

Our Ref: LS
Ask for: Lucy Stephenson
Tel: 01207 218249 (direct line)
Email: l.stephenson@derwentside.gov.uk
Date: 4th February 2008

Councillors:

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

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 **Thursday 14th February 2008 at 2.00 p.m.** for consideration of the undernoted agenda.

Yours faithfully,

M. CLARK
Chief Executive Officer

A G E N D A

1. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS

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

2. **MINUTES**

To approve the minutes of this panel's meeting held on 24th January 2008 as a correct record (Herewith 'A')

3. **PLANNING POLICY STATEMENT – PLANNING AND CLIMATE CHANGE**

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

4. **APPEAL DECISIONS**

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

5. **PLANNING APPLICATIONS**

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

6. **EXCLUSION**

THE PRESS AND PUBLIC ARE LIKELY TO BE EXCLUDED FROM THE MEETING FOR THE FOLLOWING ITEMS OF BUSINESS ON THE GROUNDS THAT THEY INVOLVE THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 6 OF PART 1 OF SCHEDULE 12(A) OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

7. **ENFORCEMENT**

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

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 24th January 2008 at 2.00 p.m.

Present

Councillor J.I. Agnew (Chair)

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

Apologies

Apologies for absence were submitted on behalf of Councillors H. Christer, T. Clark, G. Coulson, D. Hume, S.J. Rothwell and R. Young.

In Attendance

Councillors D, Barnett, F. Todd, W. Stelling and M. Westgarth

64. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

65. MINUTES

RESOLVED: that the minutes of the meeting held on 3rd January 2008 were agreed as a correct record.

66. PLANNING PERFORMANCE FIGURES

The Principal Planning Officer presented the report which gave Members the opportunity to consider the Council's performance as a Planning Authority in relation to other Durham Districts, and Best Value Performance. The performance figures had been updated since the last report on 13th December and took into account the latest information.

She advised that BVPI 109 looks at the speed of determining applications only and did not take quality into consideration. She further advised that due to contributing factors such as the loss of two senior members of the planning team this had impacted marginally on the speed of applications being determined.

Following a vote being taken it was

RESOLVED: that the content of the report be noted.

67. PLANNING APPLICATIONS

(1) Public Speaking Applications

07/0334 BARRATT NEWCASTLE

Erection of eighty five dwellings and associated landscaping works, Scrap yard, Delves Lane.

The Chair welcomed to the meeting Mr John Dixon who was in attendance to speak against the application and Mr Neil Morton who was speaking in support of the application.

The Senior Area Planning Officer presented the report which recommended approval of the application. She advised that the application was for 84 dwellings not 85 as stated on the contents page of the report.

She went on to explain the nature of the application and advised that in the opinion of Planning Officers the development would improve the visual appearance from the main road of Delves Lane and it was felt that a neighbourly residential use would be more appropriate than its current use as a scrap yard.

She advised that at the time the report had been written there had been no comments received from the Highways Authority. These had now been received and they had submitted no objections, however they had asked that conditions to be attached relating to car parking, access to the site and upgrades to the nearby roundabout.

She went on to advise that Crookhall Foundation had submitted objections regarding the removal of the archway as it was thought that this was of historical interest to the area. In light of this information the developers had been requested to undertake an archaeology assessment. This had been done by Durham University and the findings suggested that a photographic record should be made and an interpretation board be erected at the site. However the archway need not be maintained.

She further addressed the issue of the properties which would be facing onto the front of the site and added that the developer had agreed that noise attenuation measures would be used on these dwellings to lessen the impact of traffic noise.

At the time of writing the report comments had not been received from Northumbrian Water, however these had now been received and they had no objections to the proposals.

MR JOHN DIXON: Speaking Against the Application.

Mr Dixon advised that he was the Secretary for Crookhall Foundation and Vice Chair of the Crookhall, Delves Lane and Consett East Partnership.

He advised that the reasons for saving the arch in his opinion were as follows:

- Crookhall is significant in terms of its historic past in the production of the coking coal, servicing the Derwent Iron Companies first furnaces;
- The Town of Consett suffered greatly due to the closure of the Steelworks and if had not have been for the coal industry in the area the Steelworks may have folded earlier, consequently they may not have been a town called Consett.
- The Arch was erected in the 1920's. The people of Crookhall were moved out of their one up, one down cottages, built in 1844, and into their new bungalows which stand today. The pit bungalows at Delves Lane were erected at the same time, so creating the "Village" of Delves Lane. All the miners in the two villages were employed in the Victory Pit or one of its Drift Mines.
- Residents are of the opinion that not enough history has been maintained in the area to show newcomers and visitors how the town once housed a massive steel works site. Only the steel ladle and smaller ladles on Genesis Way remain. They requested that the last remaining "in situ" relic from Consett remain.
- Appealed to the housing developers to incorporate at least the arch into their plans for the site even possibly for pedestrian access;

NEIL MORTON: Speaking in Support of the Application

Mr Morton introduced himself to the committee and advised that he was speaking on behalf of the applicant for Nathaniel Lichfield and Partners.

He made the following points in support of the application:

- The site is brownfield, sustainably located and within walking distance of Consett town centre, in close liaison with planning officers an acceptable residential layout has been agreed.
- The Arch – it is not feasible to retain the arch within the residential layout, particularly given planning officers have requested a clear, strong and attractive frontage be achieved on Delves Lane. The County Archaeologist, who is the expert in this field, has concluded that there is no real justification for the arch being retained at the site and that instead has recommended that a Building Recovery Survey be undertaken to ensure that a full record of the arch is retained for posterity. The applicant is fully committed towards ensuring this is carried out. In addition the applicant has also offered to provide a permanent reminder of the site's mining past.
- Affordable Housing – the officer report notes an issue concerning the lack of affordable housing at the site. It is recognised that the Council does not currently have an up-to-date policy basis for this at present. The application does provide 36, low cost 2 bedroom houses and a further 36, 3 bedroom houses of Barratt's starter house types aimed specifically at

first time buyers. Brownfield sites by their very nature often bring with them a considerable cost to the developer. The site is heavily contaminated as a result of its industrial past and there are significant costs to the developer for clean up and remediation. Further, there are two large former mine shafts at the site which have to be reclaimed before new development can take place safely. It is therefore simply not viable to provide affordable housing given these costs.

- Services and Facilities – the site is located close to the Town Centre and there is no evidence to suggest that local services and facilities would not be able to accommodate the new residents at the site.
- Highways – a Transport assessment has been carried out and taken into account the potential impact of other developments recently approved in the area. The assessment concluded that modifications were required to the nearby roundabout however with these changes the development would not cause capacity concerns to the local road network.
- Numbers – concerns have been raised by members over the number of houses being granted permission in the District. However the Government has recently clarified its position in relation to the number of new houses which can be built which is set at a regional level. In addition the North East Regional Spatial Strategy also allows housing proposals on brownfield sites to be approved in addition to the District's housing requirement.

In conclusion he added that the site is exactly the type prioritised for new housing development. The application would result in significant regeneration benefits through the removal of the cluster of unsightly prominent buildings.

COUNCILLOR F. TODD: Speaking against the Application

Ward Councillor F. Todd made the following representation in support of refusal of the application.

- Supports Mr Dixon in his attempts to save the Victory Pit Archway as a memento of the past;
- There are only a few remaining physical reminders of the Town's past and the archway should be retained as the only remaining physical reminder of the coal industry in Consett;
- Design of estate comprises too many dwellings in one space. This is contradictory to a presentation given at a meeting last year regarding housing design, raising the point that not enough distance is provided between properties, one example being The Steadings in Consett. It should be noted that Gladedale had previously submitted a housing design for this site comprising of 47 houses, almost half of the amount proposed in this application;
- The site makes provision for 118 car parking spaces which will all have to access and enter the site from a busy road opposite a busy junction leading to Tesco's. Infrastructure in the area is strained and yet more housing estates are being built with no thought for the impact on services;

- Urge the developer to take their plans away and come back with a plan for a more open estate with fewer houses, less motor vehicles and retaining the Victory Pit arch.

Councillor Milburn asked where the arch sat in relation to the development and whether it ran the full width of the adjoining buildings. The Senior Area Planning Officer advised that the arch was separate to the buildings but ran through the full width.

Councillor Westgarth added that in his opinion there had been no thought given to the area's infrastructure. He added that problems do exist at Doctors, Dentists etc, housing developments putting more strain on these services and the highways and no consideration had been given to the existing residents and their opinions. He further questioned whether the houses were going to be affordable for anyone on an average wage. He concluded that if the development was to be approved he would request that all work to be undertaken on the highways should be done before any construction works takes place on site.

In response the Senior Area Planning Officer made reference to the pre-commencement conditions attached to the permission regarding highway works.

Councillor Shield suggested that it would not be unreasonable to request the retention of the arch and Barratt's should look at this taking into account the views of residents. He also expressed his concerns regarding the density of the site and the supporting infrastructure.

The Senior Area Planning Officer advised that the arch had been investigated and whether the arch could be retained; she advised that it was not a Listed structure and had no statutory protection. She advised that no other correspondence had been received from the residents of Delves Lane expressing concerns over retention of the arch. She made reference to paragraphs 60-64 of the report which addressed the highways issues, it explained that the transport assessment had taken into consideration developments that had as yet not been built or completed and therefore the conditions proposed were acceptable in relation to the assessment.

Discussion then ensued regarding car parking and the layout of the site. The Senior Area Planning Officer advised that there were two shafts within the site and as these could not be built on they would be used for car parking areas and green space.

Councillor Watson in response to all comments added that in his opinion the site was currently in a harsh and unsightly state. He pointed out that the Highways Authority were not objecting to the application and the development met national policy guidelines. He acknowledged the history of the archway and did agree that if possible it would be best to retain. He suggested that the developers should be

approached once more and encouraged to retain the feature. He further made reference to Councillor Todd's comments and added that it was a shame that the building was not Listed, however the current owner could legally demolish the building anyway so members should bear that in mind when determining the application. He further made reference to Councillor Westgarth's comments suggesting that to have an argument against the strain on infrastructure you had to have the people and the houses in the area to build on that argument. He went on to address the costs of remediation of the site and suggested that bearing in mind all the relevant factors, in his opinion the site was of a good design incorporating areas of green space and far better than some estates within the locality.

He concluded that with the added desire to undertake negotiations with the developer to retain the archway he agreed with the recommendation for approval.

The Director of Environmental Services advised members that the application should not be deferred on that basis. He suggested that to maintain a historical record rather than the physical structure would be recommended as the archway would impact on the visibility splays at the access point. The issue of trying to retain the arch on the site could be explored with the developers, but advised that conditional approval should be granted with the conditions set out.

Councillor Pattinson added that he had concerns over the sewage capacity as there was no signs that Northumbrian Water were carrying out any work to improve the current situation. He further added that he supported the feasibility of the retention of the arch and this should be explored, he went on to make the following points that he felt needed consideration; adequate bin storage, privacy distances, Eddis Transport should be consulted over highway issues and appropriate play provision should be made.

The Senior Area Planning Officer advised that Northumbrian Water had assured that foul flows could be accommodated and there was sufficient capacity for this. She went on to advise that as previously stated there would be concerns over highway safety and visibility if the arch was retained, and the overall appearance the archway would have against the new development. Officers were therefore of the opinion that an interpretation board should be used. She further advised that bin storage had been addressed and adequate space was to be provided for each dwelling.

Clarification was sought as to where the bins would be collected for the properties facing onto the main road. The Senior Area Planning Officer advised that all bins would be emptied from within the estate and not from any point on the main road.

Councillor Shield then added that he agreed with the comments made by Councillor Watson and suggested that if the arch could not be retained on site, they could investigate the possibility of moving and rebuilding at Beamish Museum.

Councillor Milburn further added that if an interpretation board was to be used, she asked that research should be carried out by a reputable source and not by the developer.

Councillor Watson agreed that relocation of the arch was an option whether on site or close to its original position. He further agreed that a condition should be attached to ensure that high quality interpretation boards be used at the site.

Councillor Turner asked that Mr Morton take back the comments to the developer and suggest that in the event of the archway being demolished the estate be named appropriately in its absence.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0334 be approved subject to:-

- Standard Time Limit (ST)
- Approved Plans (ST01)
- Amended Plans – 10th January 2008 (G04)
- Materials (A03)
- Car Parking (H03)
- Boundary Treatments – to incorporate acoustic fencing to the southern boundary of the site (H014)
- Car Parking (H03)
- Contamination Remediation (CL01, CL02, CL06)
- Surface Water Drainage (D04)
- Removal of permitted development rights (PD01)
- Design and Phasing of Highway works (H07)
- Legal agreement for the off-site play provision contribution of £25200
- Landscaping (L01) – this shall include surfacing materials
- No site works shall be undertaken until the implementation of an appropriate programme of building recording/analysis has been agreed in writing with the Local Planning Authority, in accordance with a written scheme of investigation.
- No site works shall be undertaken until the implementation of an agreed phased programme of archaeological works has been secured, to include, evaluation, and where appropriate, mitigation and publication, in accordance with a written scheme of investigation to be submitted and agreed in writing with the Local Planning Authority.
- Discharge of surface water from the site must be to the public sewerage system.
- No development shall take place unless in accordance with the mitigation detailed within the protected species report ‘Delves Lane Consett – Bat

- Survey Barratt (Ref No. 2215/2007/rp-01 June 2007 by PENN Associates Environmental Enterprise)' including but not restricted to adherence to timing restrictions; undertaking confirming surveys (if demolition is within the bat active period or bird breeding seasons; adherence to precautionary working methods; use of bat friendly timer products, provision of bat roost opportunities and purpose designed bat bricks within the new properties.
- Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.
 - Prior to the commencement of development plans showing the design of the corner turning units to the entrance of the site shall be submitted and agreed with the Local Planning Authority.
 - No more than 60 new dwellings shall be occupied within any calendar year.
 - Acoustic glazing shall be installed in the habitable rooms to the dwellings fronting onto Delves Lane with a sound reduction index of no less than 37dB RA, tr, to be used in conjunction with adequate acoustically treated mechanical ventilation to be agreed in writing with the Local Planning Authority and to be undertaken prior to the occupation of the dwellings to which they relate and retained in situ thereafter.
 - All piling work shall take place between the hours of 08:00 and 18:00; Monday – Friday and 18:00 – 13:00; Saturdays with no working on Sundays or Bank Holidays.
 - Details of the adoptable highway link, estate roads and footways, shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.
 - before commencement of development a plywood hoarding of 2 metres in height should be erected around the perimeter of the construction site for the duration of the construction works, unless otherwise agreed in writing with the Local Planning Authority.
 - interpretation boards to be provided.

07/1061 MR A SMITH

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

The Chair welcomed Brian Masterman to the meeting who was in attendance to speak against the application and Paul Harris who was in attendance to speak in support of the application.

The Senior Area Planning Officer presented the report which recommended approval of the application. She advised that the ownership of the land had changed since the last application, and the new owner had amended and resubmitted an application similar to that previously approved.

She advised that one letter of objection had been received since the report had been written, the concerns of which related to the vast extension of existing buildings, workshops being too small and concerns that the holiday cottages would be used as permanent dwellings.

She advised that in the Officer's opinion the proposals were considered to be appropriate in terms of size, design and would be sympathetic to surrounding buildings. She further added that the application was for one less holiday cottage than the previously approved application and in addition to this a condition was recommended preventing permanent residential use of the lets.

Councillor A. Watson left the meeting at this point.

The Senior Area Planning Officer went on to address the site access off Newbiggen Lane and advised that the Highways Authority had not submitted any objections; however had recommended that the access be widened and a footpath be created. She reported that the Environment Agency had not submitted any objections with regard to the installation of a septic tank on site.

In conclusion she advised that the applicant had already started work clearing the site, therefore it was recommended that the pre-commencement condition as stated in the report be removed.

BRIAN MASTERMAN: Speaking against the Application.

Mr Masterman advised the committee that he was speaking on behalf of Lanchester Partnership. His comments in support of refusal of the application were as follows:

- The site of the large agricultural shed west of Yek House Lane is to be occupied by a block of 6 stables, the purpose of which is not defined in the application.
- The brick built barn 'C', which was to be removed, is now to be extended and converted into an additional live/work unit. The extensions would double its current size. The building is in poor condition and extensively demolished therefore it would have to be structurally consolidated and extended at ground and first floor level to provide the accommodation required. The resulting building would therefore bear no resemblance to its existing structure, conflicting with Policy EN3 of the District Local Plan.

- The conversion of barns A, B and C all involve significant extensions as well as alterations to the buildings. The extensions would completely alter the composition of the barns turning them from a mainly single storey group into one of predominately two stories. The absence of any garage provision would compound the changes to the group, as it is likely they would be required in the long term.
- The internal layout of the holiday units is such that the main doors and entrance halls face northwards towards Newbiggen Lane. The parking spaces are allocated south of the buildings. There is no effective link between the parking and the entrances. It is therefore inevitable that parking for occupants would take place on Newbiggen Lane in turn causing unwanted highway problems and spoiling its rural appearance.

PAUL HARRIS: Speaking in Support of the Application.

Mr Harris advised that he was speaking on behalf of the Applicant, and made the following points in support of the application.

- Resubmission enhances and improves design of previously approved application;
- Intend to maintain and enhance the majority of buildings;
- All concerns and requests of Planning Officers have been taken into account and addressed accordingly;
- All conditions attached to previous application have been met;
- Archaeological inspections to be carried out on site;
- Material samples have been delivered to site as requested.

The Senior Area Planning Officer advised that the proposed stable buildings were considered appropriate for this location and would be an improvement to the existing barn building.

Councillor Shield added that in his opinion the development was hard to visualise and therefore suggested that the application be deferred on the basis that a site visit was required.

Councillor Campbell agreed with the comments made and added that he felt it appropriate for the concerns of objectors to be taken into account.

Councillor Turner moved that a site visit be undertaken and Councillor Campbell seconded that motion.

Following a vote being taken it was

RESOLVED: that Planning Application 07/1061 be deferred for a site inspection.

07/0982 MR H G WHITFIELD

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

The Chair welcomed to the meeting Brian Masterman who was in attendance to speak against the application.

The Principal Planning Officer presented the report which recommended approval of the application. She referred member's attention to paragraph 4 of the report which outlined the history behind the application and advised that a prior approval for the erection of the agricultural building had not been taken up. It had come to the applicant's attention that mine shafts existed beneath the site, therefore the applicant had given notice of intention to relocate the building. The proposed new location was in a more visible location and therefore the applicant proposed to reduce the size of the building and incorporate landscaping to assist screening the building.

The Council had decided in light of this, further details regarding design, materials and external appearance were required before prior approval could be given.

She advised that the design was acceptable and with the mitigating measures proposed there would not be a significant impact on the amenity.

She went on to address the comments of Lanchester Partnership who had suggested that there was no evidence of mining works in the area, therefore it was unnecessary to change the position of the building.

It had also been noted that as the site was so close to the former Roman Road 'Dere Street' Durham County Council archaeologists were to be notified and inevitably excavation would have to take place.

BRIAN MASTERMAN: Speaking against the Application.

Mr Masterman advised that he was speaking on behalf of Lanchester Partnership and made the following comments in respect of the application:

- The applicants claim that the approved site is affected by mine shafts however this is not borne out in the latest consultation.
- It appears that the approved site is on the outcrop of a coal seam and that the land pit fallen as a result of what must be very old mine working. It would seem therefore that any subsidence on this site had already taken place. The position regarding the proposed site seems less certain.
- There is no doubt that the already approved site is significantly more acceptable in the landscape than the newly proposed location. Therefore unless it was proved that it would be imprudent or more expensive to build there, the present application should be rejected.
- If an alternative site were justified on such grounds, alternative locations associated with existing trees and hedges would be preferable to that presently proposed.

In response the Principal Planning Officer advised that Mr Masterman was correct in comments made regarding the subsidence of the land.

Councillor Pattinson asked if the archaeological issues had been considered with the earlier application. The Principal Planning Officer advised that this had not previously been considered.

Councillor Alderson asked if the applicant had permitted development rights. In response the Principal Planning Officer advised that permitted development rights did apply however the council were able to consider siting and design of the building.

Councillor Westgarth asked if anything was excavated of archaeological significance, would the building working cease. The Principal Planning Officer advised that findings would be recorded and slow down the work, but it would not prevent building on the site.

Councillor Shield asked if any comments had been received from Lanchester Parish Council. The Principal Planning Officer advised that no comments had been received.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0982 be approved subject to:

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

(2) District Council Developments

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

She advised that there had been one letter of objection received since the report had been written expressing concerns regarding traffic and the views over the cemetery from surrounding properties.

She went on to address the comments made by the Environment Agency as outlined in paragraph 24 of the report. She advised that these comments had now been withdrawn as this had been resolved and approved under the Environment Agency's own regulations.

Councillor Campbell made reference to the approach to the cemetery and questioned whether it was appropriate to access the site down a road which held a number of speed bumps. Discussion then took place over the suitability of this and the Director of Environmental Services added that the Council would have to request removal of the speed bumps or alternative traffic calming measures be introduced. The Senior Area Planning Officer advised that she would investigate alternatives in consultation with Durham County Council.

Councillor Willams asked what if any steps had been taken to stop undesirables from accessing the cemetery.

At this point the Chair introduced Graham Harrison who was responsible for the Council's Cemeteries. He advised that fencing would be erected around the perimeter of the site and other methods put in place to stop unauthorised motor vehicles from accessing the site.

Discussion then ensued regarding parking at the site. The Director of Environmental Services advised that the main gates to the cemetery would only be opened to allow funeral processions to enter, and the Council's servicing vehicles. Other than at funeral times access to the site would be restricted to pedestrians. The cemetery would not be locked as people visited cemeteries throughout the year. A separate car park would be provided outside the gates for visitors and to act as an overflow car park if necessary.

Councillor Milburn asked about curbing around graves and whether this would be permitted at this site as it was not outlined in the proposed conditions, nor the height of head stones. The Director of Environmental Services advised that this was covered under the council's existing policy and would need to be reinforced by planning conditions.

Councillor Shield made reference to the fabric of the building and asked if windows would be guarded to stop vandals accessing the building. The Director of Environmental Services advised that all safety and security issues had been considered and the building and site would be safe and secure.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0798 be approved subject to:-

- Standard time limit (ST)
- Approved Plans (ST01)

- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
- Any grave shall not be marked with a head stone, memorial or other raised structure above 0.5metres in height from ground level.
- A 1.8m minimum width adoptable standard footway, connecting eastwards from the site access to the existing footway on the northern side of Dunelm Road, shall be constructed and available for use prior to the hereby approved development being brought into use.
- Unless otherwise agreed in writing with the Local Planning Authority, the newly formed junction radii with Dunelm Road shall be between 6m and 8m.
- 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.
- No portable building, trailer or container shall be stationed on the site, or any other building placed or erected, without the prior consent of the Local Planning Authority.
- No storage of goods, materials, finished or unfinished products, parts, plant, equipment, packing materials or waste shall be kept on the approved application site.
- In order to safeguard the amenities of the area having regard to policy GDP1 CI14 EN1 EN2 of the Derwentside Local Plan.

(3) EXCLUSION OF PRESS & PUBLIC

RESOLVED: on the motion of Councillor E. Turner seconded by Councillor P. Hughes that under section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12(A) of the Act (as amended).

(4) PLANNING ENFORCEMENT ANNUAL REPORT

The Principal Planning Officer presented the report which informed members of the number of planning enforcement complaints/enquiries which required investigation during the year. The report further detailed enforcement notices, breach of condition notices and public amenity notices.

She advised that during the year the level of complaints and enquiries continued at a high level which prevented any pro-active measures being taken particularly with regard to the monitoring of planning conditions. She advised that Tony

Shepherd, the Council's Enforcement Officer had reduced his working hours and a new full time enforcement officer was now in post. She advised that it was envisaged that with the additional resources put into enforcement a more pro active approach would be obtained.

Following a vote being taken it was **RESOLVED:** that the content of the report be noted.

Conclusion of Meeting

The meeting closed at 4.25 p.m.

Chair

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

14th February 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

Planning Policy Statement – Planning and Climate Change
--

1. The purpose of this report is to inform Members of the publication of the new Planning Policy Statement (PPS) on Climate Change. The new PPS is a supplement to PPS1 and sets out how planning and the built environment can address the impacts of climate change. The PPS should be regarded as a material consideration when dealing with planning applications.
2. The PPS outlines a set of objectives that it expects planning authorities to deliver. These include full contribution to delivering the Government's climate change and energy policies by securing the highest viable energy efficiency, promoting sustainable transport, shaping communities resilient to climate change, encouraging innovative solutions from the private sector, conserving and enhancing biodiversity developments and giving local communities a role in tackling climate change.
3. In order to achieve these objectives the PPS includes a set of principles to aid decision making. These state that climate change should be considered in all spatial planning decisions to reduce carbon dioxide emissions and make use of decentralised¹, and renewable or low carbon energy. Mitigation and adaption should not be considered separately and new development should minimise future vulnerability to climate change. Sustainability appraisals and appropriate indicators should be used to support these principles.
4. The PPS has two clear points. Firstly, to encourage the uptake of renewable, low carbon or decentralised energy and secondly to promote carbon neutral development. The uptake of renewables is encouraged through a combination of targets and the removal of reasons for refusal such as the perceived need for renewables.

Decentralised Energy Supply - Energy supply from local renewable and local low-carbon sources (ie on-site and near-site, but not remote off-site) usually on a relatively small scale. Decentralised energy is a broad term used to denote a diverse range of technologies, including micro-renewables, which can locally serve an individual building, development or wider community and includes heating and cooling energy.

5. Planning authorities will not be able to question the need for renewable energy nor the energy justification for particular locations for energy generation. They will be encouraged to identify suitable locations but not reject applications simply because they fall outside of these locations. The use of Local Development Orders to secure sites is encouraged.
6. The extent of decentralised and renewable or low carbon technology to contribute to the energy supply of a development and how associated infrastructure could reduce carbon emissions are included in a set of criteria to assess development sites. Developments should support sustainable transport and have regard to the full impact on communities as a result of climate change and how open space and green infrastructure can not only contribute to local biodiversity but urban cooling and sustainable drainage. Crucially the PPS sets out the precautionary approach of developing on 'known physical and environmental constraints...such as sea-level rises, flood risks and stability'.
7. Developments performing well against the above criteria should be given priority, whilst those performing poorly should be looked at to see if they could be improved. Rural sites only accessible by private car may be acceptable for employment and affordable housing uses.

Local Authority Targets

8. Planning authorities should set a target for the percentage of energy to be used in new developments, which is renewable, low carbon or decentralised. This is very close to the 'Merton Rule' approach but there are some significant differences.
9. The percentage should be based on evidence of feasibility and potential. The energy generation does not have to be on site. The planning authority cannot be prescriptive about the type of technology and is expected to have worked closely with industry and experts. The planning authority must specify the type and size of development the target applies to. The target must be tested against its effect on housing supply, infrastructure costs, community impact and how it is communicated to potential developers.
10. There may be circumstances where the target can be exceeded, in particular, opportunities for combined heat and power should be utilised.

Sustainable buildings

11. By 2016 it is expected that all new housing will be carbon neutral. Novel and cutting edge sustainable buildings should not be deterred and

planning authorities should not specify construction techniques or building fabrics unless for reasons of landscape. The relevant guidance for building standards is in the Code for Sustainable Homes.

