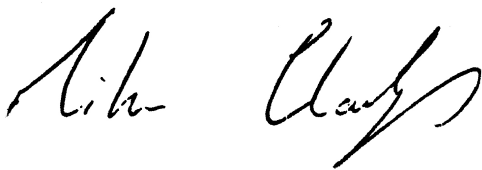


## **Development Control Committee**

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

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 27th March 2008 at 2.00 p.m. for consideration of the undernoted agenda.



**MIKE CLARK**

**Chief Executive Officer**

## **Agenda**

### **1. DECLARATIONS OF INTEREST**

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

### **2. MINUTES**

To approve the minutes of this panel's meeting held on 6th March 2008 as a correct record. (Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

**3. DEVELOPMENT CONTROL ANNUAL REPORT 2007**

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

Attached Documents:

[DEVELOPMENT CONTROL ANNUAL REPORT 2007 \(B\)](#)

**4. APPEAL DECISIONS**

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

Attached Documents:

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

**5. PLANNING APPLICATIONS**

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

Attached Documents:

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

Agenda prepared by Lucy Stephenson Democratic Services 01207 218249

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

14th March 2008

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of a meeting of the Development Control Committee on Thursday 6<sup>th</sup> March 2008 at 2.00 p.m.

### **Present**

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

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

### **Apologies**

Apologies for absence were submitted on behalf of E. Turner and O. Milburn.

### **In Attendance**

Councillor D.I. Barnett.

## **75. DECLARATIONS OF INTEREST**

Councillor A. Shield declared a personal interest in application 08/0036.

Councillor P. Hughes declared a prejudicial interest in application 08/0036.

## **76. MINUTES**

**RESOLVED:** that the minutes of the meeting held on 14<sup>th</sup> February 2008 be approved as a correct record.

Councillor Shield made reference to application 07/1049 on page 184 of the minutes of the 14<sup>th</sup> February, he added that in his opinion there was insufficient information contained within these, however appreciated that there was lengthy discussion on the application. He advised that in future when he wished his comments to be recorded in the minutes he would request that this is done so.

## **77. PLANNING APPLICATION VALIDATION CHECKS**

The Development Control Manager presented the report which outlined the introduction by Government of a new standard electronic and paper application form for applications made under the Town and Country Planning system and Listed Building and Conservation Area consent regimes.

She advised the planning division along with the other seven Durham Districts and the County Council had developed a validation checklist which complied with statutory requirements and was consistent with “The Validation of Planning Applications – Guidance for Local Authorities” the intention being that there would be a consistency across authorities and be a step ahead in preparation for LGR. She advised that a draft checklist was attached as an appendix to the report which would require formal adoption by the Council.

**RESOLVED:** that the validation checklists be adopted.

## **78. APPEAL DECISION**

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

- (i) Planning Application – Appeal against refusal to grant full planning permission for the retrospective change of use of land from woodland to garden and the retention of a domestic dog kennel. Also appeals against enforcement notices requiring the applicant to stop using the land as a domestic garden, to reinstate the boundary of the domestic curtilage and to remove the dog kennel building from the land – The Inspector allowed the appeal and quashed the Enforcement Notices. A condition was imposed which required landscaping to take place. The Development Control Manager advised that in the event that this condition is not complied with the kennel must be removed.

## **79. PLANNING APPLICATIONS**

### **(1) Public Speaking Applications**

Councillor A. Shield declared an interest in the following application where it was agreed that he be allowed to remain in the meeting.

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

08/0036 MR P FEATHERSTONE

Erection of one bungalow and garage (outline) (Resubmission) Land to the east of 6 The Bungalows, High Westwood.

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

The Development Control Manager presented the report which recommended

approval of the application. She advised that comments had been received from Northumbrian Water regarding sewers and it had been confirmed that the application would not affect any existing sewers in the vicinity.

She advised that in light of a recent appeal decision relating to the permission of a similar dwelling in Medomsley the applicant had resubmitted this application for reconsideration. She further advised that the sites were very similar and the site could be classed as infill; therefore the planning officers' view had changed in respect of the application.

MR FEATHERSTONE: Speaking in Support of the Application.

Mr Featherstone advised that as the recommendation of the planning authority had changed he no longer felt the requirement to speak in support of the application.

Councillor Shield added that there had been only 1 objection raised to the application relating to traffic and access, he advised that in his opinion this could not be subscribed to. He added that the proposal was infill, and therefore supported the recommendation for approval.

Councillor Christer asked for clarity on the points of access into the site. The Development Control Manager explained the access points to the site, outlining that the main access was taken from the back lane, however there were two ways that cars could leave the site. In addition the Highways Officer had no objections to the use of either of the access points.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0036 be approved subject to:-

- Application for reserved matters should be made and time limit for submission (RMTL).
- Approval of the details of the layout, scale, appearance, means of access and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- The proposed dwelling hereby approved shall be single storey in height to be sited in line with the existing terraced row of nos. 1-6 The Bungalows. The extent of the site boundary shall not extend beyond the line of the adjacent dwellings and rear gardens/garage sites of nos 1-6 'The Bungalows' to the west of the site.
- Materials (AO3).
- Car Parking (HO3).
- Surface water drainage (D04).
- Sewerage disposal (DO5).
- Removal of permitted development rights (PD01).
- 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.

Councillor P. Hughes returned to the Chamber.

**07/1031 P E VALENTINO'S LTD**

Erection of single storey rear extension, 9 Church View, Lanchester.

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

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised that the design of the extension was considered to be acceptable and in keeping with the locality. In addition a condition was recommended requiring the use of stone and slate for the external finishing materials.

He advised that the Highways Authority had no objections to the application however had suggested that a condition be attached restricting the use at the rear of the building to prevent use of the space for outdoor eating, and remain for staff parking only.

MR HUXLEY: Speaking in Support of the Application.

Mr Huxley made reference to the objections made by Lanchester Partnership regarding the loss of car parking to the rear of the restaurant, he advised that this was a private car park only and not for public use. He advised that the majority of patrons often walk or take taxis to get the restaurant and even though the extension would provide for seating for 30 more persons, it was considered that this would only increase parking by approximately 5 cars.

Photographs were circulated to members which showed the parking in the village at different times of the day proving that adequate parking was available throughout the day and into the evening when the restaurant was open.

He went on to address the access and advised it was proposed for this to be improved, it should be noted that there was be no increase in delivery vehicles accessing the rear of the building.

Councillor Young indicated that he supported the officers' recommendation for approval.

Following a vote being taken it was

**RESOLVED:** that Planning Application 07/1031 be approved subject to:-

- Time Limit (ST).
- Approved Plans (ST01).
- The extension shall be constructed with the external walls of natural stone and the roof of natural slate.
- Test panel of external finish materials (A06) .
- Rainwater goods (A13).
- The yard to the rear of the property shall be used for parking and for no other purpose without the prior written consent of the Local Planning Authority.

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

08/0074 MR M ALLUM

Conservatory to rear, 1 Langdon Mews, Templetown.

- Standard time limit (ST).
- Approved plans (ST01).
- House extension materials (DH05).
- Amended application (G01).

**(3) District Council Developments**

07/1019 DERWENTSIDE DISTRICT COUNCIL

Residential Development (outline) Land to the rear of 1-20 Vale View Burnhope.

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised that the Highways Authority did have some concerns over the use of access point from Vale View and advised that they had indicated that they would only offer their support for the application if access was taken exclusively off Co-Operative Terrace. He advised that this was considered acceptable however the road would have to be upgraded to an adoptable standard.

The Senior Area Planning Officer then went on to address the concerns of neighbours and advised that 1 objector, Mr Hobbs, had requested that the objections he had made on the previous application in 2005 be put forward against this application relating to surface water drainage.

He went on to discuss the drainage for the site and added that a pre-commencement condition had been recommended to ensure that adequate drainage was provided for the dwellings.

In conclusion he advised that the site was allocated within the Local Plan for residential development and it was therefore recommended for approval.

Councillor Christer made reference to the concerns made by Mr Hobbs relating to the run off of surface water into his property and asked how this was to be resolved. In response the Senior Area Planning Officer went through the photographs explaining that the site currently benefitted from natural drainage, Northumbrian Water however had advised that the developer would have to work in consultation with themselves to agree an appropriate replacement method of drainage. This could be covered as earlier suggested by a pre-commencement condition.

Following a vote being taken it was

**RESOLVED:** that Planning Application 07/1019 be approved subject to:-

- Approved Plans (ST01).
- Reserved matters time limit (RMTL).
- Reserved matters to be submitted (RM).
- Materials (A03).
- Development shall not commence until a detailed scheme for the disposal of foul and 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.
- No development shall commence until details of all existing and proposed floor levels have been submitted to and in agreed in writing by the Local Planning Authority (GL01).
- Vehicular access to the site shall be exclusively via Co-operative Terrace and this should be indicated in any related reserved matters planning application.
- The stretch of road from the junction of Vale View up to the access point to the site on Co-operative Terrace shall be made up to adoptable standard prior to the occupation of any dwelling on the housing site hereby approved.

### **Conclusion of meeting**

The meeting closed at 2.36 p.m.

**Chair.**



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

**27<sup>TH</sup> MARCH 2008**

**REPORT BY THE DIRECTOR OF ENVIRONMENTAL SERVICES**

Development Control Annual Report 2007
---

Introduction

1. This report provides Members with information regarding the operation of the Development Control Team and Development Control Committee during 2007.

Number of Applications

2. In 2007 the Division dealt with a total of 871 applications for Planning Permission, Listed Building Consent, Changes of Use, Advertisements, Conservation Area Consent and works to trees. This was slightly more than in 2006 when 858 applications were dealt with.
3. Eighty nine percent of applications were dealt with under delegated powers with only 11% (99 applications) being determined by the Development Control Committee. This means that the Council were close in 2007 to achieving the 90% level of delegation advised by Central Government.
4. Just over half of applications (53%) were for householder developments, such as extensions to existing dwellings, conservatories, fences etc. Eighty five percent of these were dealt with in less than eight weeks.
5. Thirty four applications were classed as 'major' applications. These included the retail proposals at Hermiston Retail Park and Genesis Way, industrial/commercial buildings and extensions of more than 1,000 square metres, and housing sites of more than ten houses. Some of these applications were determined under the delegated powers arrangements.

Refusals Contrary to Recommendation

6. Seven applications were refused by the Committee contrary to the recommendation of your Officers. This represents 6.5% of decisions made

by the Committee. These applications are listed below, together with any associated appeal decision.

<b>Reference Number</b>	<b>Site</b>	<b>Proposal</b>	<b>Appeal Decision</b>
1/2007/000/DM	Fairview Terrace, Greencroft	Residential Development	Appeal Allowed
1/2007/0257/DM	55 Lintzford Road, Hamsterley Mill	Retrospective application for Change of Use of land and erection of dog kennel	Appeal Allowed
1/2006/0493/DM	Murray Memorials, The Grove, Consett	Change of Use of land to pet cemetery	No appeal submitted
1/2006/0907/DM	Land to west of Chelsea House, Shield Row	Erection of two storey dwelling consisting of two flats (outline)	Appeal Allowed
1/2007/0553/DM	Glenroyd House, Medomsley Road, Consett	Change of Use from residential institution (Class 2) to non-residential institution (Class D1) and Offices (Class B1)	Appeal submitted but withdrawn following approval of alternative scheme
1/2007/0617/DM	279 Medomsley Road, Consett	Change of Use to Accountants Practice	Appeal under consideration
1/2007/0529/DM	Holyoak House, High Westwood	Two storey extension	No appeal submitted, approval granted for alternative scheme

7. From the table set out above, in the majority of cases where applications have been refused contrary to recommendation the Council has not been

successful at appeal. In cases where a decision is made contrary to the recommendation of your officers it is often practice to employ consultants to represent the Council's case at appeal.

Approvals Contrary to Recommendation

8. In 2007 there were four applications (3.7% of applications considered by the Committee) that were approved contrary to your Officer's recommendation to refuse permission. Details of these applications are contained in the table below.

