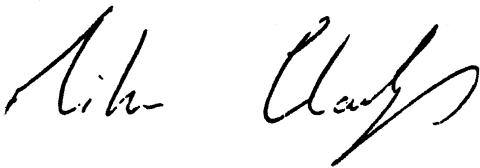


Development Control Committee

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

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 17th April 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 27th March 2008 as a correct record (Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

3. APPEAL DECISIONS

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

Attached Documents:

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

4. PLANNING APPLICATIONS

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

Attached Documents:

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

Agenda prepared by Lucy Stephenson Democratic Services 01207 218249

email: l.stephenson@derwentside.gov.uk

9th April 2008

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 27th 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, T. Clark, G. Coulson, R. Ellis, G.C. Glass, D. Hume, D. Lavin, O. Milburn, T. Pattinson, S. Rothwell, A. Shield, E. Turner, A. Watson, T. Westgarth, J. Williams and R. Young.

Apologies

An apology for absence was submitted on behalf of P.D. Hughes.

In Attendance

Councillors D.G. Llewellyn and G. Reid.

80. DECLARATIONS OF INTEREST

Councillor T. Clark declared an interest in application 08/0077.

81. MINUTES

RESOLVED: that the minutes of the meeting held on Thursday 6th March 2008 be approved as a correct record.

82. DEVELOPMENT CONTROL ANNUAL REPORT

The Development Control Manager presented the report which provided Members with information regarding the operation of the Development Control Team and Development Control Committee during 2007. She advised that the report outlined the number of applications dealt with over the year, along with the number of refusal and approval decisions made contrary to officers recommendations. It further outlined the number of council employee applications, site visits undertaken by the Development Control Committee and appeal decisions.

RESOLVED: that the content of the report be noted.

83. APPEAL DECISIONS

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

- (i) Planning Application – Appeal against the refusal to grant Advertisement Consent for the erection of one advertising hoarding (retrospective) at the Scout Hall, Scout Hall, Front Street, Dipton. – Appeal dismissed and action be taken to secure removal of the advertisement.
- (ii) Planning Application – Appeal against the refusal of permission to fell three Ash trees at 30 Villa Real Estate, Consett – Appeal dismissed.

84. PLANNING APPLICATIONS

(1) Public Speaking Applications

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

08/0077 M & L ASSOCIATES

Erection of six apartments, land to the east of 5 George Street, Blackhill, Consett.

The Chair welcomed to the meeting Mr McGeorge and Mr Bewick who were in attendance to speak against the application.

The Development Control Manager presented the report which recommended approval of the application, and advised that there were some updates to the report. She advised that Northumbrian Water had submitted no objections to the application; also that a letter had been received from the applicant outlining the following points:

- Wish to question whether the gable windows in No. 5 George Street ever received planning permission;
- The bedroom windows at this property have enough light from the two front and back windows eliminating the need for the 2 gable ones;
- Reference to bathroom windows having obscure glazing to help prevent overlooking;
- Less traffic will be created by this development than that of the surgery which is soon to relocate;
- Reference to off street parking;
- Have agreed in consultation with the planning authority that the previously omitted dormer windows will be retained within the scheme;

MR I. McGEORGE: Speaking Against the Application.

Mr McGeorge made the following comments in support of refusal of the application:

- Main concerns loss of privacy, loss of light and overshadowing as the property is only 1.2m from the existing gable end on No.5 George Street;
- Windows on gable end of No.5 George Street have been in place for approximately 100 years and provide a considerable amount of light into the property, this would be lost under the current plans.
- Contravenes Council policy which states that gable end development should be a minimum of 12.5m apart;
- Planning Policy GDP1 states that planning permission will only be granted providing new developments do not incur a loss of privacy to existing developments, it goes on to say that schemes which cause loss of light or over dominance of a structure will be considered unacceptable;
- Policy H023 further states planning permission for new housing developments will be approved provided that no harm would be caused to the living conditions of the occupiers of proposed or existing dwellings from loss of daylight or from overshadowing;
- Development would bring the increased problem of traffic and lack of parking facilities, George Street is already overcrowded and the development does not provide adequate parking for its size;
- Understand that development of this site is inevitable however do not feel that this design is the right one for the area.

MR BEWICK: Speaking Against the Application.

Mr Bewick a resident of neighbouring John Street added the following points in support of refusal of the application:

- Parking situation in and around George Street will worsen the area already suffers from overcrowding and cause issues with regard to people accessing their garages;
- Needed unrestricted access to garage as operated a business;
- Privacy distances will be compromised;
- Accept that dormer windows will now be included as concerns regarding this when they were omitted from the plans.

COUNCILLOR D. LLEWELLYN: Speaking Against the Application.

Ward Councillor Llewellyn made the following points in respect of the application:

- Accepting that the windows possibly did not originally have permission this does not move away from the fact that these have been in place for approximately 100 years and they have never been obstructed before.
- Contravenes Policy H05 and GDP1 especially A and H as the development would not protect amenities of existing neighbouring occupiers and land users;
- The rear yard of No. 5 will suffer from building line differences the existing extension does not reduce light for most of the day as the sun shines into the yard from the south as the yard is south facing;

- Car parking – there is not one and a half spaces per unit which would be 9 plus 2 visitor spaces only 6 plus 2 is proposed;
- The objectors want a sensible development and it is felt that there is a significant number of planning grounds to refuse this application on in its current form, there are possible ways for the developer producing an application, which overcomes the sound objections. They could reduce and or/move development so that the Council's distance rules are kept to and the relevant planning policies are adhered to.

He further circulated a list of points that members should consider and a letter from David and Linda Oliver of 5 George Street which outlined the main concerns.

The Development Control Manager added that the gable windows of No. 5 were not the principal windows and were additional windows in these rooms, it was also relatively unusual for gable ends to have windows on properties of this nature.

With regard to the proximity, the Supplementary Planning Guidance does not specify gable to gable distances. With regard to the back to back distances a distance of 21 metres would normally be required however in this case it would be hard to justify as many of the properties in the area have altered their properties with extensions and therefore this distance has been compromised in many cases.

In response to comments made regarding the allotted car parking spaces, it was noted that the Highways Authority had not objected to the proposed 6 plus 2 visitor car parking spaces. She advised that the Police would be able to address any problems with parking in front of properties if required.

In conclusion she added that as the property was to project a mere 2.1m forward from No. 5 it was not felt that this would significantly affect the amenity.

Councillor Milburn questioned whether the car park was used after surgery hours, the Development Control Manager advised that she was unsure if this was the case however the car park was privately owned so the owners could prevent people parking here at any time.

Discussion then ensued regarding the windows in the proposed gable ends of the properties; it was asked whether these would be fixed as only a distance of 1.2 m would be had between the two properties. The Development Control Manager advised that this could be covered by a condition stating that all gable windows be fixed, she advised that the windows would be hall landings and bathrooms.

Councillor Campbell asked that clarification be given on the information contained within paragraphs 14 and 15 which indicates that the proposal complies with Policy HO5, yet the objectors indicated the proposal was contrary to the policy. In response the Development Control Manager advised that policy HO5 was set out on page 35 of the report, and the point at issue was the interpretation was whether the proposal was appropriate to the pattern and form of development in the area.

Councillor Watson added that he understood that in some cases flexibility of policies was required however he did note that the objectors were not against development of the site they just wanted a suitable scheme. He felt that there was not a good enough argument in saying that the residents of No.5 had other windows and those in the gable end should be disregarded. He further added that the number of car parking spaces proposed was less than 1.5 spaces per dwelling and the loss of the overspill car parking area would not ease the situation for residents in this area. He added that in his opinion the objectors would have a valid case for loss of light and the application as a whole conflicted with planning policy guidance therefore he proposed and was seconded by Councillor Lavin that the application be refused on the grounds that the loss of light would be detrimental to No. 5 George Street, distances between buildings would be compromised and adequate parking would also not be provided.

Councillor Lavin asked if there was room to rearrange the internal layout of the dwellings and questioned whether it was necessary for landings and bathrooms to have windows.

In response the Principal Planning Officer advised that this was not necessary however Building Regulations would require that suitable means of exit would be required in case of fire.

Councillor Pattinson made reference to paragraphs 18, 19, 20 and 23 of the report which dealt with distances between properties, he added that in his opinion this was pre-war conditions and not fit for 21st century development.

Councillor Alderson added that in his opinion the committee were not being consistent in their decisions and should carefully consider the decision of the application.

The Director of Environmental Services asked for further clarity on the grounds for refusal that had been proposed in the motion. He advised that if members subsequently refused permission, the reasons would need to be properly justifiable in case of appeal.

Councillor Watson indicated that the motion was to refuse permission on the grounds that the development (i) would lead to a significant loss of light to No. 5 George Street (ii) loss of parking, and (iii) conflict with the Council's 12.5m policy,

which could be used as a guide on the proximity of properties which meant it was not a suitable development.

The Director of Environmental Services indicated that he was not comfortable with any of the stated reasons which, in his opinion, were fundamentally flawed and made reference to the provision in the Planning Code of Conduct to bring the application back and challenge the robustness of those reasons. He therefore advised that if members indicated that they were minded to refuse permission, a report would be brought back to the next meeting to advise on the soundness of the reasons for refusal.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0077 be refused on the grounds that:

- (i) would lead to a significant loss of light to No. 5 George Street
- (ii) loss of parking, and
- (iii) the Council's 12.5m policy standard on the proximity of properties,

Councillor T. Clark returned to the meeting

Councillor H. Christer joined the meeting at this point.

08/0037 MRS P DODDS

Erection of one dwelling, Oakwood Stables, Durham Road, Lanchester.

The Chair welcomed to the meeting Mr B Masterman who was in attendance to speak against the application and Dr Malcolm Bell 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 permission was granted for a mobile home for residential occupancy at Oakwood Stables for a period of three years in July 2005. The applicant had therefore sought to further the viability of her equestrian business over the last three years and now sought approval for a permanent dwelling to continue to live on the site to run the business. He advised that PPS7 stated that permanent dwellings should only be permitted providing that certain tests are met; these were outlined in paragraph 24 of the report and it had been confirmed that this development did so.

MR MASTERMAN: Speaking Against the Application

Mr Masterman speaking on behalf of Lanchester Partnership made the following comments:

- The partnership recognises that in granting planning permission for a mobile home on this site the need for a resident worker has been accepted;
- Main concerns are the siting of the building within the landscape and the design of the building;

- Site is located within an area of “high landscape value”, one of the 6 areas said in the Local Plan to be “of Countywide Importance” and “easily damaged”.
- Policy EN6 requires that particular attention should be paid to the siting and design of buildings in such areas whilst Policy GDP1 generally requires the provision of adequate landscaping within the design and layout of the development sites;
- Concerns over landscaping as land south of the stables and site of the house falls away steeply so that the trees – outside the southern boundary of the site – do not screen buildings when viewed across the valley from the south and west. For this reason alone we consider a condition requiring adequate landscaping be imposed;
- It is important in the longer term that the development on this site does not give rise to pressure for further development towards Lanchester;
- Three different sets of illustrations have been submitted, none of them are consistent with another, questions arise from these inconsistencies such as are there to be any chimneys; are the windows to be horizontal or vertical proportions or square; is the stonework to be random as stated or coursed as illustrated;
- None of the designs actually reflect a building of local vernacular architectural character and as the area in such an important location it is important that competent architectural expertise should be brought to bear on this problem.

DR MALCOLM BELL: Speaking in Support of the Application.

Dr Bell made the following comments in support of the application:

- Applicant runs a serious business, since there has been a residential presence at the site the owners have not suffered any break-ins or anti-social behaviour;
- Tests applied under PPS7 – meets all criteria and with reference to profits made the business has proved successful year on year;
- Apologise for any inconsistencies and errors in the design and can confirm the building will be of traditional materials and will include stone quoins;

The Senior Area Planning Officer advised that under PPS7 the committee should not consider further application for temporary residence.

Councillor Lavin suggested that in his opinion the siting of the building would have been more aesthetically pleasing if situated in line with the stables.

Councillor Young asked if there had been any landscaping details submitted. The Senior Area Planning Officer advised that a condition could be imposed requiring adequate landscaping.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0037 be approved subject to:-

- Approved plans (ST01)
- Standard Time Limit (ST)
- 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 person, or any resident dependents.
- The mobile home presently on the site shall be removed from the site on substantial completion of the permanent dwelling hereby approved.
- 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).
- Stone cills and lintels (A09)
- No development shall commence until details of all existing and proposed floor levels have been submitted to and agreed in writing by the Local Planning Authority (GL01).
- additional condition re: landscaping

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

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 Suppliers, Esh Winning Industrial Estate, Esh Wining.

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

Councillor Clark made reference to paragraph 7 of the report and asked if footways would be provided on either sides of the road. The Senior Area Planning Officer advised that the condition recommended required at least one footway to be provided, however officers would negotiate with the developer to seek to include two footways.

Councillor Campbell added that he agreed with the scheme and development of this nature in this area should be supported.

It was also noted that ward Councillors Coulson and Rothwell fully approved with the scheme.

Subject to:-

- Time Limit (ST)
- Approved Plans (ST01)
- Drainage (D01)
- Landscaping (L01)

- 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.
- 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.

Conclusion of meeting

The meeting closed at 3.25 p.m.

Chair.