12. There may be circumstances where a planning authority could exceed national targets by grasping opportunities or allowing development where a sustainable building is the only viable option.

Planning applications

13. As with most Planning Policy Statements it is assumed that the guidance supersedes that in the local development plan, so if an application contributes to the delivery of the key planning objectives of climate change then it should receive expeditious and sympathetic handling.
14. The use of design and access statements is encouraged and these could explain how the development minimises carbon emissions by taking account of landform, aspect, building orientation, green space for shade, sustainable drainage systems, sustainable waste management and sustainable transport.

Conclusion

15. The Council can still refer to RSS² Policy 39 and 40 with regard to planning applications, but this PPS should be considered as a material consideration to encourage developers from initial discussions to meet the key planning objectives and development criteria.
16. Planning authorities will have to set targets for developers on renewable energy that will need to be based on a robust evidence base with a good understanding of energy options and information made available. The Council will need to work in partnership with experts to collect this information that will form the basis of future policies in DPDs.

Recommendation

17. The report be noted.

Report prepared by Peter Slegg, Planning Officer

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

REPORT OF PLANNING OFFICER

APPEAL DECISION

Appeal against the refusal to grant outline planning permission for residential development on land to the south east of 4 Derwent View, Medomsley Edge, Consett

-
1. This appeal relates to an application for outline planning permission, which was refused on the 6th June 2007 for a residential development on the land to the south east of 4 Derwent View, Medomsley Edge, Consett. The application was refused on the grounds that the development was considered to be outside any settlement listed under Policy HO5 of the Local Plan and that the scheme represented unacceptable and unsustainable development in a hamlet contrary to Policy HO14 of the Local Plan.
 2. The Planning Inspector allowed the appeal. He considered the main issues to be the effect that the proposal would have on the character and appearance of the surrounding countryside and Medomsley Edge and whether the proposal would result in an unsustainable pattern of development.
 3. The Inspector noted that the refusal notice cited the development was contrary to Policy HO5 and HO14 of the Derwentside District Local Plan. Policy HO5 lists settlements within which small housing developments will be permitted, in which Medomsley Edge does not feature; and Policy HO14 lists certain criteria that must be met when allowing limited infill housing development in other smaller settlements, which the application was compared to and judged to have failed, however Policy HO14 is not a saved policy.
 4. The Inspector considered that prior to the building of the new terrace adjacent to the site, which it was noted was not yet completed; there was not a strong linear form to this part of Medomsley Edge despite the Officer's report alleging that the development would not conform to the linear pattern of the settlement. The Inspector considered the site to be located in the open countryside and therefore should be assessed against Policies relating

to the open countryside as it is not within a settlement defined in Policy HO5. However, taking into account its Brownfield status and its position within the hub of the hamlet, the Inspector considered that small-scale residential development would be suitable as it would round off this part of Medomsley Edge and would not detract from the appearance of the area. Furthermore the Inspector disagreed with the Council's stance that the two houses here would be visually intrusive; particularly as the new terrace development partly screens the site.

5. The inspector noted that there were five bus stops within walking distance of the site and therefore considered that the proximity to major and local centres would make the site reasonably sustainable. Furthermore, the adjoining terrace of houses had recently been approved and although the Inspector was aware of the stated environmental justification for that consent, the sustainability argument must be the same for both developments.
6. It was concluded that the proposal was in compliance with Planning Policy Statement 3 because it would make the best use of a piece of semi derelict Brownfield site within the hub of a small rural hamlet. The Inspector felt that these material considerations outweighed the provisions of Policy HO5.

Recommendation

7. This report be noted.

Report prepared by Tom Armfield, Student Planning Officer

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

14th February 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

PLANNING APPLICATIONS AND ASSOCIATED MATTERS

CONTENTS

			Ward	Page
	<u>Site Visits</u>			
07/1061	Mr A Smith	Conversion of existing gin gang to form new dwelling, conversion of four existing barns and byres to create four live / work units and construction of three holiday cottages (Resubmission), Middle Newbiggen Farm, Newbiggen Lane, Lanchester	Lanchester Ward	3
		<u>Recommended For Refusal</u>		
07/1045	Mr P Quinn	Erection of stable block, land to the north of Oxhill Nursery School, Oxhill	South Moor Ward	7
		<u>Recommended for Approval</u>		
07/1042	County Durham & Darlington NHS	Erection of eighty dwellings and provision of new access to Middles Road (Outline) (Resubmission), South Moor Hospital, Middles Road, The Middles, Craghead	South Moor Ward	14
07/0730	Mr A Dixon	Erection of four dwellings with associated access and parking, Kings Head Hotel, Station Road, Lanchester	Lanchester Ward	29
07/1036	Matrix Construction & Development	Application to vary Conditions 2 and 19 of planning permission 1/2006/0364 relating to the	Cornsay Ward	54

approved plans for the barn conversion and the surfacing of the roads, Low Row Farm, Cornsay

07/0759	Mr G Cook	Erection of two detached dwellings (Outline), Plashetts, Shotley Bridge, Consett	Ebchester and Medomsley Ward	65
07/0987	Mr I Holmes	Conversion of existing engine shed to dwelling and offices, amendments to previously approved scheme (Re-submission), Stockerley House, Stockerley Lane, Delves Lane, Consett	Lanchester Ward	73
07/0877	Mr & Mrs K L Dougan	Erection of detached barn / stable block with upper hay loft, Broomsvie House, Iveston Lane, Iveston	Leadgate Ward	81

County Council Applications

07/1049	Durham County Council	County Council Application for proposed surface mining of coal with restoration of the site to include woodland, species rich grassland and haymeadow, scrub, water features and agriculture, land to the North East of Billingside Plantation, Leadgate, Consett	Leadgate Ward	89
---------	-----------------------	---	---------------	----

SITE VISITS

07/1061

19.12.07

Mr A Smith

Middle Newbiggen Farm,
Newbiggen Lane, Lanchester

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

Lanchester Ward

The Application

1. An application for planning permission for the conversion of an existing gin gang to form a new dwelling, the conversion of four existing barns and byres to create four live / work units and the construction of three holiday cottages and the diversion of an access road at Middle Newbiggen Farm, Newbiggen Lane, Lanchester was deferred at your last meeting to enable a site visit to be made.
2. The site visit has now taken place and the Committee should now be in a position to determine whether or not planning permission should be granted.
3. The Officer's recommendation remains as previously for approval.

Recommendation

4. Conditional Permission
 - Five Year Time Limit (ST).
 - Approved Plans (ST01).
 - Prior to the commencement of the development full engineering details of the proposed alterations to the Yek House Lane shall be submitted to and approved in writing by the Local Planning Authority. The details shall include levels and sections. The alterations to the road shall be carried out in accordance with the approved plan prior to the occupation of the first dwelling or holiday cottage, or within any other such period as may be agreed in writing with the Local Planning Authority.
 - Reason: In the interests of highway safety and in order to comply with Policy

- TR2 of the Local Plan.
- Surface Water Drainage (DO4).
 - Foul Water Drainage (DO5).
 - Removal of permitted development rights (PD01).
 - No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works (watching brief) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
 - Reason: The site has high archaeological potential.
 - Landscaping (LO1).
 - Means of enclosure (C14).
 - Samples of external finishing materials (A03).
 - Renovation materials to be stone and slate (A16).
 - Test panels of materials (A06).
 - Windows inset (A12).
 - Rainwater goods (A13).
 - Scale drawings of typical windows shall be submitted and agreed in writing by the Local Planning Authority. These shall be timber and painted.
 - Reason: To protect the special character of the buildings, in order to conform with Policy GDP1 of the District Local Plan.
 - Car parking spaces to be available prior to occupation of dwelling to which they relate (HO3).
 - Notwithstanding the submitted plans no demolition shall take place other than that identified by the Structural Survey received on 19th December 2007, without the prior written consent of the Local Planning Authority.
 - Reason: In order to comply with Policy EN4 of the Local Plan.
 - Prior to the occupation of the first live / work unit or holiday cottage (or other time period that may be agreed in writing with the Local Planning Authority) the area of land to the west of Yek House Lane shall be landscaped.
 - Reason: In the interests of the appearance of the development and in order to comply with policy EN4 of the Local Plan.
 - Holiday Accommodation - maximum occupation 8 weeks in calendar year by any person or group of persons (OC05).
 - Restriction of workshop use to B1 only (C11).
 - The workshop areas shown on the approved plans shall be used for the purposes contained within Class B1 of the Town and Country Planning Use Classes Order 1987 only (or any order revoking and re-enacting that order). The workshops shall not be converted to any other use, including residential without the prior written consent of the Local Planning Authority.
 - The workshops shown on the approved plans shall not be separated from the units to which they relate without the prior consent of the Local Planning Authority.
 - Reason: To ensure that the workshops remain part of the live / work units and available for B1 uses in accordance with Policy EN4 of the Local Plan.
 - No development shall take place unless in accordance with the mitigation detailed within the protected species report Middle Newbiggin Farm, Bat and

Barn Owl Report Autumn 2007, Ruth Hadden,' including, but not restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods.

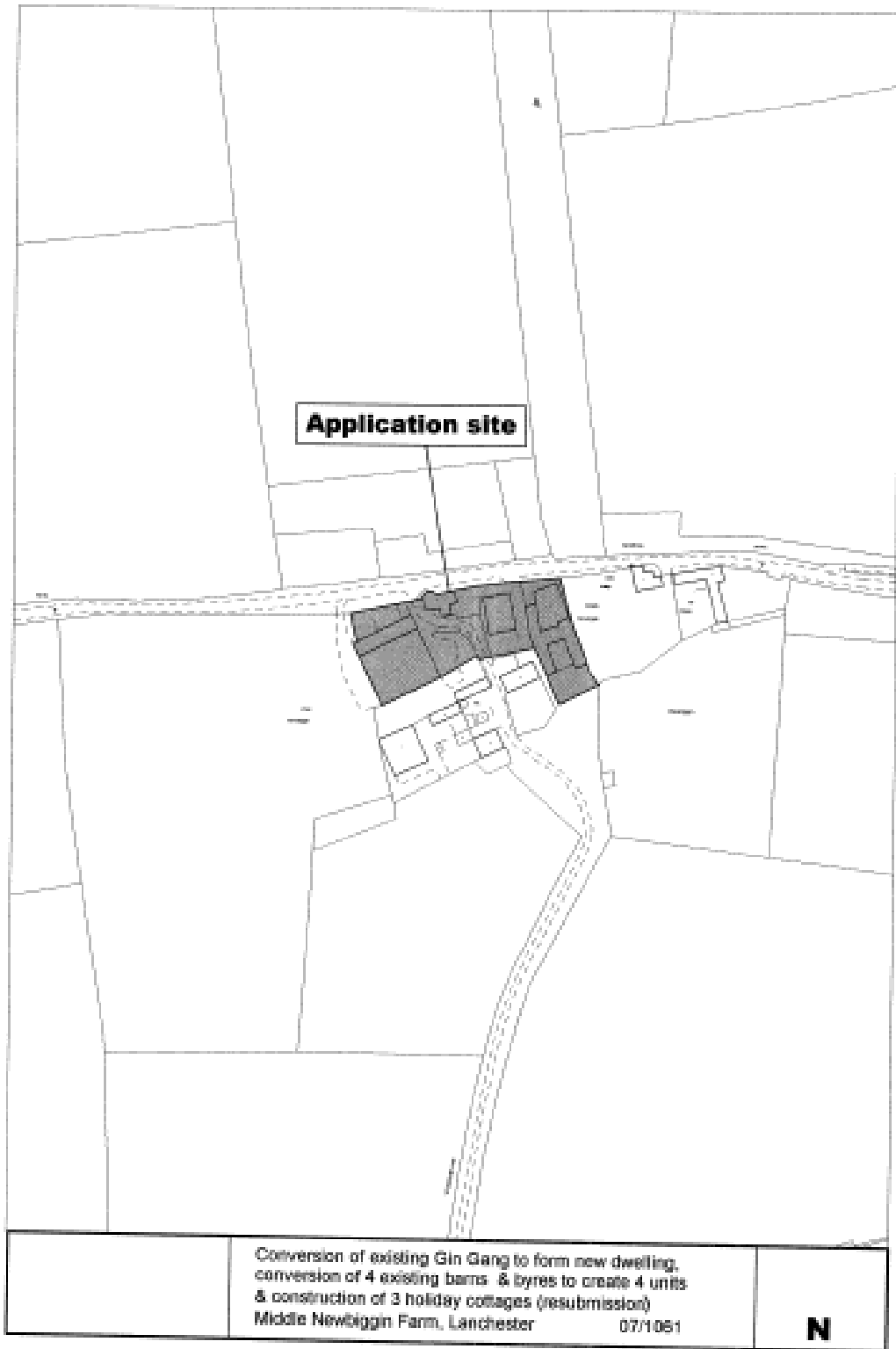
- Reason: To conserve protected species and their habitat in accordance with GDP 1 of the Local Plan.

Reasons for Approval

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

Report prepared by Louisa Ollivere, Area Planning Officer

W:\Development Control Committee\140208\07.1061.doc



RECOMMENDATION FOR REFUSAL

07/1045

11.12.07

Mr P Quinn

Land to the North of Oxhill
Nursery School, Oxhill,
Stanley

Erection of Stable Block

South Moor Ward

The Application

1. This application seeks planning permission for the erection of a stable block, on land to the immediate north of Oxhill Nursery School. The stables would provide six loose boxes for private use only. It is understood that the site was formerly owned by the County Council and was used in conjunction with the former Infant School which has been demolished. The applicant proposes to lease a separate parcel of land from this Council to exercise horses on a site nearby.

History

2. In March 2004 a similar application proposed the same design for the stables. At the time a site to be used for the exercising of the horses was proposed at Greencroft, some distance away from the proposed stables site. That application was refused by the Development Control Committee for the following reason:

“The proposed means of access is considered unsuitable to serve the proposed development by reason of its restricted width and substandard surface. The increased vehicular usage of this substandard access, as a result of the proposed development, would be likely to be prejudicial to highway safety contrary to the objectives of Policy TR2 of the Local Plan.”

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. County Highways Development Control Officer - The Highways Officer notes that the previous refusal was based on his colleague's comments when the application offered no clarification on whether commercial livery was to be excluded. The site is immediately east of a small area occupied by existing garage buildings / lock ups / containers which appear to generate a modest amount of vehicular traffic. The Highways Officer comments that Land and Property (DDC) have advised him that these are upon District Council land. He states that the ownership of the 35m section of unadopted road between the adopted section of highway and the site is unknown and unspecified.
5. The Highways Officer notes that the current application cites the proposed stables as being for private use only. The applicant has enquired whether the principle of caravan storage or storage containers on the site would be acceptable. The Highways Officer is of the opinion that both have the potential to generate a significantly greater degree of vehicular activity than the proposed stables, and, when considered in the context of the proximity to the Nursery School and occasional parked vehicles on the road to the west of the Nursery, stables are far preferable in highway terms.
6. The applicant has advised that he has the possibility of renting grazing land from the District Council within a reasonable walking distance of the stable site; this being on land to the west of the Ox Inn PH (approximately 500m away), across grassed land to the north of the A693 where horses can sometimes be seen tethered. The Land and Property Section (DDC) have confirmed this. The Highways Officer believes that while this regrettably gives no guarantee that the land in question will indeed be subsequently rented, these actions can perhaps be understood. If a condition could be attached requiring that details of related grazing land are submitted for approval, prior to commencement of construction on the site, this would be desirable.
7. Mr. Quinn has verbally advised the Highways Officer that it would be his intention to improve the condition of the carriageway linking between the adopted highway and the application site. There is no reference to this in the application and, indeed, given this land is not within the control of Mr Quinn (or the two Authorities), the Highways Officer is unclear how this would be legally possible. This would therefore be unenforceable by means of planning condition), unless a legal agreement were entered into between Mr Quinn and the land owner, assuming the latter could be found.
8. In summary, compared to the previous application the applicant has confirmed that the stables will be for private use only and that an area of grazing land is potentially available nearby. The Highways Officer believes that it would be most difficult to sustain a case for there being no activities at all permissible on the site in highway terms and therefore, on balance, would have to

consider that this application is acceptable. Subject to a planning condition related to private use only of the stables the Highways Officer makes no objection.

9. Environmental Health - Have made no objection to the application, subject to the suitable means of disposal of solid and liquid waste.
10. Neighbours have been consulted and a site notice posted. One letter of objection has been received from Mr. Hair of 2 Mandela Close, with 14 signatures attached from other residents of Mandella Close. The letter is headed 'The Residents of Mandela Close, Oxhill'. Concerns in summary are:
 - Stables would be close to aged persons and disabled bungalows - would be a health hazard.
 - Mucking out, drainage, possible attraction of vermin, smells.
 - Traffic problem on one of the busiest roads in the District.
 - No parking for the School, and many parents park in Mandela Close. Problems caused are well documented with local Councillors and School Education Department.
 - To allow this proposal would worsen the access / parking issues and be a greater hazard.
11. A letter has been received from Kevan Jones MP, which reiterates the concerns of Mr. Hair (above). The MP has requested that Mr. Hair's points are taken into consideration when the Development Control Committee considers the application.
12. A letter of objection has also been received from the Head Teacher of Oxhill Nursery School. This was the same letter as received during the previous application, although some additional comment was attached. Concerns in summary are:
 - Increased vehicular access - road adjacent to the Nursery is used for parent parking and users of the allotments, parking has long been a problem, which would be worsened.
 - The access road is in poor form, has potholes etc.
 - Not sure which piece of land is intended for horses to graze on. In past green area adjacent to school where horses have been tethered, the horses have freed themselves and the school has contacted the police.
 - Many instances in past, previous owners of the land burning rubbish and producing toxic fumes - the children have had to be kept indoors.
 - Waste disposal, smells from manure.
 - Vermin problems, horseflies.
 - The wall on the boundary of the site needs some attention; the school believe that the owner of the land is responsible for the wall.

13. Objections have also been received from two of the South Moor Ward Councillors. Councillor McMahon has indicated his support for local residents and feels that the location is unsuitable, adjacent to the nursery and bungalows. Councillor Beckwith has also indicated his support for residents. He has outlined the concerns of neighbours who have contacted him and also has personal concerns relating to the fact that the application states that the stables are for private use, but that with the number of stables and parking spaces, the proposal would appear to be much like a commercial venture. Councillor Beckwith also questions the status of the land as brown or greenfield and its previous use.

Officer Assessment

14. The proposal relates to the erection of a private stable block containing six loose boxes, an area for manure storage, four parking bays and a horse wagon parking bay. The application site is not large enough to exercise or graze horses, and the applicant has not demonstrated that there are any rights to use any immediately adjacent land for this purpose. The applicant has indicated that the horses would be exercised and grazed on land approximately 500 metres walking distance to the west of the application site, on the opposite side of a road junction at the Ox Inn Public House.
15. The Highways Officer (DCC) has raised no objection given that the applicant has stated that the stables would be for private use and he considers that this was not made clear with the previous application. It would appear from the earlier report to the Development Control Committee that the applicant had also informed the Planning Officer that the stables would be for private use only.
16. The site indicated now for exercising and grazing of the animals is certainly closer than that as proposed with the previous application, which was in Greencroft. There remains concern from Planning Officers however that the site is still a considerable distance away from the main stable site, and that it may be impractical to walk horses the 500 metres or so required, and possibly back, each day.
17. Whilst the Highways Officer (DCC) does not object to the proposal, it is considered that as the grazing site is on the other side of a busy access road adjacent to the Ox Inn, that frequent crossing of this road by horses if walked to the site, would in the opinion of Planning Officers, raise significant concerns about highway safety, contrary to policy TR2 of the Local Plan. With the impracticality of walking the horses to the associated site, Planning Officers consider that this would encourage frequent traffic movements to transport the horses from the stables to the area where they are to be exercised.
18. A condition could not be attached which would require the associated grazing

land to be held for the life of the stables, given that the exercise / grazing land is not in the ownership of the applicant. The land would actually be leased from this Council, and the Land and Property Division have indicated that they would be in a position to lease the land should planning permission be forthcoming. There is no guarantee that such a lease could be given for the life of the stable usage however, which would make the condition unreasonable and unenforceable.

19. Whilst objectors are concerned with issues of smell and vermin, the Environmental Health Division have made no objection to the application, subject to the suitable means of disposal of solid and liquid waste. The potential for burning waste on the site is not considered to be a reason for refusal in its own right as the Environmental Health Acts would be used to deal with this issue. However, given the location next to a Nursery School, the preference would clearly be for the manure to be removed from the site rather than burned. This in itself would mean an increase in vehicular activity and adds to the concerns of Planning Officers.
20. The proposed building is reasonably well designed and is typical of other stable buildings built in the District. The wall to the rear of the Nursery and on the boundary with the site would screen the development, being of a substantial height (approximately 2.5 metres). The development would therefore not be clearly visible to the School or general surroundings.
21. A significant concern in respect of the application relates to the access serving the site. This is heavily frequented by vehicular traffic during 'picking-up' and 'dropping-off' times in conjunction with Oxhill Nursery School. There are significant vehicular movements during these times and the access is particularly congested as a result of parked cars when children are being picked up etc. The access also currently serves a limited number of private garages to the west of the site and is also used to serve the nearby allotment gardens, further to the west. The access is not of a standard of construction or width which could easily accommodate a further increase in vehicular traffic. As indicated earlier, the 'walking' of horses to the associated grazing site some 500 metres away would seem impractical.
22. The proposed development, consisting of six loose boxes, and therefore potentially six horses, all of which would have to be transported to and from the site for purposes of grazing and exercising, and the removal of manure from the site, could generate a notable increase in the number of vehicular movements using the access. These vehicle movements are likely to be made by larger vehicles such as horse wagons and vehicles towing horse trailers which could be particularly problematic during 'dropping off' and 'picking-up' times in relation to the school. Such vehicular movements are likely to be significantly prejudicial to highway safety and to the safety of schoolchildren. For this reason it is considered that the site is inappropriate

for the proposed development.

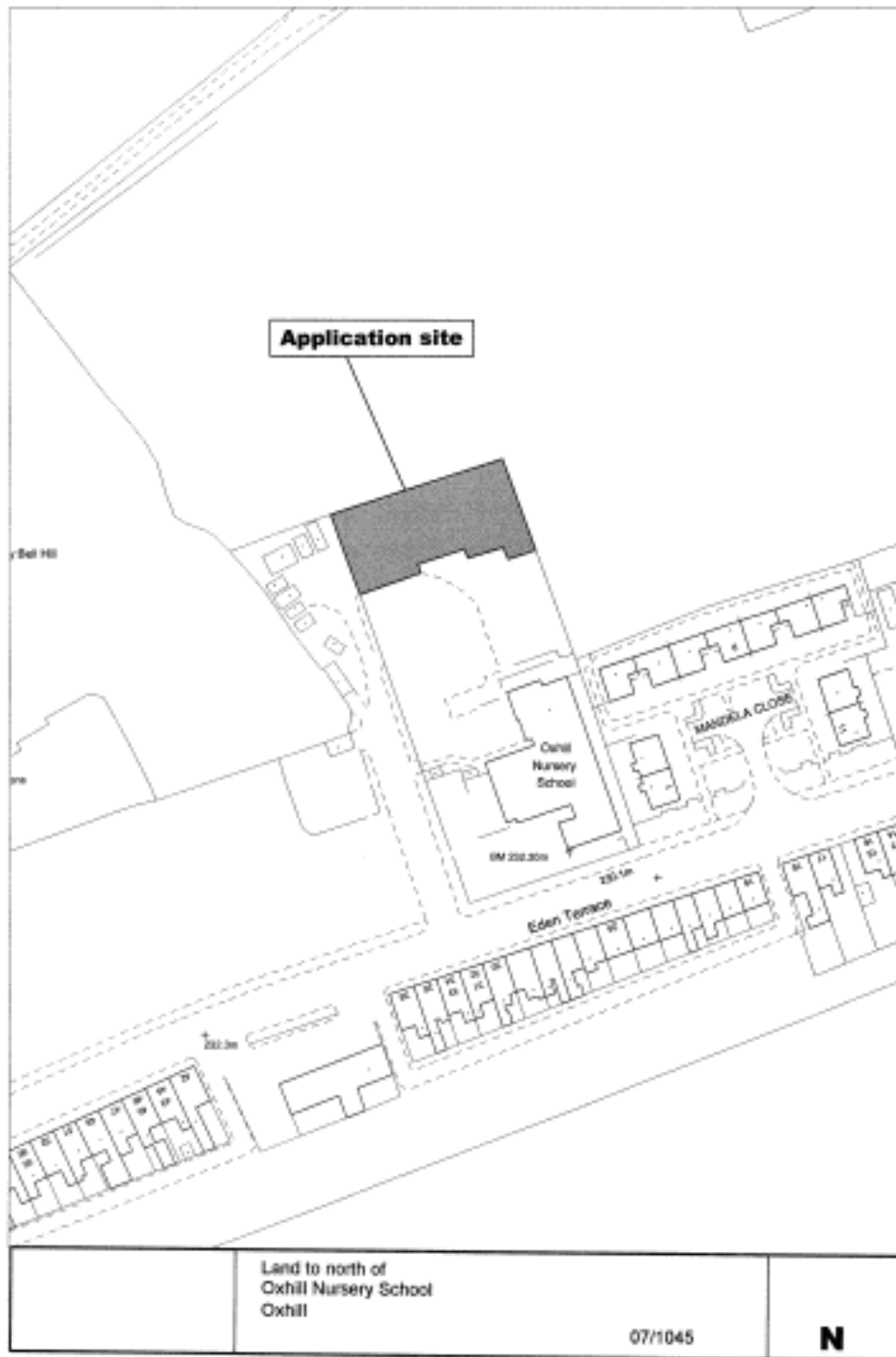
Recommendation

Refuse

23. In the opinion of the Local Planning Authority, with the absence of an exercise and grazing area within, or immediately adjacent to the site, and in the permanent control or ownership of the applicant, this would likely generate increased usage of a substandard vehicular access for the transportation of horses to the associated exercise land as proposed. The means of access is considered unsuitable to serve the proposed development by reason of the restricted width and substandard surface, and the increased usage of the access would likely to be prejudicial to highway safety, contrary to Policy TR2 of the Local Plan.

Report prepared by Shaun Wells, Senior Area Planning Officer

W:\Development Control Committee\140208\07.1045.doc



RECOMMENDATION FOR APPROVAL

07/1042

10.12.07

County Durham and Darlington
NHS Foundation Trust

Former South Moor Hospital,
Middles Road, The Middles,
Craghead, Stanley

Outline application for the
erection of eighty dwellings
and provision of new access to
Middles Road (resubmission)

South Moor Ward

The Application

1. Outline Planning Permission is sought for the erection of eighty dwellings on the site of the former South Moor Hospital, Middles Road, South Moor. South Moor Hospital is currently vacant and the site is in a poor state of repair. All buildings would be demolished, although Planning Permission is not required for this element of the scheme.
2. The application site measures approximately two hectares in area and is bounded to the south and west by Middles Road. To the north and west of the site is the Middles Farm site on which Members have resolved to grant Planning Permission for residential development.
3. The existing vehicular access to the site would be closed and a new access onto Middles Road would be provided to the east of the existing access.
4. The application has been made in Outline and the only detail that has been submitted at this stage is means of access. A layout has been submitted although it should be noted that this is indicative at this stage. The applicant has indicated that 15% of the site would be affordable housing, that is twelve of the eighty proposed units. An area of open space would be provided in the eastern part of the site which would link through to the open space to be provided on the adjacent Middles Farm scheme.