<b>Reference Number</b>	<b>Site</b>	<b>Proposal</b>
1/2007/0494/DM	13 Laverick Terrace, Annfield Plain	Erection of Conservatory
1/2007/0012/DM	36 Brackenridge, Burnopfield	Roof Extension
1/2006/0732/DM	Tantobie Allotments	Erection of Dwelling (outline)
1/2007/0434/DM	Land to the rear of 25 Front Street, Quebec	Erection of one dwelling (outline)

Council Employee Applications and Applications made by Members

9. The Development Control Committee determines all applications submitted by Council Employees and Members. In 2007 there were six such applications in 2007 representing 5.5% of applications determined by the Committee.

Site Visits

10. A total of nine site visits were made before applications were determined.

Appeals

11. The following table outlines the appeal decisions that were received in 2007. It should be noted that this table relates only to appeal decisions received; the above table relates to the decisions that were made by the Committee in 2007 therefore not all appeals appear on both tables.

<b>Reference Number</b>	<b>Site</b>	<b>Proposal</b>	<b>Appeal Decision</b>
1/2007/0075/DM	Land to the north east of Briarhill, The Avenue, Burnhope	Erection of two detached dwellings	Dismissed
EN215	Langley Meadow Farm, Burnhope	Enforcement Notice appeal against the erection of conservatory attached to moveable building	Dismissed and Enforcement Notice upheld
1/2007/0152/DM	6 Hollinside Terrace, Lanchester	Listed Building Consent for installation of roof mounted solar panels	Dismissed
1/2007/0005/DM	Fairview Terrace, Greencroft	Erection of 29 dwellings	Allowed
1/2006/0915/DM	5 Bronte Place, South Stanley	Detached garage	Dismissed
1/2006/1010/DM	81 Iveston Lane, Iveston	Conversion of single dwelling into two dwellings and erection of external staircase	Dismissed
1/2006/0907/DM	Land adjacent to Chelsea House, High Westwood	Erection of two storey building containing two flats	Allowed
1/2006/0724/DM	Stone Gappe, 5 Long Close Road, Hamsterley Mill	Change of use of detached garage/playroom to detached garage/self catering	Dismissed

		guest room for up to 140 days per year	
1/2006/0756/DM	95 Snows Green Road, Shotley Bridge	Conservatory	Dismissed
1/2006/0524/DM	Land to the south/west of Bloemfontein School, The Middles, Stanley	Dwelling (outline)	Dismissed
1/2006/0395/DM	Land to the west of Harelaw Gardens, Harelaw	Detached house and garage	Dismissed
1/2006/0135/DM	33 Manor Road, Medomsley	Demolition of detached garage and erection of detached dwelling	Dismissed
EN210	Land to the west of Derwentcote Lodge, Hamsterley	Kennelling, training and exercising of dogs	Notice upheld and varied
1/2006/0164/DM	31 Parklands, Hamsterley Mill	Demolition of existing garage and erection of bungalow	Allowed
EN207, 208, 209	Plots 23,24,25 St Ives Gardens, Leadgate	Properties not built in accordance with approved plans	Appeals allowed and enforcement notices quashed
1/2006/0132/DM	Land to the south of The Wagon Inn,	Three dwellings (outline)	Dismissed

	White-le-head		
1/2006/0315/DM	Land 180m to south east of Conifer House, High Friarside, Burnopfield	Telecommunications mast	Dismissed

12. During 2007 there were seventeen appeal decisions received. Three of these appeals were against Enforcement Notices that had been served by the Council. In two of the three cases the notices were upheld, however in the remaining case the notices were quashed. This case related to properties that had been erected higher than indicated on the approved plans. Members resolved to take enforcement action in this case against the advice of your officers. The Inspector determining the appeal quashed the notices.
13. There were fifteen appeals against the refusal of Planning Permission on which decisions were made in 2007. Three of these were allowed.

#### Conclusions

14. The above report demonstrates that the team continue to deal with a relatively large number of applications annually. While the majority of these are householder a small number of major applications are dealt with which can be complex and demand a considerable amount of officer time. In cases where applications have been refused contrary to the recommendation of your officers, applicants have had a greater degree of success at appeal when compared to cases where the officer recommendation has been followed.

#### Recommendation

15. It is recommended that the report be noted.

Report prepared by Fiona Clarke, Development Control Manager

**DERWENTSIDE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**27<sup>th</sup> MARCH 2008**

**REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES**

**APPEAL DECISION**

**Appeal against the refusal to grant Advertisement Consent for the erection of one advertising hoarding (retrospective) at the Scout Hall, Front St, Dipton**

- 
1. This appeal relates to an application for Advertisement Consent, which was refused on 8<sup>th</sup> January 2008 under delegated powers for the erection of one advertising hoarding at the Scout Hall, Front Street, Dipton. The application was refused on the grounds that the advertisement was located within a predominately residential area and was considered overly prominent, having a negative impact on the amenity of the surrounding properties, contrary to Policies CO13 and GDP1 of the Local Plan.
  2. The Planning Inspector dismissed the appeal. He considered the main issues to be the effect that the hoarding had on the building to which it is located and its impact on the wider surroundings.
  3. The inspector considered the position and impact of the hoarding upon the premises, stating that the hoarding is an incongruous feature that detracts from the appearance of and is obtrusive on the building.
  4. The Inspector considered its wider impacts which, due to its size and position, he considered to be out of place with the surroundings and have an intrusive impact within the street scene.
  5. The Inspector also concluded that the advertisement hoarding was contrary to Policies CO13 and GDP1 of the Local Plan.

**Recommendation**

6. This report be noted and Members authorise action to secure the removal of the advertisement.

Report prepared by Graham Blakey, Area Planning Officer

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

**27<sup>th</sup> MARCH 2008**

**REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES**

**APPEAL DECISION**

**Appeal against the refusal of permission to fell three Ash trees at 30  
Villa Real Estate, Consett**

- 
7. This appeal relates to an application for the felling of three Ash trees at 30 Villa Real Estate, Consett, which was refused permission on the 3<sup>rd</sup> September 2007. The Planning Inspector dismissed the appeal.
  8. The Inspector considered the trees to have moderately high visual amenity, as they are prominent specimens in the landscape being an integral part of the overall garden group. It was considered that the loss of the trees would be detrimental to the area, leaving a large gap that would not be mitigated by the presence of other trees either now or in the longer term. He felt that the integrity of the linear group would be diminished by their removal.
  9. The Inspector noted that although the trees are within falling distance of the appellant's property, they appear to be in good condition with well-formed branch structures, supporting canopies exhibiting good growth characteristics. Furthermore, the Inspector considered the trees to be free from defects that could be a cause for concern in respect of their stability. It was noted that there was no evidence of root plate movement indicated by soil cracks and there was no evidence of any fruiting brackets within the immediate vicinity to indicate that the trees have been infested by known decay fungi.
  10. The Inspector noted that it is not uncommon for twigs and branch wood to become dislodged in high winds, however this is not considered to constitute a serious hazard and could be alleviated by maintenance of the trees which would include crown cleaning etc.
  11. It was noted that the trees do shade the property for large part of the daylight hours. However, the Inspector considered Ash trees to be a lightly leafed specimen that allows significant light penetration and furthermore there are pruning solutions that could be used to reduce the nuisance the trees provide in relation to sunlight.



Recommendation

12. This report be noted

Report prepared by Mr. T Armfield, Student Planning Officer



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

**27<sup>th</sup> March 2008**

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

**PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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08/0037	Mrs P Dodds	Erection of one dwelling, Oakwood Stables, Durham Road, Lanchester	Lanchester Ward	15
08/0017	Mr I Shrigley	Demolition of existing building and erection of eight starter workshops with associated parking and realignment of approved access road, Esh Winning Building Supplies, Esh Winning Industrial Estate	Esh Ward	26

## RECOMMENDATION FOR APPROVAL

08/0077

06.02.08

M and L Associates

Land to the east of 5 George Street, Blackhill

Erection of six apartments

Blackhill Ward

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### The Application

1. Planning Permission is sought for the erection of six apartments on the site of the current Blackhill Doctors' Surgery car park to the rear of Queens Road, Blackhill. The site measures 337.5 square metres in area.
2. The site is within a largely residential area with pre-war, two storey terraced residential properties to the south and west, and a row of two storey terraced properties to the north. To the east of the site lies the Blackhill Doctors' Surgery which is scheduled to be re-located to a new site at Shotley Bridge Hospital in late March 2008.
3. The proposed apartment building would consist of three, 2 bedroom apartments at ground floor level and three, 3 bedroom apartments spread over the first floor and roof space. The apartment building would be set back to follow the building line of George Street to the west. The building would measure 15.8m in width leaving a gap of 1.2 to the gable end of 5 George Street. The length of 10.7m which would project 1.2m beyond the original rear building line of George Street. The roofline would be the same height as the roofline of George street but would have a slightly less steep pitch than the George Street roofline. The front of the building would face onto George Street with parking and bin storage to the rear. The apartment building has been designed to give an external appearance akin to a row of three, two storey terraced properties.
4. Materials proposed for construction would be random stone on the three visible elevations and render for the gable elevation facing 5 George Street. The development would incorporate windows in all elevations with two rooflights and a pitched dormer in the rear. Access into the properties would be obtained from the rear and side elevations; suggested door openings have been incorporated in the property frontage. Traditional design features such as cills and lintels and quoins have been incorporated into the design.

5. A total of eight parking spaces are proposed for the development, two of which would be for visitors. Vehicular access would be taken from the rear of Queen's Road and the rear of George Street.

#### History

6. In 1991 planning permission was granted for the conversion of the former builders' yard to a doctors surgery car park (reference 1/1991/0773/DM).

#### Policy

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

General Development Principles (GDP1)  
Development on small sites (HO5)  
Development and Highway Safety (TR2)

#### Consultations

8. County Highways Development Control Officer - considers that the level of parking provision is acceptable assuming that two of the parking spaces are intended for visitors/those with more than one vehicle, and does not object to the application providing a condition is attached ensuring that the parking spaces are provided and available for use prior to the occupancy of the dwellings.
9. The Highways Officer mentions that he is aware that the related Doctor's Surgery practice would move to the Shotley Bridge Hospital Site in due course.
10. It is advised that the parking areas must be served by a vehicular access to the public highway constructed in accordance with Section 184(3) of the Highways Act 1980 and that the applicants need to agree access and construction details with Durham County Council prior to undertaking any works in the public highway.
11. Northumbrian Water - have not commented to date (consulted 8<sup>th</sup> February 2008).
12. Neighbours have been consulted and a site notice posted, Fifteen letters of objection have been received from local residents. Their concerns are summarised as follows:
  - lack of car parking for the development
  - parking levels are contrary to Building Regulations
  - existing residents would have to park elsewhere to avoid blocking access
  - the proposal would increase traffic congestion in the area

- there would be an unacceptable loss of privacy and light to 5 George Street's first floor bedrooms and rear yard contrary to Policies GDP1 and HO23 of the Derwentside Local Plan
- the residents of 5 George Street claim a 'right to light; as it is claimed that the windows have been present for over twenty years
- the distance between the gable end of 5 George Street and the gable end of the development would be less than 12.5m, contrary to SPG7
- the proposal is contrary to the 45 degree rule contained in SPG2
- the proposal is contrary to Derwentside Local Plan Policy HO5 as it is not appropriate to the existing pattern and form of development in the settlement
- the development would overshadow properties to the rear
- there would only be a privacy distance of 20m between facing property windows
- the parking bays/additional on-street parking would restrict access to existing garages/accesses and lead to accidents
- the open aspect of the rear of John Street would be lost
- the development for apartments would constitute over development of a small site
- random materials for construction would not be in keeping with the surrounding stone terraces
- the type of windows and slate roof are not in keeping with other properties on the other side of George Street
- the dormer window is not in keeping with the area
- the apartments would be too small for their purpose
- the windows on the gable end facing 5 George Street are of no use for lighting purposes given the close proximity
- the internal layout of the apartments is unusual with bedrooms at the front
- the dormer window would have privacy implications for properties at the rear
- apartments would not be in keeping with the terraced streetscape
- the apartments would be for rental
- the development would lead to an increase in litter and noise
- development would affect surrounding property values
- there would be noise pollution, dust and dirt during construction

#### Officer Assessment

13. The main issues to consider in relation to this application are whether the development of this site for residential purposes is acceptable in principle; whether there would be a detrimental impact upon residential amenity, and whether the layout, scale, design, access and parking are satisfactory.