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

17th April 2008

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

**Appeal against the refusal of permission for the change of use of 279
Medomsley Road, Consett from a dwelling to an Accountants Practice.**

-
1. This appeal relates to an application for the change of use of a dwelling to an Accountants practice at 279 Medomsley Road, Consett which was refused permission by the Development Control Committee on the 23rd August 2007. This was on the grounds that the associated traffic and on-street parking would be detrimental to neighbouring amenity and that there was not a safe vehicle access and exit or sufficient parking provision for staff and customer vehicles. The Planning Inspector dismissed the appeal.
 2. The Inspector recognised the parking problems that exist at Beaconsfield Street. The Inspector considered that the traffic generation and parking from the proposed use would be considerably greater than the current residential use and than the levels envisaged by the appellants. It was considered that manoeuvring a vehicle into or out of the proposed new parking space at the front of the curtilage would be awkward given the restricted intervisibility and on street parking. The combined impact from the new parking space and increase in traffic and parking was thought to be harmful to highway safety which would be contrary to Policy TR2 of the Derwentside District Local Plan.
 3. In terms of amenity, the Inspector considered that impact from potential noise to local residents could be satisfactorily controlled by a condition. The Inspector however held the view that the creation of a car parking space within the front curtilage of the property would be detrimental to the appearance of the terrace and streetscene which has no other comparable front parking areas therefore it would be harmful to the visual amenity of the residents contrary to the objectives of Policy GDP1 of the Local Plan.

Recommendation

3. This report be noted.

Report prepared by Louisa Ollivere, Area Planning Officer.

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

17th April 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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DEFERRED DECISION

08/0077

06.02.08

M & L Associates

Land to the east of 5 George Street, Blackhill.

Erection of six apartments

Blackhill Ward

Introduction

1. At the previous meeting of the Development Control Committee on the 27th March 2008 Members were minded to refuse planning permission for the erection of six apartments on land to the east of 5 George Street, contrary to Officer advice. In accordance with the Council's adopted Planning Code of Practice, the application has been brought back to Committee to test the robustness of the reasons that had been proposed. The obligation that rests with a local planning authority is to ensure that if an application is refused permission it must be able offer clear and convincing reasons, based on material planning considerations.

Implications of making a decision contrary to Officer advice

2. Members are aware that when the Planning arguments weighing against an application are not strong it is difficult to successfully defend refusal of permission at an Appeal. If the Council is not able to defend every reason for refusal at Appeal there is a risk that costs could be awarded.

The proposed reasons for refusal

3. Following consideration of the application at the last meeting, Members were minded to refuse permission on the following grounds:
 - Significant loss of light to 5 George Street.
 - Proximity to neighbouring property.
 - Loss of parking provision.
4. These issues were properly covered within the report that was presented to the Committee, and were not highlighted as considerations that were sufficient to justify refusal. Therefore, before Members formally determine their decision, they need to be fully confident that the reasons are convincing in the light of the following considerations which focus specifically on the parking issues, layout and loss of daylight. This information and analysis has been acquired from recognised guidance, case law and liaison with other Planning Authorities, in a similar way to the manner in which the Council's Statement of Case would have to be

constructed in an Appeal.

Loss of parking in the area

5. It is clear that the local area does suffer from a general lack of specific parking provision for the occupiers of the houses in the locality, exacerbated by increasing car ownership levels. But this is not untypical in an area where terraced housing is the predominant building type, and people rely on parking on the street or in rear yards. Whilst the development of this site would result in the loss of a well used car park, this is a private parking area intended only to serve the Queens Road Surgery. It is not a public car park. Notwithstanding the outcome of this planning application the owner of the site has the right to prohibit access to this car park. It is not considered that general on-street parking would be lost as the roadway south of the site is not appropriate on either side to be used for parking purposes, given that it could prevent access to the garages and accesses to off-street parking on John Street.
6. Furthermore, it should be taken into consideration that the Surgery car park has often been filled to capacity with likely overflow of parking onto the local streets. It is therefore likely that there will be less on street parking at least during the day from the proposed development than the previous use.

Insufficient parking for development

7. Members were concerned that the eight parking spaces proposed (1 per dwelling and 2 visitor spaces (1.3 per dwelling average) would be insufficient for the development. If it is assumed that all occupiers would have at least two cars then this could be expected to be the case, however; it would be unreasonable and contrary to national and local policy to insist on more parking provision. It is the thrust of Government policy that the provision of parking should be kept to a minimum in order to reduce the need to travel by road. It is not expected that all dwellings in new developments should have 1.5 parking spaces and this figure is envisaged as an average over a Local Authority's area.
8. Durham County Council's Accessibility and Parking Guidelines state that all residential development is not to exceed an average of 1.5 car parking spaces per dwelling unit (dwelling or flat). Where the provision is less than 1.5 spaces per dwelling it is important to assess whether the site is in a sustainable location close to amenities and other modes of transport. The site is in close proximity to Consett and is within approximately 150m of a local shop, 450m of the nearest primary school and within 1km of the future Doctors Surgery. There are also bus stops within 150m of the proposed site. These features would qualify this site as a sustainable site where there is less need for reliance on car transport. It should also be borne in mind that there would still remain space for an additional 3 on-street parking spaces at the front of the development which were not included in the parking numbers for this site. As Members were advised at

the last meeting, the County Engineer has raised no objection to the proposal. It would therefore be very difficult to try and substantiate rejecting this proposal using parking considerations.

Loss of light to 5 George Street

9. It is accepted that the light to the gable end windows of George Street would be affected, however the Committee must carefully consider whether light lost to two bedrooms from these two secondary windows is a material consideration, and outweighs the benefits of this scheme.
10. Members have already been advised that Rights to Light are a matter of property law rather than planning law, and that the Local Planning Authority can take no role or interest in any private dispute over light. Were planning permission to be granted the neighbouring owner or occupier or any future owners or occupiers could seek an injunction preventing the development or compensation from the developer. The Council would be stepping outside of its boundaries if it were to try and use the Planning process to interfere with a private property issue.
11. Whilst the interests of private individuals should be protected against a loss of light, Members need to consider that these two gable windows are unlikely to be original openings, and were put in by the previous owner of the property, who also owned the land over which he enjoyed the light. There are very few gable end windows on terraces within the vicinity, and the size, location in the gable wall and the proportions also indicate that the window openings are not original. The Council's map records from 1977 and 1989 appear to show a building adjoining the gable of 5 George Street, although it is not known whether this was a single storey or two storey building. Where new windows are installed under an owner's permitted development rights they are put in at the owner's risk. Where they overlook an open piece of land, an owner cannot reasonably expect that site to remain undeveloped in perpetuity and any new owners should have taken this into consideration, or raised the issue at the time of the Conveyance.
12. Planning Law does not lay down any standards for light levels and over the years planning control has attempted to quantify lighting/overshadowing problems by reference to predetermined standards but they have often proved rigid and unwieldy. Today, as acknowledged in (Epping Forest 18/02/04), "*Site layout planning for daylight and sunlight: A guide to good practice*"(BRE)(1991), sets out the best available workable method for assessing any reduction in daylight and sunlight. However, its advice is not mandatory and the document should not be seen as an instrument of planning policy.
13. With regards to reasonable levels of sunlight "*Site layout planning for daylight and sunlight: A guide to good practice*"(1991) states that in general a dwelling will appear reasonably sunlit provided that at least one main window faces within 90 degrees of due South. The terrace of George

Street lies east to west with 5 George Street having two main windows facing southwards. Under these guidelines 5 George Street would be considered as being reasonably sunlit regardless of whether there were side windows or not. The premise that a dwelling with windows to the front and rear main rooms only would be adequately lit is supported by the fact that many dwelling houses, particularly terraced properties, do not benefit from light from windows in gable ends and where they do it is normally only to non-habitable room windows (landings/bathrooms). Therefore it is not considered reasonable to assume that the loss of light to these gable windows would result in an unacceptable level of light for these rooms.

14. Development Control Practice advises that in such instances there is a strong planning argument in the applicant's direction as the application site is being effectively sterilised by the non-main windows preventing the erection of a new dwelling in line with national policy PPS3.
15. It is useful to consider Case Law for unusual situations such as this. At planning appeal, Inspectors have taken the view that secondary windows are not as important and should be afforded less protection than main windows of habitable rooms. For example (*in Powell v Wyre Forest District Council 19/11/07*) where a proposed dwelling was to be sited in close proximity to a flank elevation of a property which had secondary windows to a living room and dining room at first floor level, and a bedroom window at first floor, the Inspector conceded that whilst the scheme would make the rooms darker he considered that it would not be unacceptably harmful to the living conditions of the dwelling. Similarly (*in Country Homes Ltd v Elmbridge Borough Council 6/06/2007*) where the applicants proposed the erection of a terrace of three houses the Inspector noted that whilst there would be some restriction of daylight to side windows of the side of a neighbouring property, as they were secondary windows and the main windows faced southwards it was considered that the development would not be significantly detrimental to the living conditions of neighbouring residents.
16. Furthermore, Members should be aware that in similar circumstances and in Supplementary Planning Guidance other Local Planning Authorities have taken the view that objections to loss of light to secondary windows will not usually be considered as a valid reason for refusal.
17. With regards to the possible overshadowing of the rear garden, Members should be aware that historically the owners of 5 George Street have reduced sunlight and increased overshadowing of their private rear amenity space through the erection of a two storey rear extension and garage extension. Nevertheless the yard is in a good south facing position for maximum sunshine. The publication "*Site layout planning for daylight and sunlight: A guide to good practice*" (1991) by (BRE) states that for amenity areas to be adequately sunlit throughout the year no more than two fifths, and preferably no more than a quarter, of any garden or amenity area should be prevented by buildings from receiving sun. It is considered that of the remaining approximate 27sq m of remaining rear amenity space

at 5 George Street only approximately 3.3m would be further overshadowed by the new development which is less than a quarter of the rear yard.

Distance between proposed development and existing property

18. The proximity of the development to neighbouring property was cited as a reason for refusal. Recognised rule of thumb privacy distances were referred to in the report. However, Members should be aware that Planning Law does not lay down minimum distances between houses and flats or acceptable angles of sight as each site has to be considered on its own merits. Indeed, Planning Policy Statement 3 calls for local authorities to avoid inflexible planning standards and development which makes inefficient use of land. The 12.5m rule of thumb guidance distance mentioned in the report and which is no longer Local Plan Policy only relates to situations where a property with a main window to a habitable room faces onto a gable end and was intended in the main to prevent properties which would directly face onto blank gable walls, and to protect light to property frontages. The privacy distance is not meant to be applied to situations where a gable end with secondary main windows to habitable rooms face onto the gable end of the property. There are no stipulated rule of thumb distances between gable to gable as obviously this would sterilise many potential development sites and be a wasteful use of land.
19. The distance between the proposed building and the existing properties to the front (George Street) and rear (John Street) has been identified as falling short of the ideal distance of 21m. However, this is only a recommended rule of thumb privacy distance and not a saved policy from the Local Plan. It should be noted that whilst Inspectors will take guidelines into account in the assessment of a developments potential for overlooking it is sometimes reasoned that a degree of overlooking is to be expected in an urban area such as this, and Derwentside has experienced Appeal decisions where the Inspector has taken a more relaxed view on the 'standard'. In *Paterson V SOS (2004)* a local resident applied for a judicial review of an appeal decision to allow 4 detached houses. The High Court felt that the Inspector's decision, that the 'window to window' facing distance of 16m between existing and proposed dwellings, was acceptable even though the Unitary Development Plan stated that there should be at least 21m between habitable room windows and facing habitable room windows.

Conclusion

20. It is essential that there are clear and convincing reasons for refusing an application, based on material Planning considerations. Refusing the application on the grounds of a loss of a private parking facility could be considered unreasonable. As would refusing the application on insufficient parking provision as adequate parking is proposed in accordance with local and national policy guidelines. Whilst loss of light is a material consideration, to refuse an application where it is unlikely that the adjacent

property would suffer from unacceptable light in accordance with guidelines and case law which has taken the view that loss of light to secondary windows is of less importance than main windows is not recommended. Although development should try to achieve around a 21m distance 'rear to rear' distance, this may not be a strong enough reason to refuse this particular application as there are precedents that have allowed flexibility particularly in built up infill areas such as this where new development should be directed.

21. Taking the above into consideration, the Committee should now be in a position to formally determine the application. The Officers recommendation remains for Approval of the application. However, should Members be minded to refuse permission, they are advised to review the above reasons for refusal or to cite new and convincing reasons for refusal.

Recommendation

22. 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.