History

5. An Outline application was submitted in September 2007 for this proposal (reference 1/2007/0826/DM). The application was withdrawn prior to determination due to an outstanding issue regarding bat conservation. The current application seeks permission for exactly the same development as

before, but the applicant has provided additional information with regard to bat conservation. Although some of the comments of consultees have not been received in relation to the current application, the views that they expressed on the withdrawn scheme are provided below as these are unlikely to differ.

6. An Outline application for two hundred and six dwellings on the adjacent Middles Farm site was considered at your meeting on 4th June 2007 (reference 1/2007/0104/DM). Members were minded to approve the application subject to a Section 106 agreement regarding affordable housing. Negotiations are taking place regarding the legal agreement and it is anticipated that this will be signed shortly and permission granted.

Policy

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

General Development Principles (GDP1)
Preventing Urban Sprawl (EN2)
Trees and Development (EN10)
Development Within the Great North Forest (EN12)
Protection of Sites and Settings of Ancient Movements and Archaeological Features (EN19)
Recreational Public Open Space within Housing Sites (HO22)
Development and Highway Safety (TR2)
Cycling (TR3)

Emerging Regional Spatial Strategy:
Sustainable Development (Policy 2)
Climate Change (Policy 2A)
The Sequential Approach to Development (Policy 3)
Protecting and Enhancing the Environment (Policy 5B)
Delivering Sustainable Communities (Policy 24)
Improving Inclusivity (Policy 32)
Historic Environment (Policy 34)
Trees, Woodlands and Forests (Policy 38)
Sustainable Construction (Policy 39)
Renewable Energy Generation (Policy 40)
Sustainable Waste Management (Policy 46)

Consultations

8. County Highways Development Control Officer - refers to previous discussions and that a roundabout is planned as part of the immediately adjacent Dunelm Castle Homes site. He points out that this roundabout would be quite capable of serving an additional eighty dwellings at the former Hospital site. He feels that such a vehicular access arrangement would

rationalise the number of junctions onto Middles Road and this remains the clear preference as regards vehicular access arrangements to the Hospital site. He states that utilising the approved (in-principle) roundabout would require a through link between the two sites however, necessitating co-operation between the two respective land holders.

9. The Highways Officer points out that if agreement were reached it would also have clear pedestrian accessibility benefits (i.e. interconnecting internal footway links between the two sites); this being an important issue given that the presence of the three separate properties at the SE of the Hospital site interrupts what could otherwise be a continuous east-west footway link on the northern side of Middles Road.
10. He states that it is understood the (NHS Trust) applicants do not wish to 'fetter' disposal arrangements regarding the Hospital site, intending to offer it to the open market. Given the existing planning use on the Hospital site a highways refusal based on the new roundabout being the only acceptable means of access would be difficult to sustain. He notes that there is a slight possibility that future agreement could be reached in this regard though, realistically, this is probably only likely if the two sites were to have the same owner.
11. The Highways Officer has had discussions with the applicant's consultants, White Young Green (WYG), and stressed the need for adequate pedestrian links from the site, which will include a pedestrian refuge at Middles Road at the point where a future northern side footway will terminate. This will require highway widening on the application site side of Middles Road. A rough sketch has been shown by WYG and this can form the basis of a final design (which will be undertaken by Durham County Council as part of the Section 278 highway works). The Highways Officer points out that prior to a reserved matters application the applicants should make early contact to discuss the access details further.
12. He points out that while a draft internal layout has been submitted this does not form part of the application and may conceivably alter, particularly given the subsequent developer is as yet unknown. The 'means of access' (which is to be determined as part of this application) naturally includes pedestrian links from the site to the wider highway network and these should be conditioned as part of any outline approval.
13. He notes that there are Durham County Council advance directional road signs on the public highway which refer to the Hospital site and, naturally, a future developer must fund their removal (or, where necessary, replacements if a composite sign structure is involved). This would be part of the Section 278 agreement between the County Council and the future developer. In the meantime this matter too should be conditioned.

14. Durham County Council (Rights of Way) - the application form indicates that the applicant proposes to alter or divert a public Right of Way. The County Council's records show that there are no existing registered Public Rights of Way nor any historical evidence to indicate the diversion or extinguishment of any previous Public Rights of Way within or adjacent to the site boundary.
15. The Rights of Way Officer comments that the site layout plan shows a proposed footpath immediately to the west of Middles Wood linking Middles Road with the open space and presumed access road to the Middles Farm site to the north. He points out that this path and all associated link paths should be constructed to a suitable standard for adoption by Durham County Council for use by pedestrians and cyclists, as stated in the applicant's Design and Access Statement.
16. Durham County Council (Archaeology) - views awaited.
17. Environment Agency - no objections to the proposed development provided that the following condition is placed on any granted planning permission:

'The surface water drainage from the development must be attenuated for the whole site to the rate of 100 l/s.
Reason: To ensure a satisfactory means of surface water disposal.'
18. The Agency has also commented that an acceptable method of foul drainage would be connection to the foul sewer. They suggest that 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.
19. They indicate that as far as contamination is concerned they have only considered the issue relating to controlled waters. The Agency considers that the controlled waters at this site are of low environmental sensitivity, and have not provided detailed site-specific advice or comments with regards to land contamination issues for this site.
20. The Agency has said 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, it is considered that the proposed development should incorporate Policies 39 (Sustainable Energy Use) and 40 (Renewable Energy Generation).

21. Finally the Agency have said that 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. Also they consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.
22. Northumbrian Water - views awaited. In response to the previous application Northumbrian Water commented that there is an issue about the capacity of the Hustledown Sewerage Treatment Works which is being investigated. It was suggested that the following conditions should be imposed:

‘Development shall not commence until a scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of foul flows has been completed and commissioned in accordance with the approved details.
Reason: The sewerage Treatments Works to which the development will discharge is currently under investigation and cannot accept the foul flows.’

‘Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
Reason: To ensure that the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 Development and Flood Risk.’
23. Police Architectural Liaison Officer - has not commented on the current application but made a number of detailed comments about the previous scheme. These related to issues such as public access, landscaping, boundary treatments, street lighting, surveillance and car parking. A copy of those comments have been passed on to the applicant.
24. The Architectural Liaison Officer pointed out that Planning Policy Guidance Statement 1 (PPS1) states that ‘Planning Authorities should seek to promote communities which are inclusive, healthy, safe and crime free.’ In addition he quotes the guidance contained within Circular 01/06 which states that new development should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.
25. Natural England - the proposal is unlikely to have an adverse effect in respect

of species protected by law, subject to the following conditions:

'No development shall take place unless in accordance with the mitigation detailed within the protected species report '*South Moor Hospital Bats November 2007* ,' including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.

Reason: To conserve protected species and their habitat.'

26. Natural England advise that the local planning authority must ensure that the timeline of works detailed in the mitigation section of the report is followed. They point out that this timeline is now out of date and must be revised to minimise harm to protected species; and this revised timeline secured as part of a condition of planning permission, if granted.
27. In addition they have commented that, if the buildings are not demolished in Summer 2008 demolition during the hibernation period must be avoided and that the applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.
28. Natural England also suggest that an Informative should be attached to any planning permission granted advising that the developer may need to obtain a Natural England licence prior to commencement of works. The developer should be advised by their ecologist with respect to this issue.
29. As the bat is a European Protected Species, Natural England further advise that, subject to these conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in its / their natural range (as defined in Regulation 44 of the Habitat Regulations).
30. Durham Wildlife Trust - views awaited. In response to the previously withdrawn application the Trust expressed concerns about the absence of a bat survey. A bat survey was submitted with the current application.
31. Durham Bat Group - views awaited. In response to the previous application they commented on the presence of bats in the area and expressed concerns at the lack of a bat survey. As stated above the current application includes such a survey.
32. Environmental Health Officer - has not commented as yet on the current application but made a number of comments with regard to the withdrawn application.

33. The Environmental Health Officer commented that there are several nearby sensitive receptors, Middles Farm, Middles Farm Bungalow, the semi-detached properties that were the former hospital cottage and Southlea, the nearby housing estate would also be considered as a nearby sensitive receptor regarding noise from the site. He feels that the main issues to consider surrounding the impact of the proposal on these nearby receptors, from an environmental health perspective, are noise, dust and lighting.
34. It is pointed out that no information has been provided as to the hours of operation or any methods of mitigation to protect nearby sensitive receptors. He suggests that a condition should be imposed recommending that no works are allowed to commence before 07:30 hrs finishing at 18:00 hrs Mondays to Friday, 08:00 hrs to 13:00 hrs on Saturdays and no works on Sundays or Bank Holidays. In addition he suggests that no piling operations are allowed to commence before 08:00 hrs on any day that operations are being undertaken.
35. The Environmental Health Officer suggests that where possible mains electricity should be used on the site to prevent problems with noise from generators. A condition is suggested that no diesel powered generators should be operated on site without the prior written permission of the Local Planning Authority.
36. In addition the Environmental Health Officer recommend that consideration is given to imposing a condition stipulating that hoarding should be used between the site perimeter and nearby sensitive receptors, for example 1.8 metre X 1.2 metre plywood sheeting (stood on the 1.2 metre end); this will not only help to reduce the impact from noise on receptors but also reduce the escape of dust from the site.
37. Finally, with regard to lighting, the Environmental Health Officer has commented that details of any security and finished lighting should be submitted to and agreed by the Local Planning Authority before works commence, in order to prevent any chance of disturbance or nuisance being caused to nearby receptors both during construction and the after use of the site.
38. Neighbours have been consulted, a site notice posted and the application has been advertised in the press. No objections have been received.

Officer Assessment

39. The following issues are of relevance in determining the application; the principle of residential development on the site, affordable housing, access and highways, bat conservation, trees and open space and play provision. Each of these issues is addressed below.

Principle of the Development

40. The application site is currently occupied by the former South Moor Hospital and its curtilage. The site is not allocated for development in the Local Plan as it was operating as a Hospital when the plan was written and was not available for development. In terms of Planning policy the site would be regarded as being a 'windfall site'. Due to recent changes in the health service the hospital is not longer used and the services have been transferred elsewhere. The buildings that occupy the site are vacant and falling into a state of disrepair.
41. Current Government Planning Policy, contained within Planning Policy Statement 3 (PPS3 housing) sets out the policy framework for new housing development. Both PPS3 and PPS1 (Planning Policy Statement 1 Delivering Sustainable Development) promote the use of previously developed land, in particular vacant and derelict sites and buildings (brownfield sites). New housing development should take place on brownfield sites within the built up area in sustainable locations where they are well located to take advantage of existing facilities, infrastructure and services. The Government is committed through PPS3 towards improving the affordability and supply of housing in all communities while providing a high standard of design and promoting sustainability.
42. The application site is clearly brownfield and occupies a sustainable location close to local shops, schools, services and public transport. In terms of its location the site is immediately adjacent to and bounded by the proposed development at Middles Farm, and is well related to the built up area of the settlement.
43. In principle the site meets the Government criteria for new development and would result in the redevelopment of a brownfield site which is vacant and vandalised. Housing development on this land would improve the quality of the environment and would help to support local services. The principle of the development is therefore considered to be acceptable.

Affordable Housing

44. The Council undertook a Housing Needs Assessment in 2006 and a Supplementary Report was prepared for the Stanley Green Corridor Area. This concluded that households in this area are most likely to be headed by someone who is unemployed, long term sick or disabled. In this area incomes are generally lower than elsewhere in the District. The study concluded that there was a recognised shortfall of affordable housing in this area and the need for such housing in the Stanley Green Corridor Area is much greater than in the District as a whole. The report concluded that fifty eight additional affordable homes are required in this area annually.

45. Although a policy is currently being developed with regard to the provision of affordable housing there is currently no such policy in place. Therefore it is not possible to insist that developers provide affordable housing. The applicant has offered to provide 15% affordable housing on the site, which would equate to a total of twelve units.
46. The applicant is proposing that the properties would be offered on a shared equity basis, where the property owner buys a proportion of the property and a Registered Social Landlord holds the remainder of the property in perpetuity, no rent is charged on this element. These properties would be marketed to households with a local connection and who have an annual income of less than £30,000 at the time of purchasing the property. When the occupier wishes to sell their share of the property it would be sold for a percentage value equal to that which they purchased, that is, if they purchased at 60% of market value, it would be sold for 60% market value, at the point of sale.
47. The provision of affordable housing is to be welcomed as it would be a clear planning benefit to the area contributing towards addressing the significant issue of affordable housing in this area. The applicant and the Council would need to enter into a Section 106 agreement with regard to the delivery of the affordable housing. This would be drafted by the applicant and checked by the Council's legal advisors. The associated costs would be borne by the applicant.

Access and Highways

48. The proposed development would be accessed by a new junction to be provided onto Middles Road. Although the existing access to the hospital has been in its present location for a number of years the access is poorly located in terms of visibility. Relocating the access to the east of the existing access would improve visibility and would provide a safe access to the proposed development.
49. The County Council's Highways Development Control Officer has advised that it would be his preference for the hospital site and the Middles Farm development to be considered together with access being taken via the roundabout that would access the Middles Farm site. He advised that the roundabout could accommodate the additional traffic. However, he has raised no fundamental objection to the current application which shows a separate access from Middles Road. It is understood that the applicant has failed to reach an agreement with the owner of the adjoining site with regard to taking access from the proposed roundabout, however, as a suitable and safe alternative access is proposed there can be no objections to the proposed access in planning terms.

50. The indicative layout submitted by the applicant shows footpath links between the proposed development and the housing that is proposed at Middles Farm. Such footpath links would promote sustainability providing important links to shops, schools, services and to the play area which would be provided at Middles Farm as they would allow residents to walk to facilities rather than using their cars.

Bats

51. It is understood that the former Hospital buildings may be used by bats. Although Planning Permission is not required to demolish the buildings Natural England advised that the previous application for this development could not be determined without a bat survey being submitted. They felt that the demolition of the buildings was fundamental to the scheme as the residential development could not take place until the buildings have been demolished. As a result the application was withdrawn. The current application includes a bat survey and mitigation measures.
52. Natural England have commented that the proposal is unlikely to have an adverse impact on species protected by law and have recommended conditions to ensure that the development takes place in accordance with the mitigation details provided by the applicant. As the timeline provided by the applicant is out of date a new timescale must be provided. It is recommended that this is subject to a condition.

Trees

53. A tree report has been submitted with the application which indicates that it would be necessary to fell twelve trees. Nine of these trees have been identified as being in poor condition while the remaining trees to be felled are classed as being in fair condition. It should be noted that the trees on the site are not subject to a Tree Preservation Order. The site lies within the Great North Forest where Policy EN12 of the Local Plan encourages the planting of trees. A landscaping condition is recommended which would ensure that the trees to be removed would be replanted elsewhere within the development.

Open Space and Play Provision

54. The proposed scheme includes an area of open space which links to the public open space which would be provided as part of the Middles Farm development. This would accord with the provisions of Policy HO22 of the Local Plan. While the proposed layout is indicative at this stage footpath links are shown which would link the site to the footpath network that would be provided at Middles Farm. The area of open space contributes to the high standard of design shown on the indicative layout.

55. In accordance with the Council's adopted play strategy the applicant would be expected to pay a commuted sum in lieu of providing an equipped play area on site, which would equate to £300 per dwelling. This would form part of the Section 106 agreement.

Energy Efficiency and Renewable Energy

56. Current Planning policy contained within Planning Policy Statement (PPS) on Climate Change and the Regional Spatial Strategy places greater emphasis on climate change and encourages new developments to have embedded in them energy supplies from renewable sources and to have greater energy efficiency. In order to ensure that the development would incorporate such measures a planning condition is recommended to require the developer to provide a scheme for renewable energy and energy efficiency.

Other Issues

57. The application is in Outline only, with the details of means of access submitted. Therefore while the applicant has provided a site layout this is indicative and permission is not sought for this at the present time. The submitted layout shows a high standard of development which reflects good design principles. In applying for reserved matters the applicant would be expected to maintain the high standards of design to reflect the indicative layout and the development which has been approved on the adjacent site at Middles Farm.

Conclusions

58. The redevelopment of this brownfield site is be in accordance with housing policy which seeks to ensure that new residential development takes place on sustainable sites which have been previously developed. The scheme would incorporate affordable housing which is to be welcomed in an area where there is an identified need for this type of dwelling. A safe access would be provided to the site and the applicant has demonstrated that the issue of bat conservation has been fully addressed. It is recommended that conditional Planning Permission be granted for the scheme subject to the applicant entering into a Section 106 agreement.

Recommendation

59. Conditional Permission, subject to a Section 106 agreement relating to affordable housing and the payment of a commuted sum in lieu of equipped play provision being provided on site.

- Reserved Matters (RM).

- Reserved Matters Time Limit (RMTL).
- Outline Time Limit (OTL).
- Approved Plans (ST01).
- Materials (AO3).
- Means of Enclosure (H14).
- Landscaping (LO1).
- No development shall take place until details of a revised timeline for the bat mitigation work has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved scheme.
- Reason: To conserve protected species and their habitat.
- No development shall take place unless in accordance with the mitigation detailed within the protected species report '*South Moor Hospital Bats November 2007*,' including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.
- Reason: To conserve protected species and their habitat.
- The buildings shall not be demolished during the bat hibernation period.
- Reason: In order to avoid adversely affecting a protected species.
- The surface water drainage from the development must be attenuated for the whole site to the rate of 100 l/s.
- Reason: To ensure a satisfactory means of surface water disposal.
- 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, a scheme providing full details of renewable energy measures for a minimum of ten per cent of the properties shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings to which they relate.
- Reason: In order to promote energy efficiency in accordance with Policy GDP1 of the Local Plan and policies 39 and 41 of the Regional Spatial Strategy.
- No works shall take place outside of the hours 07:30 to 18:00 Mondays to Friday, and 08:00 to 13:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.
- Reason: In the interest of the amenity of the occupiers of nearby residential properties in accordance with Policy GDP1 of the Local Plan.
- No piling operations shall take place before 08:00 on any day that works are being undertaken.
- Reason: In the interest of the amenity of the occupiers of nearby residential properties in accordance with Policy GDP1 of the Local Plan.
- No diesel powered generators shall be operated on the site without the prior written agreement of the Local Planning Authority.
- Reason: In the interest of the amenity of the occupiers of nearby residential properties in accordance with Policy GDP1 of the Local Plan.

- Prior to the commencement of the development details of a site hoarding shall be submitted to and approved in writing by the Local Planning Authority. The hoarding shall be erected in accordance with the agreed details before work begins on site and shall not be removed until the development is complete or the written approval of the Local Planning Authority has been given for its removal.
- Reason: In the interests of the amenity of the occupiers of neighbouring properties in accordance with Policy GDP1 of the Local Plan.
- Details of any external lighting to be erected shall be submitted to and approved in writing prior to its erection.
- Reason: In the interest of the amenity of the occupiers of nearby residential properties in accordance with Policy GDP1 of the Local Plan.
- Development shall not commence until a scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of foul flows has been completed and commissioned in accordance with the approved details.
- Reason: The sewerage Treatments Works to which the development will discharge is currently under investigation and cannot accept the foul flows.
- Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
- Reason: To ensure that the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 Development and Flood Risk.'
- 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 renewable energy measures for a minimum of 10% of the properties shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy measures shall be provided in accordance with the approved scheme prior to the occupation of the dwelling to which they relate.
- Reason: In order to promote energy efficiency in accordance with Planning Policy Statement (PPS) on Climate Change and Policy 39 and 40 of the Regional Spatial Strategy.
- 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 energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. The energy efficiency measures shall be provided in accordance with the approved details prior to the occupation of the dwellings.
- Reason: In order to promote energy efficiency measures in accordance with Planning Policy Statement (PPS) on Climate Change and Policy 39

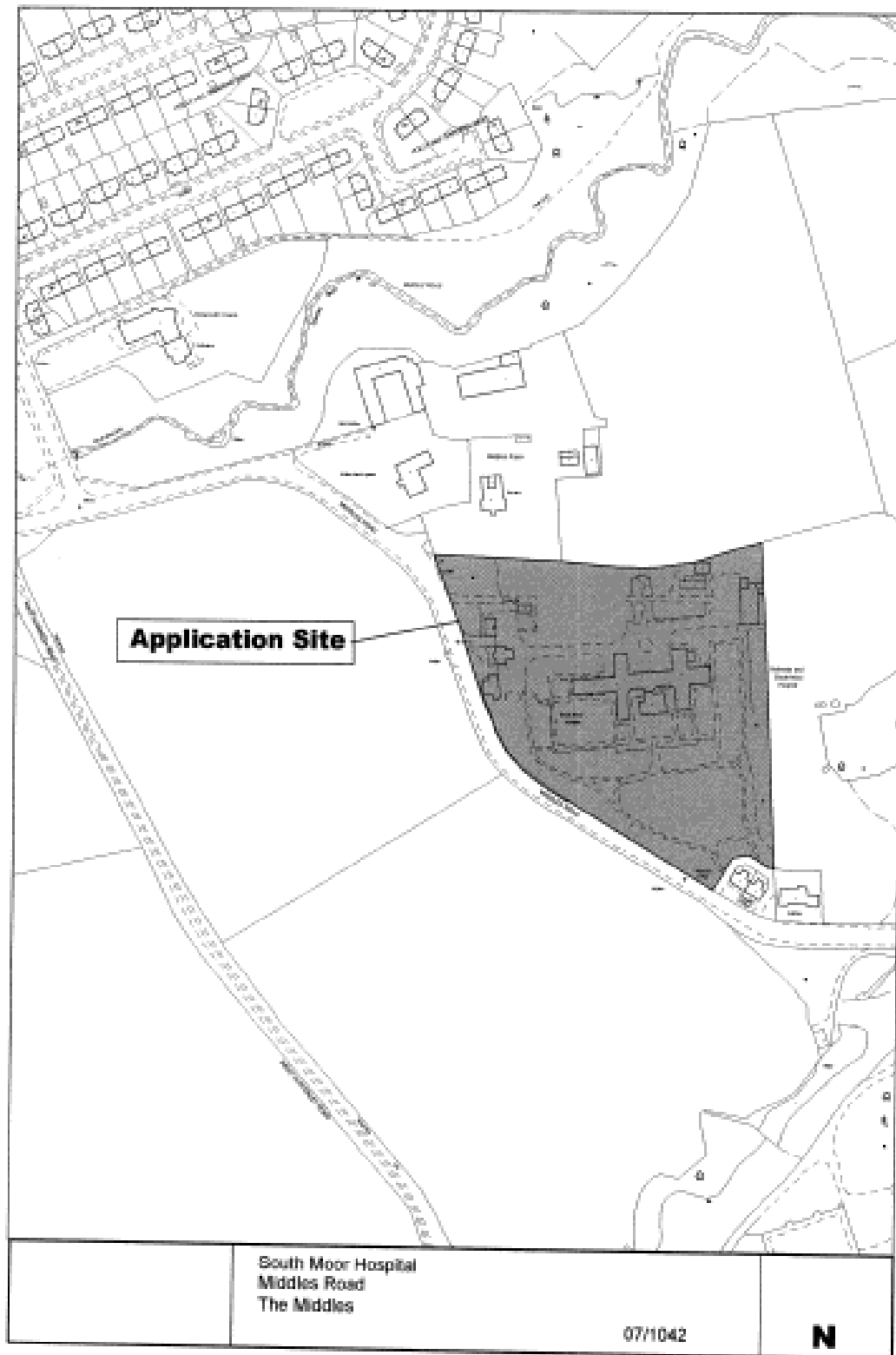
- and 40 of the Regional Spatial Strategy.
- Prior to the commencement of the development, or other such time period as may be agreed in writing by the Local Planning Authority, details of pedestrian links to the highways network shall be submitted to and approved in writing by the Local Planning Authority. The links shall be provided in accordance with the approved details in accordance with a timescale to be agreed in writing with the Local Planning Authority.
 - Reason: In the accordance with Policy TR2 of the Local Plan.
 - Prior to the commencement of the development, or other such time period as may be agreed in writing by the Local Planning Authority, details of the removal of the signage relating to the former hospital, shall be submitted to and approved in writing by the Local Planning Authority. The signs shall be removed in accordance with the agreed scheme.
 - Reason: In the accordance with Policy TR2 of the Local Plan.

Reason for Approval

60. The decision to grant Planning Permission has been taken having regard to policies GDP1, EN2, EN10, EN12, EN19, HO22, TR2 and TR3 of the Derwentside District Local Plan and there are no other material considerations which outweigh the decision to approve the application.

Report prepared by Fiona Clarke, Principal Planning Officer

W:\Development Control Committee\140208\07.1042.doc



RECOMMENDATION FOR APPROVAL

07/0730 AND 07/0731

12.09.07

S and N Pub Enterprises

Kings Head Hotel, Station
Road, Lanchester

Erection of four dwellings with
associated access and
parking, and Conservation
Area Consent to demolish
boundary wall and garage

Lanchester Ward

The Application

1. Planning Permission is sought for the erection of four dwellings within the existing car park of the Kings Head Public House, Station Road, Lanchester. The site measures approximately 0.6 hectares in area. To the south and east of the site lie the Smallhope Burn and its embankments, while to the west is parkland and The Lanchester Valley Walk; the Kings Head Public House lies to the north.
2. The properties would be arranged in an 'L shape' with two properties on each side, connected by garages. A courtyard area would be provided to the front, which would be block paved and would contain a central planter. Each property would have a garage with a parking space to the front. The properties would each contain four bedrooms and would be two storeys in height. They would be erected using stone and slate.
3. Access to the site would be taken via the existing access to the car park. Twenty eight car parking spaces would be retained for the Public House. Vehicular traffic leaving the site would use the existing exit and the applicant is proposing to widen this road. This would result in the boundary wall and garage of The Coach House being taken down and rebuilt. Conservation Area Consent is sought for this work.

History

4. Planning Permission was refused at appeal for the erection of twenty eight apartments with access road and car parking and removal of thirty trees in July 2004 (reference 1/2002/0803/DM). The Inspector felt that the introduction of three and four storey apartments would not preserve or enhance the character or appearance of the Lanchester Conservation Area.

He also expressed concerns about the loss of trees which he felt are a notable feature of the Conservation Area. In addition he felt that the apartments would reduce views across the site to the Grade I Listed Church and the landscape beyond.