### The principle of the development

14. Under current Government Guidance, as outlined in PPS3 'Housing', the application site represents the type of site on which new residential development is to be encouraged i.e. previously developed land within urban areas which should be viewed in preference to Greenfield sites. The site is a previously developed 'Brownfield site' within a settlement and would be considered a windfall site in light of the advice contained within both PPS3 and Policy HO5 of the Local Plan.
15. The preamble to Policy HO5 'Development on small sites' states that new housing should be built in sustainable locations where people have easy access to transport, jobs, shops, schools, and other facilities. This is a sustainable location being sited in a settlement near one of the District's Town Centres with convenient access to a whole range of facilities. The development of the site for residential purposes is therefore considered to be acceptable in principle.

### Residential amenity

16. On small sites such as this, Local Plan Policies HO5 and GDP1 only allow development where adequate space would remain between the existing and proposed building so as not to cause loss of amenity to neighbouring properties or proposed properties from a lack of privacy, daylight or outlook.
17. The main residents that would be affected by the development are the residents of 5 George Street. The Council has historically recommended that there should be a distance of no less than 12.5m between the main window of a habitable room and a gable elevation of an adjacent building with no windows to habitable rooms in that elevation. There would only be a distance of 1.2m between the gable elevation of 5 George Street which incorporates two first floor bedroom windows and the gable end of the proposed development which incorporates no habitable room windows, only bathroom and landing windows. The existing occupiers of 5 George Street, and potential purchasers of 5 George Street, have objected to the development. Their main concerns are the loss of light, outlook, privacy and the potential overshadowing.
18. In terms of light and outlook, whilst such a small 'gable to gable' distance incorporating windows would normally be considered critically by officers, it is important to note that in this instance these gable end windows are not original windows, and are secondary windows for the two bedrooms. The main room windows being to the front and rear of 5 George Street. Although the residents would inevitably suffer a degree of loss of light and outlook from these bedrooms, it is not considered to be of a level that would be unsatisfactory given the main windows would be unaffected and that normal

terraced properties have adequate light with no gable windows. The objectors claim a right to light under the Rights of Light Act 1959 as they state the windows have been in place for twenty years or more. Members should note that where a right to light is claimed, this is a matter of property law, rather than planning law. The Local Planning Authority can take no role or interest in any private dispute over light. It would be for the owner or occupier to see if a legal remedy would be available. It is acknowledged that it is an unfortunate situation that 5 George Street would suffer some loss of light and outlook from the proposed development, Members should consider that the owners of 5 George Street have been enjoying that additional light by overlooking someone else's land. Were the Council to try and insists on the retention of a 12.5 privacy distance to 5 George Street the site would be difficult to develop.

19. In terms of privacy there is the potential for indirect views from the first floor and second floor landing windows of the proposed side elevation to one of the neighbouring bedroom windows in the side elevation of 5 George Street. This issue has been raised with the developer who has indicated a willingness to obscure these windows if necessary. The obscuring, relocation or deletion of these windows could be controlled by condition, should Members be minded to approve the application.
20. As the apartment building would project slightly past the original building line of 5 George Street some overshadowing of the rear yard of 5 George Street would occur. However, the loss of light to the rear yard is not considered significant given that the rear yard is already overshadowed by a two storey extension at the rear of 5 George Street itself.
21. As the gable end windows of the proposed development would be from non-principal rooms it is not considered that the light and outlook would be unsatisfactory for future residents of this development.
22. Other residents that could be affected by the proposed development are residents of 2-6 George Street and 48-50 John Street. There would only be a distance of 18m between the proposed properties and those of 2-6 George Street opposite and 19.5m to 48-50 John Street to the rear. Where a new two storey development would face onto a two storey development the requirement for a privacy distance of 21m is generally recognised as being less significant as front elevations are not considered to be private elevations, and residents would generally expect to have less privacy to the front of the house. This facing distance is further justified in this location given that it is nearly double the distance of many face to face properties in the local area.
23. Generally where a new two storey development would back onto an existing two storey development a minimum distance of 21m is recommended for privacy. Whilst the recommended privacy distance is not achieved in the proposal, again the privacy distance that would be achieved is not much



different to the existing privacy distances that exist in these pre-war terraced streets. It is considered therefore that the sight shortfall in privacy distance is acceptable. The residents to the rear have raised concerns that the proposed dormer window would allow for further overlooking at a higher level. The applicants have been advised to replace this dormer window with a rooflight, to protect privacy and improve the design. Amended plans are awaited and the issue could be controlled by condition. This distance to the properties at the front and rear would prevent impacts, such as overshadowing and loss of outlook, to these properties.

24. The comments of the objectors in relation to other amenity issues such as noise and litter are noted. It is considered that issues such as noise pollution and litter could be adequately and better controlled under Environmental Health Legislative powers. Some objectors are concerned about the effect on property values from the development of the site, however Members are reminded that local property values are not material planning considerations.

#### Design Issues

25. Local Plan Policy HO5 states that housing development on small sites should only be permitted where the development is appropriate to the existing pattern and form of the development in the settlement. In considering this it is necessary to look at density, layout, scale and design.
26. In terms of design any housing development should respect the character of the existing residential buildings of the area, as well as the scale and height of the existing dwellings so as not to appear out of keeping. Whilst the proposal is for six apartments the building has been designed to appear as three terraced properties with parking and bin storage at the rear. The row of apartments would be similar in size, height and design to the stone terraced properties of the area. It is considered that the design is sympathetic to the area with the use of traditional features such as cills and lintels, and construction materials such as stone and slate. The applicants have been advised to delete the incongruous dormer window feature from the scheme and amended plans are awaited. The objectors' concerns regarding the stone and slate materials are noted and it is considered appropriate in this instance that the precise types of stone and slate are agreed by condition.
27. Adequate landscaping should normally be incorporated in the design and layout of new housing sites. This is a compact site, with limited space for parking therefore no garden space is proposed. It is not considered necessary to insist on landscaping in this instance given that the terrace will not look dissimilar to other terraces in the area that have little or no landscaping.

### Parking and access

28. Local Plan Policy TR2 seeks to ensure that all development incorporates satisfactory and safe parking and access. The scheme proposes one parking space per apartment and two visitor spaces, and it is agreed with the Highways Officer that this level of parking is sufficient for this development given the close proximity to sustainable transport. The objector's comments in relation to increased traffic and access issues are noted, however it is not considered that the traffic would be significantly greater than traffic which visits the site currently in connection with the Surgery. Blocked access issues are matters under the control of the Police. It is recognised that some on-street parking space would be lost as a result of the need for access to the rear and side of the site, however the main residents concerned (48-50 John Street) have parking space at the front/garage space at the rear which is considered adequate. Given that at the time of writing the Queens Road Surgery is still open it is appropriate in this instance that should Members approve the application a condition be attached to restrict the development of the site to a time when the car park is no longer necessary for the surgery.
29. In conclusion, the principle of the residential development of the site is considered to be acceptable, as a previously used site within the existing built up area. It is not considered the proposal would be significantly detrimental to neighbouring amenity or that it would detract from the visual amenity of the area. The parking provision is considered to be of a level that would not increase on-street parking within the area. On balance therefore it is considered that the proposal accords with policies GDP1, HO5 and TR2 of the District Local Plan and the proposal is therefore acceptable.
30. It is appreciated that this application has resulted in a relatively high level of objection. However it is important that Members consider whether those objections provide a sound basis for refusal. Central Government guidance on this issue (The Planning System – General Principles. Jan 2005) is quite clear in the advice offered on this issue:
- “When determining planning applications they (Local Planning Authorities) must take into account planning considerations only. This can include views expressed on relevant planning matters. However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.”*
31. In the case of this application it is perhaps understandable that the adjacent resident is concerned about loss of light and outlook, and that other local residents are concerned about parking in the area. However, Officers consider that the Planning arguments weighing against the application, are not strong, and that it would be difficult to successfully defend refusal of permission.

## Recommendation

### 32. Conditional Permission

- Time Limit (ST).
- Approved plans (ST01).
- Samples of external materials (A03).
- Test panel of materials (A06).
- Stone masonry (A08).
- Sills and lintels (A09).
- Window inset (A12).
- Rainwater goods (A13).
- Prior to the commencement of the development plans shall be submitted to the Local Planning Authority indicating the relocation, deletion or insertion of obscure glazing in the windows on the western elevation facing 5 George Street and the development shall be carried out in accordance with the agreed elevation plan.  
Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan Policies GDP1 and HO5.
- Prior to the commencement of the development plans shall be submitted to the Local Planning Authority deleting the dormer window from the proposal and the development shall be carried out in accordance with the agreed amended plan.  
Reason: In the interests of the amenity of neighbouring residents and the character of the locality in accordance with Local Plan Policies GDP1 and HO5.
- Sewage works (D03).
- Surface water drainage works (D04).
- The parking and access shown on the approved plans shall be provided before the building hereby permitted is occupied. Subsequently the area so indicated shall be used for no other purpose without the prior written consent of the Local Planning Authority.  
Reason: In the interest of highway safety in accordance with Policy TR2 of the Local Plan.
- The development hereby permitted shall not commence until the Blackhill Doctors Surgery has relocated to another site.  
Reason: In the interests of amenity in accordance with Local Plan Policy GDP1 and TR2.
- Permitted Development Rights Removed (PD01).