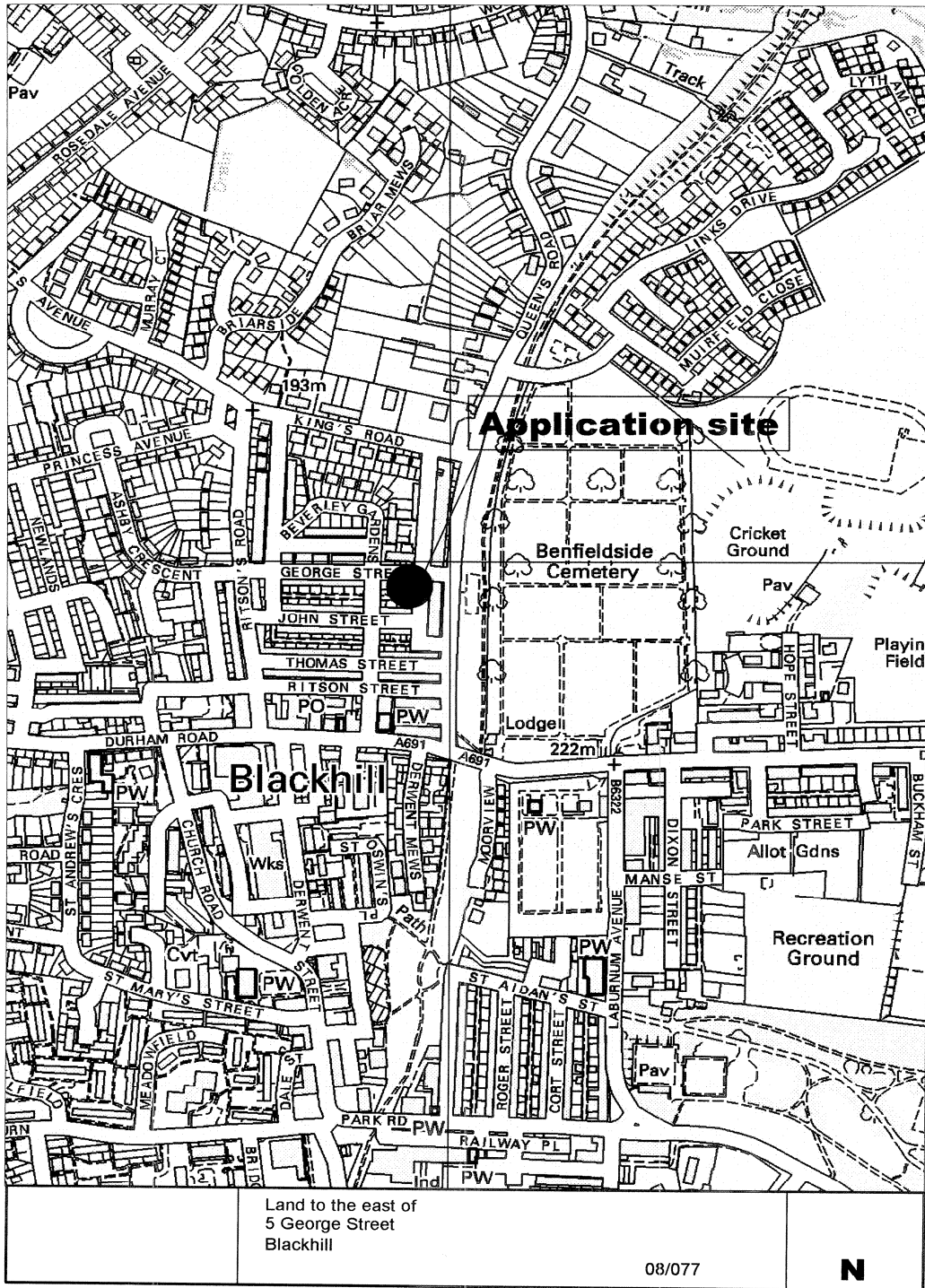
- Permitted Development Rights Removed (PD01).

Reason for Approval

- 23.** 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.

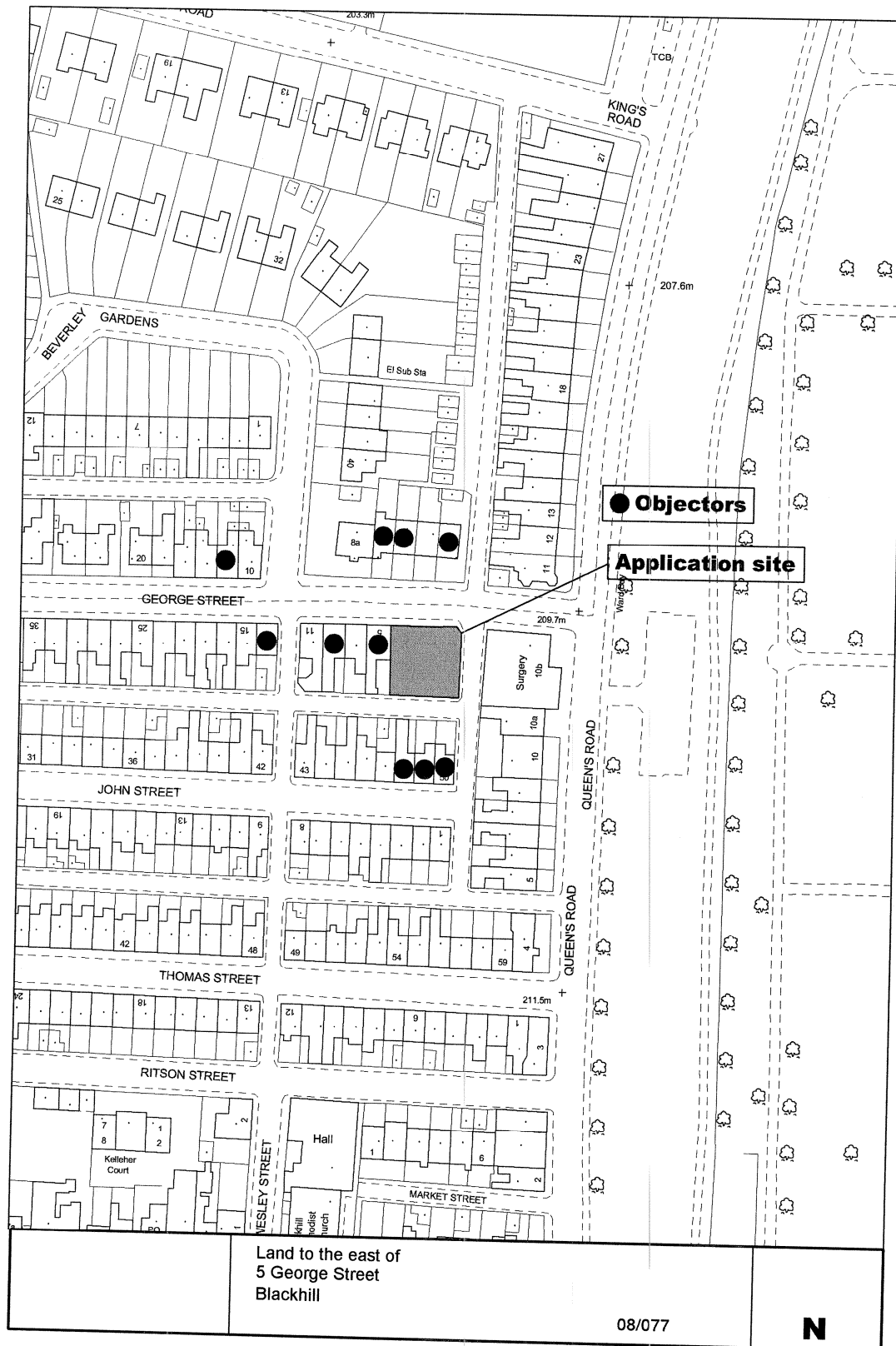
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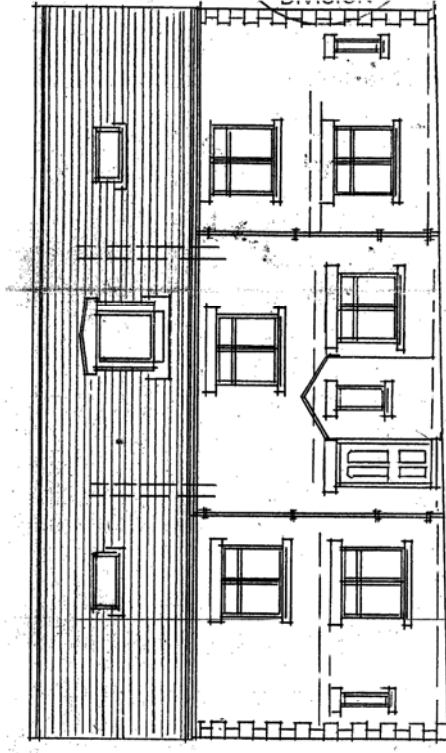


Land to the east of
5 George Street
Blackhill

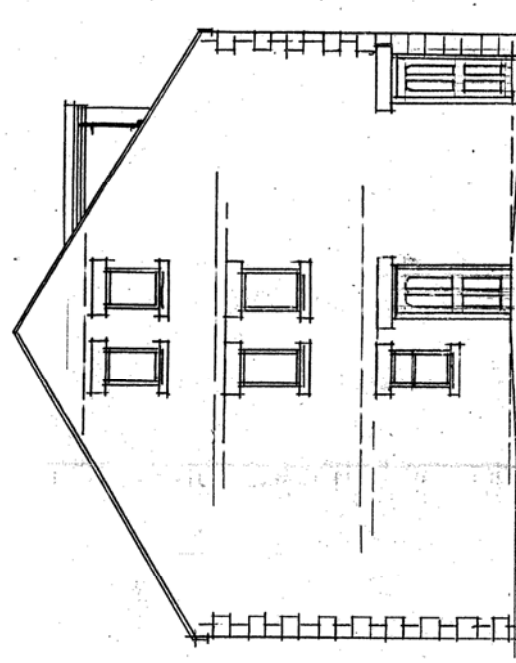
08/077

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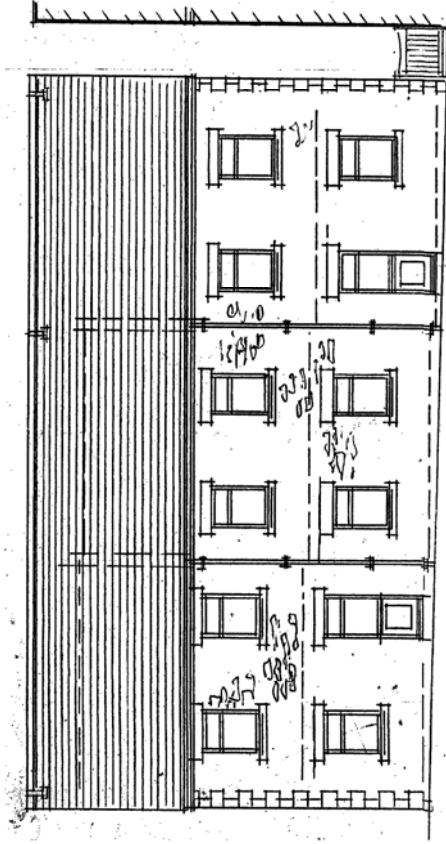




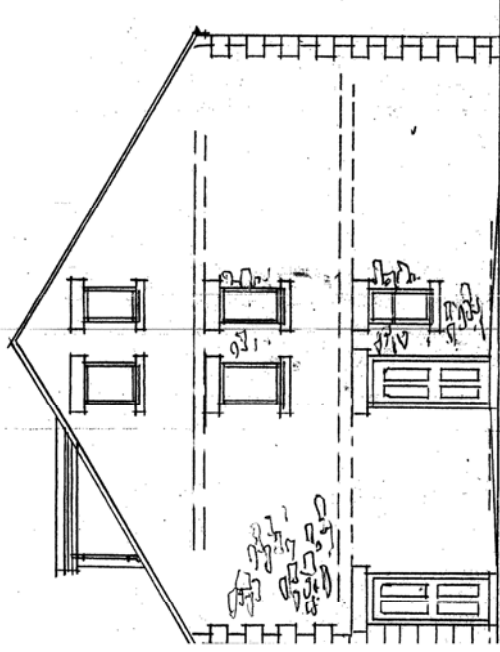
South Elevation



West Elevation



North Elevation



East Elevation

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

RECOMMENDATION FOR APPROVAL

08/0088

08.02.08

Mr D Craggs

Beamish Hall
Beamish
Stanley

Change of Use of existing woodland to birds of prey conservation centre and rope activity course, erection of ticket office, observation deck and creation of car parking

Havannah Ward

The Application

1. This application seeks planning permission for a change of use of a woodland area within the grounds of Beamish Hall to a birds of prey conservation centre and roping activity course. The proposal would also involve the erection of a ticket office, observation deck, new parking area, flight display area and 30 aviary structures. The grounds are within the Beamish Burn Conservation Area.

History

2. There is much planning history relating to the Beamish Hall but not specifically to the grounds. The most recent and relevant applications are:
 - In 1992 the Change of Use of the Hall was Approved to a hotel with associated usage to include restaurants, bars, function rooms and offices (ref: 02/0084).
 - In 2004 Listed Building Consent was granted for the refurbishment of 12 bedrooms with en-suite facilities (ref: 08/0088).

Policy

3. The following policies of the adopted Local Plan are relevant in determining this application:
 - General Development Principles (GDP1)
 - Development Within Areas of High landscape Value (EN6)
 - Development and Highway Safety (TR2)

Consultations

4. County Highways Development Control Officer – *Advises that additional vehicular traffic will inevitably be generated by the proposals, however he is satisfied the likely dispersed nature of its arrival will permit it to be adequately accommodated on the approach roads. The two vehicular egress points from the Hall have poor sight visibility however and notwithstanding the fact the site has operated commercially for some time there is a need to make improvements given the intensification of traffic movements that can be expected. A traffic mirror should be installed opposite each egress point (as has been done opposite the Beamish Offices access further south). This matter can be dealt with by condition.*
5. *The Highways Officer has no objection to the proposal subject to the following condition being attached to any approval:*

‘Prior to the commencement of any of the activities hereby approved a traffic mirror shall be installed opposite each of the two main vehicular entrances into the site. Such mirrors shall be retained and available for use in perpetuity thereafter.

Reason: In the interests of highway safety.’
6. County Landscape Officer - The County Landscape Officer has indicated that a full arboricultural survey would be of assistance and this has now been submitted, although further comment at the time of writing had not been received.
7. Initial comments of the Landscape Officer indicate that he is of the opinion that as the Birds of Prey enclosures are to be structurally independent of the existing trees, they are unlikely to have any discernable visual impact from outside the site.
8. He considers that the proposed rope activity course would likewise be unobtrusive visually. However, typical fixing details and ‘supporting’ evidence should be supplied to satisfy any concerns relating to potential long-term damage to the host trees.
9. County Design and Conservation Officer - Has been involved with much pre-application discussion with the applicant with regard to this and other possible future plans for the stables building at Beamish Hall. The Design and Conservation Officer has verbally indicated that she raises no objections to the proposal now under consideration. The Grounds are not listed in themselves within English Heritage’s Register of Historic Parks and Gardens.
10. Environmental Health Section (DDC) - The Environmental Health Section (DDC) have advised that birds that are housed in outside aviaries can be sources of noise nuisance, depending on the type and number of birds being housed, the structure and orientation the cages, and the distance and

topographical features of the land between the proposed aviaries and nearest noise sensitive receptors.