Policy

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

General Development Principles (GDP1)
Works to Trees Protected by Tree Preservation Orders (EN9)
Trees and Development (EN11)
Demolition in Conservation Areas (EN14)
Development on Small Sites (HO5)
Development Limit for Lanchester and Burnhope (HO7)
Development and Highway Safety (TR2)

The Lanchester Village Design Statement

Consultations

6. County Highways Development Control Officer - Vehicular movements arising from four dwellings would be relatively low, some of which would take place at periods outside peak activity at the public house. He states that particularly when viewed in terms of current car park usage, he is satisfied that the additional vehicular movements can be accommodated safely, subject to an improvement to sight visibility. Four dwellings are below the limit at which an adoptable standard road is required. He advises that the protected right turn road marking in Station Road would benefit from being formalised, that is, distinct from that marked for right turners into Front Street, and this is being proposed. The Highways Officer advises that a 'traffic' mirror should be erected and retained in the vicinity of the north eastern corner of the PH building in order to afford a degree of inter-visibility between pedestrians exiting the site and arriving vehicular traffic about to turn at the ninety degree bend.
7. The County Highways Officer notes that a car park is to be retained (28 spaces) for the public house. He notes that this is much less than what is available currently, however the fact it has been surplus to requirements has naturally brought forward development proposals over the years. He does not feel that there are grounds with which to sustain an objection based on the reduced level of parking provision for the Public House. A drive space and garage are proposed for each dwelling which is acceptable.
8. In his comments the Highways Officer notes that Planning Permission was given earlier this year (reference 1/2007/0356/DM) for external drinking areas

at the pub. He advises that as part of this current application however, in order to avoid conflict with drinkers / vehicles / pedestrians associated with the new dwellings, the external wooden seating and table areas to the front should be removed. Similarly, the rectangular external covered drinking area to the front of the building (approved as part of 2007/0356 but not yet installed) should not go ahead if this application is approved. The agent has confirmed by e-mail that this part of the 2007/0356 approval is indeed not to go ahead.

9. The Highways Officer advises that sight visibility to the east for exiting traffic joining the B6296 Station Road is impaired by the external seating area boundary foliage. This should be lowered in height to 600mm maximum or the boundary set back slightly back from the highway.
10. He notes that the reduction of the vehicular access width at the site exit on Station Road should reinforce the one way system. Setting back of the wall line at the site exit would aid larger vehicle manoeuvring. 'Pedestrians' road marking symbols should be included within the 1.8m wide footway. He states that the B6296 road marking amendment must be installed prior to dwelling occupancy.
11. The Highways Officer concludes by stating that he has no objections to the application subject to the following conditions being attached to any approval:
 - 1) Prior to occupation of the dwellings hereby approved, the pedestrian and vehicular access improvements shall be fully implemented and available for use.
Reason: In order to avoid restricting arriving vehicular traffic and to lessen potential conflict between motor traffic, PH patrons, and pedestrian movements to dwellings.
 - 2) No external seating or tables or enclosed area shall be installed or placed upon the road to the front of the public house (northern elevation).
Reason: In the interests of highway safety.
 - 3) Prior to occupation of the dwellings hereby approved, details shall be submitted for approval of a 'traffic' mirror to be installed at the north east corner of the Public House building, and retained in perpetuity thereafter.
Reason: In the interests of highway safety.
 - 4) Prior to occupation of the dwellings hereby approved, details shall be submitted for approval of sight visibility improvements at the exit and which shall be retained in perpetuity thereafter unless otherwise agreed.
Reason: In the interests of highway safety.
12. County Council (Design and Conservation Officer) - comments that the site is

a central one, close to all village amenities and in this respect is very sustainable. Part of the site comprises previously developed land forming part of the car park to the Kings Head. She feels that in terms of Conservation Area character the site is important for its natural appearance along the bank of Smallhope Burn and also for enclosing the walls at the entrance, adjacent to the Kings Head. However, she notes that the site has an open expanse of unused tarmac which detracts from the Conservation Area and has no objections to its sympathetic development.

13. With respect to the layout she comments that this respects the site conditions. In particular the trees around Smallhope Burn would be retained and the natural character of the site would remain. The built form of the development of four houses would not extend beyond the existing tarmac and the small courtyard would sit naturally within the enclosure of trees.
14. In terms of the new houses the Conservation Officer states that on the whole the scheme is acceptable. She notes that it would be a small courtyard development on land previously used as the pub car park. The house design would make reference to local scale and character and she considers that the development would sit well on the site. The Design and Conservation Officer questions the use of dormer windows however these were subsequently deleted from the scheme. She notes that in the Conservation Area roofs are generally simple and this form should be reflected on the site.
15. She feels that the chosen palette of materials is acceptable. Initially the scheme incorporated stone and render however the render has been deleted and the buildings would be erected of stone. The Design and Conservation Officer comments that all materials must be natural including timber windows and doors.
16. With regard to the access she notes that vehicular access to this site is very tight and there is a pinch point to the right hand side of the Kings Head. In this location there is a very high stone wall and a garage belonging to the neighbouring property. The Conservation Officer feels that the stone walls are important to the Conservation Area and make a contribution to enclosing the site. She notes that previous discussions have taken place regarding the access and is not opposed to the demolition and rebuilding of the wall and garage, if this allows the development to go ahead. She feels that the existing tree would provide a good 'stop end' and add instant maturity to the realignment. The walls and garage would need to be rebuilt on a 'like for like' basis.
17. The Design and Conservation Officer comments that she is disappointed that there is not room for a footpath at this entrance as it is a natural desire line between the site and the village. She suggests that a different material could be used to provide a shared surface or a pavement be provided alongside the

Kings Head and then cross over to run alongside the realigned wall.

18. In terms of the pedestrian entrance she feels that this requires further attention as the footpath is through the pub car park. She suggests that the possibility of realigning this through the trees between the car park and Smallhope Burn should be explored.
19. The Conservation Officer notes that the only trees to be removed are diseased so there would be no loss to the natural character. She feels that the area on the opposite side of the burn will need management which will need to be agreed.
20. Overall she feels that the development would make a contribution to the Conservation Area, although the pedestrian and vehicular access could be improved with further detailing. She recommends that the application is approved with the following conditions:
 - Vehicular access details reserved for further discussions; that is the alignment of the footpath, surface materials, shared surfaces and natural desire lines.
 - Surface materials throughout the scheme to be agreed.
 - Samples of all materials for the houses to be agreed including a sample panel of stone.
 - All windows to be timber and painted.
 - The rebuilding of the stone wall and garage should reuse existing materials and be built to the same height as existing.
 - Management plan of the woodland should be agreed.
21. Following further discussions with the Design and Conservation Officer she advised that the application could be improved as follows:
 - Making the windows larger.
 - Making the front doors wider.
 - Elongating the buildings so that they are not square but linear in form.
 - Adding variety to the windows by adding stone surrounds to some.
 - Treating the backs of the properties in the same way.
 - Providing greater detail of the proposed materials.
 - More detailed drawings of the elevations should be submitted.

The plans were amended in accordance with her comments.

22. Durham County Council (Landscape) - States that there are a number of trees that have been omitted from the tree survey and recommendations that should have been included in accordance with paragraph 4.1.3 of BS 5837:2005. The *Acer platanoides* situated beside the exit from the car park has, inexplicably, been treated as being off site. The *Tilia* sp. on the roadside verge at the front of the building should also have been included in the survey as they could be affected by the works. He advises that particular attention

needs to be paid to how these trees are to be protected during the development, both from root damage and crown damage from passing vehicles. If it is likely to be necessary to carry out tree works to facilitate access this should be explicitly stated so that consultations can take place on the proposed works.

23. He notes that the details of works that are proposed to take place within the identified Root Protection Areas, such as the new pathway round the northern and eastern perimeter of the site, should be provided together with a method statement detailing how the trees are to be protected from damage.
24. The Landscape Officer advises that the proposed tree works are generally acceptable, however, as the trees at the southern end of the site will be included in the house gardens, it is recommended that a small amount of additional crown lifting to the trees at the southern edge of the existing car park be undertaken. It is also recommended that a further assessment be undertaken of the dead wood within the crowns of the large sycamores, Ts 45, 46, and 47, with a view to removing any that might become dangerous.
25. He states that it is essential that the presence of the trees, particularly the willows, is taken into account when calculating the necessary foundation depths for the houses, if damage to the foundations is to be avoided in the future.
26. In response to the addendum report prepared by the applicant, the Landscape Officer advises that he is happy with the additional details although he comments that some of the trees are incorrectly labeled.
27. Environment Agency - no objections to the proposed development but request that the following conditions be added to any granted planning permission:

‘No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
Reason: To prevent the increased risk of flooding.’

‘Finished floor levels should be set no lower than 113.66 metres above Ordnance Datum plus freeboard.
Reason: To protect the development from flooding.’
28. The Agency has advised that they have received a Flood Risk Assessment, (FRA), which has been provided to support the planning application. The Agency has been reliant on the accuracy and completeness of the FRA in undertaking their view, and can take no responsibility for incorrect data or

interpretation made by the authors.

29. They indicate that the development itself lies outside the modeled 1 in 100 year flood zone, but does lie in flood zone 2.
30. The Agency has said that an acceptable method of foul drainage disposal would be connecting to the foul sewer. They advise that 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. In the event that a connection to the sewer is not possible, they would wish to be re-consulted with details of the proposed method of foul drainage disposal.
31. The Environment Agency have confirmed that they have no objections to the proposed ground raising as long as it is limited to a maximum of 250 mm, is localized to houses two and three only, and uses only material (earth) from the existing site, that is no importation of material.
32. Northumbrian Water - no objections to the proposed development.
33. Natural England - the proposal is unlikely to have an adverse effect in respect of species protected by law. They advise that the Local Planning Authority may wish to attach an informative based on circular 06/2005 if Planning Permission is granted, to make the applicant aware that such species may be present in the general area and the legal protection afforded to such species. They state that any vegetation clearance should take place outside the bird breeding season (March to September inclusive). However, if this is not practicable, any such areas should be checked by a qualified ecologist. If breeding birds or active nests are found, the appropriate action should be taken, as advised by the ecologist. Natural England advises that some trees are identified as a moderate risk of supporting a bat roost. It is understood that these trees would not be affected by the development. They state that should the development change in the future, and the trees are likely to be affected, checking surveys to determine whether bats are present may be needed, and a suitable mitigation strategy developed and adhered to if any roosts are found.
34. Smallhope Burn offers suitable habitat for otters and water voles. Natural England suggest that if the development proposed is likely to cause disturbance to the banks and immediate bankside habitat, it may be prudent for the developer to contact their ecological consultant for advice on precautionary working methods / need for checking surveys, prior to works commencing and implementing any mitigation deemed necessary should such species be located.

35. Durham Bat Group - The value of the trees to bats has been highlighted but not assessed by observation at dusk during the breeding season. The bat group working procedure for tree work should be adopted and any limbs or trunks less than 500 mm girth be allowed provided photographs show that the limb is bat feature free and less than a girth that can be encompassed with two hands.
36. The Bat Group feel that the report seriously underestimates the use by otters and advise that there is regular otter movement along the Smallhope Burn.
37. The Bat Group advises that they are not against the development per se but the developers must be aware of the sensitivity of the area. The effect on the surrounding area could be catastrophic as this is a major wildlife link between the Tyne and the Tees.
38. Lanchester Parish Council - Members are opposed to such a development in that part of the village, confirmed by their concern at access to and egress from the development and the reduction in car parking facilities for the Hotel.
39. Lanchester Partnership - Have made a number of detailed comments which are summarised as follows:

Principle of the development - the development would exacerbate the problems of parking in the village. They state that the site is only a short walk from the shops and services. If the village is to attract more visitors, to assist in promoting economic activity and encourage tourism for which the community has expressed a desire through the Parish Plan, it needs more parking provision for which there are no other locations in the village. Whilst waiting for a report on parking provision from the County Council, the community and the Council have failed to recognise that the site is the only one available to meet the shortfall of such facilities. The Partnership feel that the parking appraisal carried out by the County Council has looked only at the present urgent needs, particularly those related to school trips. The assessment has not taken on board the community's wish to enhance the business and tourist opportunities for Lanchester.
40. The Partnership refer to the previous appeal decision and the importance which the Inspector placed upon the views across the site from the Lanchester Valley Way and which he attached to the "narrow" space between the Kings Head and the houses in Woodlands, and the maintenance of the continuous tree cover which he found to be such a notable feature of the character of the Conservation Area. They refer to paragraphs 8, 9, 10 and 11 of the Appeal decision dated 21st July 2004. The Partnership point out that this "Gap" is the very core of the Strategic Wildlife Corridor through Lanchester with its watercourse; tree covered banks and adjacent open land linking through from farmland to the south and the village green and open

farmland beyond, to the north. It is the “backland / backwater” to the frontage development along Station Road, a continuation of the backland between Front Street and the Smallhope Burn north of the village green, the traditional function of which was ancillary to the buildings along the primary frontage. They refer to the Village Design Statement which they feel recognised the function of the area behind Front Street as a limit to development. In addition they feel that the area behind Station Road performs a similar function of containing the historic core of the village, and separating it from modern development to the south. The building of modern dwellings on the site would fundamentally destroy this unique pattern of development, and in that way be seriously damaging to the character and appearance of the Conservation Area.

41. Analysis of the Development Proposal - The Partnership state that there are four main issues of concern: Access and egress, adequacy of the parking arrangements, the effect upon trees and the design of the proposed dwellings.
42. Access / egress - The proposed access arrangements are considered unsatisfactory on two counts. The Partnership suggest that firstly it does not effectively separate vehicles and pedestrians, and secondly the right-angled bend at the north eastern corner of the pub building lacks an adequate radius for turning vehicles, especially delivery and service vehicle associated with the proposed dwellings, and visibility of and for pedestrians. Moreover, traffic to the dwellings, particularly service vehicles, would have difficulty in approaching the “courtyard” through the car park because of the inadequate corner radii, and in turning within the limited space of the courtyard itself, as it does not have an adequate turning head. They feel that it would seem most likely that service vehicles would follow the carriageway into the exit route at the rear of the pub building and then reverse into the courtyard. This would be highly dangerous, as vehicles and pedestrians, including resident children, would share the same surface.
43. They point out that the exit route is even more restricted in width and alignment. Even widened the carriageway as proposed would be little more than 3m wide bearing in mind the need for overhang margins along the proposed new wall and at the corner of the public house. The Partnership refer to the comments of the Conservation Officer and that she has pointed out that this route is the natural desire line for pedestrians, both those visiting the pub and future residents proceeding into the village. They feel that it would be quite unsatisfactory for such a narrow opening to be both the main pedestrian route and the main vehicular exit from the site.
44. The Partnership states that it is not clear how traffic is to be controlled in order to ensure that the one-way system works effectively. That is how the present arrangement is supposed to work, and it is well known however that frequently drivers enter by the exit and visa-versa. They suggest that road markings

alone would not ensure compliance. However, even if such an arrangement could be secured, the development would lead to considerable road safety hazards for both vehicles and pedestrians.

45. The Partnership has advised that they do not favour the Conservation Officer's suggestion that the footpath access across the front of the pub should continue along the bank of the Burn through the trees. In their view this would not provide a more convenient alignment, and would be difficult to construct on the bank threatening the trees and whole ecology of streamside corridor.
46. Parking Arrangements - It is not clear on what basis the assessment of car parking 'need' for the public house has been made. The Partnership point out that on occasions even now, during the summer months in particular, at weekends during good weather, and discounting traffic attracted by off site events, there can be three-dozen vehicles at the premises. Moreover, although the plan shows 28 spaces, some 7 or so of them are presently taken up by waste bins and other disposal arrangements. The Partnership is therefore not satisfied that the scheme provides adequately for the future needs of the public house.
47. Effect of the development on Trees - The Partnership understands that even now a revised plan showing all the trees is still awaited. It is imperative that the trees alongside and in the bend of the Burn should be adequately safeguarded in the longer term so that they may be allowed to grow to maturity without the need for lopping or topping, except as may be needed for their proper management. They state that as presently shown it seems probable that future residents might well seek to have them cut back to afford light into the dwellings and avoid overshadowing of rear gardens. An inspection of the site reveals that the large Willow trees along the middle section of the northeast boundary overhang the paved area by about 5m. They suggest that as the backs of houses 1 and 2 are only some 8.5m from the edge of the paved area, they would only be 3.5m from the overhang of the trees, which are of a considerable height at this point. They feel that there can be little doubt that if built in this position future residents would have a very good case for seeking the lopping and topping of the trees, if not their felling, with the consequent detriment to their impact on the area and the appearance and character of the Conservation Area. The Partnership note that, although the Sycamore trees at the southern end of the site are not as large they overhang the paved area by more than 3m. They point out that houses 3 and 4 are some 8.5m into the paved area but the trees lie due south of the proposed dwellings and are as yet immature requiring space for their further growth. Whilst future residents might not seek early cutting back of them it is inevitable that they would do so long before they reach maturity. The Partnership take the view that as the proposal stands it would inevitably prejudice the retention of surrounding trees to the detriment of the character

and appearance of the area. In support of this view they have cited the virtual destruction of trees at the foot of the former railway embankment to the rear of Woodlands just south of the site.

48. It is understood that the rear gardens are not to extend beyond the limits of the present paved area. The Partnership feel that this would be very important so that the area on the bank of the Burn and in the bend at the southern end of the site can “be taken over” in some way and effectively maintained as a wooded part of the Wildlife corridor and not form part of the gardens to be used as part of the domestic curtilages. They point out that such an arrangement would not overcome the difficulties regarding the overhanging trees.
49. Design of the dwellings - The Partnership state that they agree with much that has been said by the Conservation Officer. The dwellings, bearing in mind their detached form, have a somewhat mean look. They feel that they would be better designed with rather elongated frontages and better proportioned, larger, windows and doors with stone surrounds. They also feel that they would be more in keeping with their location within the conservation area with a more homogeneous use of materials, avoiding “Queen Anne fronts and Mary Anne backs”, and would much prefer to see the use of local stone throughout with slate roofs and blue slate ridges rather than contrasting red tiles. They agree entirely with her that the dormer windows on the linking garage elements would not be appropriate.
50. The Partnership is of the view that the scheme is quite unacceptable since the damage caused would be seriously detrimental to the character and appearance of the Conservation Area. They believe that the shortcomings are irreconcilable and the application should be refused not only on the detailed grounds but also on the grounds of principle.
51. Neighbours have been consulted, a site notice posted and the development advertised in the press. A letter has been received from the occupier of the neighbouring property, Inglenook which indicates the following:
 - No objection in principle to the application.
 - Only concern is the planting area immediately bordering their property. The ground level of the new dwelling is several feet higher than their plot. This would mean that, as their property is south facing, any trees planted in this area would shade their house and garden. As they feel that they are already overshadowed by many trees in the play area, they would be grateful if planting in this area could be restricted to shrubs.
52. A letter has also been received from a resident of Lanchester who does not live adjacent to the application site but makes the following comments:
 - In their response the Environment Agency said that the sewerage

undertaker should be consulted on the application and requested to demonstrate that the sewerage disposal systems serving the development should have sufficient capacity to generate the additional flows generated as a result of the development without causing pollution. According to the file this does not seem to have been done.

- According to the applicant “The development does not extend into the substantial wooded area to the south that exists in the bend of the river, moreover this area will not be included within the gardens of the proposed properties. The applicant is happy to discuss further the arrangements for the “remaining woodland area” and later states that “This area is to be fenced off and retained by the applicant in its ownership – as the most certain way to avoid pressure on the trees to be felled.” The Design and Conservation Officer has said that the woodland area on the other side of the burn would need management and this must be agreed, but that area is not under the control of the applicant. What the Design and Conservation Officer said applies to the wooded area which is to remain in the ownership of the applicant and not to be included within the gardens of the properties - proper future management of this area needs to be agreed.
- The Durham County Bio-diversity Action Plan and letter from Durham Bat Group make it clear that the site is in a unique position and very sensitive. Smallhope Burn is a major link in the strategic wildlife corridor between the Tyne and Tees and of important ecological value. Natural England are relying heavily and exclusively on the Ecological Risk Appraisal submitted by the applicant. This is criticised by the people with specialised knowledge of this locality and its wildlife as being based on an inadequate survey for bats and seriously underestimating the signs of use of the Smallhope Burn by otters.
- Natural England say that in order to protect breeding birds any clearance of vegetation should preferably be carried out outside the season (March to September) but if this is not possible the area should be checked before vegetation is removed by a qualified ecologist and appropriate action taken as advised. It appears, in view of the present time of year, most likely that if Planning Permission is granted, at least a start would be made to the development within this period. In these circumstances they have asked this Council to impose a condition to ensure that before any vegetation is removed, the area is checked by a qualified ecologist and appropriate action taken as advised.
- With regard to riparian mammals, particularly otters and water voles, Natural England says that if development may cause disturbance to the banks and immediate bankside habitat, it would be prudent for the developer to consult an ecologist for advice on precautionary working methods and any need for checking surveys prior to work starting and implement any mitigation measures deemed necessary in order to conserve protected species and habitat. An appropriate condition needs to be imposed.

- It is essential to protect the Smallhope Burn itself from pollution or disturbance because it brings together the aquatic and riparian wildlife, trees and undergrowth, bats and birds. The following condition is appropriate therefore:
No development shall commence until a method statement which outlines the measures to be put in place to prevent pollution and disturbance to the local watercourse during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. From the start up, to the completion of the approved development, the construction works shall be undertaken in accordance with the method statement. Reason: To minimise any likely impacts of pollution or disturbance on the environment and wildlife.
- The applicant has said that limited tree removal is proposed only to remove those trees that are diseased or structurally unsafe. The County Council's Landscape Officer said that particular attention needs to be paid to how trees surrounding the site and along it's access and exit are to be protected during development, both from root damage and crown damage from passing vehicles, if it is likely to be necessary to carry out tree works to facilitate access. This should be explicitly stated so that consultations could take place on the proposed works, details of the works proposed to take place within identified root protection areas should be provided, together with a method statement detailing how the trees are to be protected from damage.
- Natural England notes that several trees are at risk for bat roosts which is confirmed by a survey carried out in 2004 which states that if trees are affected by development. Checking surveys are needed and a suitable mitigation strategy should be developed and adhered to. A condition to this effect should be incorporated into the Planning Permission for this development.
- The Bat Group stress the sensitivity of the area and state that the developer must be aware of the sensitivity of the area and demonstrate that they are going to make all personnel aware of the risks of collateral damage. They consider the effect on the surrounding area could be catastrophic. The Bat Group advises that a proper method statement from the contractors might be the best way to achieve the necessary awareness. They ask that a satisfactory method statement for the contractors and everyone involved in the development, including those delivering and using plant and materials and doing groundwork, is conditioned to be in place prior to commencement of work on site and strictly adhered to throughout the development, for the purpose of protecting the environment within the Lanchester Conservation Area, protected species and their habitat.
- Natural England suggests that if Planning Permission is granted, information contained within Government Circular 06/2005 should be given to the applicant. Since it is clear that protected species such as otters and bats are present and may be affected by the development, they ask that

the Council issue the relevant information.

Officer Assessment

53. The proposed erection of four houses within the car park of the Kings Head Public House, Lanchester raises a number of issues for consideration in determination of the application. Members will firstly need to consider whether the principle of residential development on this site is acceptable. Access to the site would be taken via the existing access to the car park and Members will need to consider the highways matters. The site lies in a sensitive location within the Lanchester Conservation Area, in relatively close proximity to All Saints Church which is a Grade I Listed Building. Therefore the Council has a statutory duty to have special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest, along with preserving and enhancing the Lanchester Conservation Area. Design issues will therefore be particularly important in considering this scheme. The site is also in a sensitive location in terms of its siting adjacent to the Smallhope Burn, an important wildlife corridor and consideration needs to be given to the impact upon this together with the effect on trees, bats and other protected species. Proximity to the burn also makes flooding an important issue which will need to be considered together with sewerage disposal. Finally, the views of consultees will need to be taken into account.

Principle of the development

54. The application site forms part of an existing car park to the rear of the Kings Head Public House. As the application site measures less than 0.4 hectares it must be considered against saved Policy HO5 of the Local Plan which refers to the development of small sites. In principle the development of this site for housing would be acceptable. It would be appropriate to the existing pattern and form of development in the settlement, would not extend beyond the existing built up area of the settlement and would not represent unacceptable backland or tandem development. In addition the site lies well within the area identified by the Lanchester Development Limit as defined by saved Policy HO7 of the Local Plan.
55. The site forms part of the curtilage of a commercial premises and in terms of the guidance contained within Planning Policy Statement Three (PPS3-Housing) it would be classed as a brownfield site within the built up area of Lanchester. The guidance promotes the use of previously developed land, and those sites which occupy a sustainable location close to local shops, services and public transport. Due to the proximity of the site to the village, residents of the proposed properties would not be solely dependant on the private car as a means of transport, as the village is served by public transport. Services within the village are within easy walking distance and this

includes shops, schools and recreational facilities. In addition the Lanchester Valley Walkway is close to the site allowing opportunities for cycling. Therefore, in Planning policy terms, this would be regarded as being a sustainable brownfield site suitable for development.

Access and Highways Issues

56. The previous application for the erection of twenty eight apartments on the site proposed access directly from the A691 road through Lynwood House via a new bridge. The current proposal would however use the existing access arrangements for the Public House. Access to the dwellings would be taken via the existing entrance to the east of the Public House. Traffic would exit via the existing exit which is situated to the west of the building. The current exit from the car park is narrow and an agreement has been reached between the applicant and the owner of the adjacent property to improve this exit. This would involve the demolition and rebuilding of a boundary wall and garage which is in the ownership of the Coach House. Conservation Area consent is sought for this work.
57. The Highways Officer has raised no objections to the application and points out that the plans have been amended since he first saw them to include a pedestrian route from the proposed dwellings to Station Road. It is anticipated that this would be done by the provision of different surfacing. It is suggested that if Members are minded to approve the application a condition is imposed to require full details of the surfacing materials to be submitted. This would include details of the proposed surfacing of the courtyard area to the front of the properties to ensure that this would be a different material to the car park of the public house. Such surfacing would help to delineate the residential area from the car park of the Public House.
58. A number of conditions have been suggested by the County Highways Officer. One of the conditions would require the improvements to the pedestrian and vehicular access to take place before the dwellings could be occupied. It is essential that these works are carried out in accordance with this timescale in terms of highway safety.
59. The scheme would incorporate adequate car parking facilities for residents with one car parking space and garage being provided for each property. Additional visitor car parking could be accommodated within the courtyard area to the front of the properties. A total of twenty eight car parking spaces would be retained for the Public House. This is considered to be an adequate number of spaces to accommodate the parking associated with the Public House.
60. Members may recall giving consideration to access being taken to a residential property through a car park when considering an application for a

dwelling in Medomsley on land to the north of 33 Manor Road, (reference 1/2006/0135/DM). Although the applicant had an agreement with the owner of the adjacent car park to take access over this land, Members felt that the use of the adjacent car park for access was unacceptable as it was outside of the control of the applicant and could be blocked off in the future. An appeal was submitted against the refusal of permission and the Inspector felt that the applicant had failed to provide a clearly defined and safe vehicle access and exit. The current proposal differs from the application in Medomsley in that the application site includes both the whole curtilage of the Public House. This means that the Public House, the car park and the area on which the houses would be erected lie within the application site. As such the applicant has control over the access to the site and in selling the properties to future owners the deeds would incorporate details of rights of access to the properties.

61. Objections have been raised by the Lanchester Partnership that the development of the site would lead to a loss of car parking facilities for the village. This is because the existing car park is used by people using the shops and services within the village as well as customers of the Public House. It should be noted that the car park is a private car park and not a public facility. While in practice the car park is currently available for general use the landowner could legitimately take action to prevent public parking. The Lanchester Village Design Statement refers to the need for more car parking within the village and car parking is clearly an issue in Lanchester. There are no Local Plan policies to protect the site from future development and it would be inappropriate to try to safeguard the site from development on the grounds that it should be retained as a public car park.