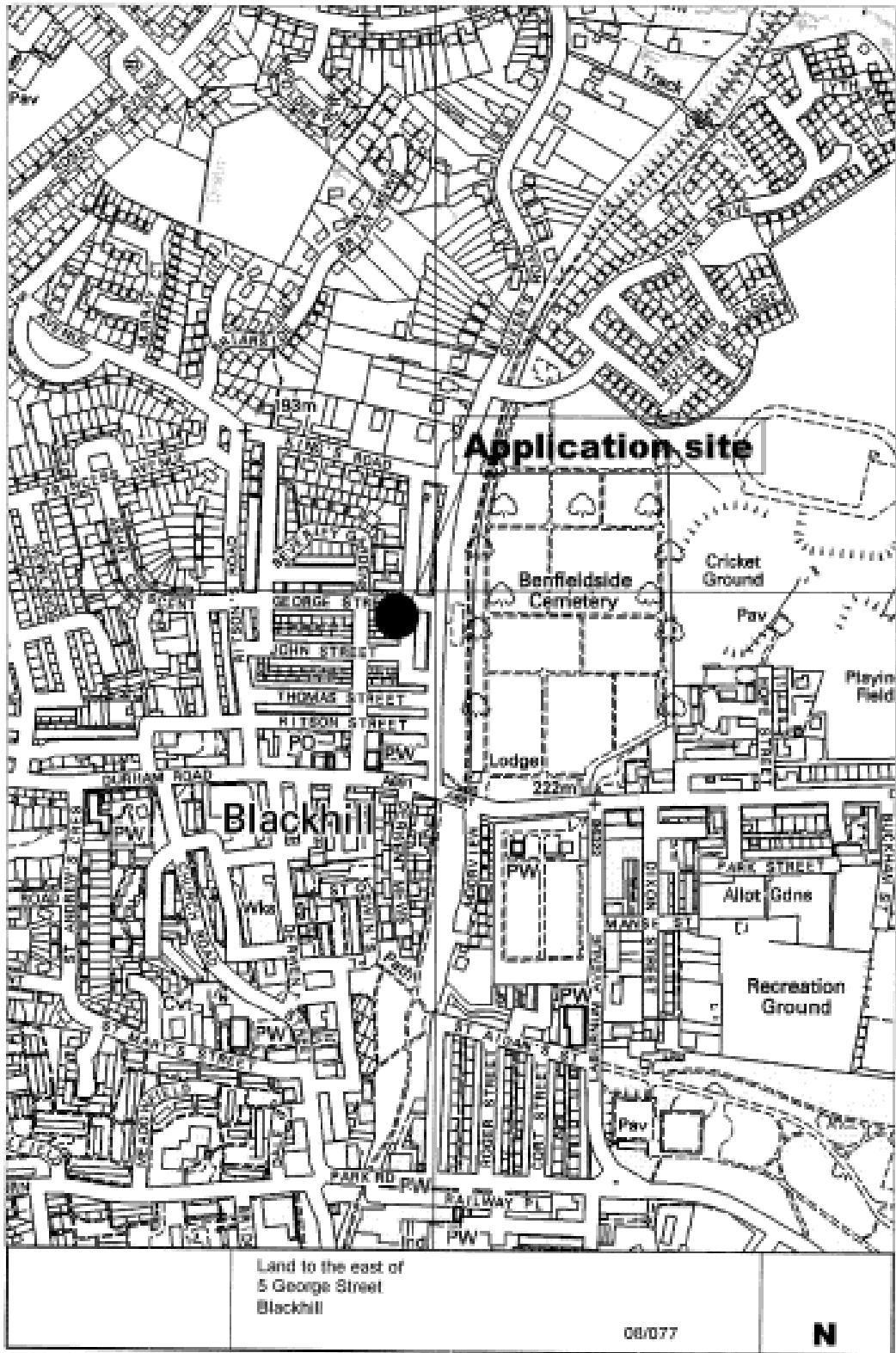
## Reason for Approval

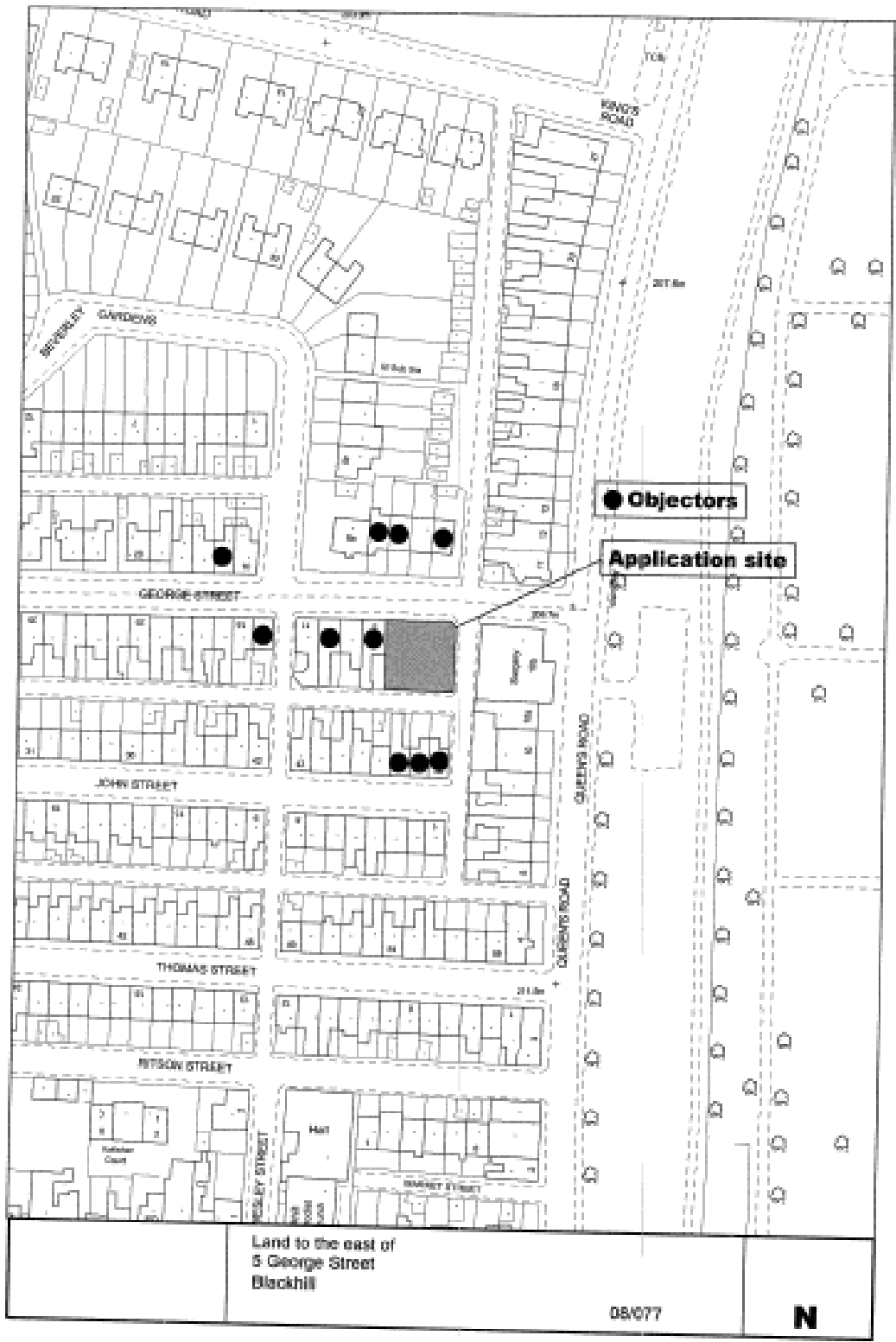
33. The decision to grant planning permission has been taken having regard to policies GDP1, HO5 and TR2 of the Derwentside Local Plan and material considerations as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority the principle of the

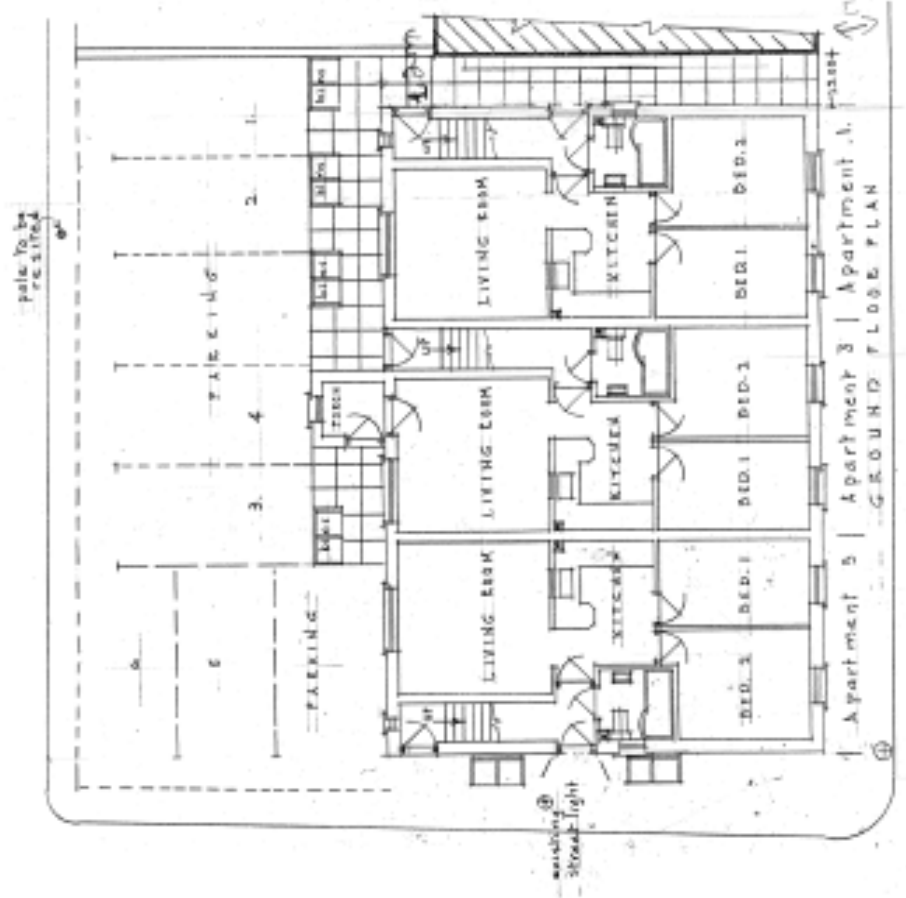
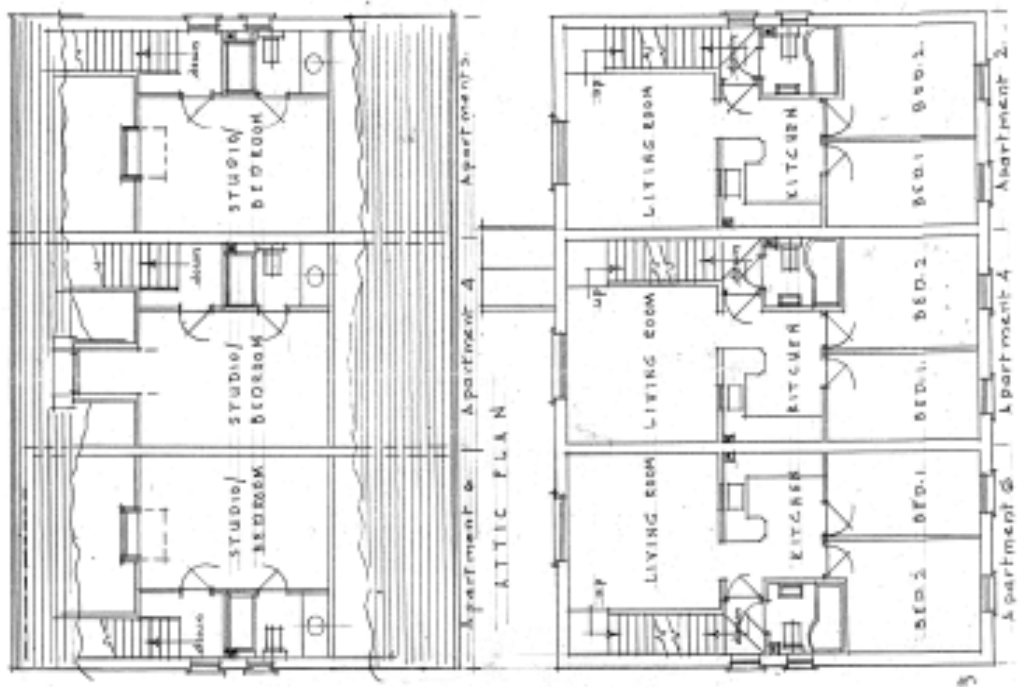
development, amenity impacts, design and parking are considered on balance to be acceptable and the material considerations do not outweigh the decision to grant permission.

Report prepared by Louisa Ollivere, Area Planning Officer

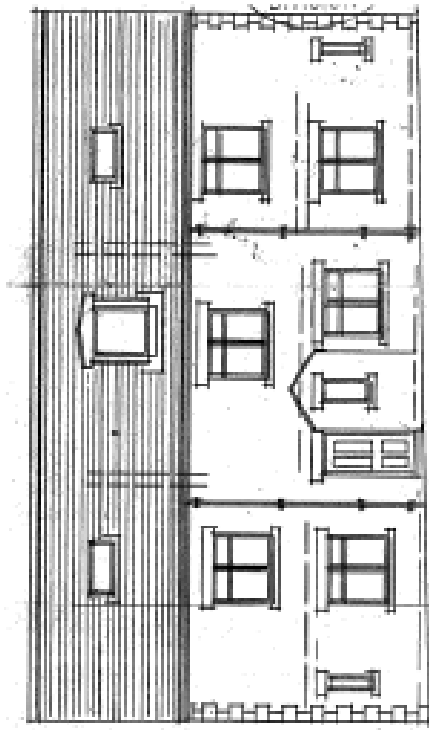
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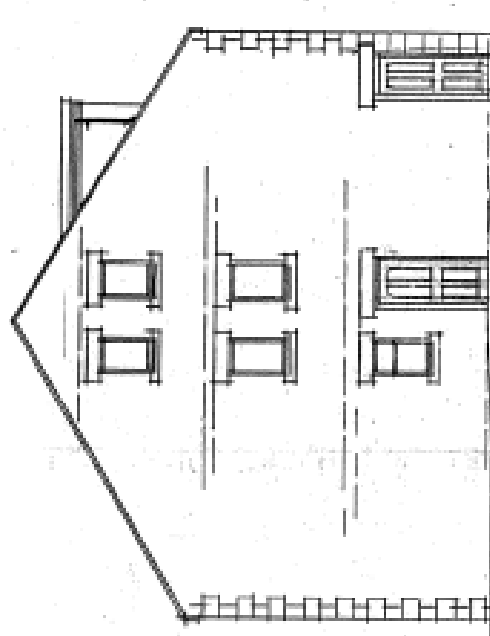