11. In this particular case, it is the opinion of the Environmental Health Section that although the distance and amount of foliage between and Beamish Hall Gardens and the birds afford a degree of noise attenuation, in the absence of any further information they would recommend, initially, that the aviaries only be used to house birds of prey. If the developer wishes to house other types of birds, then this should only be with the prior agreement of the Local Authority. This would enable a full assessment to be made of potential noise impacts.
12. On the rope activities, the Environmental Health Section advise that any activity which can result in shouting, cheering, and laughter can potentially be a source of nuisance, depending on the amount of noise generated, and the times of day it occurs. As indicated above, the relative distances and topographical effects between the nearest noise sensitive dwelling and the proposed rope activities will mitigate against the effects of any noise, however it may be advisable to limit the duration of this type of activity to the times of day when the difference between background level and the noise level from the activities will be the least i.e. (09.00 -19.00). If the developer intends to use any kind of security / floodlighting, this is also a matter that Environmental Health would need to consider, to avoid potential nuisance from this source.
13. Neighbours have been consulted and a site notice posted. One letter of objection was initially received from the occupier of a property adjacent to the site, Beamish Hall Gardens. A further letter was also received from the same neighbour upon re-consultation with regard to the submission of an amended plan layout. Concerns in summary are:
 - The development will remove and destroy the neighbour's legal right to expect and enjoy privacy, peace and quiet in his own home
 - The noise and loss of privacy resulting from the development will distress the objector and his family and could impact on their health
 - The rope course is far enough away from Beamish Hall so that guests of the hotel are not disturbed, but close enough to disturb the objector
 - The walled gardens of 'Garden House' create an echo effect which can amplify noise disturbance
 - The development will destroy the enjoyment of the objectors home and would be contrary to Article 8 of the Human Rights Act
 - The amended plans do not improve the situation
 - The objector has also pointed out that he has had discussions with the applicant with regard to purchasing his property (Garden House), however that if planning approval is not forthcoming that the applicant will not be interested in purchasing the property.
14. The applicant has forwarded 8 no. letters and e-mails from local organisations and companies in support of his application. These are appended to this report.

Officer Assessment

The Proposal:

- 15.** The works as proposed would be within existing woodland in the grounds of Beamish Hall. The main Hall building has a Grade II* listing. However, the works as proposed are not within the main curtilage of the building but within the grounds adjacent. Given that the works would effectively be screened by the woodland, the Design and Conservation Officer (DDC) is satisfied that the proposal would have no impact upon the setting of the Hall. Similarly it is not considered that the works would have any significant impact upon the special character of the locality Beamish Burn Conservation Area, or the designation of Area of High Landscape Value, which the grounds are located within.
- 16.** An aviary already positioned within the site for demonstration purposes has satisfied the Case Officer that with the use of natural materials, such as timber, and also through the use of less visually obtrusive and less bulky material, such as netting, the structures will in no way be obtrusive and naturally blend into the woodland.
- 17.** Footpaths would be interspersed within the area of the aviaries, with 1100mm high stand-off barriers at the edge of the pathways separating the public from the aviary wall netting.
- 18.** The rope course utilises the existing trees within the woodland for various activities and aerial walks where the participants are suspended by safety harness. The courses will be in three areas, with a junior ropes course, the main course, and a low level 'development rope course'.
- 19.** The proposal includes a ticket office which would be of a log cabin style, and an observation decked area with storage beneath. The details provided for these would appear acceptable, and these features would be screened by the woodland. The master plan also indicates a children's play area, flight display area and 'quiet area', and seating areas. Full details of these elements have not been provided as yet, and can be agreed by way of condition, should the application be approved.
- 20.** The applicant has indicated that the proposal would require the employment of 25 new staff, which would be of benefit to the local economy.

Parking and Vehicular Access

- 21.** A new car parking area is proposed within an area of planting to the east of the existing stables building. The car park would be well screened by existing trees, and whilst some bushes and fledgling trees within this area would be removed, these have no significant amenity value and are seen as an acceptable loss to enable the creation of the car park. More mature trees are located to the periphery of the car park and these are to be retained as

indicated in the plan as submitted. The car park surface would be of an aggregate material of natural appearance and again details of this can be agreed via condition.

- 22.** Vehicles would use existing accesses, one to the north of the Hall grounds and the main hotel entrance to the west. The Highways Development Control Officer raises no objection to the parking or access arrangements, subject to the installation of traffic mirrors opposite each of the two vehicular entrances into the site.

Potential Impact Upon Trees

- 23.** A tree survey has been submitted with the application. Whilst none of the trees within the site are covered by a Tree Preservation Order, the trees as a group in the main wooded area have significant amenity value. The tree survey considered 57 mature and semi mature trees within the woodland. Many of the trees are in good condition, however do need general management such as dead wooding. Of these trees, approximately 7 would be removed. These trees, and including three which overhang the stables building, would be removed because of safety concerns with regard to possible failure of the trees due to their position or poor form and the risk to users of the facility. The removal of these trees would allow the rope course and aviaries to be operated in a safe manner, and the scheme would ensure better management of the remaining trees which has been neglected. It is not considered that the loss of these trees would significantly impact upon the visual amenity of the 'group value' of the trees within the woodland.
- 24.** The Landscape Officer(DCC) raises no objections to the proposals however requires typical fixing details and 'supporting' evidence to satisfy any concerns relating to potential long-term damage to the host trees. The applicant has forwarded correspondence from the company who would carry out the works for the rope activities, and they have confirmed that the operation would comply with ERCA guidelines (European Ropes Course Association) and that the installation technique of using bolts is preferable for the health of the trees to using strapping attachments. Ropeworks Development Limited have confirmed that in 14 years of operation they have no experience of any long term damage to trees caused by bolting, yet they have on occasions experienced damage through strapping.

Potential for Impact Upon Neighbours

- 25.** Beamish Hall and grounds is positioned within a relatively isolated position, some significant distance away from the main settlement of Beamish. There is a small hamlet of 7 dwellings positioned north of the grounds on Coppy Lane. The grounds are surrounded by a stone wall of varying heights (2-3 metres) which would largely screen the aviaries and associated development, and it is considered that a distance in excess of 100 metres to the nearest property in the hamlet would mitigate against any potential for impact upon the amenity of the occupiers of those properties, in terms of loss of privacy, or noise disturbance. No objections have been received

from the occupiers of these properties.

- 26.** The most immediate property to the site is Beamish Hall Gardens, which is positioned over the western wall of the Hall grounds. An objection has been received from the occupier of that property and is summarised in paragraph 13 of the report. The main concerns relate to potential general disturbance with regard to the rope activity, possible noise generation and loss of privacy.
- 27.** A small low level 'development rope course' would be within 20 metres of the wall and approx 65 metres of the neighbouring property. This course would be approximately only 0.5 metres from ground level, as a result a line of sight into the neighbouring property would not be possible because of the wall to the Hall grounds and significant tree planting surrounding this low level course.
- 28.** The high level course, would at its closest point, be approximately 45 metres away from the wall, and approximately 50-55 metres away from the objector's dwelling, 'Beamish Hall Gardens'. There would be at least 130 metres distance to the nearest aviaries to the objector's property. The high Rope Course would at the highest point be approximately 10 metres up from ground level.
- 29.** The relative distances, the walling, topographical effects and dense woodland planting between the property 'Beamish Hall Gardens' and the proposed rope activities and aviaries, would mitigate against the effects of any noise. However, the Environmental Health Section have advised that the duration of the rope activity should be limited to the times of day when the difference between background level and the noise level from the activities would be the least i.e. (09.00 – 19.00). This could be dealt with by way of a condition. With such a condition in place it is considered unlikely that significant noise disturbance would result. Given the distances involved from the high rope course and the massing of mature tree planting as a buffer, it is unlikely that significant overlooking of the property 'Beamish Hall Gardens' would result. Whilst glimpses of the property and its garden may occur from the high level rope course, these are likely to be interrupted views given the tree planting. Whilst the concerns of the neighbour are noted, it is not considered that they would warrant refusal of the application.
- 30.** The Environmental Health Section have advised that similarly the distance and amount of foliage between and Beamish Hall Gardens and the aviaries would afford a degree of noise attenuation. However they would recommend, initially, that the aviaries only be used to house birds of prey. If the developer wishes to house other types of birds, then this should only be with the prior agreement of the Local Authority. The applicant has indicated that this is his initial intention, and this again can be controlled by way of condition.
- 31.** The issue raised by the objector with regard to Article 8 of the Human Rights Act, and his right to enjoy his property in peace is noted. This is a separate

issue which case law has indicated should be considered outside of the Planning system. With the conditions as advised in place, officers are satisfied that given the features of the site, and mitigating distances involved, it is unlikely that significant disturbance to the objector would result. The issue raised with regard to the potential sale of his property to the applicant is not a material planning consideration.

Conclusions

32. The development as proposed would utilise existing natural features within the Hall grounds so that none of the elements as proposed would be detrimental to the setting of the Hall grounds within the Conservation Area and Area of High Landscape Value, in accordance with policies GDP1 and EN6 of the Local Plan. Most of the features would be significantly screened within the woodland and not clearly visible from lawn area of the grounds. The development would not be clearly visible from locations outside of the grounds.
33. The proposal is likely to be of benefit to the profile of the District through tourism and would potentially also have economic benefits through the employment of new staff.
34. The development is unlikely to significantly affect the amenities of neighbours, given the mitigating distances to properties involved and natural screening on the site, in accordance with policy GDP1 of the Local Plan. The access and parking arrangements are considered acceptable and in accordance with policy TR2 of the Local Plan, subject to the installation of mirrors at both access points. The proposal is therefore considered to be acceptable subject to the conditions as indicated below.

Recommendation

Conditional Permission

35.
 - Time Limit (ST).
 - Approved Plans(ST01).
 - The use hereby approved shall not commence until full details of the children's play area, flight display area, 'quiet area', and seating areas have been submitted to and agreed in writing by the Local Planning Authority.
Reason: In order that the Local Planning Authority retain control over these details.
 - Prior to the commencement of any of the activities hereby approved a traffic mirror shall be installed opposite each of the two main vehicular entrances into the site. Such mirrors shall be retained and available for use in perpetuity thereafter.
Reason: In the interests of highway safety and in accordance with policy TR2 of the Local Plan.
 - The use hereby approved is limited to the keeping of birds of prey only

and other species of birds outside of this classification may only be accommodated upon prior written approval of the Local Planning Authority.

Reason: In order that the Local Planning Authority retain control over accommodation of type of bird and to possibly restrict the accommodation, or to agree details of mitigation features for louder noise emitting birds including Maccaw's and Parrots.)

- The roping activities as hereby approved shall not be in use outside of the hours of 9.00am and 7.00pm.

Reason: In order to prevent the potential for significant noise disturbance at unsociable hours.

- Details of any security or flood lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development, or some other such time to be agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority retain control over these details, in the interests of the amenity of neighbours in accordance with policy GDP1 of the Local Plan.

- Details of the material used in the surfacing of the car park shall be submitted to and agreed in writing by the Local Planning Authority prior to the construction of the car park or some other such time to be agreed by the Local Planning Authority.

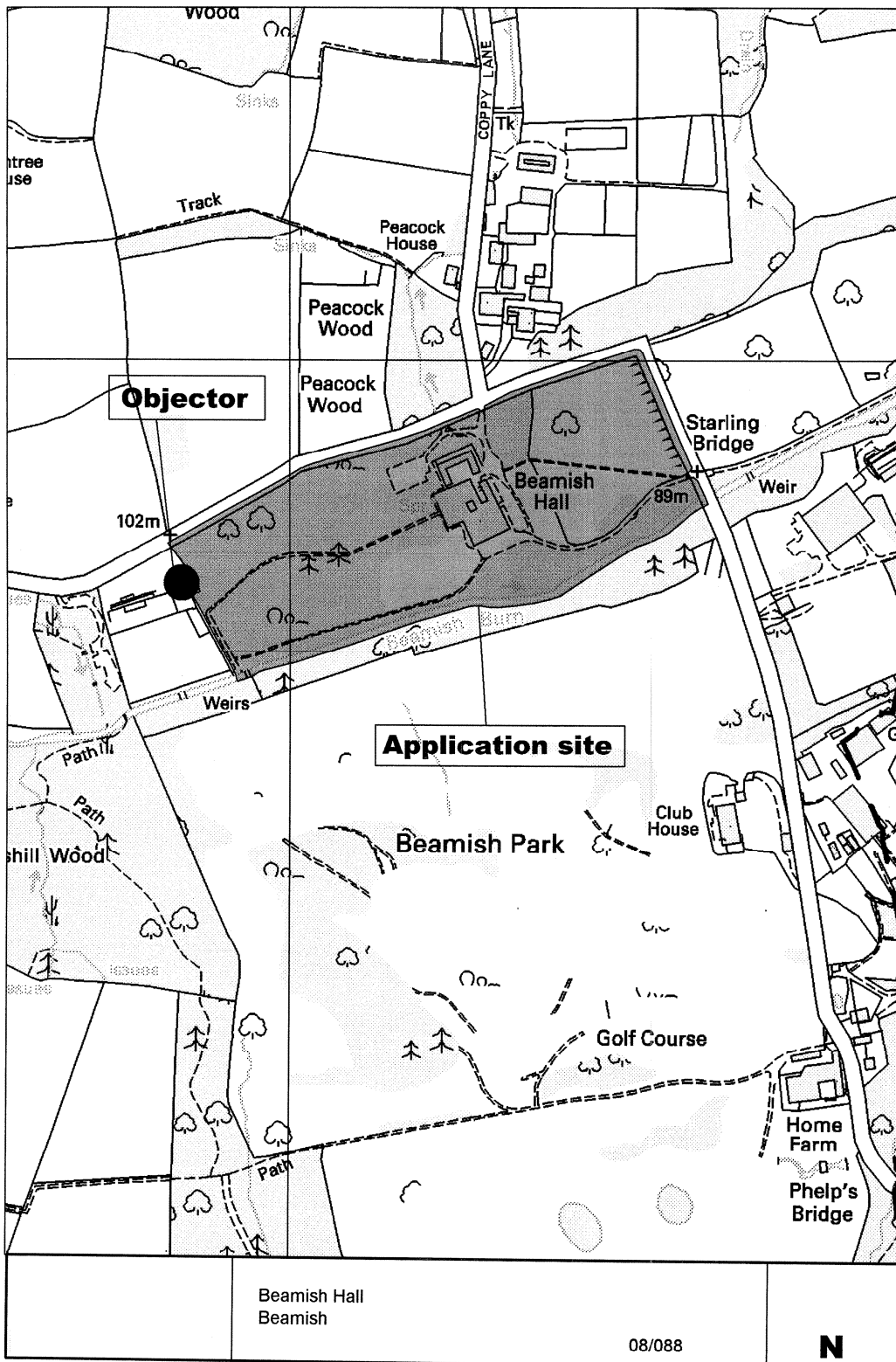
Reason: In order that the Local Planning Authority retain control over these details in the interests of the visual amenity and character of the locality in accordance with policies GDP1 and EN6 of the Local Plan.