Design and Appearance

62. In considering the design and appearance of the development careful consideration needs to be given to the impact of the development on the character and appearance of the Conservation Area, and protecting the nearby Listed Church.
63. The previous application for twenty eight apartments refused indicated that the apartments would have been contained within two blocks, each being three and four storeys high (with the top floor being within the roofspace resulting in the blocks actually being 2 ½ or 3 ½ storeys high). Access would have been taken from the A691 via an existing access to Lynwood House; a new bridge would have been required to cross Smallhope Burn. The current proposal is therefore a significantly different proposal to the previous application, seeking permission for only four two storey dwellings with access being taken via the existing access and using the existing exit.
64. In considering the appeal the Inspector felt that one of the main issues was

the effect of the proposal on the character and appearance of the Conservation Area. He felt that the introduction of three and four storey blocks of the scale and mass proposed would be detrimental to the character and appearance of the Conservation Area.

65. The applicant has given careful consideration to the design of the proposed properties and the materials to be used in their construction. Since the application was submitted the applicant has amended the design in order to reflect the comments made by the Design and Conservation Officer and the Case Officer. The scheme originally incorporated dormer windows in the roofspace above the garages, however the applicant was advised that the Lanchester Village Design Statement discourages the use of dormers as these are not a traditional feature in the village. These were subsequently deleted and other design amendments made.
66. The applicant has advised that the proposed dwellings have been designed as cottage style properties to reflect the scale and massing of the surrounding buildings. The Design Statement advocates the use of traditional materials and through negotiation the applicant has agreed to use stone and slate for this development. In order to ensure that new development in Conservation Areas respects its surroundings careful attention needs to be paid to the details of the scheme. The applicant has adhered to the design guidelines contained within the Design Statement by providing pitched roofs with simple eaves details with traditionally designed doors and windows.
67. In order to ensure that the scheme is successful in terms of its design a range of conditions are suggested. These would require samples of the stone and slate to be submitted and approved, the stone to be laid naturally, the pointing to be recessed, wooden doors and windows to be used, and the rainwater goods to be black. In addition a condition is suggested to remove Permitted Development Rights which would prevent future homeowners from undertaking extensions or alterations to their properties without applying for Planning Permission.
68. The proposed dwellings are well designed and due to their traditional detailing would preserve and enhance the character or appearance of the Lanchester Conservation Area. In terms of scale the proposed properties are appropriate to the site.
70. The Lanchester Partnership has mentioned that in determining the previous appeal on the site the Inspector noted the importance of views across the site. The application site would continue to be screened from Durham Road by the existing tree cover. Unlike the previous application significant numbers of trees would not be removed. While it may be possible to see the proposed dwellings from Durham Road, particularly in winter, the reduced scale of the scheme would result in the dwellings being significantly less prominent and

more appropriate to their surroundings.

71. The Inspector noted that pedestrians and cyclists using the Lanchester Valley Way have views across the site of the Listed Church. He felt that the three and four storey apartments that were proposed would obstruct those views of the Church and its setting beyond. The Inspector noted that the loss of this view would, in his opinion, be detrimental to the character and appearance of the Conservation Area.
72. The reduction in the scale of the buildings proposed would mean that the proposed dwellings would have much less impact on the view from this location and in Planning terms it would be difficult to protect this view.

Demolition within the Conservation Area

73. As stated previously, in order to facilitate the improvements to the exit to the site, it has been necessary for an application to be made for the demolition of a wall and garage at the neighbouring property, Inglenook. The wall and garage would be rebuilt. The garage is not an important feature in the Conservation Area however the wall provides an attractive boundary feature. The demolition and rebuilding of the wall and garage would not adversely impact on the character and appearance of the Conservation Area, providing that the wall is rebuilt in accordance with the approved details.

Trees

74. The previously refused scheme for the site involved the removal of a significant number of trees, whereas the current scheme would only result in the removal of trees that are unsafe, diseased or dying. Regardless of the current Planning application such trees could be removed. The trees surrounding the site form an important screen for the site and help the site to blend in with its surroundings. The fact that only a small number of trees would be removed is clearly of benefit and would ensure that the scheme sits well within its surroundings.
75. The Landscape Officer has advised that he is generally satisfied with the proposed works. In order to protect the trees during the construction works the developer would be required to protect the trees. A condition would be imposed to ensure that this would take place.
76. Concerns have been expressed regarding the wooded area of land beyond the car park in the bend of the Smallhope Burn. It was felt that if this area were to be included within the gardens of the properties there would be pressure to fell the trees from the homeowners and turn these areas into domestic curtilage. This would be unwelcome as it would change the character and appearance of this important area and reduce the impact of the

important screening on the site. The applicant has clarified that the area is to be retained in the ownership of the applicant. As such, it would continue to be maintained by the applicant.

Biodiversity Issues

77. The application site is in a sensitive location adjacent to the Smallhope Burn which forms part of a strategic wildlife corridor between the Tyne and the Tees. The Durham Bat Group has stressed the importance of this area. In determining the application it is important to ensure that the scheme would not adversely impact upon this area and the habitat which use the burn and its banks.
78. Natural England has advised that the scheme is unlikely to have an adverse effect on species protected by law. They have pointed out that any clearance of vegetation should take place outside of the bird breeding season (March to September inclusive). Natural England have acknowledged that this may present problems for the developer and have suggested that if such work needs to be done within this timeframe the area should be checked by a qualified ecologist. In order to protect the ecology of the area it is recommended that a condition be imposed with regard to this work.
79. Natural England is aware that some trees on the site have a moderate risk of supporting a bat roost. While they note that these are not presently affected by the scheme, if the scheme changes in future it would be necessary to reassess whether there would be any impacts on bats. The Council would need to be notified if the applicant wished to remove any further trees that are not identified on the application and this issue would be examined at that time.
80. The Smallhope Burn forms suitable habitat for water voles and otters. Natural England advises that if the development is likely to cause disturbance to the banks of the burn an ecologist should be consulted. The scheme does not include any works to the banks, and the developer will be made aware of the sensitivity of the area. A condition should be imposed requiring an ecological survey to be carried out in the event that any works are carried out within this area.

Flood Risk and Sewerage Disposal

81. The application site lies adjacent to the Smallhope Burn and the site is shown as being partly within the indicative floodplain as identified by the Environment Agency. As such the applicant is required to submit a Flood Risk Assessment for consideration with the application. The Environment Agency has advised that they have no objections to the development but have requested that a number of conditions are imposed. It is recommended that the conditions requested by the Agency are imposed. These would require details of surface

water drainage limitation, and require the finished floor levels of the properties to be set no lower than 113.66 metres. It is understood that this would necessitate the raising of the ground levels for plots two and three. The Agency are satisfied with this, although they have indicated that a condition should be imposed to prevent the levels from being raised by more than 250 mm, and that the ground raising is localised to houses two and three only. It is recommended that such a condition would be imposed.

82. An objector has pointed out that the Environment Agency have advised that the sewerage undertaker should be consulted and asked whether there is sufficient capacity at the sewerage works to accommodate flows from the development. Northumbrian Water was consulted on the application and they have raised no objections. In the event that they are aware of capacity issues at the sewage works, these would have been mentioned in the consultation response in accordance with normal practice.

Conclusions

83. The proposed development of four houses on a brownfield site within the Lanchester Conservation Area is considered to be acceptable in principle. Through detailed negotiation the design and materials of the proposed dwellings has been amended and the proposed dwellings would be of a high standard of design. As such Officers are satisfied that the development would preserve and enhance the character or appearance of the Conservation Area. The site occupies an environmental sensitive location, however a range of conditions are suggested that should ensure that the scheme would not adversely affect biodiversity or protected species.

Recommendation

84. Planning Application - 1/2007/0730/DM

Conditional Permission

- Standard Time Limit (ST).
- Approved Plans (ST01).
- No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- Reason: To prevent the increased risk of flooding.
- Finished floor levels should be set no lower than 113.66 metres above Ordnance Datum plus freeboard.
- Reason: To protect the development from flooding.
- Notwithstanding the submitted details there shall be no raising of ground

levels other than the raising of the ground in relation to plots two and three. The ground raising shall be restricted to a maximum of 250 mm only and shall use only material (earth) from the existing site.

- Reason: To protect the development from flooding.
- Prior to occupation of the dwellings hereby approved, the pedestrian and vehicular access improvements shall be fully implemented and available for use.
- Reason: In order to avoid restricting arriving vehicular traffic and to lessen potential conflict between motor traffic, PH patrons, and pedestrian movements to dwellings.
- No external seating or tables or enclosed area shall be installed or placed upon the road to the front of the public house (northern elevation).
- Reason: In the interests of highway safety.
- Prior to occupation of the dwellings hereby approved, details shall be submitted for approval of a 'traffic' mirror to be installed at the north east corner of the Public House building, and retained in perpetuity thereafter.
- Reason: In the interests of highway safety.
- Prior to occupation of any of the dwellings hereby approved, details shall be submitted for approval of sight visibility improvements at the exit and which shall be retained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.
- Reason: In the interests of highway safety and to comply with Policy TR2 of the Local Plan. No development shall commence until a method statement which outlines the measures to be put in place to prevent pollution and disturbance to the local watercourse during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. From the start up to the completion of the approved development the construction works shall be undertaken in accordance with the method statement.
- Reason: To minimise any likely impacts of pollution or disturbance on the environment and wildlife.
- Tree Protection (L10).
- Materials to be natural stone and slate (A10).
- Test Panel of materials (AO6).
- Stone to be laid naturally (AO8).
- Within one month of the commencement of the development or other such time period as may be agreed in writing with the Local Planning Authority details of the bricks to be used for the proposed chimneys shall be submitted to and approved in writing by the Local Planning Authority. The chimneys shall be constructed using the approved materials.
- Reason: In the interests of the character and appearance of the Conservation Area.
- Rainwater goods (A13).
- Notwithstanding the details submitted with the application full details of the proposed windows shall be submitted to and approved in writing. The windows shall be installed in accordance with the approved details.

- Reason: In the interests of the character and appearance of the Conservation Area.
- Notwithstanding the details submitted with the application the proposed windows and doors shall be constructed of wood and painted.
- Reason: In the interests of the character and appearance of the Conservation Area.
- Windows to be inset (A12).
- Within one month of the commencement of the development or other such time period as may be agreed in writing with the Local Planning Authority details of the proposed surfacing materials for the development, including the courtyard and footpath linking the dwellings with Station Road, shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall take place in accordance with the approved details.
- Reason: In order to properly control the development.
- Remove PD Rights (PD01).
- The clearance of vegetation shall only take place outside of the bird breeding season (March to September inclusive). In the event that vegetation is cleared outside of this timeframe it shall be done with prior consultation of a qualified ecologist and in accordance with a method statement to be prepared by the ecologist.
- Reason: In order to protect the ecology of the area.
- Prior to any works being carried out on the banks of the Smallhope Burn an ecological survey shall be submitted to and approved in writing. The works shall be carried out in accordance with the recommendations of the report.
- Reason: In order to protect the ecology of the area.
- The wall and garage to the western side of the Kings Head Public House shall be erected in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.
- Reason: In the interests of the character and appearance of the Conservation Area in accordance with Policy EN14 of the Local Plan.

Conservation Area Consent Application - 1/2007/0731/DM

Conditional Consent

- Standard Time Limit (ST).
- Approved Plans (ST01).
- No work shall commence on the demolition hereby approved until the contracts for the erection of the dwellings (Planning Permission reference 1/2007/0730/DM) is in place.
- Reason: In the interests of the character and appearance of the Conservation Area in accordance with Policy EN14 of the Local Plan.
- The wall and garage shall be erected in accordance with the approved details prior to the occupation of any of the dwellings approved by

Planning Permission 1/2007/0730/DM).

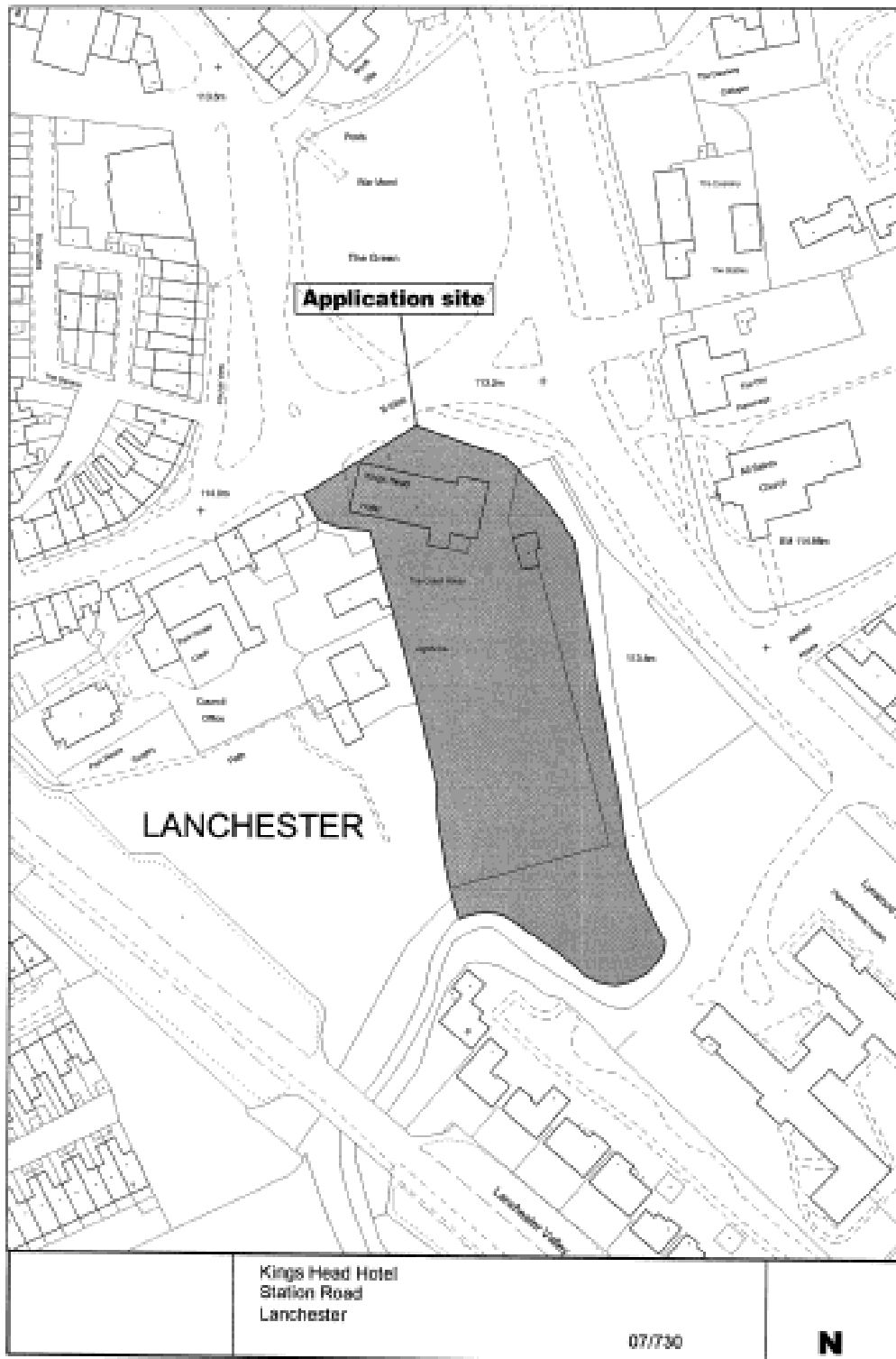
- Reason: In the interests of the character and appearance of the Conservation Area in accordance with Policy EN14 of the Local Plan.

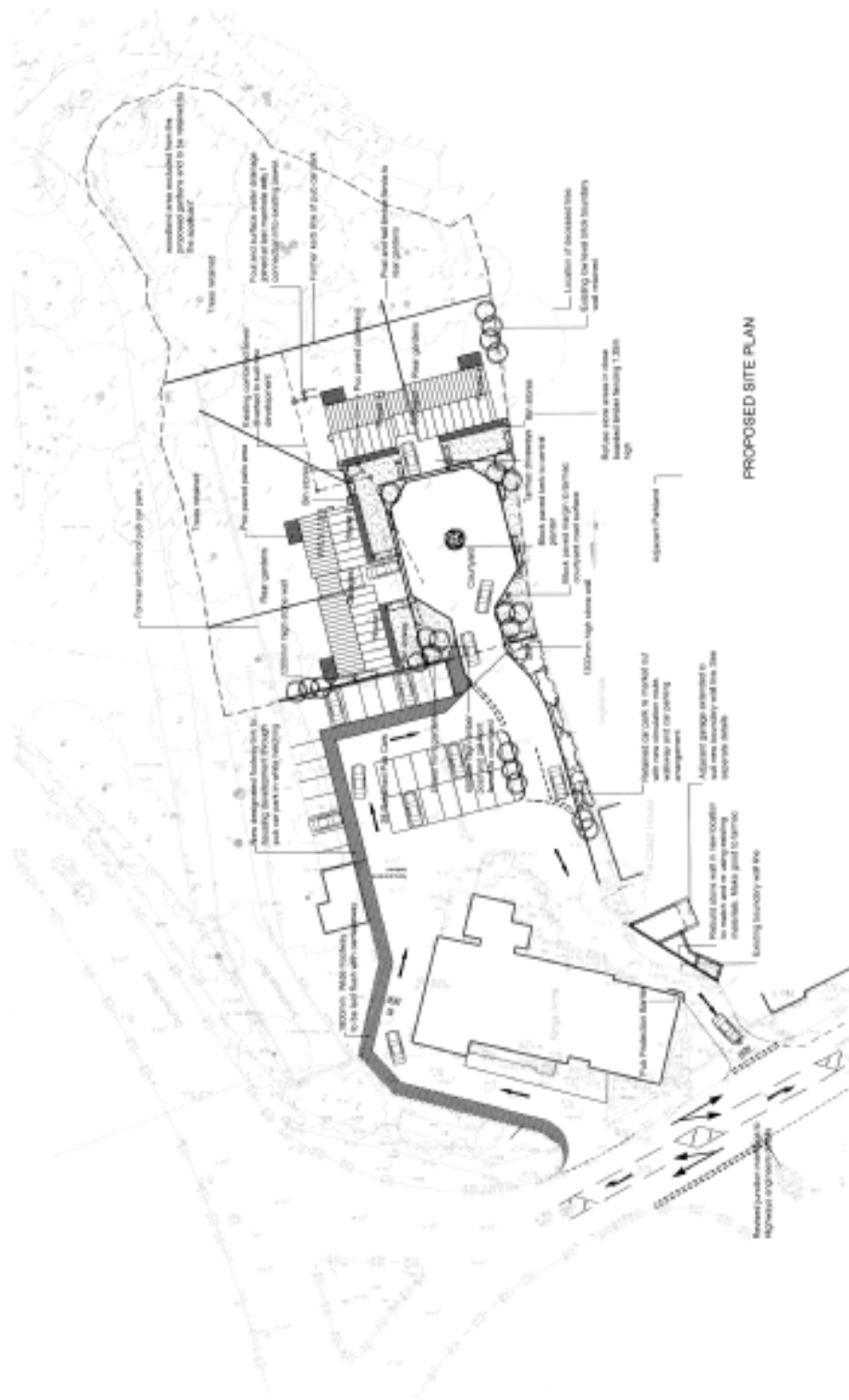
Reason for Approval

85. The proposed residential development is considered to comply with Policies EN9, EN11, EN14, HO5, 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 Fiona Clarke, Principal Planning Officer

W:\Development Control Committee\140208\07.0730.doc





RECOMMENDATION FOR APPROVAL

07/1036

10.12.07

Matrix Construction and
Development

Low Row Farm, Cornsay

Application to vary
conditions 2 and 19 of
planning permission
1/2006/0364 relating to the
approved plans for the barn
conversions and the
surfacing of the roads

Cornsay Ward

The Application

1. Planning Permission exists to convert the former agricultural barn buildings at Low Row Farm into four dwellings (reference 1/2006/0364/DM). The Planning Permission has now been implemented; the barns have been converted and the access road, together with the hard and soft landscaping works, are currently being carried out on site. None of the dwellings are occupied as yet.
2. It has come to the Council's attention that the barns and the surrounding access road have not been built and the surrounding works not carried out strictly in accordance with the approved plans. Therefore the developer wishes to seek authorisation for the changes implemented on site rather than revert back to the existing permission. In planning terms to authorise the changes the developer is required to vary the conditions of the Planning Permission to which the changes undertaken on site relate to. These are as follows:
3. Condition 2: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
4. Condition 19: Before the occupation of the first residential unit, full details of the proposed access, including any areas of hardstanding, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to occupation of any unit. The reason was to ensure a satisfactory means of access to the development.

5. Therefore the application is required to assess whether the changes that the applicant has implemented on site from the approved plans and information submitted to discharge condition 19 relating to the roads is acceptable in planning terms and whether the Local Planning Authority would grant planning permission for these changes based on what has been implemented on site.

History

6. Planning permission was granted in 2006 for the change of use of former agricultural buildings to four dwellings and the erection of a detached garage block at Low Row Farm (reference 1/2006/0364/DM). The application follows the grant of Planning Permission for a similar scheme in 2004, although this sought various design amendments to the proposals.
7. Planning Permission was granted in 2004 for the conversion of the buildings to provide four dwellings (reference 1/2003/1058/DMFP). Also in 2004 planning permission was refused in respect of the change of use of the buildings to a dwelling, workshop and restaurant (reference 1/2003/0767/DMFP).
8. In 2001 Planning Permission was granted for the change of use of the buildings to three live / work units, garage and workshop including the erection of a new garage block (reference 1/2000/0653/DMFP).

Policy

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

General Development Principles (GDP1)
Conversion of Rural Buildings (EN4)
Development within Areas of High Landscape Value (EN6)
Development and Highway Safety (TR2)

Consultations

10. County Highways Development Control Officer - The Highways Officer advises that the latest plan has the same number of formal car parking spaces as the approved layout. He points out that the distance between the two parking bays (adjacent plot 3) and the barn opposite is slightly substandard (i.e. below 6m reversing space) although in that respect it is not different to the approved layout. However, the area opposite plot 3's garage door and the objector's drive is adequate, at least being 6m and the garage door is the same setback distance as that approved as part of the previous application. The land upon which maneuvering in / out of the garage would take place is indicated as being in ownership of applicants. The Highways Officer presumes the objector has a right of access only across the applicant's land.

There is no basis with which to object to the position of plot 3's garage now, and he cannot see a highway safety issue. Nevertheless he would recommend that the hardstanding area next to plot 3's garage is widened where it meets the tarmac road or a small radius (i.e. 1m) is installed at the southern corner, in order to facilitate better access.

11. County Design and Conservation Officer - The Design and Conservation Officer considers that the developer has made a really good job of the conversion and that the barns "look fabulous". She points out that the developer has even constructed a dry stonewall along the boundary with the existing farmhouse. From the Design and Conservation Officer's perspective this would be an added feature to compensate for the loss of the steps. The external stone staircase has been removed, and although in her opinion it was a good feature, she advises that it was in very poor condition. In the light of the good quality of the overall scheme and the good restoration of the wall behind the steps she would raise no objections to its removal.
12. Council Engineer - The Council's Engineer confirms that the tarmac roadway is a far superior surface than gravel previously proposed. He highlights that due to the longitudinal gradient of this roadway it would have been very difficult to stop all the gravel being moved down the slope causing problems with both accumulation of loose material and possible blocking of the south west drainage, hence future flooding problems and maintenance implications. He advises that the kerbstones will stop any water from this roadway adversely affecting the adjacent barn as the 'check' on the kerb will keep all surface water contained within the roadway and hence discharged into the adjacent burn by the south west drainage, which is acceptable for this roadway. He is of the opinion that the only water that will adversely affect the barn is from the barn's own roof drainage which is currently defective and allowing the rain water to fall into the barn and not into the guttering as this is in need of repair. If the guttering to this building was fixed the amount of rainwater landing between this building and the kerb would be negligible and would cause no more damage than would have occurred had the development not taken place. With regards the ponding on the road adjacent the neighbour's house and the entrance at the main road, the final surfacing has not yet been laid and when this finished surface is completed, if done correctly, he is of the opinion this should solve these problems.
13. The neighbour at Low Row Farmhouse has been consulted and has objected to the application. The concerns raised are summarised below:
 - What road / kerb levels are being approved, compared with the original track and verge levels?
 - The applicant states that none of the land is part of an agricultural holding, yet the first part of the access is registered to South Farm, and thus the applicant is not the owner of all the land to which the application relates.
 - They have right of access to their property at any point along the common

- drive which has been widened.
- They have an access off the common drive onto their property, just in from the junction with the highway. They therefore require a dropped kerb here. However, the developer has installed a high kerb and the new plans do not show a dropped kerb.
 - The level of the common drive has been raised above original ground levels. However, both the original and the newly submitted plans do not show this. In addition a high kerb has been installed. This has raised levels 0.5m above original alongside the full length of my outbuildings. This is now preventing wheeled access into the rear of these buildings (trailer parking and stable doorway). The road and kerb level at this location should be reinstated to the pre-development levels, with a ramp up into the garage of Plot 3.
 - The dropped kerb access shown at the S.W. end of their outbuildings on the plan drawing is a reinstatement of access to a hardstanding area on to the neighbour's property, which he says they already had at this point, and would not provide for vehicular access into their outbuildings.
 - The development is adversely affecting access to their property and new property owners by creating an unsafe / inadequate access.
 - The development has caused a dead end and with fencing is concentrating traffic on the road in front of the plot 3's garage.
 - The objector's are being forced to reverse 30-40m down / up-hill, along the new road, into the path of traffic which will access / egress from the properties. They are extremely uneasy as they have 5 children and under icy conditions this could be dangerous.
 - There have been at least five occasions when visitors have reversed into / over the high kerbs, potentially causing damage to cars, new gardens and my outbuildings.
 - They foresee occasions when delivery vehicle access to their property (oil / coal delivery lorries, postal, rubbish collection) will conflict with access to Plot 3's parking spaces/garage.
 - The objector's say that they were led to believe the area of land between their house and the new stone wall would remain available for use. If this were the case they would be able to continue past the garage to Plot 3 onto the area of land fronting their house, to access the property, park and turn to exit in a forward direction, as previously, without causing obstruction to Plot 3 parking arrangements.
 - It is not clear where the requisite number of parking spaces is being provided for Plot 3. Inadequate / inappropriate parking would further aggravate the situation. Two parking places were originally shown to the left of Plot 3's garage. Only one has been built.
 - Roof water drainage from Plots 3 /4 are to be connected to an ACO Drain which has been connected into the objector's sewer, septic tank & outfall system. This does not have the neighbour's permission. Their septic tank is not sized to take these flows. They are concerned it would be overwhelmed and washed out by flows under rainfall, which would cause

pollution to the stream. Good practice states that surface water should be excluded from septic tanks and connections to sewer / surface watercourses from roads should be protected by oil interceptors / stone trap gulleys.