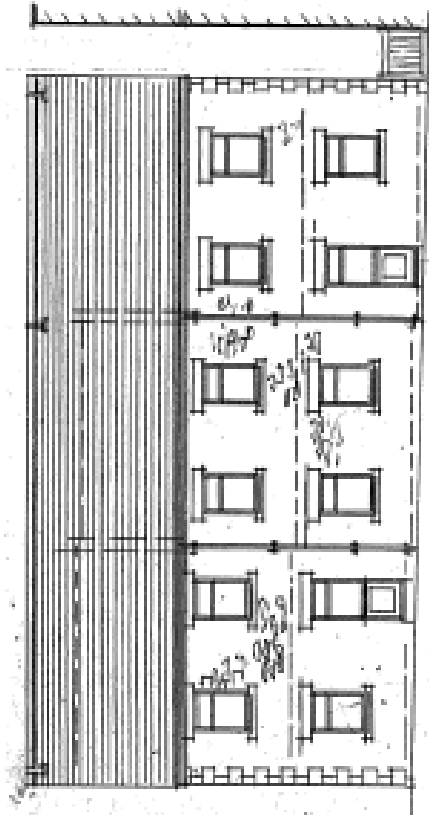
Land to the east of 5 George Street, Blackhill. 08/077



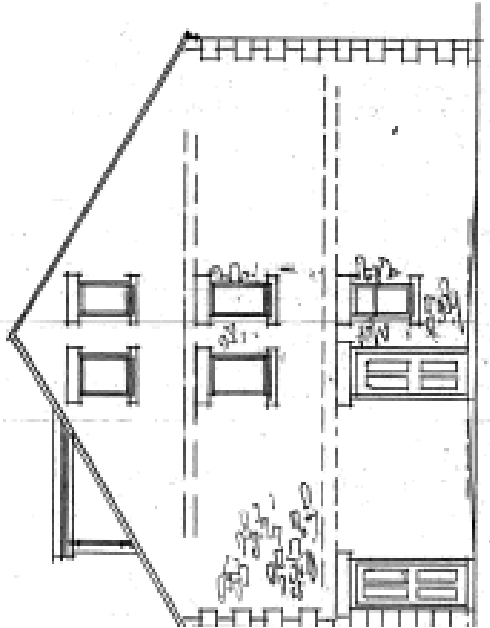
South Elevation



West Elevation



North Elevation



East Elevation

Land to the east of 5 George Street, Blackhill. 08/077



## RECOMMENDATION FOR APPROVAL

08/0037

23.01.08

Mrs P Dodds

Oakwood Stables, Durham Road,  
Lanchester

Erection of one dwelling

Lanchester Ward

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### The Application

1. Planning permission is sought for the erection of a permanent two storey stone and slate house at Oakwood Stables, Durham Road, Lanchester. Permission was granted for a mobile home for residential occupancy at Oakwood Stables for a period of three years in July 2005. The applicant has sought to further strengthen the viability of her equestrian business over the last three years and is now seeking approval for a permanent dwelling to continue to live on the site to run the business.

### History

2. In 2000 permission was granted for a stable block comprising of ten stables and an exercise area at Oakwood Stables (reference 1/2000/0434/DMFP).
3. In 2002 permission was granted for a variation of condition 5 of the Planning Permission granted in 2000 to allow the use of the stables as a riding school (reference 1/2002/0216/DMVP).
4. In 2003 permission was granted for the erection of floodlighting to the outdoor ménage (reference 1/2003/0957/DMFP).
5. In 2004 permission was refused for an extension to the existing stable block and siting of a residential mobile home on the grounds that there was no functional need on animal welfare grounds or for the proper functioning of the business to have permanent residential occupancy on-site (reference 1/2004/0439/DMFP).
6. In 2004 permission was granted for four additional stables (reference 1/2004/1020/DMFP).
7. In March 2005 an application for the siting of a mobile home was withdrawn (reference 1/2005/0114/DMFP).

8. In July 2005 permission was granted for a temporary mobile home (reference 1/2005/453).
9. In October 2005 permission was granted to vary condition 6 of Planning Permission 1/2003/0957/DMFP to extend the time of floodlighting from 1900 hours to 2000 hours (reference 1/2005/0847/DM).
10. In March 2007 permission was granted for the erection of indoor training and exercise arena (reference 1/2007/0029).

### Policy

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

General Development Principles (GDP1)  
Protecting the Countryside (EN1)  
Preventing Urban Sprawl (EN2)  
Development Limit for Lanchester (HO7)  
Development and Highway Safety (TR2)  
Development within Areas of High Landscape Value (EN6)  
Recreational Facilities within the Countryside (RE3)

Supplementary Planning Guidance Note 9: The Lanchester Village Design Statement

PPS7: Sustainable Development in Rural Areas

### Consultations

12. County Highways Development Control Officer - Advises that on the basis there is no material difference in highway terms between a mobile and permanent home no objection is made. He assumes that if approved the new dwelling would have a similar condition restricting occupancy only to persons involved in the operation of the adjacent business.
13. County Design and Conservation Officer - Advises that the proposed house would be associated with the riding school buildings and the hedge, and be within the setting of the existing buildings. It would not be seen as isolated and this is a positive feature. She considers that the style of house as shown from the photocopied pictures would be acceptable. However, she comments that she has not received any drawings of the plans or elevations and considers these would be required to fix the size of the proposed dwelling. In summary she considers the proposal to be acceptable, although the size should be controlled. She would also wish to see natural slate and natural stone.

14. Council's Environmental Health Officer - No adverse comments.
15. Northumbrian Water - No objections.
16. Lanchester Parish Council - Whilst members welcomed the provision of horse riding facilities in Lanchester the proposed further development at the above stables is strongly opposed in that it would create an undesirable residential development in the countryside outside of a previously agreed development limit. Advise that the Parish Council have previously expressed its concern as to the likely escalated development of an area outside the development limit. They feel that the decision should be consistent with development within The Lanchester Village and Conservation Area development Limit on page 19 of the Village Design Statement.
17. Lanchester Partnership - Comment that it must be recognised that the application is for a "specialist" worker connected with premises sited in a rural area where development would not normally be allowed. If it is to be approved it must therefore be subject to a restrictive condition tying its occupation to a person or persons employed at Oakwood Stables.
18. Also consider that the siting and design of the dwelling are very important. A two storey building in the position proposed would be seen as a roadside dwelling. Whilst the roadside hedge provides substantial screening for the single storey stable building, the two storey building would be significantly more prominent from the road and from surrounding countryside, especially across the valley. It would therefore be better sited below the stable block, where in the longer views it would be seen against that block and the rising hillside, rather than spread out along the road frontage. They feel that it would also be less obtrusive if it were a single rather than two storey building.
19. They consider that the whole of the stable establishment is obtrusive in the landscape and it is imperative that some proper and effective landscaping is carried out on this prominent site. Stated that they have previously asked that tree planting and earth moulding techniques be used to mitigate the impact of building in this open landscape and the proposal for a further building on the site makes that a necessity. They do not agree with the applicant's "design statement" that little or no formal planting is required and that the roadside hedgeline is quite inadequate. In any case the site is not simply seen from the main road but from very many other viewpoints in the landscape. The site needs to be looked at in a three dimensional way not as a flat screen.
20. The design of the proposed dwelling, taken from a "house design book" would, in their opinion, not be appropriate. The illustration shows a building of random stonework with what looks like a concrete slab rather than slate roof, which is not typical of buildings in the countryside around Lanchester. They advise that the Village Design Statement deals with buildings in the

countryside in section 4.5 suggesting that they should usually follow a traditional format including wooden rather than UPVC windows and doors appropriately detailed.

21. Neighbours have been consulted and a site notice posted. Two letters of objection have been received from local residents. Their concerns are summarised as follows;
- goes against the agreed development plans (development limit and built up area) for the Lanchester Village
  - the Council Planning Office has systematically allowed creeping planning on this greenfield site and this would continue. There should be a more robust attitude
  - will not benefit rural economy or enhance landscape character
  - is not sensitively related to the existing settlement pattern or landscape
  - the thin hedge is not sufficient to screen it from public view
  - detrimental to appearance of approach on main road, which is important in giving first impressions
  - not appropriate siting and design on the site, within the area of High Landscape Value or within this particular locality
  - if it is necessary to have a house it should be sited where the existing caravan is, modest and single storied. Although the owner does not need a family residence there. It would be suitable for them to live in Lanchester
  - the site is unattractive, which would be exacerbated by an incongruous dwelling resulting in a ribbon development
  - at night there is floodlighting and the light spills out of the existing indoor arena
22. One letter of support has been submitted and the main points are summarised below;
- local initiatives and rural enterprise should be supported at a time when the rural economy is in depression as evidenced by the declining civic facilities and defunct business premises in Lanchester village itself
  - the environment at Oakwood provides valuable opportunities for everyone to develop a range of skills
  - the facilities available are impressive, as is the standard of animal welfare, and the family environment
  - the proposal to build their home is evidence of hard work in establishing a sound business and commitment to continuing to be an important part of the community. Their commitment is evidenced by their having lived on site for nearly three years in the caravan they currently call home. Their hard work and endeavors should be rewarded
  - the property will provide opportunity for roost spaces for birds and bats

#### Officer Assessment

23. Planning Policy Statement 7 (Sustainable Development in Rural Areas) states

within Annex A that:

“Isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved”.

24. It goes onto state that new permanent dwellings should only be allowed to support existing agricultural activities or well-established agricultural units or other rural-based enterprises providing the following tests are met:
  - i) There is a clearly established existing functional need that relates to a full-time worker.
  - ii) The unit should have been established for at least three years and profitable in at least one, is currently financially sound and has a clear prospect of remaining so.
  - iii) The functional need could not be fulfilled by another dwelling on the unit or other existing accommodation in the area which is suitable and available for occupation, and
  - iv) Other planning requirements in relation to access or impact on the countryside are satisfied.
25. The applicant’s agent has submitted extensive evidence of an essential functional need for permanent residential occupancy, for someone to be readily available at most times to ensure the proper running of the equestrian business. This is required for the day to day operation of the stables and riding school; the health and welfare of the horses and ponies; and the need to ensure a satisfactory level of security and input for so many hours seven days a week. Before the owners of the stables lived in the mobile home on the site there was a problem of break-ins which a security CCTV camera failed to deter, which led to stress and anxiety, damage to animals and property, withdrawal of business and theft.
25. There is now a higher level of activity on the site through lessons and liveries provided and the horses are more valuable, some belonging to other people and are still at risk. The on-site presence has now successfully stopped the regular break-ins which were harming the welfare of the animals and making

the business unviable and uninsurable. Without on-site accommodation the horses were being released in the night and injured requiring veterinary care. The positioning of the house would enable the prevention of criminal activity, which has taken place in the past and allows for fast reaction for animal welfare at short notice.

26. The dwelling would be for the owner who is the manager of the stables (the applicant), her husband and son to live in. The dwelling has four bedrooms, only the usual living areas and an attached single storey garage. The total floor area of the living accommodation of the dwelling at 240 sq.m. is not considered overly or unusually large in relation to the scale and nature of the enterprise. The dwelling is considered appropriate and of a size commensurate with the functional requirement and need of the equestrian business and the extent of facilities and services it provides.
27. The applicant's agent has also submitted substantial accountancy evidence and information. This supports the view that the viability of the business has been substantially strengthened financially over the last three years. Turnover and profit has substantially increased. It can be seen that the business has been profitable in all three years from 2005. The overall trend of takings is significantly up and there is an overall rising curve of the business. The business can now be seen as established and the additional facilities of the indoor arena, recently finished on site, shows a strong investment and intention for the future.
28. Policy EN1 requires that new development in the countryside should benefit the rural economy *or* help to maintain and enhance landscape character. It is considered that the existence of the stables is of direct benefit to the economy of the area and Lanchester Village in particular. There also appears to be good reason to assume that in the absence of a permanent presence on the site the applicant would struggle to develop, and even continue, the business, so it seems logical to conclude that the proposal would be of some tangible benefit to the rural economy, if approved.
29. In principle, the proposed siting of the dwelling to the west of the existing stables, forward of the root span of the trees located to the edge of the site along Durham Road is acceptable. It is felt this proposed siting would have the best setting and the lowest impact. It would be close to, and in line with, the rear of the stables and is well-related to these existing buildings. The dwelling would be of reasonable proportion, sit below the level of the road and below the level of the existing trees. There would not be significant effect on the character or landscape qualities of the Browney and Smallhope Burn Valleys Area of High Landscape Value. It is not considered further landscaping of the site, whether this would be additional trees or a hedge, is required for screening or is indeed appropriate within the field or next to the road in the context of both long and short views as there are trees existing to

the north, east and south of the site.