Reason for Approval

- 38.** The decision to grant planning permission has been taken having regard to policies GDP1, EN6 and TR2 of the Derwentside District Local Plan and material considerations as detailed in the report to the Development Control Committee. The development is unlikely to significantly affect the amenities of neighbours given the mitigating distances to properties involved and natural screening on the site, in accordance with policy GDP1 of the Local Plan. The access and parking arrangements are considered acceptable and in accordance with policy TR2 of the Local Plan, subject to the installation of mirrors at both access points. In 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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PROPOSED SITE PLAN

Beamish Hall, Beamish. 08/088



BEAMISH HALL
COUNTRY HOUSE HOTEL

Dear Sean,

RE: Proposed Birds of Prey Conservation Centre and Ropes Course

Please find attached letters of support for the above planning application. The letters we have received are from people we have been working closely with and will be using and benefiting from the new activities should they receive planning approval. The letters of support are from:

1. North East Chamber of Commerce
2. Durham Tourism Partnership
3. One North East
4. Beamish Museum
5. Beck's Development Training
6. Cracking Days Out
7. South Tyneside Safety Training Centre
8. Ignite

We believe that this is a good cross section of people both inside and outside the region which will encourage both commercial business and tourism into the area and compliment existing business including our neighbours Beamish Museum


Yours Sincerely
David Craggs



BEAMISH HALL
BEAMISH STANLEY COUNTY DURHAM DH9 0YB
TEL: 01207 233733 FAX: 01207 299220
EMAIL: INFO@BEAMISH-HALL.CO.UK WEB: WWW.BEAMISH-HALL.CO.UK

02 April 2008

Samantha Buchanan-Robinson
Beamish Hall Country House Hotel
Beamish
Stanley
County Durham
DH9 0YB

Dear Samantha

I was excited to hear of the new developments at Beamish Hall and look forward to working with you soon.

The bird of prey centre will be a great opportunity for both children and adults to see these beautiful animals up close and hopefully make people more aware of them. The rope park will also add another level to what you can offer companies for team building activities and hopefully this is something we will be keen to arrange for our employees.

Look forward to seeing you soon and when you have more information if you could forward to me.

Yours sincerely



Judith Churchill
Events Manaher



Louise Sams

From: Louise Sams
Sent: 28 March 2008 13:38
To: 'Samantha Buchanan-Robinson'

Dear Samantha

It was good to talk to you earlier regarding the future plans for a rope activity site at Beamish Hall which will add to the current visitor attraction offer within County Durham.

As discussed we do encourage all development projects within County Durham to either undertake the process within the Area Tourism Management Plan (ATMaP) or use the process as a guide to shape potential development. I realise that you are looking at the criteria at the moment, so please do let me know if you have any queries.

I look forward to working with you in the future.

Regards

Louise

Louise Sams
Product Development Executive
County Durham Tourism Partnership
The Rivergreen Centre
Aykley Heads
Durham
DH1 5TS

T 0191 383 7425
F 0191 383 7424
E louise.sams@cdtp.co.uk
W visitcountydurham.com



The County Durham Tourism Partnership is a new tourism organisation for County Durham which works on behalf of businesses and public agencies. We are responsible for leading tourism within the County and are part of a regional network called Tourism Network North East.

A company limited by guarantee registered in England and Wales registered number 5756346.

Registered office: Norham House, 12 New Bridge Street West, Newcastle-upon-Tyne, NE1 8AS

28/03/2008

Samantha Buchanan-Robinson

From: Heather Lamb [heather.lamb@onenortheast.co.uk]
Sent: 02 April 2008 09:42
To: Samantha Buchanan-Robinson
Subject: Meeting with Stacy Hall - 8th April



Hi Samantha

Just to confirm your meeting with Stacy on the 8th April at 11.30am. Stacy is looking forward to meeting yourself and David Craggs and discussing how you can work together to support the Birds of Prey Conservation Centre and Rope Activity Centre.

Unfortunately Louise Davis is unable to attend now but Louise is arranging a member of her team to come along.

Stacy has asked me to check if she needs to wear suitable footwear – is the site complete?

Best wishes,
Heather

Heather Lamb
PA to Stacy Hall, Director of Communications & Tourism
One NorthEast
Tel: 0191 229 6502
Fax: 0191 229 6227

One NorthEast, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne. NE15 8NY

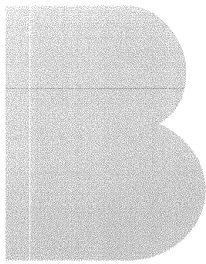
To view One NorthEast's 14 key achievements, visit
<http://www.onenortheast.co.uk/page/keyachievements.cfm>

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02/04/2008



BEAMISH

Beamish Museum Limited
Regional Resource Centre
Beamish
County Durham DH9 0RG
Tel. 0191 370 4000
Fax. 0191 370 4001
museum@beamish.org.uk
www.beamish.org.uk

Samantha Buchanan-Robinson
Beamish Hall Hotel
Beamish
County Durham

Pub/O/DJ/LA

2nd April 2008



Dear Samantha

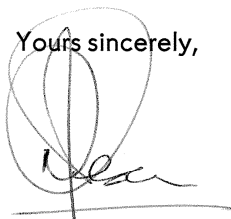
Re: Beamish Hall Birds of Prey Conservation Centre and Rope Activity Site

Thank you for sharing with us your exciting plans for the proposed 'Birds of Prey and Rope Activity' development at Beamish Hall.

As a key visitor attraction in our own right, we believe that the creation of your new centre will complement the range of tourism destinations that already exist in the local area and will in turn give potential visitors even more of a reason to visit this part of the region.

We wish you well with your plans and look forward to working with you in the future.

Yours sincerely,



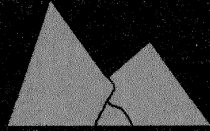
Darren Jensen
Head of Commercial Operations



RENAISSANCE NORTH EAST
museums for changing lives



Beamish Museum Limited. Registered in England, number 5751540. Registered Charity number 1122366



BECKs Development Training

Development through Adventure!

2008-03-31

Regarding the High Ropes Facilities at Beamish Hall

To whom it may concern,

BECKs Development Training is a regional provider of educational outdoor activities for youth groups, teambuilding, incentive days and management training for corporate groups.

We are based just north of Morpeth in Northumberland and work with a range of hotels and venues all over the North East of England to facilitate our events.

Over the last year, we have tried to encourage most of our partner venues to construct High Ropes Courses (both: recreational as well as developmental) due to the increase in demand from our customers to take part in high ropes activities.

Beamish Hall building a high ropes course is fantastic news for our business as it means that we can now satisfy the customer demand for high ropes activities. We will encourage our customers to use Beamish Hall as a venue for their corporate events and include high ropes into their event programme.

BECKs Development Training has qualified and experienced staff to facilitate recreational as well as developmental high ropes sessions. Programmes will be bespoke for each customer and I can foresee the demand for such sessions to be very high and increasing in the coming years.

I wish Beamish Hall and Family Craggs all the best with their planning application and hope they will succeed in bringing a fantastic new resource to the region.

Kind regards,

Linda Melchert
Managing Director
BECKs Development Training



office: 01670 783801
fax: 01670 783801
mobile: 07791707097



Cheeveley Farmhouse
Acklington, Morpeth
Northumberland NE65 9DU



info@beckstraining.co.uk
www.beckstraining.co.uk
www.d-t-a.co.uk

Amy Craggs

From: David Craggs
Sent: 03 April 2008 10:38
To: 'Amy Craggs'
Subject: FW: Marine Safety Training Centre

From: Tushar Bijur [mailto:Tushar.Bijur@stc.ac.uk]
Sent: 03 April 2008 09:39
To: David Craggs
Subject: Marine Safety Training Centre

Dear David

It was a pleasure to meet you and your team at the Marine Safety Training Centre on 7th March.

As discussed, I believe that we have the resources to work together to provide unique and innovative learning opportunities to your customers.

Corporate clients are always looking at ways to improve team working, communication and leadership skills in their workforce and offering them the opportunity to have corporate 'away days' at Beamish Hall with your proposed outdoor activity centre and our survival pool will be the first of its kind in this country.

If we can market this successfully, we have the potential to attract new commerce and generate jobs in this region. Furthermore, Durham & Tyne & Wear can benefit by increased tourism.

I wish you and your team every success and look forward to working with you in the near future.

Best regards,

Tushar

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03/04/2008

Amy Craggs

From: Caroline Smith [info@ignitecorporateevents.co.uk]
Sent: 03 April 2008 09:34
To: Amy Craggs
Subject: High Ropes Development Course

This email is to confirm my support for the development of Beamish Hall High Ropes Course.

As a corporate training company, specialising in outdoor management, I am constantly looking for venues to run courses that cater for clients throughout the Northern region. Beamish Hall is an ideal venue for both local clients to do one day training and teambuilding exercises. It is also the type of venue that clients from further a field would find ideal for residential and longer management training courses. The high ropes course will be an integral training tool in my courses and I would very much support the development of this. When I sell events to the corporate sector, the venues offered have a big impact on the sale. The benefits of being in the grounds of Beamish Hall is a selling point in its own right, however the facilities that support management development training are crucial and this will certainly broaden the range of clients that will be attracted to the venue.

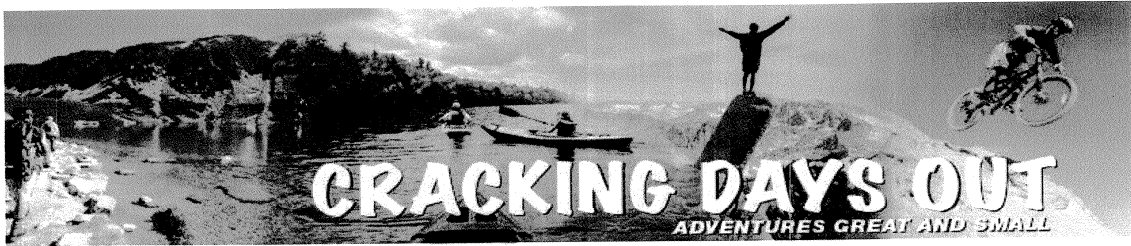
I am therefore very much in support of the developments and look forward to using the new facilities with a range of clients from all over the region.

Kind regards

Caroline Smith



03/04/2008



31st March 2008

To whom it may concern,

I am a Director of an outdoor activity company known as Cracking Days Out Ltd which is situated in Richmond, North Yorkshire. We provide a wide range of activities for schools, colleges, corporate groups and individuals throughout the North of England. I was very interested to learn of the planned development at Beamish Hall.

I am familiar with the area, having previously worked as a Teacher in Derwentside for several years. I would view this project as a valuable investment for the local community and economy. I feel sure that if it were to be allowed, it would draw visitors from many areas and expose them to the potential of this underdeveloped area of County Durham, creating many employment opportunities.

As a provider of adventure activities, I would welcome the opportunity to utilise the planned facilities. It would be our intention to use the site for personal development activities for school and college groups throughout the area. The site forms the perfect setting for the delivery of meaningful outdoor education that would enable young people to participate in real "Learning Outside of the Classroom" as outlined in the recent government manifesto.

The benefits of such a venture should not, in my opinion, be underestimated. I wholeheartedly support the project and believe that it will provide a complementary resource for leisure and tourism in this area.

Yours truly, Rob Simpson.
BA (Hons). Cert Ed. PG Cert.



Cracking Days Out Ltd
Registered Address: Aske Stables. Aske. Richmond. North Yorkshire. DL10 5HG
Tel. 01748 850892 (Office) 07950 440576 (Mobile)
email: enquiries@crackingdaysout.com
Website: www.crackingdaysout.com

RECOMMENDATION FOR APPROVAL

08/0097

01.04.08

Mr & Mrs K Walls

7 Ambleside Mews, Leadgate

Erection of two storey side extension

Leadgate Ward

The Application

1. This application seeks planning permission for the erection of a two-storey extension to the side of 7 Ambleside Mews, a semi-detached property in Leadgate.
2. The proposed side extension would measure 5.9 metres in length, 8.9 metres in width, 5.1 metres to the eaves and 7.1 metres to the ridge of the roof. The proposed front extension would measure 1.3 metres in length, 2.7 metres in length and 2.4 metres to the eaves. A pitched roof would be erected above the front extension, which would incorporate the existing porch, which would measure 3.4 metres to the ridge.
3. The proposed extensions would be clad in brick to match that of the existing dwelling house and the roof would consist of concrete tiles to match that of the existing dwelling house. Midway through the side extension it recesses in by 1 metre to the rear. A small window is proposed for the ground floor of the gable elevation of the side extension.