- The raised road level behind their outbuildings has resulted in a high point near the final length of road with a backfall towards their property to link back in to the original lower ground levels. Previously, the original lower track fell continuously in the opposite direction and away from their property, towards / draining to the stream. They would also drain this area of road. They are concerned that the drains would become blocked with stones / dirt especially if nobody maintains them. Surface water would then be trapped and pond and flood onto the neighbour's property. This could be avoided by reinstating the original road levels and the continuous fall towards the stream.
- Reinstatement with topsoil behind the kerbline where the road and kerb has been raised 0.5m alongside their outbuildings is not acceptable, they point out, as the buildings are of timber and single skin brick wall construction, and raising ground level would lead to increasing the height of walls exposed to damp and rot problems.
- The raised road construction also traps rainfall falling onto their land between the kerb and their outbuildings, and this now has nowhere to drain to but towards their own buildings, whereas previously it drained off the verge onto the lower track level and away from the buildings. This would accelerate damp and rot problems, as well as being unsightly.
- Previous wheeled access into their covered trailer storage spot, and into the buildings via a second doorway, is now not possible due to combination of high kerb and raised road level being 0.5m above original grass verge ground level.
- The above would be avoided if the new kerb and road level were installed to replicate the original verge and road levels.

Officer Assessment

14. It has come to the Council's attention that the barn conversion development currently being implemented is not being carried out strictly in accordance with the approved plans and conditions attached to the planning permission. The developer wishes to retain the work already done on site and therefore seeks to authorise the changes from the approved plans. The work that has now been carried out differing from the approved plans or conditions is listed as follows and these changes will then be discussed as to their acceptability in planning terms, in turn:
- Two parking spaces instead of three to the rear of plot 1.
 - Various changes to the layout of the steps and paths leading to the dwellings.
 - Loss of the external stairs to the side elevation of plot 3.
 - Change in the shape of the road to the top of the drive.

- Tarmac road instead of paving stones to the side of plot 1.
 - Provision of one car parking space instead of the approved two, opposite the neighbour's outbuilding, next to plot 3's garage
 - Tarmac road in front of the neighbour's outbuildings instead of the approved gravel and paving stones (in front of plot 3's garage).
 - Kerbstones to this road.
15. The approved plans showed three parking spaces to the rear of plot 1. Two have actually been constructed on site for which the applicant seeks permission to retain. It is considered that this is acceptable given that each of the four dwellings would have a double garage. There are two further spaces adjacent to plot 3 and ample space provided on the paved area to the rear of plot 1, adjacent the garages and parking spaces.
16. Steps indicated on the approved plans and the layout of paths leading to the front and rear of dwellings have been a changed. This is due to the Building Regulation requirements for disabled access to the dwellings and is considered acceptable by the Building Control Division. Access to the front and rear of all properties in maintained from the road and car parking areas and the paving laid out is quality Yorkshire paving. Therefore it is considered this change on site is acceptable.
17. Originally there was an external stone staircase to the side elevation of plot 3. This was shown to be retained on the approved plans. However this has now been removed from the dwelling. However, the Design and Conservation Officer felt that it was in poor condition and feels that in the light of the good quality of the overall scheme and the good restoration of the dry stone wall she would raise no objections to its removal. It has now been removed and in the light of this she advises that it would appear difficult and undesirable to seek to re-instate it.
18. The developer has constructed the shape of the road to the top of the drive slightly different to that shown on the approved plan. They have also installed a dropped kerb into a parking area for the neighbour to the south west of their outbuilding for access into this space and to the rear of the outbuildings and allotments. The shape of the road actually enlarges the moveability space within that area as well as providing access via a dropped kerb for the neighbour. Therefore this aspect to the change from the approved plan is considered acceptable.
19. The approved plan showed paving to the road leading from the front garden of plot 1 (to the northern side of the site) to the garage area to the rear of plot one. On site, this road is now laid down as half paving and half tarmac. It is considered this change in materials is acceptable given the rest of the tarmac road on site. Some high quality paving has been installed to the top of the road adjacent the garages. The applicant also proposes to plant shrubs down

the side of the tarmac road.

20. The approved plans showed two parking spaces constructed of paving adjacent to plot 3's garage, opposite the neighbour's outbuildings (the objector). Only one has been constructed on site. The developer has agreed to provide two as required and the submitted plan shows this. However, the County Highways Officer would recommend that this hardstanding area is widened where it meets the tarmac road or a small radius of one metre is installed at the southern corner, in order to facilitate better access and moveability for two cars to and from the hardstanding onto the road. The applicant has been advised of this requirement and has agreed to widen the hardstanding by one metre. This aspect is thus conditioned.
21. The neighbour is concerned regarding the access situation to his drive and plot 3's garage and parking bays. He considers the arrangement on site to be unsafe. This is largely due to the proximity of his drive to the new parking spaces and garage, and the fact that the developer has erected a fence preventing the neighbour reversing into an area of land outside his house. The developer has fenced off land under permitted development rights which lie outside the application site. Officers have asked the developers to take down the fence on the neighbour's behalf, however the developers have stated that they wish to prevent access onto this area as the ground is loose at present and may cause damage to cars using it. This land belongs to the developer and the neighbour has enjoyed the benefit of using this space up until now, and the developer has exercised their right to prevent access onto their own land. It is not envisaged this land will be fenced off indefinitely as there is a field access to its eastern side. However its availability for use by the neighbour is a private matter between the two parties. The neighbour would be in the same position if the fence had been erected and the development not carried out. Furthermore a hardstanding area has been provided for their use to the south western side of the outbuildings.
22. The Highways Officer has looked closely at the relationship between the neighbour's drive and the new garage entrance and parking spaces at the request of the Case Officer. Notwithstanding the fact that the on site arrangement has Planning Permission, the distance between plot 3's garage door and the neighbour's drive is adequate, being at least the required six metres reversing distance. The garage door is also the same setback distance as that approved as part of the previous application. In reality this part of the road will be used by the objector, the owners of plot 3 and both their visitors and it is considered that this number of users would not cause significant congestion and not result in conflicting traffic conditions to any significant extent as drivers would be able to observe any other cars and their movement on the site.
23. The developer has constructed the access road to the southeast of plot 3, in

front of the neighbour's outbuildings from tarmac instead of the approved gravel. The track level has been raised to create this tarmac road. This also includes the extension of the approved kerbs along from the approved tarmac access road. The neighbour does not object to the installation of tarmac rather than gravel. The neighbour previously objected to the gravel and it being shown right up against their outbuildings. The neighbour objects to the high kerb that has been installed in front of the outbuilding preventing wheeled access to a cubbyhole to the outbuilding in which the neighbour kept his car trailer. Although officers sympathize with the neighbour in that it would now be difficult to keep the trailer in the same place if was to be used regularly, it is considered that there appears to be no reason why the trailer cannot be stored in the outbuildings and accessed to the rear. This route could be taken across the hardstanding to the southeast of the buildings over the dropped kerb and up a small ramp into the rear of the outbuildings.

24. The neighbour is concerned about the potential effect of the high kerbs and raised road may have on the drainage adjacent to his outbuildings. In this respect the Council's Engineer was requested to view the situation on site during adverse weather. His views are highlighted in paragraph 12. It can be seen that he feels that the tarmac road and kerbs are acceptable. Surface water would flow down the road into the gutters and the burn, rainfall in between the kerb and the outbuildings would be negligible and would not adversely affect the neighbour's outbuildings any more than would have occurred had the development not taken place. He has also advised that the implementation of the final surfacing to the road should solve the issue of ponding water on site. The objector does not agree with the views taken by the Engineer, however, Members are advised to confirm the advice of the Council's Engineer in respect of the surface water issues raised. Members should also be aware that the applicant has confirmed that roofwater drainage from Plots 3 and 4 are not connected to the neighbour's septic tank as the neighbour alleges. The developer has confirmed that should the neighbour wish, topsoil would not be reinstated behind the kerb, next to the outbuildings as shown on the submitted plans.
25. The neighbour has objected to the installation of a high kerb just in from the access junction adjacent to their field to the front of their property as there is a gap in the hedge and fence at this point where a gate has been put across. The neighbour would like a dropped kerb to be installed instead at this location to enter and exit the field on their lawnmower. Although officers understand the view of the neighbour, the kerbs are indeed shown as full height on the approved plans in this position as the developer considers that the neighbour does not have a right to an access point here and that the neighbour has made this access point. The developer has submitted a photo which shows that the fence has been taken out to create an access. They also feel it is not a safe location to have an access point near the junction with the main road. The full height kerbs have already been approved at this

location as it was considered that a dispute in an access point on the shared drive was a private matter between the road owner and the neighbour. As the kerb has already been approved and built in accordance with the approved plan the issue shall not be given consideration as part of this application. However, it is evident on site that the lawnmower could be taken from the outbuildings through the allotments and into the field via a field gate at the top of the site and vice versa.

Recommendation

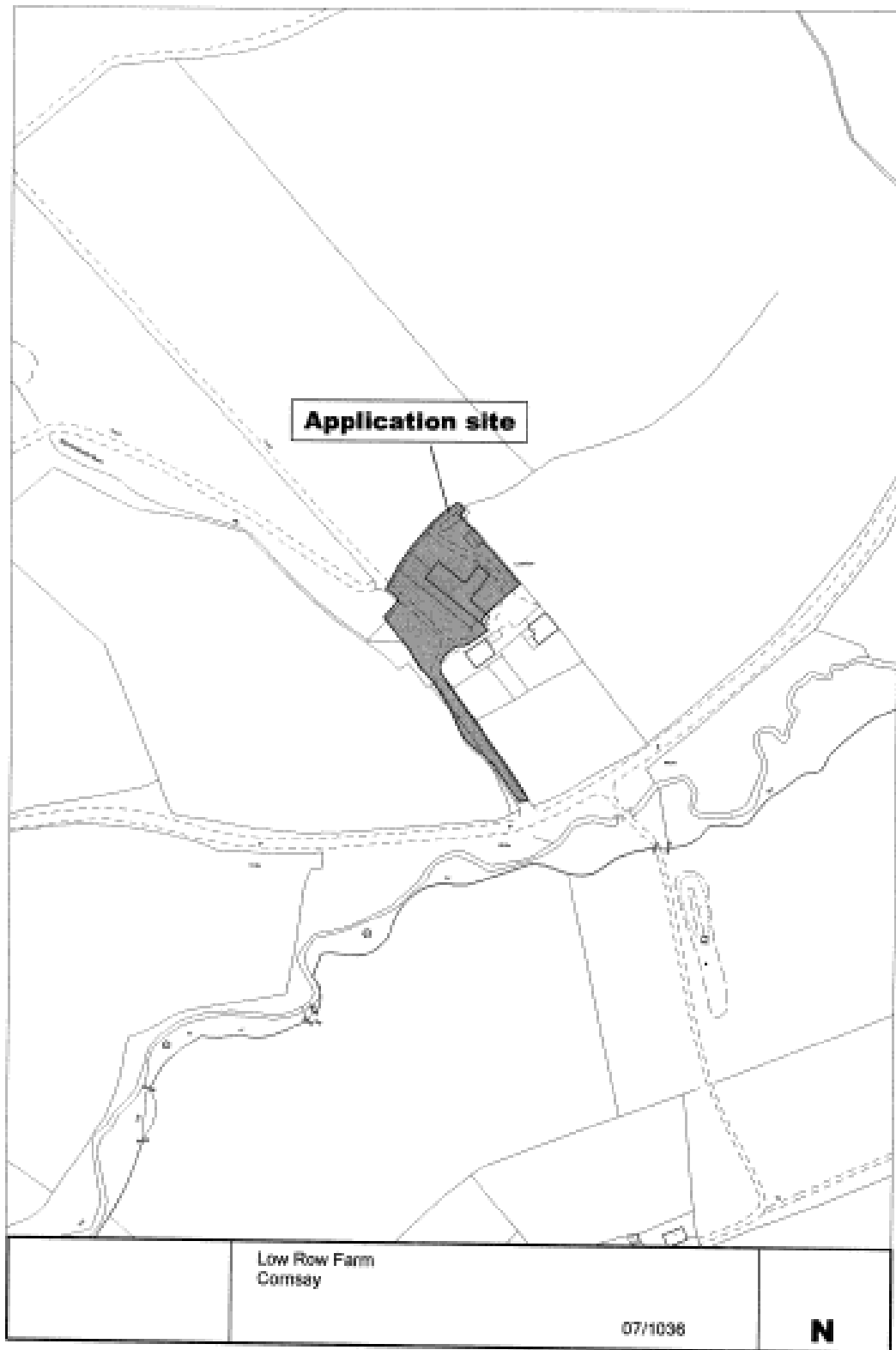
26. Conditional Permission to the varying of the stated conditions attached to planning permission 06/0364 to allow the developer to retain the works undertaken
- Approved Plans (STO1).
 - Notwithstanding the submitted plans the paving hardstanding area next to plot 3's garage shall be widened by 1 metre.
 - Reason: In order to facilitate better access in and out of the parking area.

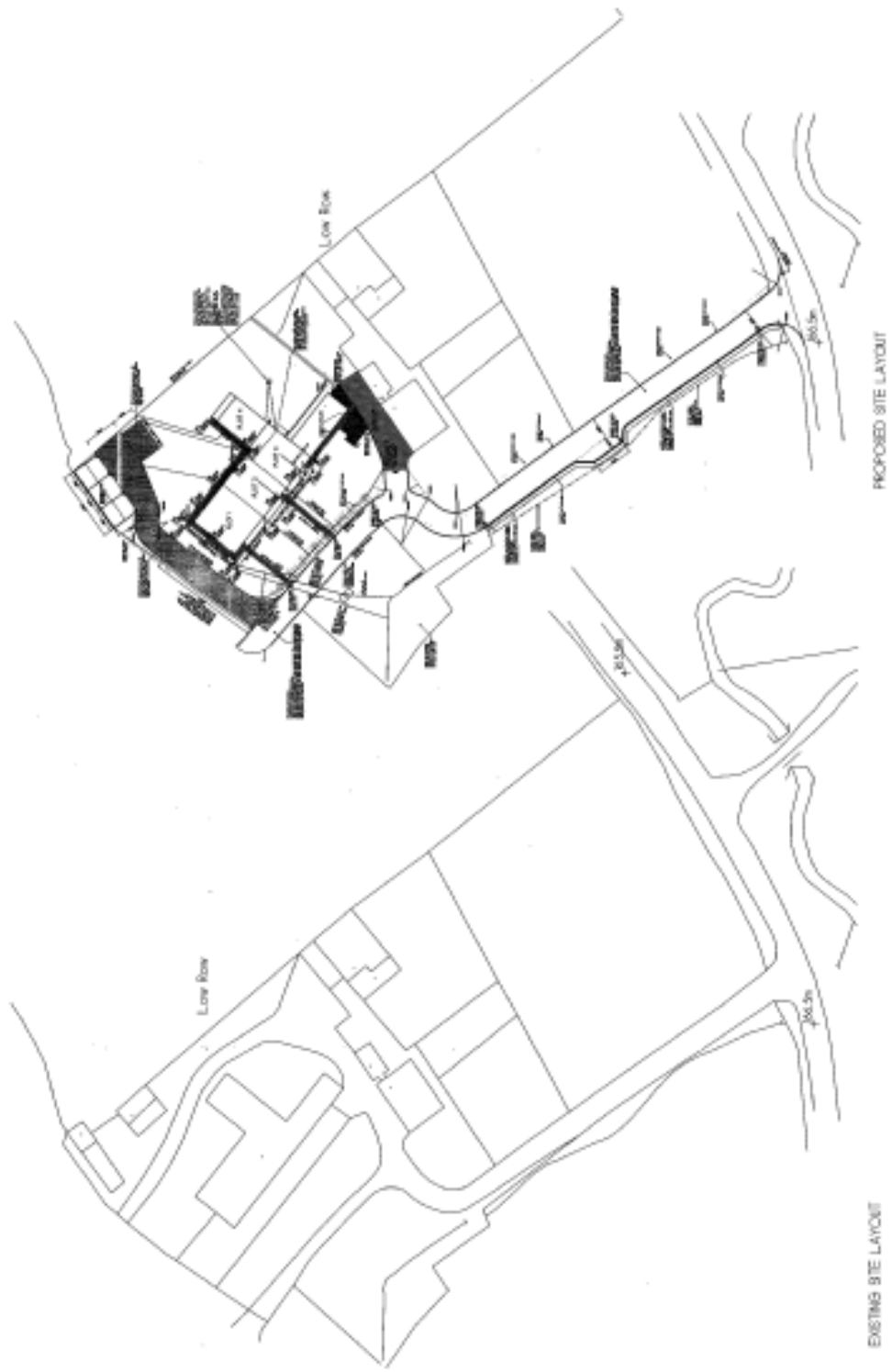
Reason for Approval

27. The proposed residential development is considered to comply with Policies GDP1, EN4, EN6 and TR2 of the District Local Plan on the layout of new housing and there are no other material considerations which outweigh the decision to approve the application.

Report prepared by Ann Rawlinson, Senior Area Planning Officer

W:\Development Control Committee\14\02\08\07.1036.doc





RECOMMENDATION FOR APPROVAL

07/0759

21.08.07

Mr Cook

Plashetts, Shotley Bridge,
Consett

Erection of two detached
dwellings (Outline)

Ebchester and Medomsley
Ward

The Application

1. Outline planning permission is sought for the erection of two dwellings to the rear garden area of 'Plashetts', a residential property within the Shotley Bridge Conservation Area. Permission is sought for the proposed access to, and layout and scale of the dwellings. The appearance of the proposed dwellings and the landscaping of the site are reserved for future consideration. As the proposal is in Outline it is the principle of development which is to be considered at this stage. Nevertheless it is appropriate to consider the potential impacts of the final development in order to assess whether, if the principle is acceptable, there are any restrictions which should be imposed at this stage.
2. Plashetts is a large 1930's style house in large grounds, with lawned gardens to both the front and rear. Access is taken from the front of the property along a driveway from Snows Green Road, to the property approximately two thirds of the way into the site. There is also a garage block to the rear, eastern side of the dwelling. A housing estate has been built around the property to the northern and southern side. The large house of 'Greenhills' is situated to the eastern side. Between these two properties is a small woodland protected by a Tree Preservation Order (TPO). There is also a small area of trees to the front of Plashetts where the trees are also protected. There are trees within the rear garden area (within the application site), however these are not protected by a TPO. Given that the trees are located within the Conservation Area the Council's permission is required to remove them. There is a grass verge that extends round the southern and eastern side of the application site, which is within the ownership of the District Council.
3. It is proposed to construct two, two storey detached dwellings of 240 square metres each, along the same building line, to the end of the rear garden facing onto the housing estate road of Aintree Drive. Access would be taken to each via a small driveway across the grassed verge from Aintree Drive to an integral garage. The dwellings would both be four bedroomed and

constructed of materials to blend in with the estate houses along Aintree Drive. Gardens to the front, rear and side would be provided with the building plots totalling 500sq.m. in size each.

History

4. None relevant to this site.

Policy

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

General Development Principles (GDP1)
Development on Small Sites (HO5)
Trees and Development (EN11)
Development and Highway Safety (TR2)

Consultations

6. County Highways Development Control Officer - The County Highways Officer has no objection to the principle of the two proposed dwellings, although would like to point out that the grass to the south of 'Plashetts' is not owned by the County Council and it is not part of the adopted highway. He would advise that to avoid the necessity of future pedestrians from the dwellings having to walk along the Aintree Drive grass verge or carriageway, or cross Aintree Drive and re-cross northwards, in order to walk on a footway to Snows Green Road, a 1.8m footway should be constructed from the western dwelling, at the northern kerblines of Aintree Drive. This would be around the tangent point of the radius with Newbury Drive and subject to this condition he would have no objections.
7. County Landscape Officer - The Landscape Officer has observed that there are trees within the site, and in the adjoining garden that might affect, or be affected by, the proposed development. He therefore recommends that a Tree Constraints Plan be prepared in accordance with BS 5837:2005 before any detailed layout or design decisions are made.
8. Following the submission of a tree survey, the Landscape Officer has confirmed that he does not object to the proposals for felling contained in the tree survey. However, he would like to emphasise the need to protect the retained trees in accordance with BS 5837:2005 and highlight that there is an issue with the incursion of the proposed eastern house into the Root Protection Area of Tree 3 (the Monkey Puzzle tree). He advises that, while the line on the plan makes a small incursion, in practice normal construction methods would cause damage to the tree's roots within a wider area. If

possible, the location of the house should be moved, and a method statement obtained to ensure that the Root Protection Area would be respected. In general the Root Protection Areas of the retained trees, as shown on the drawing attached to the tree survey, must be protected with fencing erected as per BS 5837:2005. This protection must be in place before any construction work starts.

9. County Council Design and Conservation Officer - The County Conservation Officer observes that Plashetts is a large house in large grounds, typical of the character of houses in many parts of the Conservation Area. She is of the opinion that there would appear to be more potential to develop to the rear of the property rather than to the front, however there are trees which would need to be taken into account. She also comments that the rear of Plashetts faces an estate of modern houses and any new houses to the rear of Plashetts should relate to these rather than Snows Green Road and in this respect there would be no harm to conservation character. She considers that because Plashetts relies on its front garden for its setting, there would be no undue harm done to its setting by building in the back garden. However, there are trees to the rear and these are important to the setting of Plashetts and also to conservation character. She would advise gaining details of which ones may have to be removed before a decision on this application is made. The Outline nature of this application does not allow for comment on any detailed designs but she is satisfied that if the principle of development is allowed that a suitable design solution can be achieved. She therefore recommends that more information is required on the trees before any decision should be made on the acceptability of new houses as mature trees forming the setting for houses are important to Conservation Area character.
10. Northumbrian Water - No objections.
11. A site notice was posted on the 3rd of September 2007. Two letters of objection have been received. These are summarised as follows:
 - Inadequacy of parking, loading and turning facilities.
 - Increase of vehicles, narrow road, reduced sightlines, road curve and driveway opposite Epsom Close all have safety implications and will exacerbate access and parking problems.
 - Further accesses onto Newbury Drive may be inserted adding to problems. Access should be onto Snows Green Road.
 - Increase in noise and disturbance.
 - No further dwellings needed.
 - Local amenities will not support further development.
 - Historical character undermined.
 - Further houses may be sought on remainder of site.
 - Overlooking and loss of privacy for existing residents and the applicant.
 - Loss of visual amenity.
 - Loss of trees and potentially bats.

Officer Assessment

12. Under current Government guidance as outlined in PPS3 'Housing' the application site, being within the curtilage of the dwelling, represents the type of site on which new residential development is being encouraged. That is, previously developed or brownfield land within the built up area which should be viewed in preference to greenfield sites. As such the site is considered a windfall site in light of the advice contained within both PPS3 and Policy H05 of the Local Plan. The site is spacious, has adequate public transport accessibility to Consett town centre and is within walking distance of Shotley Bridge village. The general principle of residential development is therefore considered acceptable in terms of both national and local policy.
13. In terms of the layout and scale of the proposed new dwellings, given that the rear of Plashetts faces an estate of modern houses the proposed new houses should relate to these rather than Snows Green Road. The existing properties in the area are two storey detached and semi-detached properties on Newbury and Aintree Drive which the proposed dwellings would face onto. These are set back from the road with front and rear gardens, garages and off-street parking. It is considered that the proposed dwellings respect the existing dwellings within the estate, and would in keeping with the scale and massing of adjacent dwellings and with the existing pattern and form of development within this locality in accordance with Policy HO5 of the Local Plan. It is considered that a suitable design can be achieved at the reserved matters stage.
14. Officers agree with the Conservation Officer that given that Plashetts relies on its front garden for its setting, there would be no undue harm done to its setting by building in the back garden. It is considered that the construction of two dwellings to the rear would not compromise the setting of the dwelling within the character and appearance of the Conservation Area.
15. There are trees to the rear of the dwelling, on the application site. These are important to the setting of Plashetts and also to conservation character. Consideration needs to be given to the effect of the proposed development on these existing trees. Thus the applicant was required to provide a tree survey to enable the trees to be graded according to their condition and amenity value in accordance with Policy EN11. The development of the two dwellings would require the removal of an Ash tree of moderate quality and to facilitate the proposed new driveway into the proposed eastern property, the loss of a Maple tree of moderate quality on the grass verge. It would also be prudent to fell a Poplar tree positioned close to the western dwelling as this is liable to cast branches in strong winds. It is also recommended to fell 18 low value Cypress, Juniper and Damson trees as well as retain a large number of higher quality trees, such as Ash, Hawthorn, Monkey Puzzle, Whitebeam and Maple.

16. Following the submission of the tree survey, it is recommended that the advice given by the County Landscape Officer, highlighted in paragraph 8 be taken. Therefore the recommendation to fell the trees is considered acceptable subject to a requirement for their replacement; the need to protect the retained trees with fencing and move the footprint of the proposed eastern dwelling slightly to avoid the root protection area of the Monkey Puzzle tree. These aspects should be strictly conditioned in accordance with Policy EN11 of the Local Plan. The applicant's would also be advised of their obligations under the Wildlife and Countryside Act to check the trees to be felled for signs of bats.
17. There would be limited impact on local amenity in terms of loss of privacy, overlooking, loss of light and outlook in accordance with Policy GDP1 of the Local Plan. The front of the proposed eastern dwelling is positioned approximately 24m from the gable elevation of 1 Epsom Close and the front of 12 Epsom Close is positioned on an angle approximately 25m away from the front of the proposed western dwelling. The rear of the proposed eastern dwelling is situated approximately 15m from the gable of the applicant's dwelling, Plashetts. The gable of the eastern dwelling is positioned 24m from the front of 2 Newbury Drive.
18. There are no highway objections to the principle of housing on this site. In the view of the Highways Officer the location of the dwellings and the width of the road and visibility sightlines from the access points are acceptable. However, he has advised that a footway should be constructed for the two dwellings along Aintree Drive. This aspect should be conditioned. A driveway and garage would be provided for each dwelling. There would also be space to the front of the dwellings to accommodate any further cars and thus it is considered that adequate parking facilities would be provided within the curtilage of the application site. It is not considered that the construction of two dwellings would exacerbate access and parking problems or have safety implications within this particular estate. The removal of Permitted Development Rights from the dwellings would restrict the insertion of any further accesses to the houses. The proposed development is considered to accord with policy TR2 of the Local Plan.

Recommendation

19. Conditional Permission
 - Application for reserved matters should be made and time limit for submission (RMTL).
 - Approval of the details of the siting, means of appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is

- commenced.
- Notwithstanding the submitted plans no approval is given for the siting of the proposed two dwellings. This should be submitted at reserved matters stages and the proposed eastern dwelling should be sited so as to avoid the tree canopy of the trees marked as 3A and 1B on the Arboricultural Tree Constraints Assessment of Trees at Plashetts, Summerhill, Shotley Bridge dated 20th November 2007.
 - Reason: In order to define the consent.
 - Materials (AO3).
 - Car Parking (HO3).
 - Surface water drainage (D04).
 - Sewerage disposal (DO5).
 - Removal of permitted development rights (PD01).
 - Protection of retained trees (L12).
 - Replacement Trees (L13)
 - Tree surgery to British standard (L15).
 - No development shall take place until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be carried out in accordance with the approved details and the buildings shall not be occupied until the details have been fully implemented.
 - Reason: To ensure a satisfactory environment within the development and to secure suitable screening to the development in accordance with policy GDP1.
 - Prior to the occupation of the dwellings hereby approved, a 1.8m footway should be constructed from the western dwelling, at the northern kerbline of Aintree Drive, around to the tangent point of the radius with Newbury Drive.
 - Reason: In the interests of pedestrian amenity and highway safety having regard to Policy TR2 of the Derwentside Local Plan.
 - No development shall take place until details of the facilities to be provided for the storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.
 - Reason: To secure a satisfactory standard of appearance and in the interests of the occupiers and adjoining residents having regard to Policy GDP1 of the Local Plan.