30. The dwelling is designed to be of a traditional County Durham style, two storey random stone house with Welsh slate pitched roof. Wooden windows and doors would also be used. The curtilage around the dwelling would be limited and just be defined with the type of fencing already on the rest of the site. The windows are tucked tightly in the 1<sup>st</sup> floor, which reduces the bulk. The proposed dwelling has been specifically designed so as to contrast with the form, proportions and function of the adjacent single storey stable block.
31. Concern has been raised that if approved the dwelling would create a breach of the Development Limit, contrary to policies HO7 and EN2. The Development Limit is clearly intended to prevent any new housing development which would create an extension of the village outwards into the open countryside. The house for the equestrian business is some distance (approximately 230m) outside the village limit and it is most unlikely that its approval would prejudice the continuing strength of the Development Limit as an effective Policy to resist proposals for greenfield housing development around Lanchester. A number of other dwellings have been permitted around Lanchester, outside of the Development Limit, where agricultural justification has been proven, so an approval of a dwelling at Oakwood Stables, although related to an equestrian enterprise, would not be unprecedented.
32. The Village Design Statement (VDS) strongly endorses the Development Limit in the Local Plan, but as argued above, it is not felt that an approval of the application would prejudice the continued effectiveness of this. Section 4.5 of the VDS provides guidance on new buildings in the Countryside, including houses, and in a section headed "Other Houses" says that "the design of any new building that may be permitted should respect the site location and should usually follow a traditional format." It suggests that they should usually follow a traditional format including wooden rather than UPVC windows and doors appropriately detailed. This can be ensured through adequately worded conditions.
33. The Highways Authority has not objected to the application, and visibility at the junction with the A691 is good. Parking is provided on site for visitors and for the proposed dwelling. If Members are minded to approve the application, a condition is recommended that would limit its occupancy to that of persons employed in connection with the running of the stables or family of such persons. A condition would also require the removal of the mobile home currently on site when the dwelling is substantially constructed. Furthermore Permitted Development Rights would be removed for development within the curtilage of the dwelling, in order to control the size of the dwelling.

## Recommendation

### 34. Conditional Permission

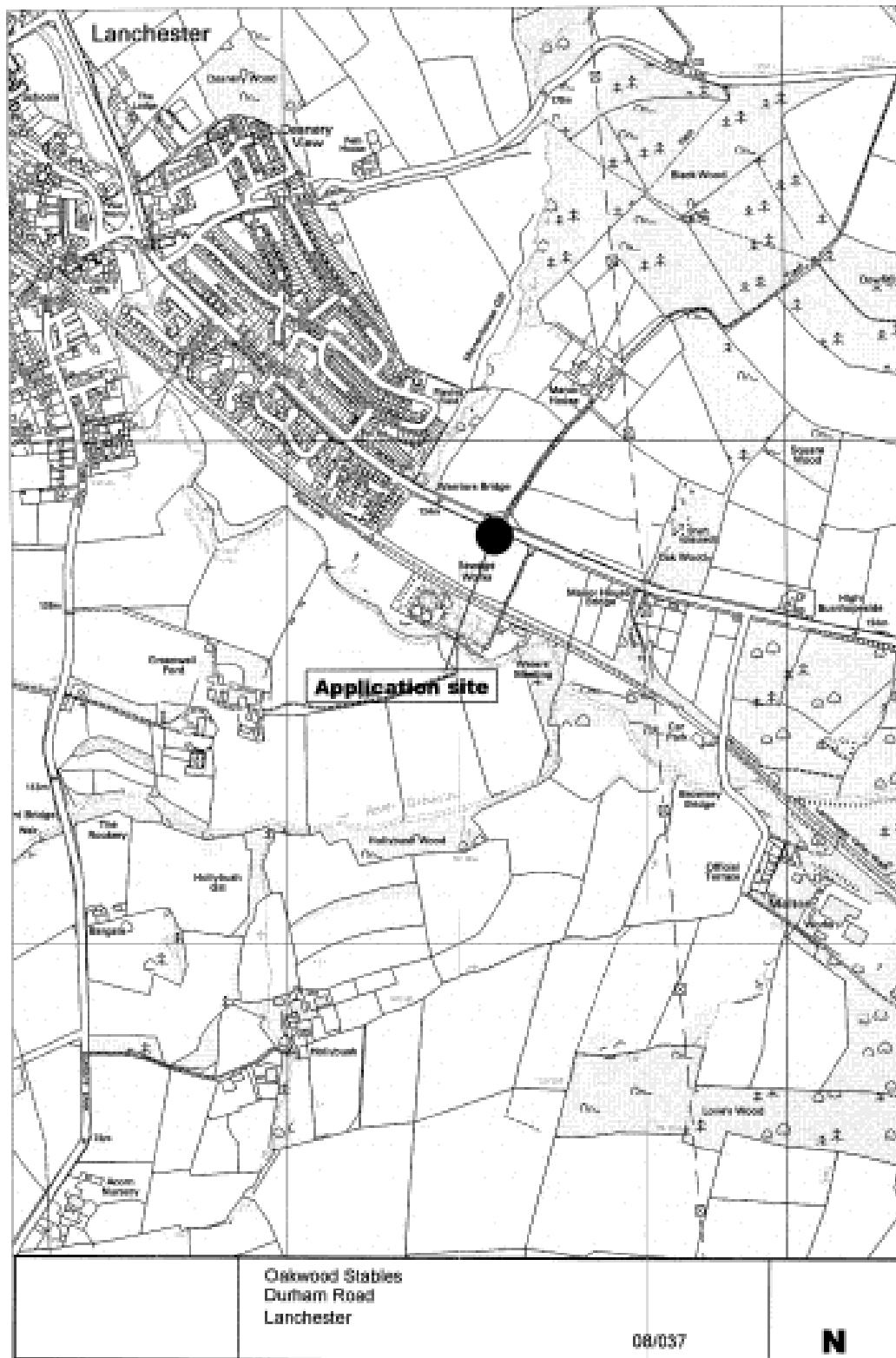
- Approved Plans (ST01).
- Standard Time Limit (ST).
- Reason: To ensure that development is carried out in accordance with approved plans.
- The permanent dwelling hereby approved shall only be occupied by a person solely or mainly employed, or last employed in the equestrian business at Oakwood Stables, or a widow or widower of such a person, or any resident dependants.
- Reason - In the interests of protecting the countryside from inappropriate housing development, contrary to PPS 7: Sustainable Development in Rural Areas and Policies EN1 and EN2 of the Local Plan.
- The mobile home presently on site shall be removed from the site on substantial completion of the permanent dwelling hereby approved.
- Reason - In the interests of protecting the countryside from inappropriate housing development, contrary to PPS 7: Sustainable Development in Rural Areas and Policies EN1 and EN2 of the Local Plan
- Removal of permitted development rights (PD01).
- Materials, to include details of all windows and doors (A03 and A08).
- External finishing materials, to include materials for the proposed driveway, pathway and patio area for the dwelling (A05).
- Rainwater goods (A13).
- Reason: The Local Planning Authority wishes to approve these details in order to ensure that the appearance of the development is satisfactory, in accordance with Policy GDP1 of the District Local Plan.
- Stone cills and lintels (A09).
- No development shall commence until details of all existing and proposed floor levels have been submitted to and in agreed in writing by the Local Planning Authority (GL01).
- Reason: In the interests of the character and appearance of the area from any raising or lowering of ground levels in accordance with Policy GDP1 of the Local Plan).