History

4. There is no previous planning history.

Policy

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

General Development Principles (GDP1)
Extensions and alterations to existing dwellings (HO19)

House extensions (SPG2)

Consultations

6. County Highways Development Control Officer – No objection raised.
7. Northumbrian Water – No objections.
8. Neighbours – The owner / occupier of 6 Ambleside Mews, Leadgate has objected on the following grounds:
 - They consider the proposed extension to be over development. Properties within the estate have been extended usually by creating additional space above the existing garage, and although this does alter the traditional semi appearance they have no objections to homeowners extending in this way. However the proposed extension would be built to maximise the available space in such a way that the new extension would be almost the size of the existing house. It is considered that given the adjoining property, 8 Ambleside Mews already has a two-storey side extension the proposed extension would create the appearance of a long terrace.
 - The proposed extension is also considered to be overbearing for 6 Ambleside Mews. 7 Ambleside Mews is on higher ground and the proposed extension would be set 0.88 metres off the common boundary. As such the proposed extension would appear tall and imposing from the driveway and front garden of 6 Ambleside Mews.
 - Also concerned about safety during construction of the extension, such as high scaffolding being erected which would overhang their property.
9. An anonymous resident of Ambleside Mews, Leadgate has said that they consider the estate to be spacious and the proposed extension would give the impression of a row of terraces and the extension would be overbearing.
10. The owner / occupier of 13 Ambleside Mews, Leadgate has said that the size of the extension would not be in-keeping with the appearance of the street. The extension would give the impression of a row of terraces and therefore have a negative impact on the appearance of the street.

Officer Assessment

11. There are no similar extensions within the estate and it is acknowledged that the owner / occupier of 6 Ambleside Mews believes it to constitute over-development, as it would appear to be almost double the size of the existing dwelling house. However, it is considered that given the nature of the estate there are few properties which have the land available to build an extension of this size. Furthermore, the proposed side extension would be subservient to the existing dwelling house given it would recess in from where the existing garage is by 1 metre to the rear, resulting in the pitch of the roof being lower. The proposed front extension would also be subservient to the existing dwelling house given it is only single storey. Therefore both extensions are considered to respect the scale of the existing dwelling house, in accordance with Policy HO19 of the Derwentside District Local Plan.

12. It is acknowledged that all those who objected considered the extension would create the impression of a terrace of houses, given the adjoining property, 5 Ambleside Mews has an extension above the garage. However, the Council has no adopted policy on 'terraced' housing and although the extension would be almost double the size of the existing dwelling house it is still essentially a semi-detached property.
13. The gable elevation of the proposed extension would be within 0.88 metres of the common boundary shared with 6 Ambleside Mews. All of the residents who objected consider that the proposed extension would be overbearing and 6 Ambleside Mews also objected because the proposed extension would appear tall and imposing from the driveway and front garden. However, it is considered that had 7 Ambleside Mews not had the additional land and proposed to erect an extension over the existing garage it would have the same appearance and impact on 6 Ambleside Mews, as the proposed extension would. Furthermore, it is feasible that 6 Ambleside Mews could gain planning permission for an extension over the garage in the future, which would result in 7 Ambleside Mews having a similar view of the gable end of 6 Ambleside Mews as they would of the proposed side extension. Therefore it is considered that the extension would have no overbearing effect on 6 Ambleside Mews or any property within the street given the nearest property, which the extension would be visible from, is more than 20 metres away.
14. The proposed side and front extensions would have a minimal impact on the views from 6 Ambleside and both extensions would satisfy the 45 degree rule. A small toilet window is proposed for the gable elevation of the side extension and 6 Ambleside Mews has a landing window in the gable elevation. The obscuring of this toilet window could be conditioned in the permission to address the concerns in relation to the overlooking of 6 Ambleside Mews. This window in the gable end of 6 Ambleside Mews is not a main window as the landing is not a habitable room and therefore it is not considered that the proposed extension would have a detrimental impact on this window. It is considered that the proposed extensions would have a minimal impact on the amenities of the neighbouring properties, in accordance with policy HO19 of the Derwentside District Local Plan and SPG2.
15. The proposed extensions would incorporate materials to match those of the existing dwelling house. Therefore, they are considered to be in-keeping with the character and appearance of the existing dwelling house and the surrounding area in accordance with HO19 of the Derwentside District Local Plan.

Recommendation

16. Conditional Permission
- Standard time limit (ST).

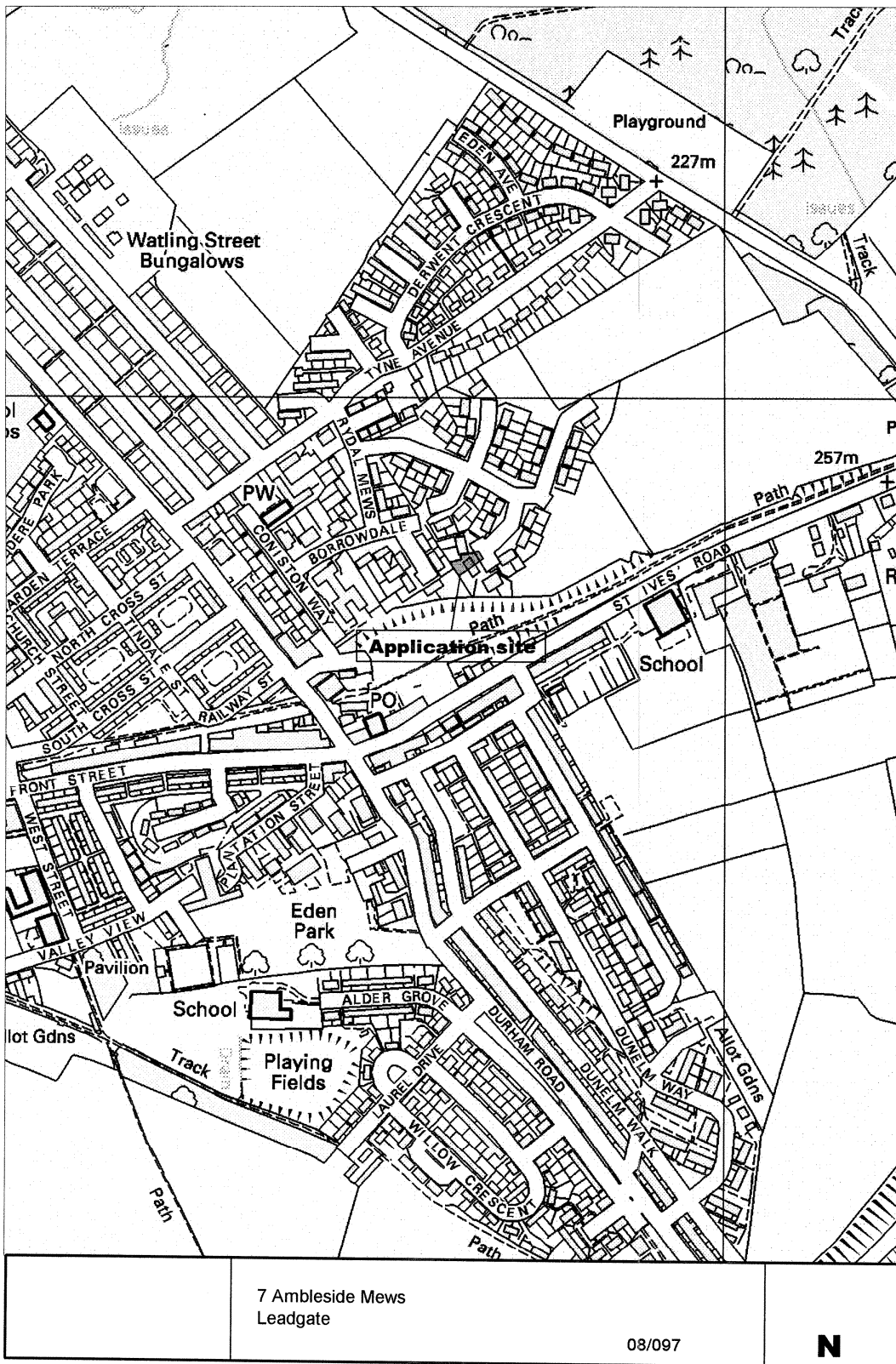
- Approved plans (ST01).
- House extension materials (DH05).
- The window in the gable end of the side extension shall be obscurely glazed during the life of the extension hereby approved.
Reason: In the interest of protecting the privacy of neighbouring properties in accordance with HO19 of the Derwentside District Local Plan.

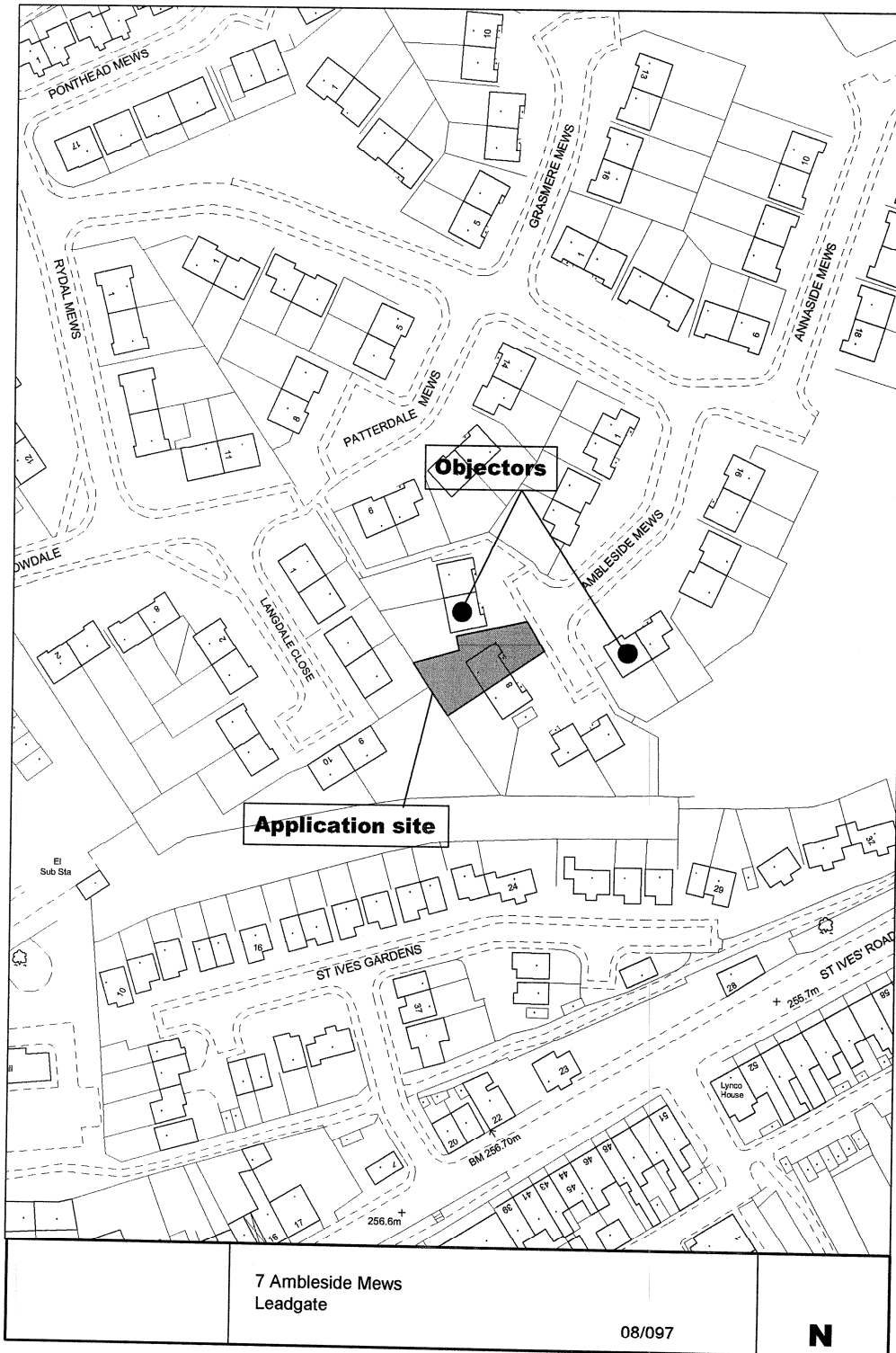
Reason for Approval

17. It is the opinion of the Local Planning Authority that the proposed side and front extensions would not have a detrimental impact on the amenities of the neighbouring properties, would respect the scale of the existing dwelling house and would be in keeping with the character and appearance of the surrounding area in accordance with policy HO19 of the Derwentside District Local Plan and Supplementary Planning Guidance 2. There are no other material considerations which outweigh the decision to approve the application.

Report prepared by Tom Armfield, Student Planning Officer.