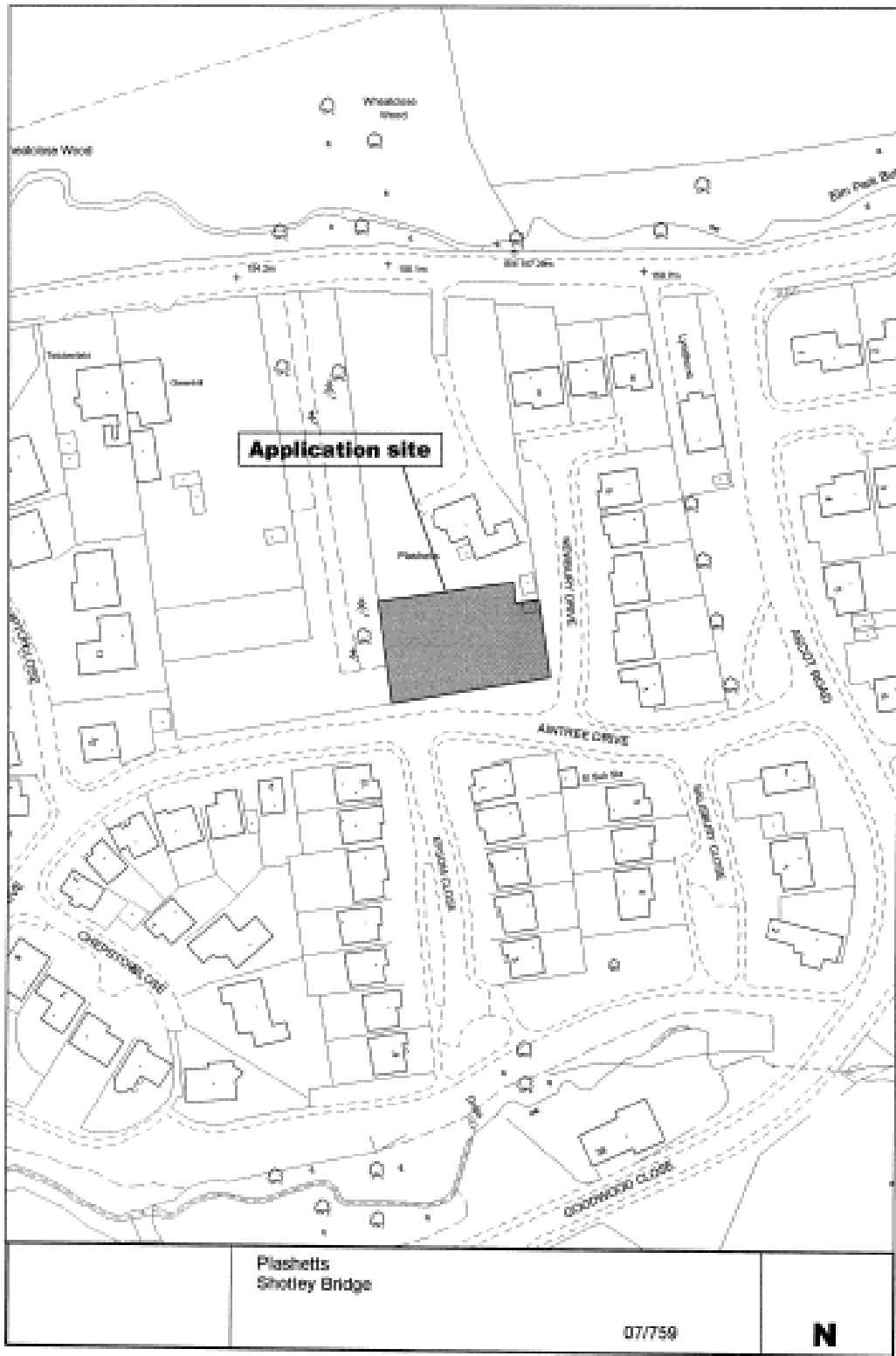
Reason for Approval

20. The proposed residential development is considered to comply with Policies GDP1, HO5, EN11 and TR2 of the District Local Plan on the layout of new housing and there are no other material considerations which outweigh the

decision to approve the application.

Report prepared by Ann Rawlinson, Senior Area Planning Officer

W:\Development Control Committee\14\02\08.0759.doc



RECOMMENDATION FOR APPROVAL

07/0987

23.11.07

Mr I Holmes

Stockerley House, Delves
Lane

Amendment to previously
approved scheme for
conversion and extension of an
existing engine shed to a
dwelling and offices

Lanchester Ward

The Application

1. This application seeks Planning Permission for amendments to a previously approved application for the conversion and extension of an engine house to create a live / work unit. Planning Permission for the conversion and extension was originally granted in 2003.

The proposed alterations are as follows:

- A conservatory would be located on the north east elevation and would measure 2.6m by 3.5m and would have a lean to roof height of 3.9 at its highest level (2m at eaves).
- The roofline would be raised by a further 0.5m to incorporate 2 pitched dormer windows in the South West elevation.
- 2 rooflights in the north elevation have been widened and two rooflights would be moved to a more central position.
- The northern elevation porch roof would be heightened with a steeper pitch.
- Four new design feature windows and a simple window would be added to the south west elevation.
- A rooflight would be incorporated in the North East elevation.
- A window would be increased in height in the North East elevation and a further matching window adjacent to that window would be included.
- Two windows in the south east elevation would be enlarged, a rooflight would be added and a large glazed window would be replaced with a wooden door.
- A chimney feature would be added to the roof.
- The materials proposed for the conversion and extension reclaimed stone with brick detailing for the external walls and blue/grey slates for the roof.

History

2. In 1985 planning permission was granted for a pitched roof over a flat roof at Stockerley House (reference 1/1985/0883/DM).
3. Planning permission was granted for a bungalow in 1990 (reference 1/1990/0021/DM).
4. In 1994 planning permission was granted for a new access onto a classified road (reference 1/1994/1157/DM).
5. A planning application for the conversion of the engine house and an extension to create a dwelling to an office studio was withdrawn (reference 1/2002/0936/DM).
6. In 2003 planning permission was granted for the conversion of the engine house to a live / work unit and the creation of an extension (reference 1/2003/1123/DM).
7. In 2006 a planning application for the conversion and extension of an engine house to create one dwelling with an office, lecture room and conference room and the erection of a garage/machine room was withdrawn (reference 1/2006/0673/DM).
8. In 2007 a planning application for the amended design to a previous application for the conversion of an existing engine shed to dwelling and office was withdrawn due to the unsatisfactory design (reference 1/2007/0805/DM).

Policy

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

General Development Principles (GDP1)
Extensions to buildings in rural areas (EN3)
Conversion of rural buildings (EN4)
Development and highway safety (TR2)

SPG3 Conversion of Rural Buildings
The Lanchester Village Design Statement

Consultations

10. County Highways Development Control Officer - No highway objection is raised.
11. County Council Design and Conservation Officer - Considers that the design

is acceptable and that the additional accommodation is in sympathy with the building. The Officer has asked for further information to ensure the building could be successfully detailed in stone and that doing so would not amount to demolition.

12. The Design and Conservation Officer has no objection and recommends the Council approved the application with a condition requiring details of materials to be agreed.
13. Environment Agency - Have not commented to date (consulted 30th November 2007).
14. Natural England - Advise that the proposal is unlikely to have an adverse effect in respect of protected species especially protected by law, subject to the following conditions:

‘No development shall take place unless in accordance with the mitigation detailed within the protected species report ‘The Old Pump House, Stockerley Bridge Farm Mitigation Statement 27th December 2007 by John Drewett’ including, but not restricted to adherence to spatial restrictions and adherence to precautionary working methods.
Reason: To conserve protected species and their habitat.’
15. Natural England wish the applicants to be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.
16. Durham Bat Group - Are of the opinion that the bat value of the site has already been reduced by the applicant’s actions and are anxious to salvage the best provision for bats from the proposal. They do not consider the application would set a precedent for poor surveys as current surveys are much more rigorous and the mitigation and its implementation would now be built into reports.
17. Northumbrian Water - Have not objected to the proposed development.
18. Lanchester Partnership - Have objected to the application on the following grounds:
 - The enlargement of the building would be in contravention of policies EN4 and HO19.
 - The development more than doubles the existing floor space of the existing building.
 - The character of the building would be changed from a low single roomed, single storey, shallow roofed utilitarian building sited in woodland to a sophisticated structure with multiple roof lights, large glazed atrium like

structure, entrance feature and a significantly raised and steeper pitched roof.

- The new building would impose itself upon its surrounding in a quite different way from the original, and the domestication of the curtilage and intrusive lighting emerging from the glazed elements of the structure would significantly add to the obtrusive nature of the development.

19. Neighbours - A site notice has been posted. No objections have been received to date.

Officer Assessment

20. Given that planning permission already exists for the conversion and extension of the engine house the main issues to consider for this application are whether these alterations to the approved design are acceptable and whether there are satisfactory protection and mitigation measures for protected species, in this instance bats.
21. The location of the site is in the countryside and it is isolated from and not related to any existing settlement. Policy EN3 of the District Local Plan, SPG3 and the Lanchester Village Design Statement only allow extensions to single buildings in the countryside if the proposal reflects the character and style of the original building. The preamble to Local Plan Policy seeks to ensure that extensions to buildings in rural areas should not exceed the floorspace or volume of the original building by more than 50%. The Lanchester Partnership has questioned the proposal's compliance with this Policy. The floorspace of the building is 94% greater than the floorspace of the original building. The Council previously permitted an increase in floorspace of 84% in an earlier permission. This increase is due to the addition of a conservatory and upstairs office. The volume of the building has also been increased from that previously permitted with the increase in roof height, conservatory extension and dormers; this takes the volume of the building very slightly over the recommended level to 51%. Therefore the volume of the proposed extensions only marginally exceed the guideline figure.
22. Local Plan Policy EN3 recognises that there are many different locational criteria involved in assessing the acceptability of extensions and that the 50% figure is only guidance. Whilst this 50% figure has been exceeded for the floorspace and marginally for the volume, an exception is considered acceptable due to the location of the extensions and the property itself. The extensions that create the additional floorspace and volume are to the rear of the property and are not prominent. Furthermore, the property itself is well screened being located at the bottom of a valley and surrounded by vegetation to the north and east and west with only the gable end of the building being visible in fleeting views from vehicles travelling along Stockerley Lane Road to the South West.

23. As stated above, the 50% figure referred to in the supporting text of Policy EN3 is a guideline only and it is important to consider whether the scale of the extension would adversely affect the appearance of the original building and whether the proposal reflects the character and style of the original building.
24. In order to reflect the character and style of the original building, the form, bulk, features and materials should be in keeping with the surroundings. Local Plan Policy EN4 seeks to ensure that existing window and door openings are retained, new openings are kept to a minimum, visual, architectural and historic features are retained and design details and materials to be used are traditional and sympathetic. Whilst there are new openings and domestic features within this amended design they have been put in locations which cannot be seen from the limited viewpoints of the building. It is agreed with the Design and Conservation Officer that traditional and sympathetic design has been incorporated into the design. The comments of the Design and Conservation Officer in relation to the materials are noted, and it is considered appropriate to attach a condition requiring samples of the finishing materials to be submitted for approval.
25. Local Plan Policy GDP1 seeks to ensure that species and wildlife are protected from development that could be harmful. A condition of the previous permission was that a bat loft would be incorporated into the design as it was assumed that the original building may have casual bat use in the summer. The applicant has since removed the roof from the building and a survey has been carried out which states that it is likely that the roof removal has reduced the likelihood of the building supporting bats any further and making regular roosting unlikely.
26. Durham Bat Group originally insisted that the proposal should still incorporate a bat loft, however this was considered by Officers to be unreasonable given the size of the bat loft recommended by Durham Bat Group would have major implications for the scheme, and as the bat potential appears to have been lost when the roof was removed.
27. It was agreed with Durham Bat group that at least some provision should be incorporated for bats due to their presence in the area and that the original application was approved subject to a bat loft. Therefore the applicants were advised that bat mitigation measures should be incorporated. The applicants have commissioned a bat mitigation report which proposes the incorporation of bat slates, bat tunnels and the incorporation of 27 bat bricks into the walls. Whilst it is too late in this instance to protect a possible habitat for bats the proposal does try to provide a future habitat for bats which would be of benefit to the local bat population. The proposal is therefore considered to accord with Local Plan Policy GDP1.

28. Local Plan Policy TR2 only permits development that has a clearly defined and safe vehicle access and exit and adequate parking. The County Highways Officer has no objection to the proposed access or parking provision, the proposal is considered acceptable and in accordance with Local Plan Policy TR2.
29. In conclusion, whilst the proposed extensions are larger than the guideline figure contained in the supporting text of Policy EN3, the scale and character of the extensions are considered to be acceptable. On balance the scheme is considered to comply with the aims of Policy EN3. The scheme can be supported in this instance given the location of the extensions, the concealed location of the property and the screening in place. The design of the amended proposal is considered to be acceptable and in accordance with Local Plan Policies GDP1 and EN4, TR2 and SPG3 and The Lanchester Village Design Statement.

Recommendation

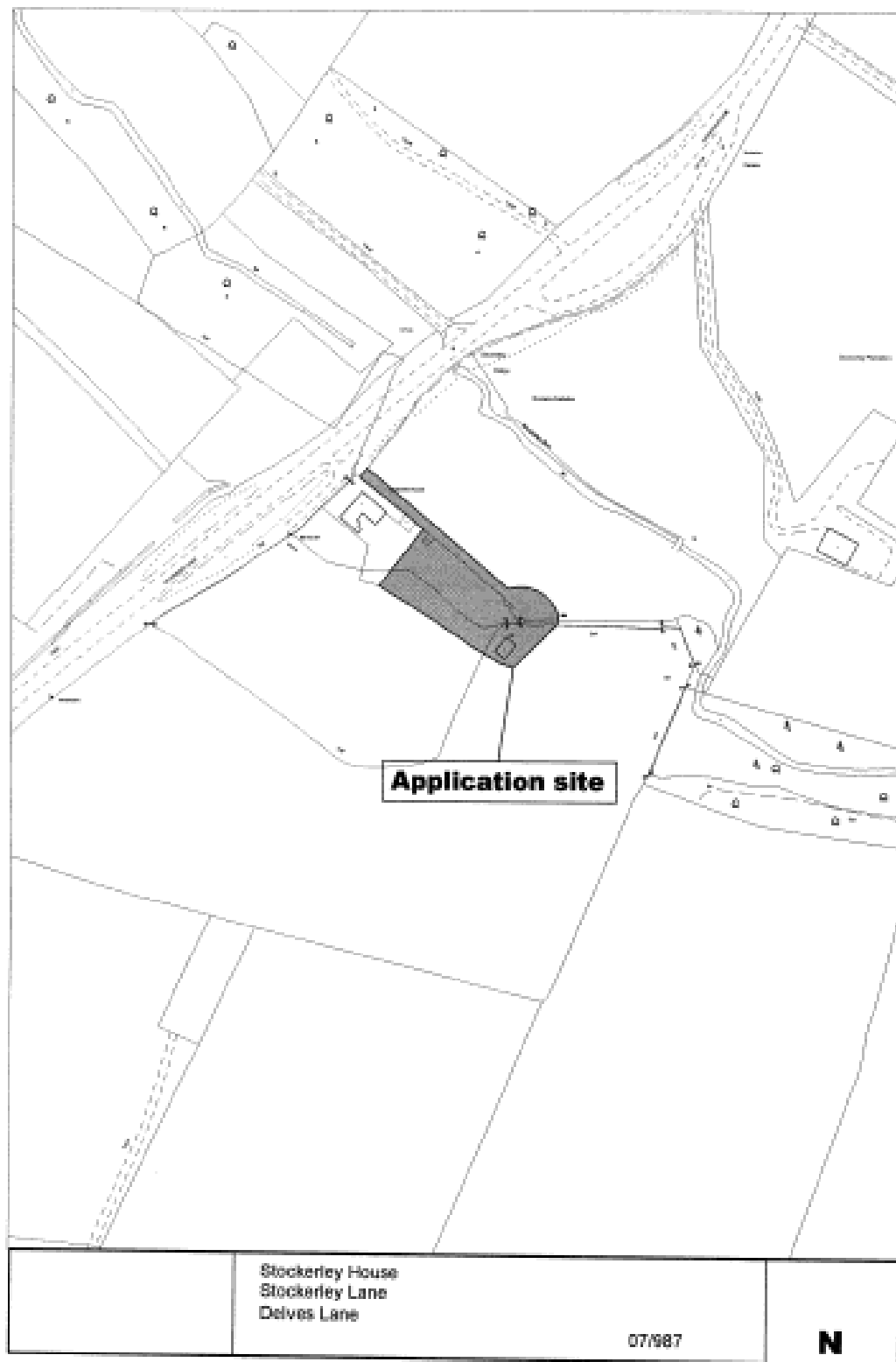
30. Conditional Permission
- Three Year Time Limit (ST).
 - Approved Plans (ST01).
 - Notwithstanding the materials stated on the application form, the materials to be used on the external elevations are to be agreed.
 - Reason: In the interests of the character and appearance of the existing building in accordance with Local Plan Policy EN3.
 - No development shall take place unless in accordance with the mitigation detailed within the protected species report 'The Old Pump House, Stockerley Bridge Farm Mitigation Statement 27th December 2007 by John Drewett' including, but not restricted to adherence to spatial restrictions and adherence to precautionary working methods.
 - Reason: To conserve protected species and their habitat.
 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order no external alterations (e.g. windows, extensions, fencing) shall take place without the further written permission of the local planning authority.
 - Reason: In order that the Local Planning Authority may exercise control over the future appearance of the development.
 - No part of the building to be converted and used as office accommodation shall be converted to a residential use without the prior permission of the Local Planning Authority.
 - Reason: To protect the amenity of the area.

Reason for Approval

31. The decision to grant planning permission has been taken having regard to policies GDP1, EN3, EN4 and TR2 of the Derwentside Plan and SPG3 and The Lanchester Village Design Statement and material considerations as detailed in the report to 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

W:\Development Control Committee\140208\07.0987.doc



RECOMMENDATION FOR APPROVAL

07/0877

16.10.07

Mr and Mrs Dougan

Broomsvie House, Iveston

Erection of detached barn /
stable

Leadgate Ward

The Application

1. Planning Permission is sought for an L-shaped building to provide a stable and hay shed on land to the rear of Broomsvie House, Iveston Lane, Iveston. The proposed building would be erected of stone and slate and the building would measure approximately 10 metres by 9 metres along its longest sides. The building would have a maximum height of 4.5 metres. During the course of the application the siting and design of the building have been amended following the comments of Officers.

History

2. Planning Permission was granted for the erection of a single storey rear extension at Broomsvie House under delegated powers in June of last year (reference 1/2007/0375/DM). The extension measured nine metres in length and was considered to be acceptable as it accorded with the 45 degree rule. The original scheme proposed a larger extension and a detached garage adjacent to the eastern boundary of the site. Following concerns from neighbours and the Case Officer the extension was reduced in size. The garage was removed from the scheme due to concerns about its position and the effect that it would have on the amenity of the neighbouring property.
3. Planning Permission was granted in July 2005 for the erection of a stone stable building to the rear of Broomsvie House, Iveston (reference 1/2005/0510/DM). The proposed stables measured 12 metres by 3 metres and were to be situated adjacent to the western boundary of the site. The stables were not built, however the permission remains extant until July 2010.
4. Planning Permission was granted for the erection of Broomsvie House on 22nd June 1998 (reference 1/1998/0415/DM). A condition was imposed withdrawing Permitted Development Rights.

Policy

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

General Development Principles (GDP1)
Preventing Urban Sprawl (EN2)

Consultations

6. Durham County Council (Design and Conservation) - Broomsvew House is in the Iveston Conservation Area, although the proposed building would not be. She is concerned that a building on the rear boundary at a distance from the main dwelling would compromise the important boundary between built form and countryside. The fact that the proposed site is outside the Conservation Area boundary illustrates how far away it is from the built up form of the village.
7. The Design and Conservation Officer comments that she is concerned that incremental additions further into land at the rear would harm the character of Iveston as a small colonising hilltop village. This would be by spreading development too far into the farmland and thus extending the village beyond its well defined hilltop location, blurring the boundary between village and countryside harming the important field boundaries which are a particular feature on this side of the village.
8. She points out that the building would be highly visible from the village centre and block the open views to the rear. She says that she is aware that the application is no longer for a garage but for stables and hay storage. However, she does not feel that this justifies harming the setting and character of the village. The Design and Conservation Officer advises that she has given consistent advice at Stonehaven Manor and Hillcrest to reject new building to the rear.
9. The Design and Conservation Officer recommends that the application should be refused as the building, by virtue of its size and location, would harm the character of Iveston as a colonising hilltop village by extending development beyond its well defined hilltop location and blurring the boundary between village and countryside. She points out that this would be contrary to Policy EN13 of the Local Plan and be harmful to the character of the Conservation Area.
10. In response to the revised plans the Design and Conservation Officer states that her views have not changed and she still considers that the proposal is unacceptable. She acknowledges that the application has been modified to try to meet her objections but states that essentially it amounts to a substantial new build beyond the natural limits of the village. She points out

that the description of a detached hay barn and stable block chooses to ignore the fact that a large proportion of the building would be a garage to replace the one that has been converted to residential use.

11. The Design and Conservation Officer states that Iveston depends more than most on its tight hilltop location for its character. She refers to the description of the Conservation Area contained within the Local Plan which says that 'Iveston is a prominent linear hilltop village' and goes on to say that 'Iveston is one of the few examples of a colonising hilltop village typical of many found in the Pennines. Original building lines are visible as are the original field patterns or tofts (long narrow plots of regular depth) to the north of the settlement. Surrounding land is in agricultural use, very open with limited tree cover.'
12. She feels that if we are to protect its essential character, incremental building on land outside the natural hilltop village and the blurring of the 'original building lines' should be rejected. She feels that the north side of the village is particularly important because of the original field patterns.
13. She adds that the building is substantial in size and with its wide gables and L-shaped plan form is not particularly vernacular in appearance. She feels that its proposed location in the middle of the plot not relating to any of the natural field boundaries contributes to the harm.
14. The Design and Conservation Officer feels that there is an issue of precedent and the possibility of other applications to build in a similar location which would be difficult to resist if the current application is approved.
15. Neighbours have been consulted. Two letters of objection have been received, both prior to the most recent amendment which reduced the height of the building. It should be noted that the previous plans incorporated an upper hayloft which has now been deleted from the application. The height has therefore been reduced from 6.2 metres to 4.5 metres.
 - Very concerned about the size of the development.
 - Whilst the neighbour has indicated that they would have no objections to a traditional stable block, the sheer size of the building would create a total intrusion into a rapidly disappearing conservation landscape.
 - In their opinion it is unnecessary and unreasonable for a block of this type to be 6 metres high.
 - A new building 9 metres by 10 metres with a small upper area is already taking a stable block into the realms of many new build houses as it will have a total floor area of around 1,000 square feet.
 - Once again a long out of date map is used which does not show the current position of the houses and curtilages. It shows gaps between houses along this linear Conservation Village which no longer exist.

These gaps have been filled with generally large properties, many close together, which is inappropriate to the Conservation village despite the statement in Chapter 3 of the Local Plan which states that 'the most common form of development pressure is upon the more attractive villages from new housing development which in many instances will adversely affect the visual character by making the village more intrusive and visible in the landscape.'

- Policy EN1 states that 'Proposals should be sensitively related to existing settlement patterns and historic landscape etc.'
- Policy EN2 states that 'Except where provision has been made in the plan, development outside existing built up areas will not be permitted if it results in c) an encroachment into the surrounding countryside.'
- Policy EN8 refers to Relic Landscapes and states that 'They are of local importance due to their special character and historical / cultural significance and as such are afforded protection from inappropriate development.'
- The toft fields on the northern side of Iveston represent one of only two designated relic landscapes in the District and shows strip fields with little change in outlines from the medieval times.
- The site would exceed 0.4 hectares and therefore the development conflicts with Policy HO5, it would extend beyond the existing limit of the built up area of the settlement and would be contrary to Policy HO14 as it would harmfully extend beyond the built up area.
- It would also be well into the protected historic landscape and would be highly visible from both within the village and from the north.
- The original location of the barn / stable would be significantly less intrusive with regard to its relationship to the rest of the development and being within the developed area of the village.

Officer Assessment

16. The application, which seeks permission for a barn / stable building, has been amended twice since it was submitted. Initially permission was sought for a building adjacent to the western boundary of the application site. The proposed building would have been L-shaped with the longest walls measuring 10 metres by 11.5 metres. An upper hayloft was proposed and the maximum height of the building would have been 6.2 metres.
17. The first amendment showed the building being reduced in size to 10 metres by 9 metres, with the roof height and siting remaining unchanged. The second amendment showed the building being sited in a revised position approximately 4 metres from the western boundary of the site. The final amendment showed the removal of the upper hayloft and a reduction in the total height of the building to 4.5 metres.
18. Therefore permission is now sought for an L-shaped building; the length of the

longest walls being 10 metres by 9 metres, the maximum height being 4.5 metres and the building being sited 4 metres from the western boundary of the site.

19. The proposed building would be sited approximately 25 metres from the rear of Broomsvie House. The land on which the building would be sited does not form part of the authorised curtilage of Broomsvie House. When Planning Permission was granted for Broomsvie House the domestic curtilage of the property was relatively small, with the plot being approximately 32 metres deep. The plot depth is now approximately 60 metres and the applicant has advised that the land to which the application relates has been used as domestic curtilage for many years.
20. Broomsvie House was erected in 1998 and the applicant has informed Officers that the land forming the application site has been used for domestic purposes since the property was occupied. He has said that he would be able to obtain sworn statements from the previous owners of the property to state that this is the case. The applicant would be in a position to apply for a Certificate of Lawful Use for the land as domestic curtilage if he could demonstrate that the land has been used for such purposes for more than ten years. The Council's aerial photos indicate that the land has been used as a garden for some years and it is likely that the applicant may shortly be in a position to demonstrate that the land has been used for domestic purposes for ten years.
21. The Council's aerial photographs of Iveston, which will be displayed at your meeting, shows that the application site does not encroach into the open countryside beyond the limits of the village as suggested by the Design and Conservation Officer and neighbours but in fact brings the boundary of the site in line with other properties in the village. It is acknowledged that this may not always have been the case and that other properties may well have extended their curtilages. However, given the apparent length of time since the curtilage of the applicant's property was extended together with other properties in the vicinity, it would be difficult for the Council to take action now to require the curtilages of the properties to be taken back to their original positions.
22. It would therefore be difficult to argue that the development would be outside of the village contrary to Policy EN2 of the Local Plan.
23. Although Permitted Development Rights were withdrawn when Planning Permission was granted for Broomsvie House, this would only prevent the erection of buildings within the original curtilage of the property. Should the application be refused the applicant could shortly apply for a Certificate of Lawful Use to demonstrate that the use of the land to the rear of the property is domestic curtilage. If the certificate were to be successful it would not be

possible to impose conditions and the land would benefit from Permitted Development Rights. This would mean that a much larger building could be erected to the rear of the property (measuring up to 50%) of the area of the site) however the height of the building could not exceed four metres if designed with a pitched roof.

