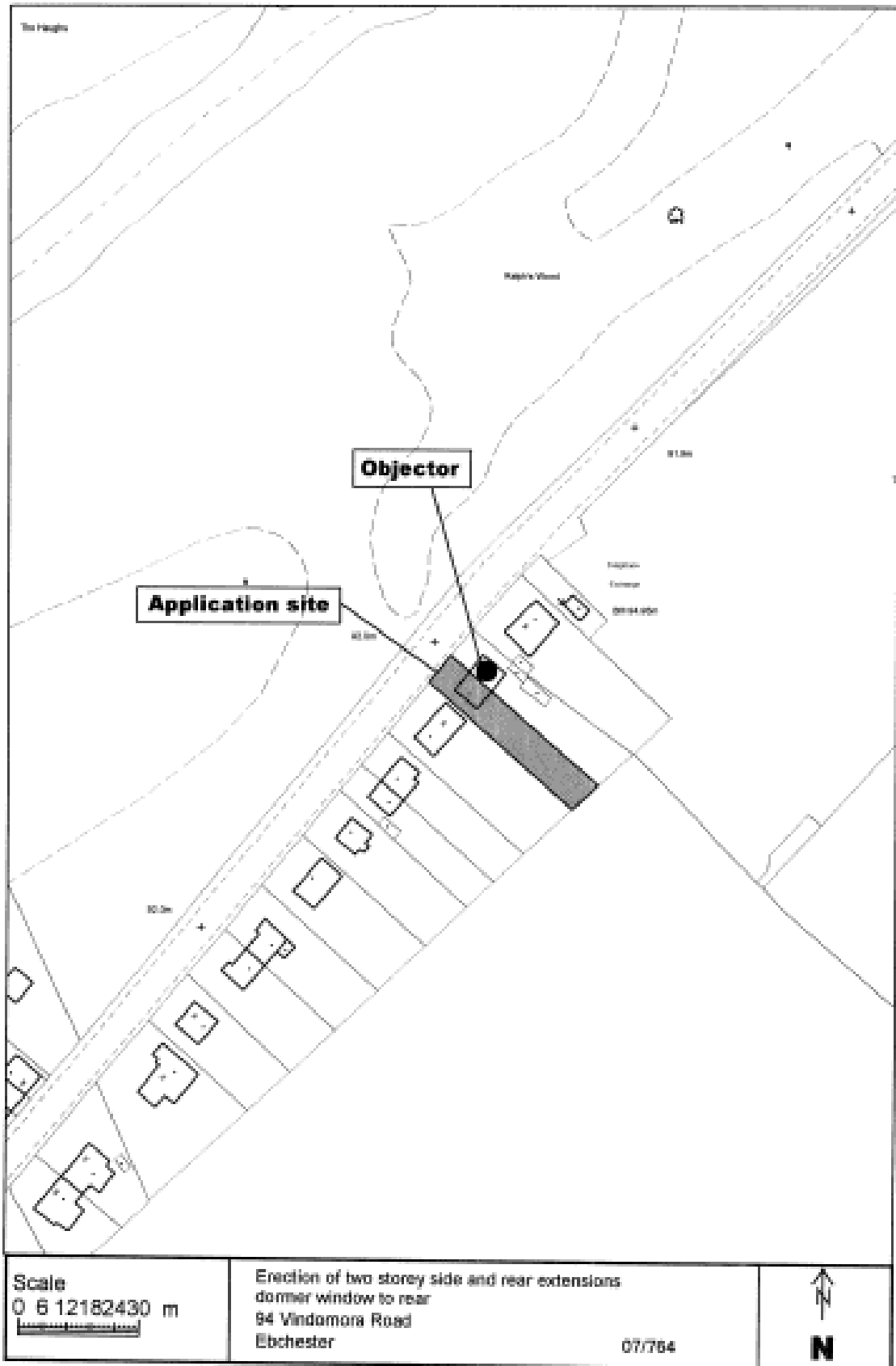
21. Conditional Permission
 - Three year time limit (ST)
 - Approved Plans (ST01)
 - Prior to the commencement of the development a plan shall be submitted for approval to the Local Planning Authority showing a double width driveway and widened dropped kerb of satisfactory dimensions at the front of the property. These spaces shall be provided on the site and these spaces shall be used only for the parking of vehicles and for no other purpose.
 - Reason: In the interests of highway safety in accordance with Local Plan Policy TR2.
 - External materials (DH05)

Reason for Approval

22. The decision to grant planning permission has been taken having regard to policies HO19, EN6 and EN23 of the Derwentside District Plan and SPG2 and material considerations as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report Prepared by Louisa Ollivere, Area Planning Officer

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DEVELOPMENT CONTROL COMMITTEE

1st November 2007

APPENDIX – DISTRICT LOCAL PLAN POLICIES

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

Policy GDP1

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

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

Policy EN1

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

Policy EN2

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

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

Policy EN6

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

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

Policy 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 HO19

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

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

Policy 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.

Policy BI1

No new housing development at Burnhope will be approved outside the development limit.