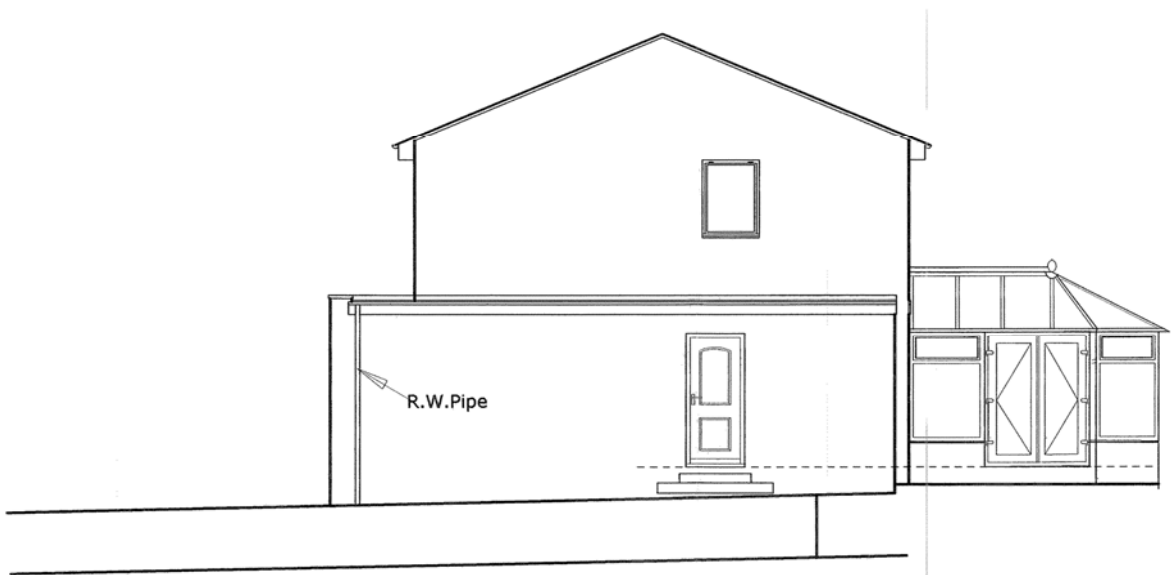
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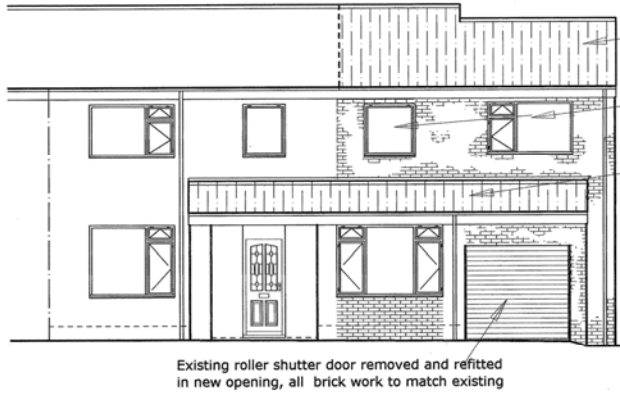
FRONT ELEVATION



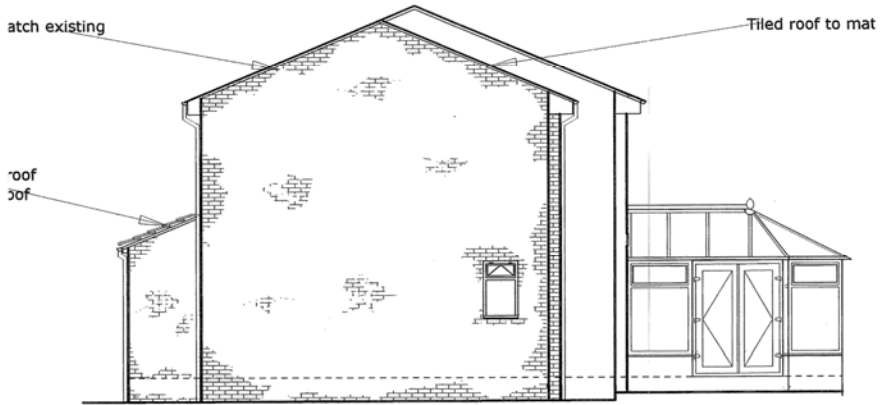
RIGHT SIDE GABLE ELEVATION
(Boundary wall and timber fence omitted for clarity)

EXISTING ELEVATIONS

7 Ambleside Mews, Leadgate. 08/0097



FRONT ELEVATION



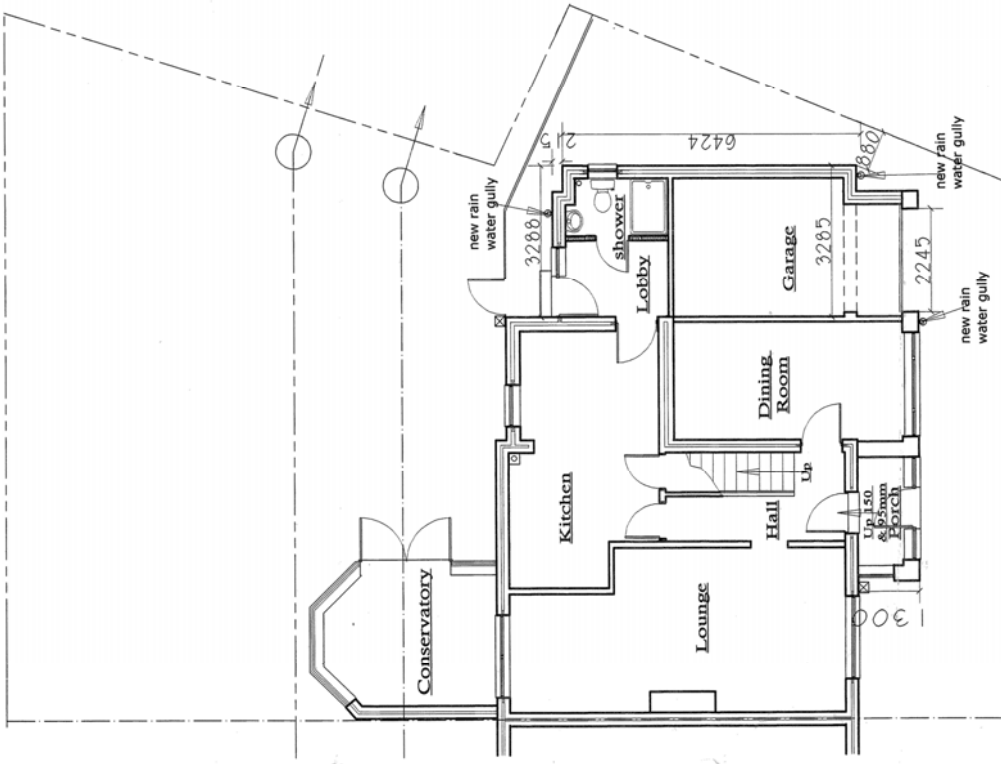
RIGHT SIDE GABLE ELEVATION
 (Boundary wall and fence omitted for clarity)



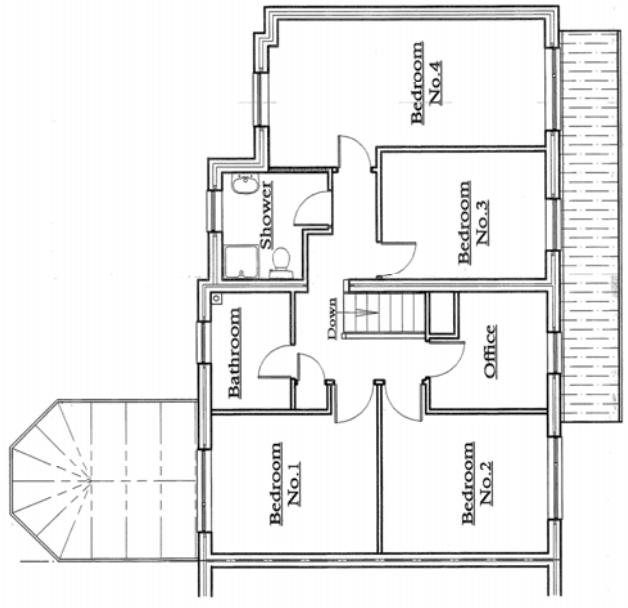
REAR ELEVATION

PROPOSED ELEVATIONS

7 Ambleside Mews, Leadgate. 08/097



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

7 Ambleside Mews, Leadgate. 08/097

RECOMMENDATION FOR APPROVAL

08/0165	01.04.08
S Davis	12 Ennerdale Terrace Low Westwood
Erection of garage	Ebchester and Medomsley Ward

The Application

1. This application seeks planning permission for the erection of a garage to the rear of 12 Ennerdale Terrace, an end of terrace property in Low Westwood. The applicant is an employee of the Council and the application must therefore be considered by the Development Control Committee.
2. The proposed garage would measure 7.85 metres in length, 3.8 metres in width, 2.1 to the eaves and 3.8 metres to the ridge of the roof. The front elevation of the garage would be constructed of facing stone and the other elevations would be rendered. The roof would be slate.

History

3. Planning permission was granted in 1997 for the erection of a garage in the same position as the proposed garage (ref: KJ/1/1997/0223/DM/FP).

Policy

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

General Development Principles (GDP1)
Development and Highway Safety (TR2)

Consultations

5. County Highways Development Control Officer - No objection subject to following condition:
'The garage door shall be of a type which on opening and closing does not protrude over the highway and shall be fully retractable when in the open position.'
6. In addition the proposed development must be served by a new vehicular access to the public highway, constructed in accordance with Section 184(3) of the Highways Act 1980. Please advise the applicant of the need to contact the Durham County Council Northern Area Office, Pity Me, Durham City (tel: 0191 332 4400), prior to undertaking any works in the public

highway, and in order to agree construction details.

7. Design and Conservation Officer – Ennerdale Terrace relies on its symmetry for its character so the location of the proposed garage facing the garage of 13 Ennerdale Terrace is acceptable.
8. However the Design and Conservation Officer considers that the whole of the garage should be clad in stone because of its visible corner location at the centre of the terraces and because stone is the matching material. It is acknowledged that some other garages within the street have a rendered finish, but it is considered that these do not blend, nor are they in such a significant location. It is considered that the roof material should be slate.
9. Neighbours have been consulted and a site notice posted. No objections have been received from neighbours.

Officer Assessment

10. The Derwentside District Local Plan identifies that one of the key features of the Low Westwood Conservation Area is the long stone terraces, incorporating Ennerdale Terrace, which are almost perfectly symmetrical. The proposed garage would be positioned in the corner of the rear yard, reflecting the location of the garage at 13 Ennerdale Terrace. The Design and Conservation Officer is of the view that the location of the garage is acceptable, as it would be in keeping with the symmetry of the streetscape in accordance with policy GDP1 of the Derwentside District Local Plan.
11. Given that there are similar garages within the street, and the garage would be located more than 5 metres forward of the rear elevation of the terrace, it is considered that the proposed garage would have a minimal impact on the amenities of the neighbouring properties in accordance with policy GDP1 of the Derwentside District Local Plan.
12. It is acknowledged that there are other garages within the street which are of a similar appearance to the proposed garage. In agreement with the Design and Conservation Officer, the prominent position of the garage on the end of the terrace and adjacent to the road which connects the terrace with the A694, the garage should be clad entirely in stone so that it would be in-keeping with the stone terraces. This could be addressed by way of a condition on the permission.
13. The Highways Engineer raised no objections, and the proposed garage is considered to be acceptable in accordance with policy TR2 of the Derwentside District Local Plan.
14. Subject to the conditions indicated, the proposed garage is considered to be acceptable and in accordance with policies GDP1 and TR2 of the Derwentside District Local Plan.

Recommendation

15. Conditional Permission

- Standard time limit (ST).
- Approved plans (ST01).
- Within one month of the commencement of the development, or other such time period to be agreed in writing with the Local Planning Authority, samples of the external finishing materials shall be submitted to the Local Planning Authority, and approved in writing. The development shall be carried out in full accordance with the approved details (A03).

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 Derwentside District Local Plan.

- The garage door shall be of a type which on opening and closing does not protrude over the highway and shall be fully retractable when in the open position.

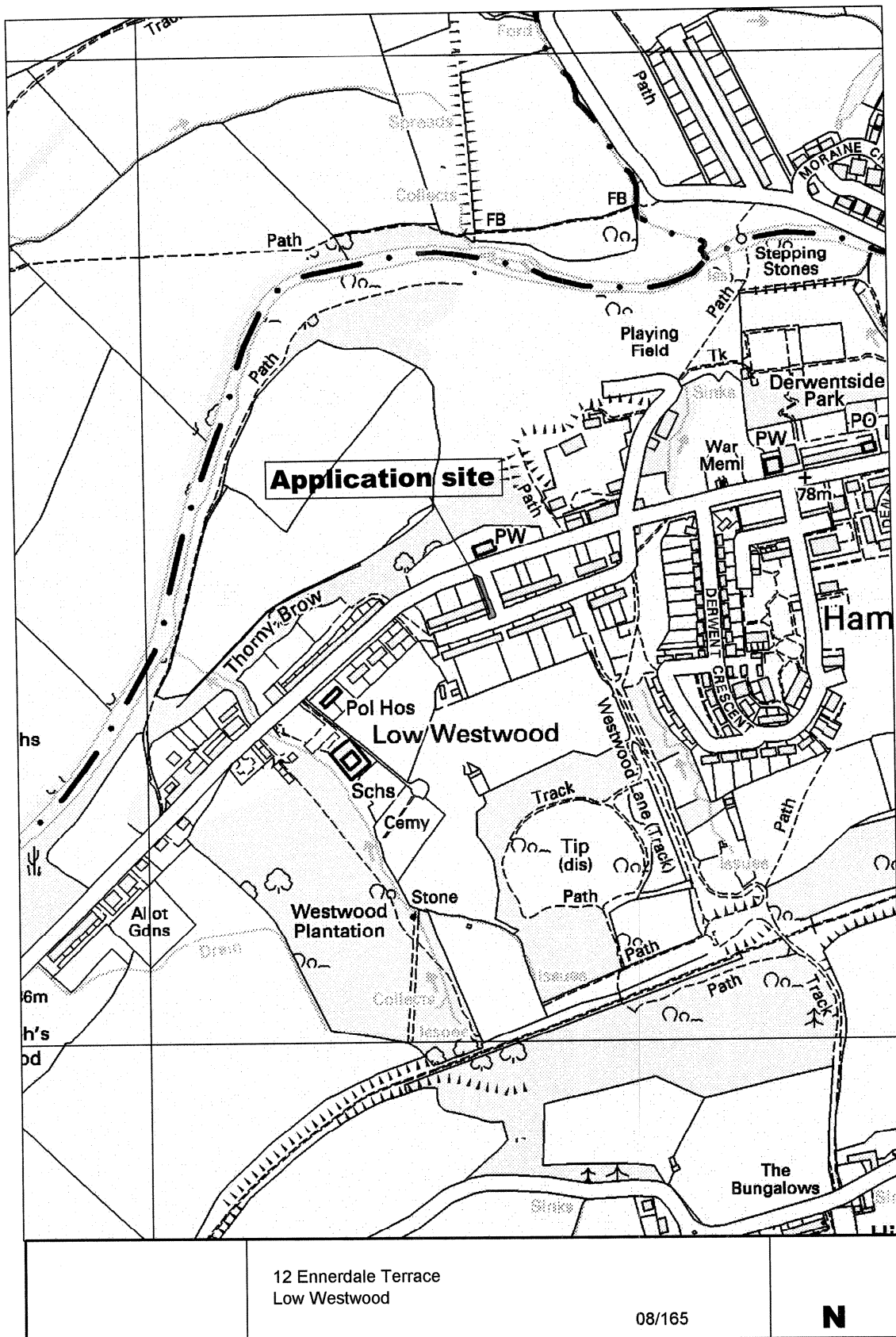
Reason: In the interests of highway safety in accordance with TR2 of the Derwentside District Local Plan.