24. The Design and Conservation Officer has expressed concerns that the proposed building would be visible from Iveston Lane. The siting of the building has been revised so that it would no longer be directly adjacent to the western site boundary. While the building would still be visible from Iveston Lane it would not be as visible through the gaps in the houses as previously proposed. A four-metre gap would be retained which would allow access to the agricultural land to the north of the site which is accessed via a field gate within the north western corner of the site.
25. The Design and Conservation Officer and one of the objectors have expressed concerns about the proposed development on an area that is designated as relic landscape in the local plan. It should be noted that the policy relating to relic landscape is not a saved policy, therefore it cannot be taken into account in determining the proposal.
26. Although it was recognised that the area to the north of Iveston forms a very important historic feature, the decision was taken not to save this policy due to its limited weight. The field boundaries characterise the area, however the Council cannot insist that these are retained. Regrettably landowners can remove these important features without consent destroying the historic landscape. In those instances, planning policy has little effect.
27. As Members will note, the design of the building has changed considerably since the application was originally submitted. The building now has the appearance of a stable / garage. It should be noted that the dwelling no longer has a garage as this has been converted to living accommodation as part of the previous application for Planning Permission. The design of the building is considered to be acceptable. It would be erected of stone and slate to blend in with the Conservation Area and the locality.
28. The stable building that was previously approved was to be situated adjacent to the eastern boundary of the site. Since the stables were approved the property has been extended in this location and the cumulative impact of the stables and extension would have a negative impact on the amenity of the neighbouring property. Therefore, although one of the objectors considers this to be a preferable location, it would not have been acceptable in Planning terms.
29. The applicant has amended the scheme to try to address the concerns of the objectors and the Design and Conservation Officer, and the scheme under

consideration is a significant improvement on that submitted. While the concerns about the positioning of the building are noted it is important to remember that the site has been used as domestic curtilage for some considerable time and in the event that the applicant could demonstrate this in future a significantly larger building could be erected under Permitted Development Rights.

Recommendation

30. Conditional Permission

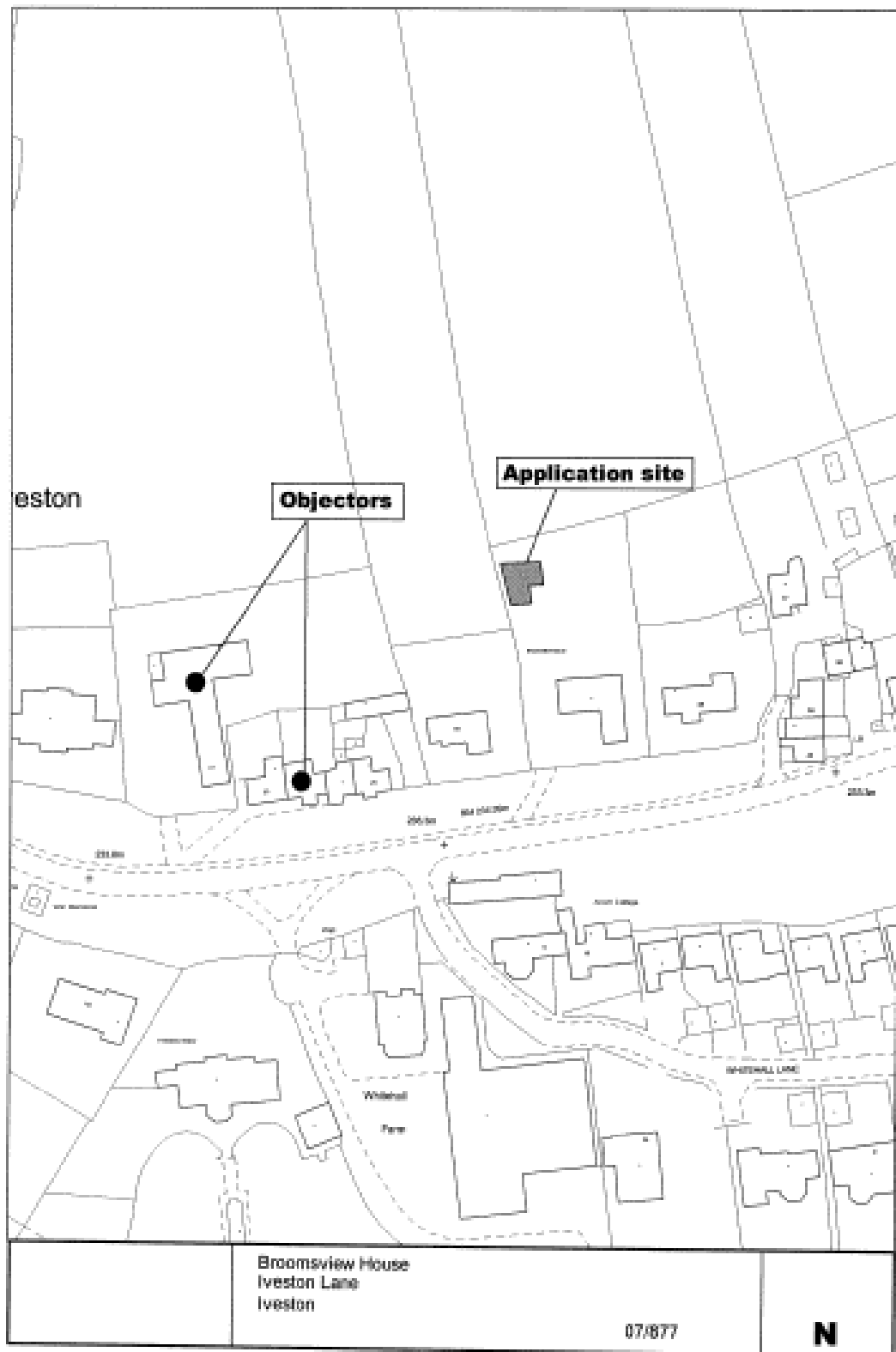
- Standard Time Limit (ST).
- Approved Plans (ST01).
- Stone and slate (A10).
- Private Use (HO14).

Reason for Approval

31. The proposed development is considered to comply with Policies GDP1 and EN2 of the Derwentside District Local Plan and there are no other material considerations which outweigh the decision to approve the application.

Report prepared by Fiona Clarke, Principal Planning Officer

W:\Development Control Committee\140208\07.0877.doc



COUNTY MATTERS

07/1049

18.12.07

UK Coal Mining Ltd

Land to the North East of
Billingside Plantation,
Leadgate

Proposed surface mining of
coal with restoration of the site
to include woodland, species
rich grassland and hay
meadow, scrub, water features
and agriculture (Bradley Site)

Leadgate Ward

The Application

1. An application has been lodged with the County Council to extract coal by opencast methods on land to the North East of Billingside Plantation, Leadgate on a site intended to be known as Bradley. This Council has therefore been consulted on the proposal and invited to make comments which the County Council will take into account when determining the application.
2. Once the coal has been extracted it is proposed to restore the site to woodland, agricultural land, species rich grassland, hay meadow and scrub with some water features and footpaths. An Environmental Impact Assessment accompanies the application.
3. The key facts relating to the proposal are as follows:
 - Site area of 67.8 hectares.
 - Excavation area of 35.3 hectares.
 - Existing Land Use - Agricultural Land, woodland, scrub.
 - Proposed restoration - new native species woodland, grassland, hay meadow, scrub, open water, marshland, hedgerow, footpaths and circular walks.
 - Working period of three years six months.
 - Coaling period of two years five months.
 - Nature Conservation Management for ten years.
 - Blasting – maximum of four blasts per day.
 - Recoverable coal 555,922 tonnes for coking and power generation markets.
 - Creation of thirty eight jobs.

- Working Hours 07:00 – 19:00 Mon-Fri, 07:00 – 12:00 Saturday.
- Site access onto new roundabout to be created where the A692 meets A693 to be partly funded by applicant.
- Traffic Route along A693 to the A1(M) at Chester le Street.
- Sixty four HGV movements per day.
- Community Fund of £60,000.

The site

4. The site has an area of 67.8 hectares and extends between Billingside Plantation to the north and Billingside Wood to the south and west and the A692 to the east. The land is currently mostly rough agricultural pasture. Brooms Pond which is recognised as a District Site of Nature Conservation Importance is situated within the east of the site, this pond provides habitat for Great Crested Newts (a protected species). West Billingside Meadow, also a District Site of Nature Conservation Importance, lies partly within the northwestern area of the site.
5. The nearest properties to the site are Brooms Farm 64m to the east, Douglas Terrace 165m to the northeast and Pont Road properties 385m to the southwest.
6. Three Rights of Way lie within the site boundary, footpaths Nos. 26, 27 and 28 (Consett) and would need to be temporarily closed during coaling operations. The Coast-to-Coast Sustrans route lies to the south of the site.
7. The applicants have proposed phased working of three areas with progressive backfill and restoration during the life of the site. The eastern section of the site would be excavated first, followed by the central section of the site, followed by a smaller northwestern section of the site. The direction of working for each area would be in a northeasterly direction. Typical plant required on site for the working life is; hydraulic face shovels, excavators, graders, dozers and dump trucks. The use of hydraulic shovels should reduce the need to blast although as some sandstone is present in the excavation it is anticipated that some blasting may be required. This would be confined to a maximum of four blasts per day.

History

8. British Coal Corporation Opencast Executive previously applied for Planning Permission in this area and were refused permission by Durham County Council in 1986. An appeal was subsequently refused by the Secretary of State in 1988. The appeal was dismissed on the grounds that the proposal could adversely affect efforts to create permanent jobs in the area; would be detrimental to the amenities enjoyed by local residents, particularly Douglas and Hedley Terraces; would be detrimental to the visual amenity of the area,

and there was no overriding need for the coal to outweigh amenity and environmental objections.

9. In 2001 Durham County Council refused a further application for the development of a much smaller site (Drovers), some of which overlaps this current proposal. The County Council considered the proposal would be piecemeal working of a larger coal deposit; there would be significant landscape impacts and little clear local or community benefits to materially outweigh likely impacts or justify departing from adopted policy.

Policy

10. The following policies are relevant in determining this application:

County Durham Minerals Local Plan

Opencast coal and fireclay (M7)
Piecemeal working (M8)
Stand off distances (M37)
Cumulative impact (M45)
Restoration conditions (M46)

Derwentside District Local Plan

General Development Principles (GDP1)
Development within Areas of High Landscape Value (EN6)
Sites of Nature Conservation Importance (EN22)
Wildlife corridors (EN23)
Rights of Way and Recreational Paths (RE4)
Development and Highway Safety (TR2)

Consultations

11. Economic Development and Regeneration Officer - Has been consulted and views are awaited.
12. Environmental Health - Have been consulted and views are awaited.
13. Biodiversity Officer - Has been consulted and views are awaited.
14. Derwent Valley Protection Society - Both CPRE and Derwent Valley Protection Society are strongly opposed to the application for the following reasons:
 - Previous applications and planning appeals for opencasting have been dismissed on the grounds that environmental disturbance outweighed the need for coal.
 - It would be a waste of a rare and infinite resource which should be preserved for a time of proven need.
 - The site has been environmentally improved with good public access.

- The valley is well renowned as a major recreational and tourist attraction.
 - The granting of this site would set a precedent.
 - The area is valuable as a lung for the conurbation of the northeast.
15. Ebchester and Medomsley Ward Partnership - Are strongly opposed to the proposed application on the following grounds:
- The development would be unsightly.
 - The development would cause air born pollutants.
 - The diverse wildlife of the area would be lost or badly affected.
 - The HGV's would cause congestion leading to displacement of traffic to other minor roads leading to an increased possibility of road traffic accidents.
16. Neighbour consultation - The County Council has carried out an extensive consultation exercise. While neighbour comments should be made to the County Council as they will be determining the application, three letters of objection have been received by this Council from local residents whose concerns are summarised as follows:
- Lack of consultation carried out by the County Council and lack of time given to comment.
 - Restoration would not improve the Pont and Derwent Valley.
 - New tree planting would starve the Ancient Woodland further down the valley of its water supply.
 - The area is a popular walking area for locals.
 - The site is an archaeological site of hundreds of years of mining history.
 - There are bats, badgers, deer, rare newts, rare butterfly and red kites in the vicinity.
 - The dust and noise could prove hazardous to the houses at High Stables and the local primary school in Dipton as the wind almost always blows from the west, and the lorries through Stanley would add to the heavy traffic, especially at peak times.
 - The site can be seen from all sides and would prove an eyesore.
 - The development would set a precedent.
 - Previous applications were rejected on the grounds of environmental damage and destruction of natural habitats.
 - The application probably has no other convincing reason other than for commercial profit.
 - The area has been subject to significant regeneration over recent months and this would destroy all the hard work that has gone into this.

Officer Assessment

17. This application is a County Matter that will be determined by the County Council. As part of the consultation process the views of this Council are requested.

Main Policy Considerations

18. There are no specific policies within the Local Plan relating to mineral extraction bearing in mind the extraction of minerals is a County Matter. Therefore the main policy consideration for the acceptability of opencast extraction is Policy M7 of The County Durham Minerals Local Plan which is a criteria based policy based on applying the principles of sustainable development to coal extraction. Policy M7 seeks to ensure that within the exposed coalfield area there will be a presumption against proposals for the opencast mining of coal unless they are environmentally acceptable, or can be made so, or they provide local or community benefits which clearly outweigh the adverse impacts of the proposal. In assessing such benefits, particular regard is to be had to the contribution of the proposal towards the comprehensive reclamation of derelict or contaminated land, the avoidance of sterilisation of mineral resources in advance of built development or other sterilisation. Regard should also be given to the contribution (or otherwise) to the maintenance of high and stable levels of economic growth and employment.

19. The District Local Plan contains a number of general amenity and countryside protection policies which need to be considered as they relate to the important ecological and landscape sites within the application site. These policies aim to give protection to communities, existing landscapes and aim to prevent harmful impact on the ecology of the district and promote public access to, and the management and enhancement of identified nature conservation sites. Harm to nature conservation sites is also prohibited. The main issues to consider are whether the important ecology of the area can indeed be restored or whether this type of application would cause irreparable harm to a Site of Nature Conservation Importance and whether the impacts upon the landscape would be acceptable.

Residential amenity

20. Local Plan Policy GDP1 seeks to ensure that local residents are protected from harmful development. The main sources of disturbance to local communities from opencast sites are through the visual impact of the development, noise, dust, mud, vibration and the impact of heavy lorry traffic on local roads. Visual amenity issues are discussed elsewhere in this report. To ensure site nuisances are minimised Policy M37 of the Minerals Local Plan aims to prevent mineral development within 250 metres of a group of 10 or more dwellings and blasting within 500m of similar groups, unless it can be demonstrated that amenity can be adequately protected. The proposal satisfies these distances between local properties and the three excavation sites and the areas of the excavation sites that are to be blasted.

21. With regards to noise the applicant has carried out a noise assessment which suggests that the working and restoration would not increase noise levels to recognised detrimental levels at the nearest residential properties. HGV's would not travel through any villages or mainly residential areas to prevent noise and vibration impacts. To ensure that vibration levels from on-site blasting would be kept within permitted limits, test blasting would be carried out to calculate vibration characteristics of the rock which would enable appropriate levels to be set. Dust control measures have been suggested in the submitted Dust Action Plan. To comment on noise, vibration and dust matters is within the remit of the Environmental Health Division, who are currently considering the submitted information. These views will be forwarded to the County Council for their consideration when available. However it is not anticipated that these will be available before your meeting.

Landscape Quality

22. Local Plan Policies GDP1 and EN6 only allow for development in Areas of High Landscape Value where particular attention has been paid to the landscape quality in the siting and design of developments and the use of appropriate landscaping. The site is situated in the Lower Derwent and Pont Valley Area of High Landscape Value and is part of the Durham Coalfield Fringe and Durham Coalfield Valley. The site which descends to the north is mostly open farmland and contains no significant groups of trees or hedgerows. The Brooms Ponds Site of Nature Conservation Importance (SNCI) and part of the West Billingside SNCI lie within the site. The site is not considered to be in a state of dereliction although there is small scale evidence of former mining activities with areas of exposed soil.

Visual Impact

23. In visual terms the impact of the site would not affect all the surrounding area to the same extent. Long distance views of the site from the North and South (over 3km) are largely restricted by intervening ridgelines. Within the more immediate area operations would be visible or partly visible over a wider area. From Medomsley to the north views would be limited by vegetation with only the upper workings being visible. To the west of the site Bradley Bungalows would have elevated views of the mounds and operations although other properties along Pont Lane to the west would only have restricted views due to the intervening higher land and vegetation that surrounds the site. Two isolated properties 550m north of the site would have open views of both the site operations and the overburden mound.
24. The proposed perimeter topsoil mound is intended to screen close views of the site including overburden storage and extraction areas when viewed from the A692 and A693, Jolly Drivers Public House, Redwell Hills area of Leadgate and Douglas Terrace. The perimeter topsoil mound would be kept

low but would nevertheless be a locally intrusive feature in itself, running for some distance alongside the A692 and along the north east perimeter. Efforts have been made to site the most unsightly feature, the overburden mound, down in the valley behind the plantation. However due to its height it is inevitable that it would be visible and visually intrusive when viewed from the south, east and the west of the site. It is considered therefore that despite the design and landscaping proposed, within the wider landscape there would be moderate impacts and there would be adverse visual impacts within the local vicinity for a period of three and a half years which make this site unacceptable.

Restoration

25. Policy M46 of the Minerals Local Plan and Local Plan Policy EN6 requires that restoration schemes for mineral workings have regard to the quality of the local landscape and seek to provide landscape improvements. Local Plan Policy EN11 encourages replacement planting where trees are lost as a result of the development. The majority of the site itself would be reinstated as agricultural land though some variety would be provided with woodland planting and water features. New hedgerows and footpaths would also be included. The proposed restoration strategy would ultimately enhance the site's appearance helping to improve biodiversity and landscape qualities, whilst encouraging public access, and would therefore accord with Minerals Local Plan Policy M46, EN6 and EN11; however such restoration would inevitably take several years to take full effect.

Recreational Issues

26. Local Plan Policy RE4 seeks to ensure that development that effect Rights of Way or recognised paths only be permitted where alternative routes are provided, and where possible Rights of Way and paths should be incorporated into schemes rather than diverted. There are three public footpaths that run through the site and would need to be temporarily diverted during the operations. The footpaths would be diverted around the site boundary. The perimeter soil mound and working areas would dominate views from these alternative routes. The footpaths would be reinstated during restoration and new footpaths would be created to adjoin these footpaths linking the footpaths to the Coast-to-Coast route to the south and footpath 156 to the north west of the A692. For regular users of the Sustrans Route, the visible mounds are likely to have an adverse impact on the route's amenity value during the working period.

Agricultural Quality

27. Local Plan Policy AG2 seeks to protect best and most versatile agricultural land from development, however there is no Grade 2 or 3A Agricultural

Quality land within this site and farmland will be restored.

Ecology

28. Where there are designated Sites of Nature Conservation Importance, Local Plan Policy EN22 will only permit development which would not lead to a loss of or cause significant harm to these sites. Local Plan Policy GDP1 aims to ensure there are no adverse effects upon protected species and Local Plan Policy EN23 seeks to ensure the value and integrity of Wildlife Corridors is maintained. Brooms Pond SNCI and part of West Billingside Meadow SNCI lie within the site. A small section of West Billingside Meadow SNCI would be disturbed by the operations and Brooms Pond SNCI, which is home to Great Crested Newts, would be lost as a result of this proposal.
29. A detailed ecological survey has been carried out over the site and surrounding area which is a wildlife corridor, and results included in the Environmental Statement. No statutorily protected flora was recorded. However, in terms of fauna the findings of the survey were that there is likely to be significant impacts upon the Brooms Ponds SNCI and Great Crested Newt species, prior to implementation of mitigation measure. These involve the creation of new ponds and translocation of the Great Crested Newt species. The proposal would therefore be contrary to Local Plan Policies EN22 and GDP1 as the development would result in the loss of this important site and would fail to prevent harm to a protected species. The Environmental Assessment takes the view that the relocation of the pond would be beneficial as it would be in a safer location and would be formed to be more suitable to Great Crested Newts. However, it is questionable whether a new pond can be created of the same conservation status as the present one given the inherent problems with habitat translocation.
30. The development would affect the West Billingside Meadow SNCI to a lesser extent and the applicants have designed the scheme so that the imprint on the West Billingside Meadow SNCI is small and the length of the disturbance is short.
31. In addition to Great Crested Newts, other species have been identified both on site and in the local area that could be affected during the operations. These include bats, badgers and birds. In mitigation the applicants have proposed methods of action to be taken during working to minimise the development's impact and have put together a package of benefits associated with the working and restoration of the site for local wildlife.

Archaeology

32. The archaeological potential of the site and the industrial features that survive within the site have been properly assessed in accordance with the

requirement of Local Plan Policy EN19. As the features are of some archaeological interest the applicants are willing to undertake a measured survey in agreement with the County Council prior to the commencement of the operations.

Hydrology and Hydrogeology

33. Local Plan Policy GDP1 requires development to make adequate provision for surface water drainage, protect areas liable to flood and protect groundwater resources. The proposed site lies within the catchment of Pont Burn, which is a tributary of the River Derwent. The applicants have carried out a Flood Risk Assessment which identifies the site in flood zone 1 with a negligible risk of flooding from streams or rivers during the extraction or post-restoration phase or of flooding of the excavations by groundwater of flooded mine workings. Any surface water run-off would be pumped into water treatment lagoons and only stored in excavations when run off exceeds the capacity of the pumps. The Environmental Assessment findings indicate little or no groundwater has been found within the old workings and there is a negligible risk of contamination of groundwater from other sources.

Cumulative Impact

34. Minerals Local Plan Policy M45 notes that, when considering proposals for mineral development, the impact of past, present and future sites must be considered. New development will not be granted where the cumulative impact exceeds that which would be considered acceptable if produced from a single site. In the immediate vicinity there are no current operations, the last opencast site being the Stony Heap site which was completed in August 2007. There are no planning applications for mineral sites under consideration or allocated mineral sites in the vicinity.

Piecemeal working

35. Minerals Local Plan Policy M8 prevents the piecemeal working of opencast coal deposits. The applicants have identified that there are viable coal resources to the north, north-west, north-east and south-west of the currently proposed site. However further developments adjacent to this site would be constrained by the drift channel and woodland to the north and woodlands, services and housing to the east and west. The applicants state they have no wish to extend the boundaries of the application site and are prepared to enter into a legal agreement to this effect. This would be binding upon the current site owners and future owners.

Site sterilisation issues

36. Minerals Local Plan Policy M7 seeks to avoid the sterilisation of mineral

resources in advance of built development or sterilisation of fireclay or brickclays. Both national policy and Derwentside Local Plan Policy EN1 have a strong presumption against development in the countryside, consequently this site is extremely unlikely to be developed in the future. Therefore, there is no risk of sterilising this resource. The Environmental Assessment has identified that there are no fireclays present at this site which could be sterilised as a result of this development.

Socio-economic Issues

37. The applicants maintain that if they receive permission to extract coal from the site it would enable them to sell coal to the UK electricity generation market at a competitive price compared to imported coal, and that some coal would be sold to the local metallurgical industry.
38. In considering past applications it has been argued that this type of development would deter inward investment. Of the identified potentially sensitive local businesses (Jolly Drivers Public House, Redwell Hills Nursing Home, Northumbrian Horse Holidays, Safeguard) it is considered that none should suffer from significant amenity impacts which would affect business.
39. The site would employ 38 persons for the duration of the operations, many of whom the company wishes to transfer from the Stony Heap site operation which employed 53% of its workforce from the local area. Whilst this would continue employment for those workers the number of jobs associated with this site are low and would not significantly improve local employment levels or benefit the local economy.
40. To compensate for the local disruption the applicants are willing to set up a community fund of up to £60,000 if permission is granted and once the site is in operation. The applicants have also stated their intention to provide a substantial contribution towards the construction of a roundabout at the junction of the A692 / A693.

Access and Traffic

41. In accordance with Local Plan Policy TR2, development should ensure safe vehicle accesses and exits are incorporated. It is proposed that initially a temporary access would be provided at the southeastern boundary of the site and a new main site access would be constructed on to the A692 at a new roundabout to be created at the junction with the A693. It is envisaged that a new roundabout would mitigate accidents at this junction by reducing speed. Whilst this new roundabout is necessary for the proposed site the implementation of this roundabout has also been planned by the County Council for some time and is currently ranked fifth in the County Durham Local Transport Plan 2 Annex of minor schemes. As it stands only the first

three minor schemes are likely to be implemented within the plan period (2006-2011) and therefore the funding provided by the applicant would bring forward this highways improvement scheme significantly.

42. The traffic route for HGV traffic leaving the site would turn onto the A693 and proceed from there to the A1(M). The applicants have agreed to site traffic being restricted to this route by a legal agreement. Officers are of the view that this is the most appropriate route as it avoids residential areas. The County Council Highways Officer will comment on highway safety grounds, including vehicle routing and highway capacity.

Conclusion

43. This large and quite lengthy development has attempted to address the previous refusal reasons for both the Billingside site and Drovers Site which it has incorporated into its boundaries. The Environmental Statement submitted proposes a working scheme and measures intended to limit the effects on local communities, the environment, landscape and wildlife. The restoration scheme primarily to agriculture, woodland planting and water features is designed to enhance the landscape qualities of the area, nature conservation features and increase public access. The funding is intended to deliver major benefits to the local community and bring forward the implementation of the A692 / A693 roundabout.
44. Nevertheless, being close to communities and a main road, it is inevitable that during the period of working and re-instatement there will be noticeable environmental impacts upon this Area of High Landscape Value. In addition, this application would result in the loss of the Brooms Ponds SNCI and would inevitably result in harm to its Great Crested Newt species which may not survive the translocation to the new created ponds.

Recommendation

45. The following grounds of objection should be raised with the County Council:
- The south eastern section of this site, being in a relatively elevated position adjacent to a main transport link, means that there would be noticeable environmental impacts upon local views during the period of working and reinstatement which cannot be made acceptable by the use of screening mounds.
 - The loss of the Brooms Pond SNCI and harm to Great Crested Newt population cannot be offset by the creation of new habitats taking into account the difficulty with translocation.
 - Aside from the creation of new recreational links and arguably more interesting and varied landscape, the community benefits of the proposal are somewhat lacking.
 - Whilst there could be some benefits from the opencasting and

restoration of the land, it is not considered to be in a sufficient state of dereliction that would warrant reclamation. The site is currently an attractive area of natural countryside which does not detract from the appearance of the area.

- Current policy seeks to prevent new built development in the countryside, therefore it is unlikely that this land would be developed in the near future which could lead to sterilisation of this resource.
- Whilst there is limited evidence to suggest that such proposals are damaging to economic growth there is not a convincing argument that the proposal would make a significant positive contribution to the maintenance of high and stable levels of economic growth and employment given the small number of jobs that would be created here and as there is no commitment to train local people.
- The proposal is contrary to Mineral Local Plan Policy M7 and policies GDP1, EN6 and EN22 of Derwentside Local Plan.

Report prepared by Louisa Ollivere, Area Planning Officer

W:\Development Control Committee\140208\07.1049.doc