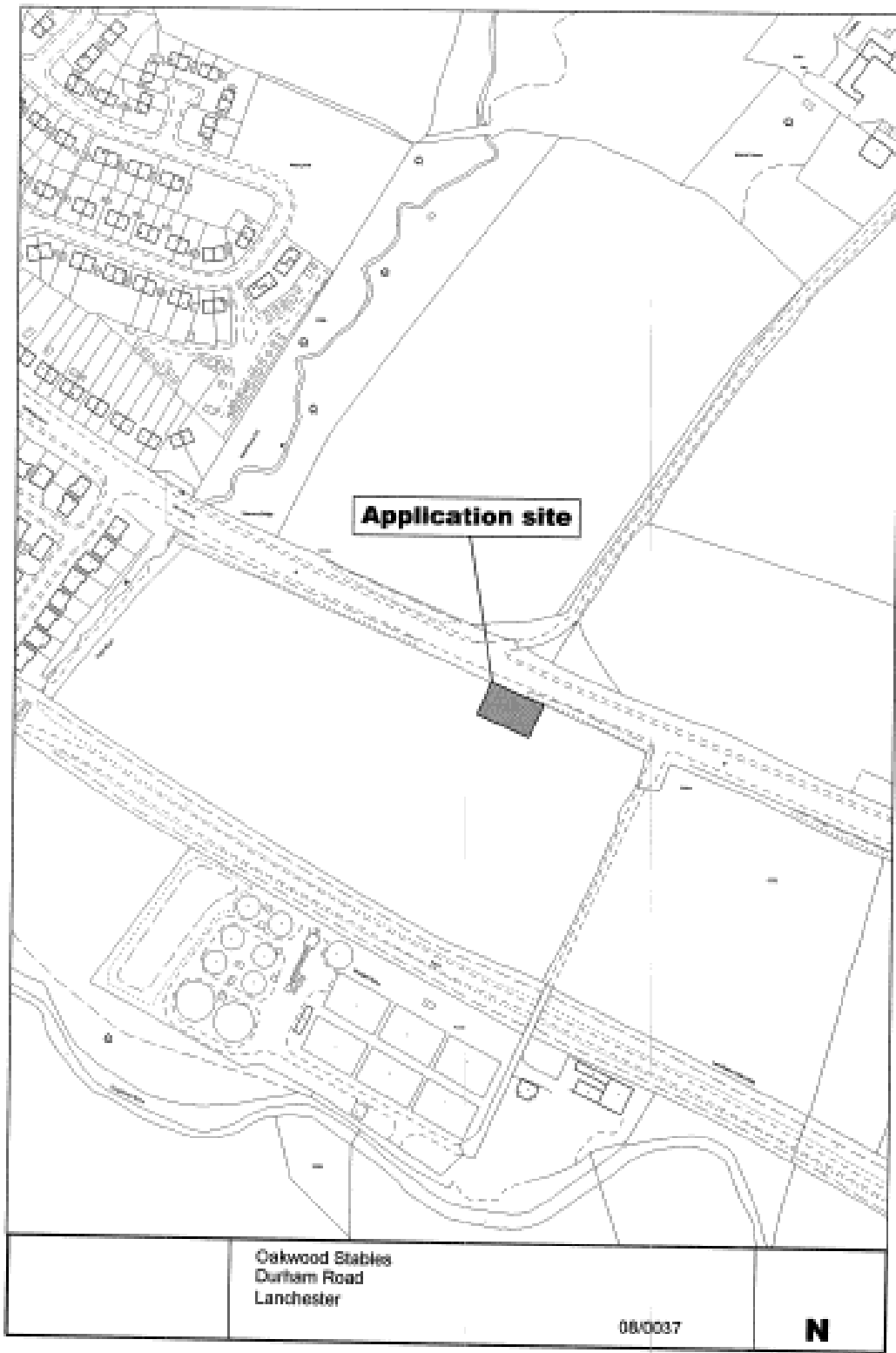
## Reason for Approval

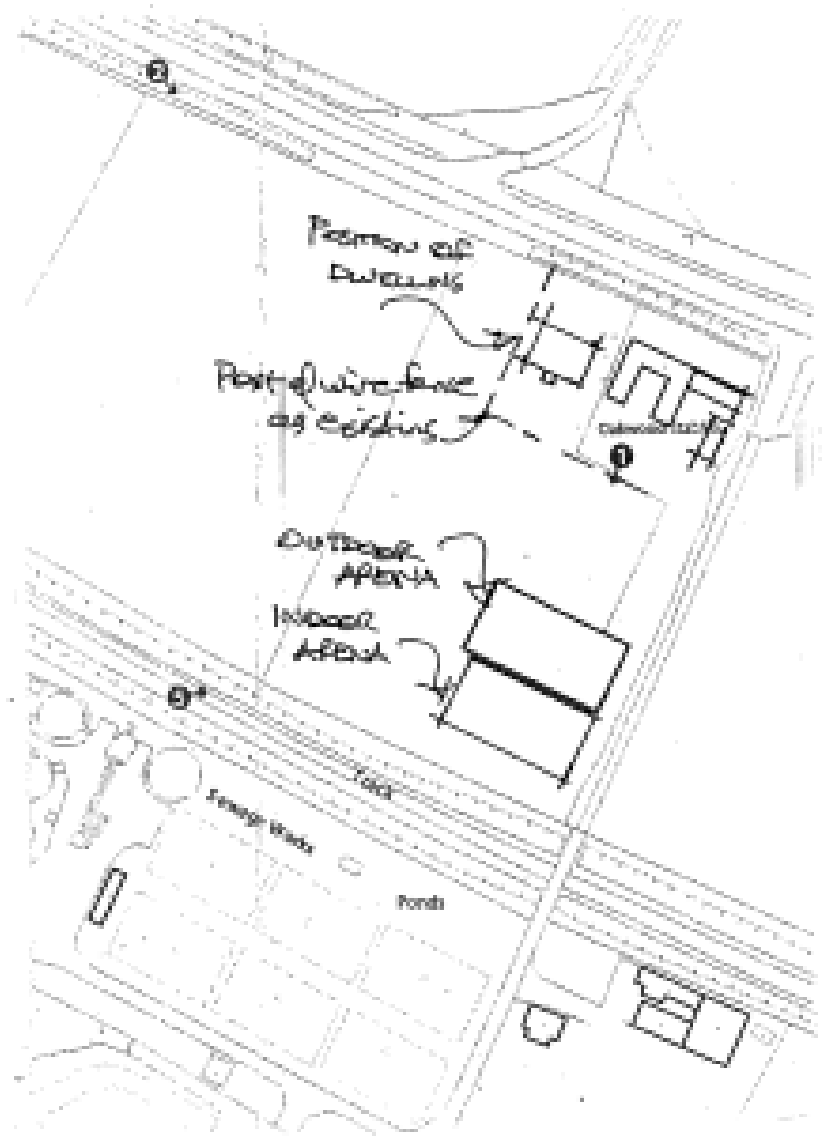
35. The decision to grant planning permission has been taken having regard to policies GDP1, EN1, EN2, HO7, EN6 and TR2 of the Derwentside District Plan, along with all other material considerations, as detailed in the report to the Development Control Committee. There are no other material considerations, which outweigh the decision to approve the application.

Report prepared by Ann Rawlinson, Senior Area Planning Officer









Proposed Site Plan

Oakwood Stables, Durham Road, Lanchester.

08/037

## RECOMMENDATION FOR APPROVAL

08/0017

07.01.08

Mr I Shrigley

Esh Winning Building  
Suppliers, Esh Winning  
Industrial Estate, Esh  
Winning

Demolition of existing building  
and erection of eight starter  
workshops with associated  
parking and realignment of  
approved access road

Esh Ward

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### The Application

1. This application seeks Planning Permission for the erection of eight starter workshops with associated parking, and realignment of an already approved access road, which would involve the demolition of an existing building at Esh Winning Building Suppliers, Esh Winning Industrial Estate. The workshops would all be sited within the existing industrial estate, however the access road serving them would project westward past the established industrial estate, in order to partly serve a planned extension of the estate which already has planning approval.

### History

2. In 2000 Planning Permission was granted in Outline for an extension of the Esh Winning Industrial Estate, with details of the means of access included within the application. The application was granted Outline Planning Permission for a 4.44 hectare expansion of the industrial estate, however development was curtailed by way of a Legal Agreement which allowed only the development of Phase 1, which equated to a 1.5 hectare part of the site, until such time as a new means of access to phases 2 and 3 had been agreed and implemented. The Legal Agreement also allowed some land levelling and landscaping works on Phases 2 and 3 approved as part of the Outline, to be undertaken prior to other development or commencement of the industrial use of these phases (reference 1/1997/0933/DMOP).
3. In March 2005 the Development Control Committee approved an application to amend Condition 2 of the approval reference 1/1997/0933/DM for 'reserved matters' to be extended to five years from the date of the grant of the Outline

permission.

4. In April of 2007 the Development Control Committee approved a reserved matters application for the extension of the industrial estate, reference 1/2005/0981/DM, and also a separate application for the creation of an access road, reference 1/2006/1031/DM. The application currently submitted seeks permission to build alongside that access road (within the established industrial estate) whilst also realigning the position of the road.

#### Policy

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

General Development Principles (GDP1)  
Location of New Industrial Development (IN1)  
Development Within Existing Industrial Estates (IN4)  
Development and Highway Safety (TR2)

#### Consultations

6. County Highways Development Control Officer - The Highways Officer has consistently recommended refusal of the expansion of the industrial estate. He is satisfied that the eight workshop units would collectively generate increased vehicular activity as compared to the existing buildings on the application site and recommends that the application be refused.
7. The Highways Officer is concerned that the proposed access road does not depict 1.8m footways on both sides of the road for pedestrians. He strongly recommends that footways are provided on both sides of the carriageway for Highway Safety reasons. If only one footway is to be installed this should be on the southern side, reflecting the likely pedestrian desire line when the rest of the site, to the west is developed.
8. In the opinion of the Highways Officer some degree of visibility should be ensured to the north of the access when joining the existing estate road, and this should include the setting back of the existing palisade fencing. This is not shown on the application which is unacceptable. If the application is approved he would wish to see conditions attached with regard to (a) the provision of footways on the realigned access road and (b) a plan to be submitted for approval which depicts improved sight visibility at the junction to the Estate Spine Road.
9. County Rights of Way Officer – Advises there are no registered Public Rights of Way affected by the proposals and as such no objections are raised.

10. Esh Parish Council - Raise no objections subject to adjacent owners being consulted and their views being taken into account.
11. Neighbours have been consulted and a site notice posted. No objections have been received.

#### Officer Assessment

12. This application has two main elements, which are the re-alignment of an already approved access road, and the erection of the eight starter workshops.
13. The access road would be in the same position as the previously approved road for the area within the existing industrial estate. The approved road however would curve northward towards its hammer head end into the approved area of the industrial estate extension, whereas this proposal shows that portion of the road continuing in a straight line westward, with a hammerhead turning projecting southward.
14. The principle of the development of the road has been established through the previous approval, and whilst the County Highways Officer has raised concern, Members should note that there is a previous approval for this road that it is merely to be realigned slightly. The realignment in itself is unlikely to cause any significant material harm and as such is considered acceptable by your Officers.
15. The eight starter workshops are likely to bring additional traffic to the site, however this must be considered in the context that Planning Permission has been granted for a much larger area to the west for an extension to the industrial estate. This has not yet been implemented, but could potentially bring a far greater level of traffic. It is considered that the conditions required by the Highways Officer would improve highways safety, should the application be approved, to provide footpaths adjacent to the road and also for improved visibility at the junction with the main existing estate spine road. These were not conditions of the previous approval for the road, and would help to improve the situation.
16. The eight workshop units as proposed are considered to be of an appropriate design within the locality; would be of good specification and appearance, and comply with policy IN4 of the Local Plan. Existing buildings adjacent to the site currently contain blank end elevations and as such the proposal would not result in any loss of privacy or other amenity issue.

#### Recommendation

17. Conditional Permission
  - Time Limit (ST).

- Approved Plans (ST01).
- Materials (AO5).
- Drainage (DO1).
- Landscaping (LO1).
- No development shall commence, unless otherwise agreed in writing by the Local Planning Authority, until details have been submitted in a plan and agreed by the Local Planning Authority, of a footway (or footways) to be provided adjacent to the road hereby approved. The development shall then be carried out in accordance with the details agreed.
- Reason: In the interests of highway safety in accordance with policy TR2 of the Local Plan.
- No development shall commence, unless otherwise agreed in writing by the Local Planning Authority, until a plan is submitted for approval which depicts improved sight visibility at the junction to the Estate Spine Road, including setting back of the existing palisade fencing.
- Reason: In the interests of highway safety in accordance with policy TR2 of the Local Plan)

Reason for Approval

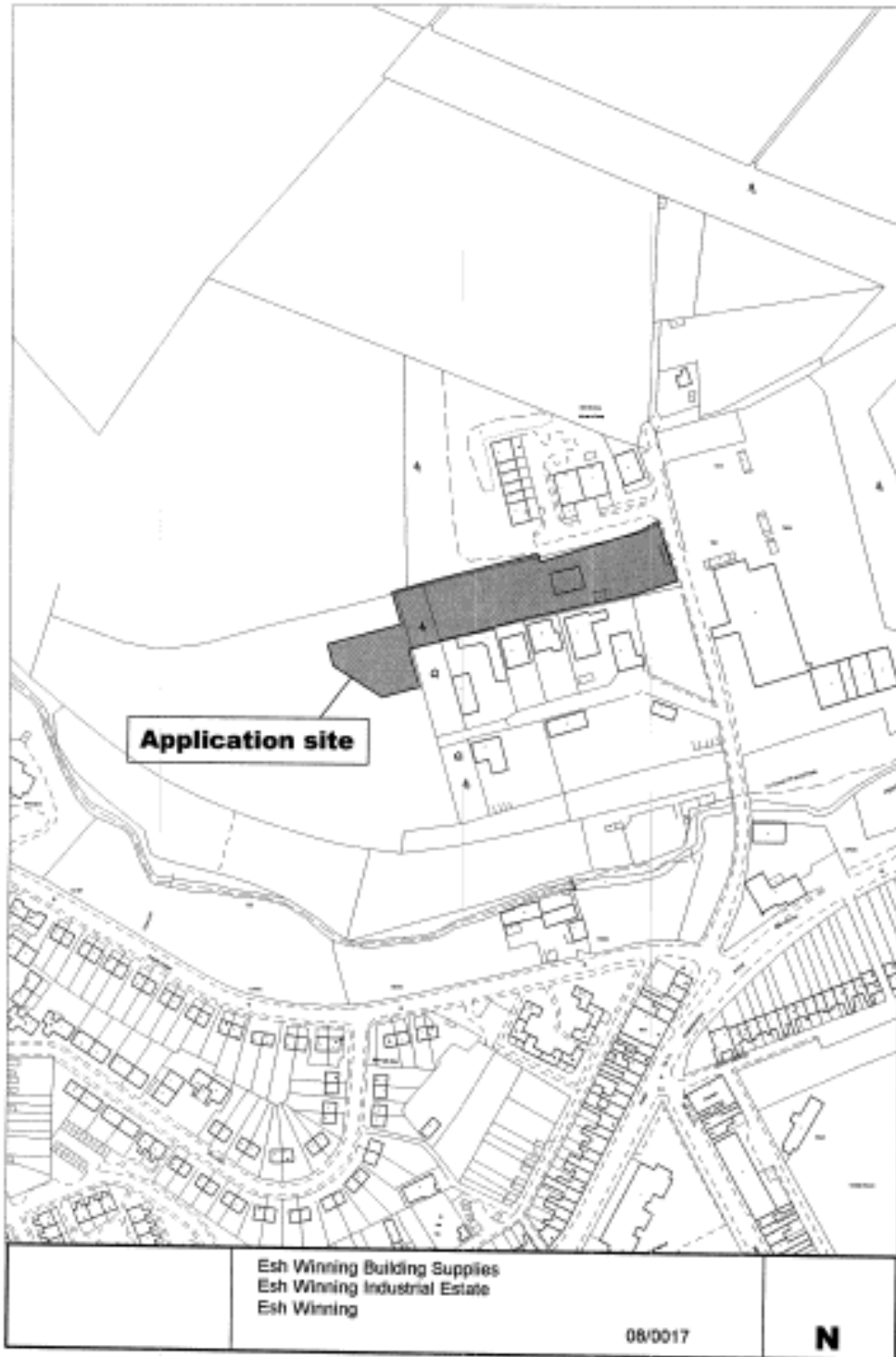
18. The decision to grant planning permission has been taken having regard to policies GDP1, IN1, IN4 and TR2 of the Derwentside District Local Plan and material considerations as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