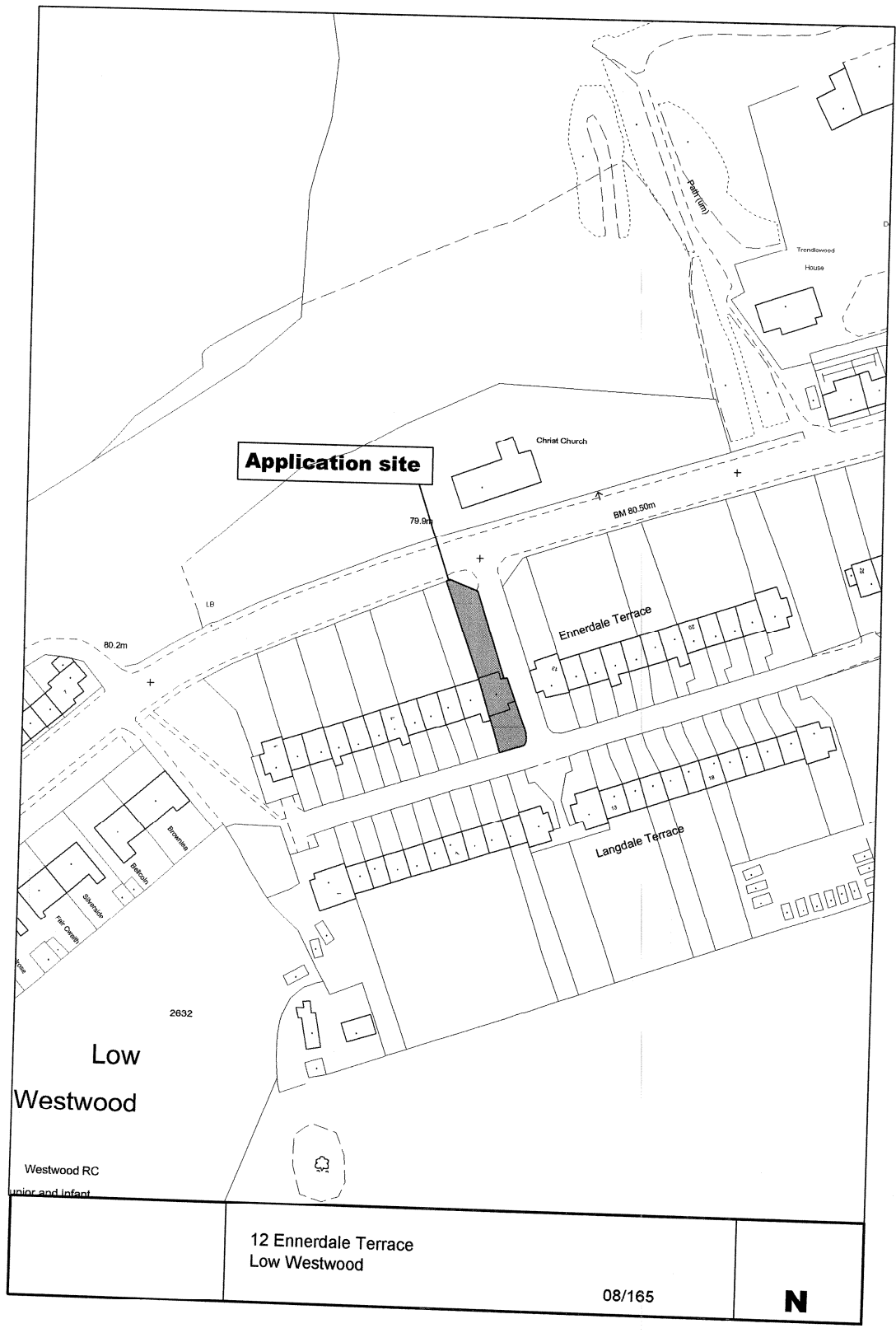
Reason for Approval

The proposed garage is considered to be in-keeping with the character and appearance of the surrounding area and the Low Westwood Conservation Area in accordance with Policy GDP1 of the Derwentside District Local Plan and would not have any adverse impact on highway safety in accordance with policy TR2 of the Derwentside District Local Plan. There are no other material considerations which outweigh the decision to approve the application.

Report prepared by Tom Armfield, Student Planning Officer.

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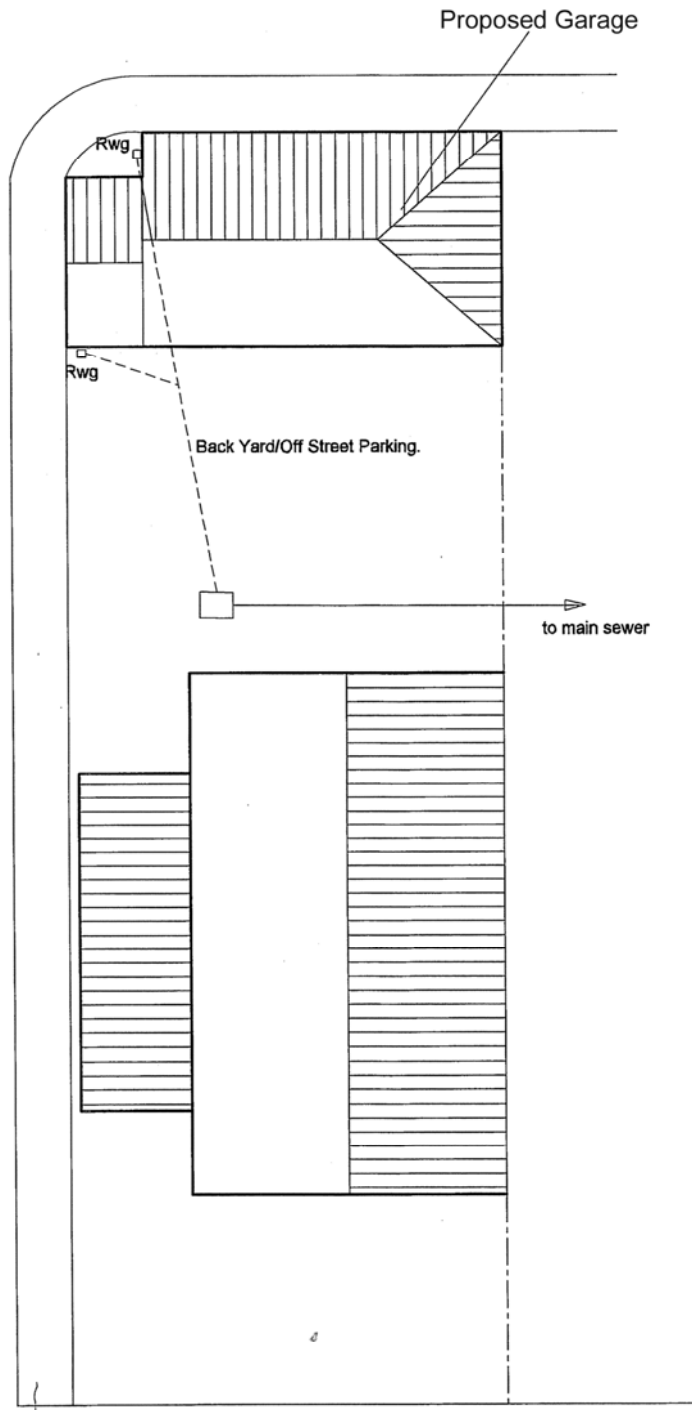
Application site

Low Westwood

12 Ennerdale Terrace
Low Westwood

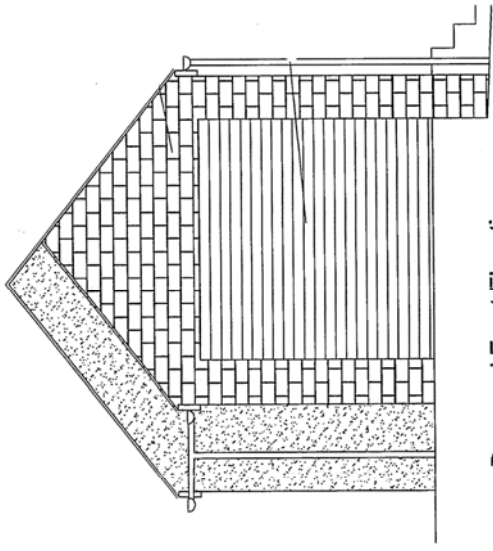
08/165

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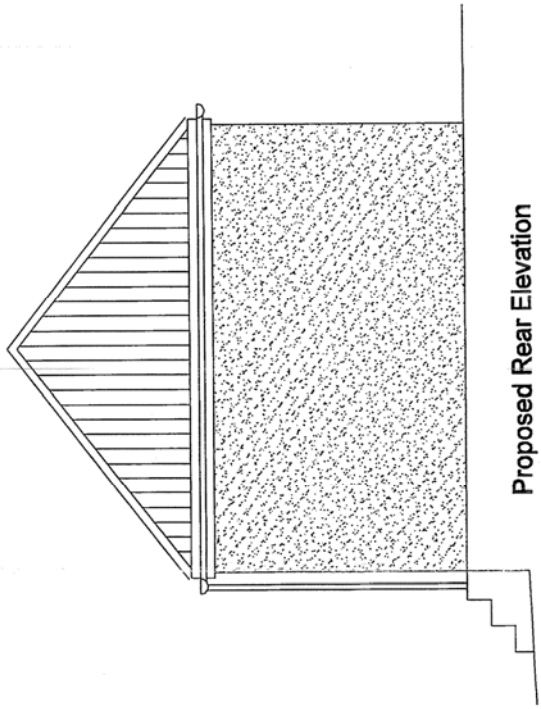


PROPOSED SITE PLAN

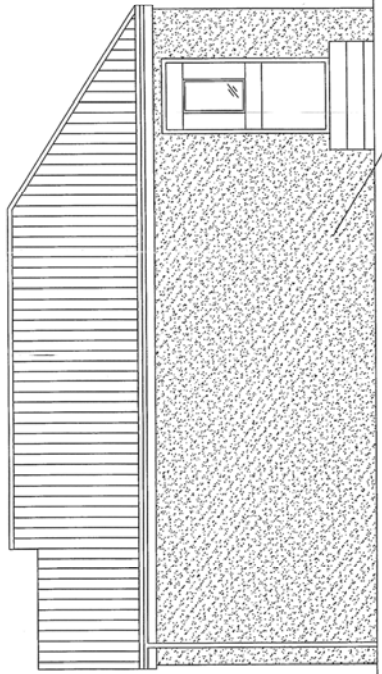
12 Ennerdale Terrace, Low Westwood. 08/165



Proposed Front Elevation

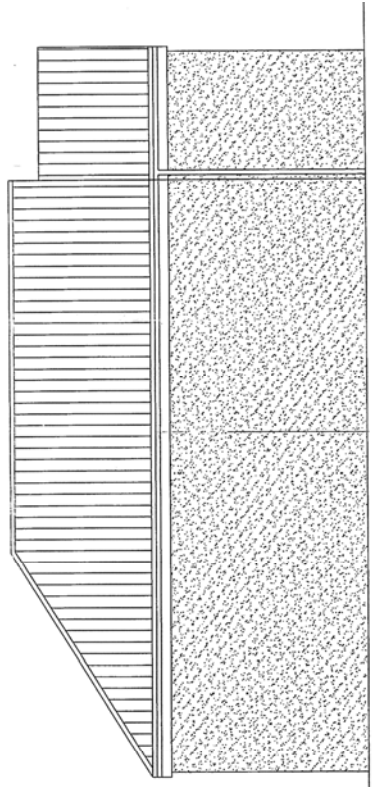


Proposed Rear Elevation



Proposed Side Elevation

Blockwork outerleaf
with rendered finish.



Proposed Side Elevation

PROPOSED ELEVATIONS

12 Ennerdale Terrace, Low Westwood. 08/165

DEVELOPMENT CONTROL COMMITTEE

17 April 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 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 TR2

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

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

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

Policy HO5

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

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

Annfield Plain (Including Catchgate And West Kyo)
Blackhill
Burnhope
Burnopfield
Castleside
Consett
Cornsay Colliery
Craghead
Crookgate
Delves Lane (Including Crookhall)
Dipton (Including Flinthill)
Ebchester
Esh
Esh Winning
Greencroft
Hamsterley (Including Low Westwood)
Hamsterley Mill
Harelaw
Hobson (Including Pickering Nook)
Iveston
Lanchester
Langley Park
Leadgate
Maiden Law
Medomsley
Moorside
New Kyo
No Place
Oxhill
Quaking Houses
Quebec
Satley
Shotley Bridge
Stanley (Including Shield Row)
Tanfield
Tanfield Lea (Including Broomhill)
Tantobie
The Dene
The Grove
The Middles
South Moor (Including Oxhill)
White-Le-Head

Policy HO19

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

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