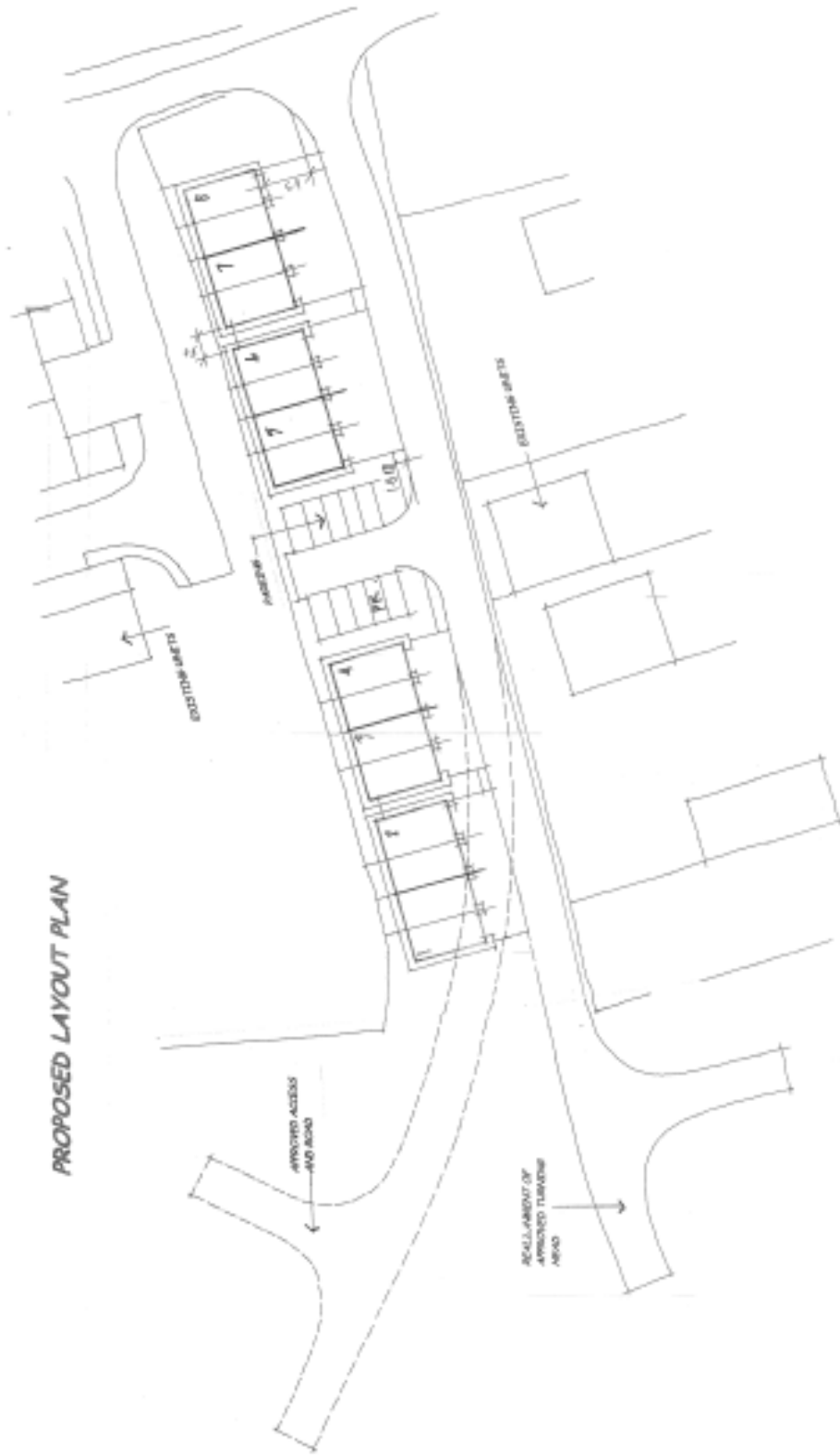
Report prepared by Shaun Wells, Senior Area Planning Officer

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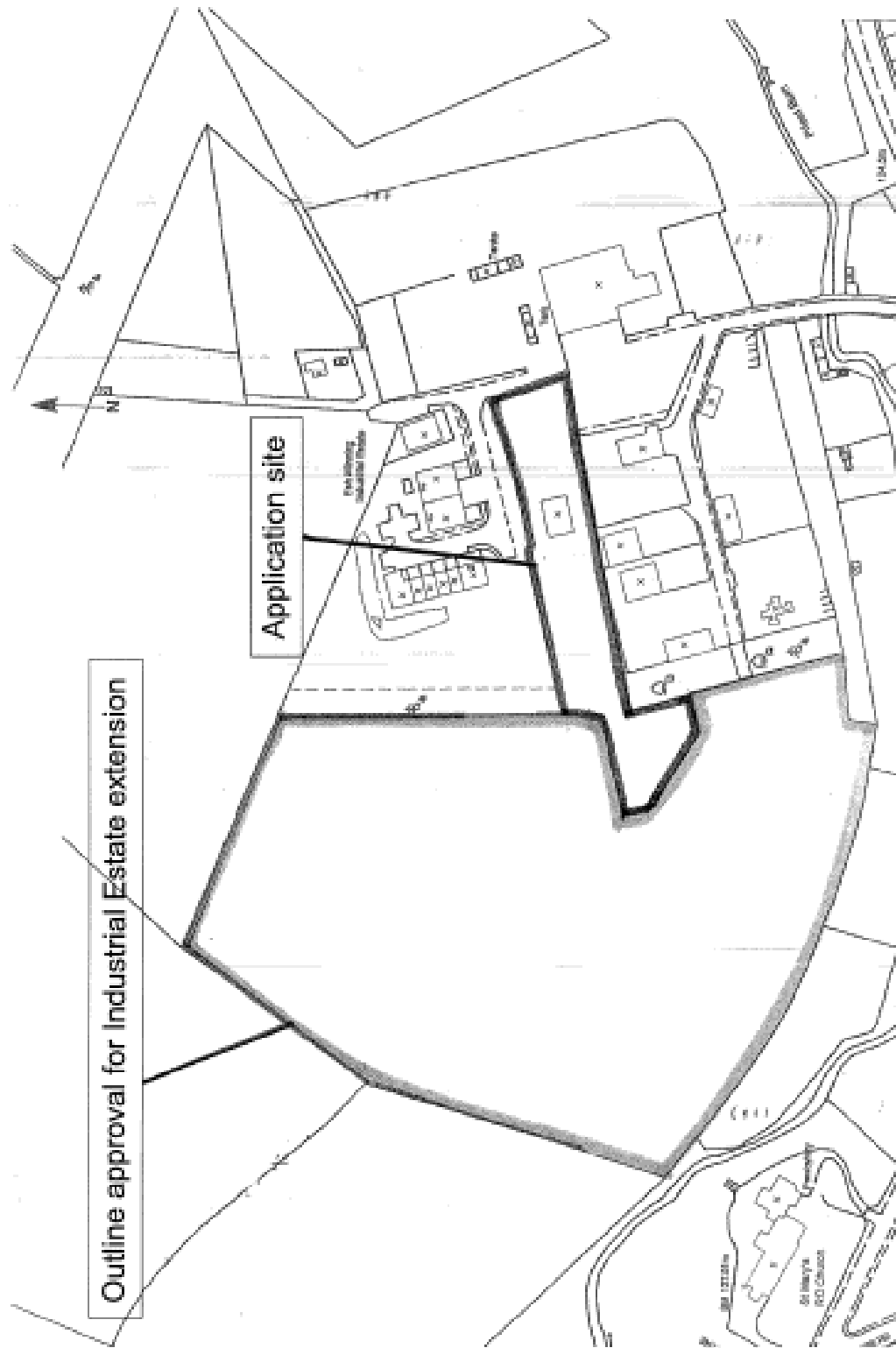








Esh Winning Building Supplies, Esh Winning Industrial Estate 08/017



Esh Winning Building Supplies, Esh Winning Industrial Estate 08/017

## **DEVELOPMENT CONTROL COMMITTEE**

**27<sup>th</sup> March 2008**

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

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

#### **Policy GDP1**

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

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

### **Policy EN1**

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

### **Policy EN2**

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

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

### **Policy EN6**

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

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

### **Policy HO5**

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

- (a) is appropriate to the existing pattern and form of development in the settlement; and
- (b) does not extend beyond the existing built up area of the settlement; and
- (c) represents acceptable backland or tandem development; and

- (d) does not exceed 0.4 hectares in size if taken together with an adjoining site.

**Annfield Plain (Including Catchgate And West Kyo)**

**Blackhill**

**Burnhope**

**Burnopfield**

**Castleside**

**Consett**

**Cornsay Colliery**

**Craghead**

**Crookgate**

**Delves Lane (Including Crookhall)**

**Dipton (Including Flinthill)**

**Ebchester**

**Esh**

**Esh Winning**

**Greencroft**

**Hamsterley (Including Low Westwood)**

**Hamsterley Mill**

**Harelaw**

**Hobson (Including Pickering Nook)**

**Iveston**

**Lanchester**

**Langley Park**

**Leadgate**

**Maiden Law**

**Medomsley**

**Moorside**

**New Kyo**

**No Place**

**Oxhill**

**Quaking Houses**

**Quebec**

**Satley**

**Shotley Bridge**

**Stanley (Including Shield Row)**

**Tanfield**

**Tanfield Lea (Including Broomhill)**

**Tantobie**

**The Dene**

**The Grove**

**The Middles**

**South Moor (Including Oxhill)**

**White-Le-Head**

### **Policy HO7**

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

### **Policy IN1**

Land is allocated for new business/industrial development at the following locations:

	<b>Area (Hectares)</b>
<b>Berry Edge Business Park</b>	<b>40</b>
<b>Crookhall General Industrial Estate</b>	<b>3</b>
<b>Delves Lane North General Industrial Estate</b>	<b>8</b>
<b>Harelaw General Industrial Estate</b>	<b>2</b>
<b>Hownsgill Prestige Industrial Park</b>	<b>20</b>
<b>Leadgate General Industrial Estate</b>	<b>1</b>

### **Policy IN4**

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

**Berry Edge Workshops, Consett  
Bradley Shops, Leadgate  
Carr House, Consett  
Castleside  
Craghead  
Crookhall  
Delves Lane  
Delves Lane North  
Derwentdale, Blackhill**

**Esh Winning  
Hamsterley  
Harelaw  
Hobson  
Langley Park North  
Langley Park South  
Leadgate  
Malton  
Morrison Service, Annfield Plain  
Morrison Busty North, Annfield Plain  
Morrison Busty South, Annfield Plain  
Park Road, Blackhill  
Park Road North, Blackhill  
Spiracon Workshops, Consett  
Tanfield Lea North  
Tanfield Lea South  
The Grove  
Watling Street, Leadgate**

**Planning permission will only be granted if:**

- (a) units are of good specification and appearance; and**
- (b) prominent and frontage plots are of a higher standard of design; and**
- (c) a clean attractive environment is created; and**
- (d) good landscaping and screening is incorporated; and**
- (e) external storage is satisfactorily screened and does not impede surrounding land uses.**

### **Policy RE3**

**The development of recreational facilities in the countryside will only be permitted where there is no adverse effect on the amenities of the locality, local residents or the natural environment, e.g. geology or wildlife habitats.**

### **Policy TR2**

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

- (a) a clearly defined and safe vehicle access and exit; and**
- (b) adequate provision for service vehicles; and**
- (c) adequate vehicle manoeuvring, turning and parking space; and**
- (d) effective access at all times for emergency vehicles; and**
- (e) satisfactory access to the public transport network; and**



**(f) a satisfactory access onto the adopted road network.**

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